

Mine: No. 1 Mine, MSHA ID No. 46–07366, located in McDowell County, West Virginia.

Regulation Affected: 30 CFR 75–1101–1(b), Deluge-type water spray systems.

Modification Request: The petitioner seeks a petition for modification of standard 30 CFR 75.1101–1(b) to modify the requirement that nozzles be provided with blow-off dust covers on their deluge-type water spray systems.

The petitioner states that:

(a) 30 CFR 75.1101–1(b) provides that “Nozzles attached to the branch lines shall be full core, corrosion resistant and provided with blow-off dust covers.”

(b) Sections 75.1101–1 through 75.1101–4 set forth various requirements regarding deluge-type water spray systems; among those requirements there is no mandate to inspect and functionally test such systems. Nevertheless, Sally Ann Coal Company conducts a weekly inspection and functional test of its complete deluge-type water spray system.

(c) Currently, Sally Ann Coal Company complies with the requirements of 75.1101–1(b) by providing each nozzle with a blow-off dust cover. In view of the frequent inspections and functional testing of the system, the dust covers are not necessary because the nozzles can be maintained in an unclogged condition through weekly use. Further, it is burdensome to recap the large number of covers weekly after each inspection and functional test.

(d) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners employed at No. 1 Mine by the standard.

The petitioner proposes the following alternative method:

(a) Sally Ann Coal Company proposes the following alternative method of achieving the result of the standard set forth in section 75.1101–1(b), insofar as it requires that nozzles be provided with blow-off dust covers.

(1) Sally Ann Coal Company proposes to continue its weekly inspection and functional testing of the complete deluge-type water spray system.

(2) Sally Coal Company proposes to remove blow-off dust covers from the nozzles.

(b) The miners at No. 1 Mine are not represented by a miners representative and the petition for modification is posted on the mine bulletin board as of February 19, 2026.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection

afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–12663 Filed 6–23–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Fossil Rock Resources, LLC.

DATES: All comments on the petition must be received by MSHA’s Office of Standards, Regulations, and Variances on or before July 24, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2026–0496 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2026–0496.
2. *Fax:* 202–693–9441.
3. *Email:* petitioncomments@dol.gov.
4. *Regular Mail or Hand Delivery:*

MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT:

Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), Petitionsformodification@dol.gov (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine

Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2026–012–C.

Petitioner: Fossil Rock Resources, LLC, 5125 N Cottonwood Road Orangeville UT 84537.

Mine: Fossil Rock Mine, MSHA ID No. 42–01211, located in Emery County, Utah.

Regulation Affected: 30 CFR 75–507–1, Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements.

Modification Request: The petitioner requests modification of standard 30 CFR 75.507–1 to permit the use of intrinsically safe powered air-purifying respirators (PAPRs) and specified full-face respirators in return air outby the last open crosscut at the Fossil Rock Mine.

The petitioner states that:

(a) The petitioner seeks this modification because PAPRs that meet MSHA permissibility requirements for use in gassy underground coal mines are no longer manufactured or commercially available. Fossil Rock Mine has determined that currently available respiratory protection devices that provide equivalent or greater protection from respirable coal mine dust exposure are limited to intrinsically safe PAPRs that meet internationally recognized hazardous-location safety standards rather than MSHA permissibility approvals. Fossil Rock Mine has evaluated available respiratory protection equipment and determined that the devices identified in the petition incorporate intrinsic safety protections and are certified to recognize hazardous-location standards such as ANSI/UL 60079–11. These devices provide positive-pressure respiratory protection and are designed for use in environments where ignition hazards may exist. Because MSHA-approved permissible PAPRs for underground coal mines are

discontinued or unavailable, and because the identified intrinsically safe devices provide comparable protection while meeting modern hazardous-location electrical safety standards, the petitioner seeks modification of § 75.507–1 to permit their use under the safeguards described in the petition.

(b) Equipment to be used:

(1) CleanSpace EX—Full-face or half-mask configuration (NIOSH-approved; intrinsically safe).

(2) 3M Versaflo TR–800 PAPR—UL classified to ANSI/UL 60079–11; intrinsically safe.

(3) 3M Ultimate FX Full-Facepiece Respirator—Non-battery-powered respirator component.

(c) The proposed respiratory protection devices are designed for use in hazardous underground coal mine environments and incorporate intrinsic safety protections to prevent ignition hazards. The safeguards outlined ensure operational control consistent with the intent of 30 CFR 75.507–1. The requested modification enhances miner protection against respirable dust exposure while maintaining protection against ignition hazards in return air outby the last open crosscut. The devices provide positive pressure respiratory protection and meet recognized hazardous-location electrical safety standards intended to control ignition risk.

(d) MSHA has previously granted petitions for modification permitting the use of the 3M Versaflo TR–800 PAPR and the CleanSpace intrinsically safe respiratory protection devices at affiliated underground coal mines operated by Wolverine Fuels, including Skyline Mine and SUFCO Mine. The safeguards and operational limitations proposed in this petition are consistent with those previously approved by MSHA for those operations. The petitioner respectfully requests that MSHA consider these prior approvals when evaluating this petition.

(e) The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

The petitioner proposes the following alternative method:

(a) PAPR units permitted under this petition shall be limited to the identified devices and manufacturer-approved components.

(b) All PAPR battery charging shall occur on the surface or in another location outby the last open crosscut and outside return air courses. No batteries or charging equipment shall be charged, repaired, or serviced in return air courses.

(c) Only manufacturer-approved charging equipment shall be used.

(d) The 3M Versaflo TR–800 shall operate solely with the TR–830 battery pack.

(e) All affected miners shall receive training consistent with the mine's respiratory protection program.

(f) Each unit shall be examined prior to use to ensure housing integrity and operational readiness.

(g) If methane concentrations reach 1.0 percent or greater, actions shall be taken in accordance with 30 CFR part 75.

(h) The proposed devices shall supplement, not replace, required engineering and administrative dust controls.

(i) Any damaged or malfunctioning respiratory protection equipment shall be immediately removed from service and repaired or replaced in accordance with manufacturer recommendations.

(i) Fossil Rock Mine does not currently have a designated representative of miners. A copy of this petition for modification has been posted on the official mine bulletin board on May 7, 2026, at Fossil Rock Mine for review by miners and will remain posted until the ruling on this petition becomes final.

In support of the petition, the petitioner provided additional information including equipment specifications, intrinsic safety classifications/certifications, operating instructions, and component compatibility for the respiratory protection systems proposed for use at Fossil Rock Mine.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–12661 Filed 6–23–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health

Administration (MSHA) by Fossil Rock Resources, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 24, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2026–0365 by any of the following methods:

1. *Federal eRulemaking Portal:*

<https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2026–0365.

2. *Fax:* 202–693–9441.

3. *Email:* petitioncomments@dol.gov.

4. *Regular Mail or Hand Delivery:*

MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

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1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2026–010–C.

Petitioner: Fossil Rock Resources, LLC, 5125 N Cottonwood Road Orangeville UT 84537.