

section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.

(5) The operator shall ensure that sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

(6) On the shift prior to mining through the well, the operator shall service all equipment and check it for permissibility. Water sprays, water pressures and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

(7) The operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to mining through the well.

(8) When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected and immediately prior to mining through it. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed, the area has been examined and has been declared safe. All workplace examinations shall be conducted on the return side of the shearer while the shearer is idle.

(9) When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib and floor to within 20 feet of the face when mining through the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib and floor up to both the headgate and tailgate gob.

(10) When the well is intersected, the operator shall deenergize all equipment and thoroughly examine and determine they are safe before mining is resumed.

(11) When a well has been intersected and the working place determined safe, mining shall continue in by the well a sufficient distance to permit adequate ventilation around the area of the well.

(12) If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around

the wellbore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. The operator shall apply a thick layer of rock dust to the roof, face, floor, ribs and any exposed coal within 20 feet of the casing prior to any use of torches.

(13) Non-sparking (brass) tools shall be located on the working section and shall be used to expose and examine cased walls.

(14) No person shall be permitted in the area of the mine through operation except those actually engaged in the operation, company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) The operator shall alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

(16) The well intersection shall be under the direct supervision of a certified official. Instructions concerning the mine through operation shall be issued only by the certified official in charge.

(17) The provisions of the PDO granted by MSHA do not impair the authority of representatives of MSHA to interrupt or halt the well intersection, and to issue a withdrawal order, when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either a verbal or written order to that effect to a representative of the operator, which order shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.

(18) A copy of the PDO granted by MSHA shall be maintained at the mine and be available to the miners.

(19) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The proposed revisions shall include initial and refresher training regarding compliance with the terms and conditions stated in the PDO granted by MSHA. The operator shall provide all miners involved in the well intersection

with training regarding the requirements of the PDO granted by MSHA prior to mining within 150 feet of the next well intended to be mined through.

(20) The responsible-person required under 30 CFR 75.1501 is responsible for well intersection emergencies. The well intersection procedures should be reviewed by the responsible-person prior to any planned intersection.

(21) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting plan required by 30 CFR 75.1501. The operator shall revise the plans to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised plan within 30 days of the submittal of the revised evacuation plan.

(22) The miners at Deep Mine 46 are not represented by a labor organization and the petition for modification has been posted on the mine bulletin board on May 8, 2026, and shall remain in place until such time as a ruling on this petition becomes final.

In support of the petition, the petitioner provided additional information including a mine map showing the oil and gas wells, existing mine workings, and proposed future mining areas.

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. 2026-12658 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 Iron Cumberland, 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–2026–0233 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2026–0233.

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–2026–008–C.

Petitioner: Iron Cumberland, LLC, 576 Maple Run Road, Waynesburg, Pennsylvania 15370.

Mine: Cumberland Mine, MSHA ID No. 36–05018, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75–1700, Oil and gas wells.

Modification Request: The petitioner requests modification of standard 30 CFR 75.1700 to permit mining within the 300 feet diameter safety barrier of six unconventional gas wells.

The petitioner states that:

(a) Cumberland is a large coal mine that produces coal from the Pittsburgh No. 8 seam. It utilizes continuous miners to develop panels for retreat mining by longwall equipment.

(b) The Cumberland Mine employs approximately 632 miners and produces approximately 32,000 tons of bituminous coal per day from the Pittsburgh #8 coal seam with an average height of 96 inches. At this time, there are no coal seams being mined stratigraphically down section from the Pittsburgh seam. The mine is accessed through one slope and five airshafts. The mine operates one longwall, two advancing gate sections, and a mains section utilizing continuous mining machines. The mine liberates 6,378,632 cubic feet of methane per day.

(c) The planning for the layout of a longwall mining panel and district is a complex one that must take into account various factors related to ventilation, roof control, coal quality and production.

(d) The petition is necessary to facilitate mining of the No. 86 longwall panel. The longwall shearer will mine through and intersect the Daddy Long Legs Marcellus gas wells. Altering mining projections to avoid the Daddy Long Legs gas wells would require a “longwall move” in the middle of a panel. This would require driving an additional set up face and could potentially create adverse ventilation and roof control conditions. It would also require an additional longwall “move” which has certain inherent hazards related to moving longwall equipment through the mine.

(e) The Cumberland Mine desires to plug six unconventional gas wells in the Marcellus shale so that mining may occur within the 300-foot diameter that they may be mined through. These are:

(1) The Daddy Long Legs Marcellus Gas Well American Petroleum Institute (API) #: 37–059–26887(1H),

(2) The Daddy Long Legs Marcellus Gas Well API #: 37–059–26888(3H),

(3) The Daddy Long Legs Marcellus Gas Well API #: 37–059–26889(5H),

(4) The Daddy Long Legs Marcellus Gas Well API #: 37–059–26890(7H),

(5) The Daddy Long Legs Marcellus Gas Well API #: 37–059–26891(9H), and

(6) The Daddy Long Legs Marcellus Gas Well API #: 37–059–26892(11H).

(f) The alternative method will at all times guarantee no less than the same

measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) The following shall require District Manager approval.

(1) A safety barrier of 300 feet in diameter shall be maintained around the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H gas wells until the District Manager approves to proceed with mining.

(2) A sworn affidavit or declaration executed by the company official who is in charge of health and safety at the mine stating that all mandatory procedures in the Proposed Decision and Order (PDO) granted by MSHA for cleaning out, preparing, and plugging each gas well have been completed shall be provided to the District Manager prior to mining within the safety barrier around these wells. The affidavit or declaration shall be accompanied by all logs, electronic or otherwise, described in section (b)(7) and any other records the District Manager requires.

(3) This petition applies to all types of underground coal mining at the mine.

(b) The following mandatory procedures shall be followed when cleaning out and preparing the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H gas wells prior to plugging:

(1) Tests for gas emissions inside the hole before cleaning out, preparing, and plugging gas wells. The District Manager shall be contacted if the well is actively producing gas.

(2) Since these wells are unconventional and greater than 4,000 feet in depth, a diligent effort shall be made to remove all the casing in the well and clean the well down to the original arrowset packer installed just above the “kick off point” in the well. The well shall be completely cleaned from the surface to at least the same arrowset packer originally installed. The District Manager shall be provided with all information it possesses concerning the geological nature of the strata and the pressure of the well. A diligent effort shall be made to remove all material from the entire diameter of the well, wall to wall.

(3) Since these wells are no longer producing and are being cleaned and prepared subject to the PDO granted by MSHA, an attempt to remove all of the casing using a diligent effort and comply with all other applicable provisions of the PDO shall be made.

(4) A diligent effort to remove the casing shall require a minimum of 150 percent of the casing string weight and/or at least three attempts to spear the casing for the required minimum pull effort. A record of these efforts,

including casing length and weight shall be kept and made available for MSHA review.

(5) Perforations or rips shall be made at least every 50 feet from 400 feet below the base of the coal seam up to 100 feet above the uppermost mineable coal seam. Appropriate steps shall be taken to ensure that the annulus between the casing and the well walls are filled with expanding (minimum 0.5 percent expansion upon setting) cement and contain no voids.

(6) Jet/sand cutting is one method for cutting, ripping, or perforating the casing with three or more strings of casing in the coal seam in preparation for mining. This method uses compressed nitrogen gas and sand to cut the well casings. On active wells, cuts start at 200 feet above the bottom of the casing at 200 feet intervals, to 200 feet below the bottom of the coal seam.

(7) Down-hole logs shall be prepared for each well. Logs shall consist of a caliper survey, a bond log if appropriate, a deviation survey, and a gamma survey for determining the top, bottom, and thickness of all coal seams down to the coal seam to be mined or the lowest mineable coal seam, whichever is lower, potential hydrocarbon producing strata, and the location of any existing bridge plug. In addition, a log shall be maintained describing: the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casings removed, perforated or ripped, or left in place; any sections where casing was cut or milled; and other pertinent information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(8) A diligent effort shall be made to remove the casing down to the arrowset packer installed just above the "kick off point" (where the well transitions from vertical to horizontal). If the entire vertical casing above the existing packer can be removed, the well shall be prepared for plugging and sealed and using seals described in section (b)(10).

(9) If the District Manager concludes that the completely cleaned out well is emitting excessive amounts of gas, additional mechanical bridge plug shall be placed in the well.

(10) The mechanical bridge plug shall be placed in a competent stratum at least 400 feet below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum, unless the District

Manager requires a greater distance based on the geological strata or the pressure within the well. The District Manager shall be provided with all available information concerning the geological nature of the strata and the pressure of the well. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used. The measures taken to "kill the well" and plug the hydrocarbon producing strata shall be documented.

(11) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the coal seam, mechanical bridge plugs as described in section (b)(10) shall be properly placed to isolate the hydrocarbon-producing stratum from the expanding cement plug.

(12) A minimum of 400 feet of expanding cement shall be placed below the coal seam, unless the District Manager requires a greater distance based on the geological strata or the pressure within the well.

(c) The following mandatory procedures shall be followed for plugging the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H gas wells to the surface, after completely cleaning out the well:

(1) Cement shall be used as a plugging material.

(2) The mine operator shall pump cement slurry down the well to form a plug which runs from the original arrowset packer installed just above the "kick off point" in the well to 400 feet below the Pittsburgh #8 coal seam. The cement shall be placed in the well under a pressure of at least 200 pounds per square inch. The mine operator shall pump expanding cement slurry down the well to form a plug which runs from 400 feet below the coal seam to the surface. The District Manager can modify the cementing plan based on the geological strata or the pressure within the well.

(3) The mine operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger diameter casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (e.g., prime farmland), high-resolution GPS coordinates (one-half meter resolution) are required.

(d) The following alternate procedures shall be followed for preparing and plugging or replugging the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H gas wells:

(1) If it is not possible to remove all the casing, the District Manager shall be notified before any other work is performed.

(2) If the well cannot be cleaned out or the casing removed, the well shall be prepared from the surface to at least 400 feet below the base of the Pittsburgh #8 coal seam, unless the District Manager requires cleaning out and removal of casing to a greater depth based on the geological strata or the pressure within the well.

(3) If the casing cannot be removed from the total depth, the well shall be filled with cement from the lowest possible depth to 400 feet below the Pittsburgh #8 coal seam, and the other applicable provisions in the PDO granted by MSHA shall apply.

(4) If the casing cannot be removed, the casing shall be perforated from 400 feet below the Pittsburgh #8 coal seam, the annuli shall be cemented or otherwise filled, and the other applicable provisions in the PDO granted by MSHA shall apply.

(5) If the casing cannot be removed, the casing shall be cut, milled, perforated, or ripped at sufficient intervals to facilitate the removal of any remaining casing in the coal seam by the mining equipment. Any casing which remains shall be cut, perforated, or ripped to permit the injection of cement into voids within and around the well. All casing remaining at the Pittsburgh #8 coal seam shall be cut, perforated, or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam.

(e) The following mandatory procedures shall be followed when mining within a 100-foot diameter barrier around the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H gas wells:

(1) A representative of the mine operator, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a conference be conducted prior to intersecting any plugged well. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance related to the condition of the well or surrounding strata when such conditions are encountered.

(2) Each well shall be intersected on a shift approved by the District Manager. The District Manager and the miners' representative shall be notified in sufficient time prior to intersecting a well to provide an opportunity to have representatives present.

(3) Drivage sites shall be installed at the last open crosscut near the place to be mined to ensure intersection of the well when using continuous mining methods. The drivage sites shall not be more than 50 feet from the well. When using longwall-mining methods, distance markers shall be installed on 5-foot centers for a distance of 50 feet in advance of the well in the head gate entry and in the tailgate entry.

(4) When either the conventional or continuous mining method is used, fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection shall be available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. Water line shall be maintained to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.

(5) Sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

(6) Testing and permissibility examinations of all equipment shall be made on the shift prior to intersecting the well. Water sprays, water pressures, and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

(7) The methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine shall be calibrated on the shift prior to intersecting the well.

(8) When mining is in progress, tests for methane shall be made with a handheld methane detector at least every 10 minutes from when mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed and the area has been examined and declared safe. All workplace examinations on the return side of the shearer shall be conducted while the shearer is idle. Our most current Approved Ventilation Plan shall be followed at all times unless the District Manager requires a greater air velocity for the intersect.

(9) When using continuous or conventional mining methods, the working place shall be free from

accumulations of coal dust and coal spillages. Rock dust shall be placed on the roof, rib, and floor to within 20 feet of the face when intersecting the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib, and floor up to both the headgate and tailgate gob.

(10) When the well is intersected, all equipment shall be de-energized and thoroughly examined and the area determined to be safe before permitting mining to resume.

(11) After a well has been intersected and the working place determined to be safe, mining shall continue in by the well a sufficient distance to permit adequate ventilation around the area of the well.

(12) If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. When necessary, torches shall be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. A thick layer of rock dust shall be applied to the roof, face, floor, ribs, and any exposed coal within 20 feet of the casing prior to the use of torches.

(13) Non-sparking (brass) tools shall be available and used exclusively to expose and examine cased wells.

(14) No person shall be permitted in the area of the well intersection except those actually engaged in the operation, including company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) All personnel in the mine shall be alerted to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

(16) The well intersection shall be under the direct supervision of a certified individual. Instructions concerning the well intersection shall be issued only by the certified individual in charge.

(17) If the well in the longwall panel cannot be located or if a development section misses the anticipated intersection, mining shall cease, and an examination for hazardous conditions at the projected location of the well shall be conducted, the District Manager shall be notified, and reasonable measures shall be taken to locate the well, including visual observation/inspection or through survey data. Mining may

resume if the well is located, and no hazardous conditions exist. If the well cannot be located, the mine operator shall work with the District Manager to resolve any issues before mining resumes.

(18) The provisions of the requested petition do not impair the authority of representatives of MSHA to interrupt or halt the well intersection and to issue a withdrawal order when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either a verbal or written order to that effect to a representative of the mine operator. Operations in the affected area of the mine shall not resume until a representative of MSHA permits resumption. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.

(19) A copy of the PDO granted by MSHA shall be maintained at the mine and available to the miners.

(20) If the well is not plugged to the total depth of all minable coal seams identified in the core hole logs, any coal seams beneath the lowest plug shall remain subject to the barrier requirements of 30 CFR 75.1700, should those coal seams be developed in the future.

(21) All necessary safety precautions and safe practices according to industry standards and required by MSHA regulations and State regulatory agencies having jurisdiction over the plugging site shall be followed to provide the upmost protection to the miners involved in the process.

(22) All miners involved in the plugging or re-plugging operations shall be trained on the contents of the PDO granted by MSHA prior to starting the process. A copy of the PDO granted by MSHA shall be posted at the well site until the plugging or re-plugging has been completed.

(23) Mechanical bridge plugs shall incorporate the best available technologies that are either required or recognized by the State regulatory agency and/or oil and gas industry.

(24) Within 30 days after the PDO granted by MSHA becomes final, proposed revisions for the approved 30 CFR part 48 training plan shall be submitted to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the PDO granted by MSHA. All miners involved in well intersection shall be provided with training on the

requirements of the PDO granted by MSHA prior to mining within 150 feet of the well intended to be mined through.

(25) The responsible person required under 30 CFR 75.1501, shall be responsible for well intersection emergencies. The well intersection procedures shall be reviewed by the responsible person prior to any planned intersection.

(26) Within 30 days after the PDO granted by MSHA becomes final, proposed revisions shall be submitted for the approved mine emergency evacuation and firefighting program of instruction required under 30 CFR 75.1502. The program of instruction shall be revised to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised plan within 30 days of submittal.

(f) The miners at Cumberland Mine are represented by a miners representative and the petition for modification has been served to the miners representative on February 18, 2026.

In support of the Petition, the petitioner provided additional information including: a schematic showing the cutting, milling, perforating, or ripping well casing above and below the Pittsburgh #8 coal seam; a general proposed permanent plugging schematic for a gas well; mine information including construction details, pressures, production history, site-specific geology, gas-producing formations locations, and relevant logging information; surface location well plat; mine map with gas well location; and well record and competition report for the Daddy Long Legs 1H, 3H, 5H, 7H, 9H and 11H wells.

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. 2026-12662 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-2026-0364 by any of the following methods:

1. *Federal eRulemaking Portal:*

<https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2026-0364.

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-2026-009-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 75-500(d), Permissible electric equipment.

Modification Request: The petitioner requests modification of standard 30 CFR 75.500(d) to permit the use of intrinsically safe powered air-purifying respirators (PAPRs) and specified full-face respirators taken into or used in 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 § 75.500(d) 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.

(c) The proposed respiratory protection devices are designed for use in hazardous underground coal mine environments and incorporate intrinsic