L. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this final rule for its energy effects. For the energy analysis, this final rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, ''Unleashing American Energy'' 90 FR 8353 (Jan. 29, 2025); E.O. 14192, ''Unleashing Prosperity Through Deregulation'' 90 FR 9065 (Feb. 6, 2025); and the Presidential Memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis'' 90 FR 8245 (Jan. 28, 2025). This final rule is an E.O. 14192 deregulatory action.

N. Congressional Notification

As required by 5 U.S.C. 801, MSHA will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 30 CFR Part 57

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Metals, Mine safety and health, Mines, Noise control, Radiation protection, Reporting and recordkeeping requirements, Surface mining, Underground mining.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended, MSHA amends chapter I of title 30 of the Code of Federal Regulations as follows:

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

■ 1. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

Subpart D—Air Quality, Radiation, Physical Agents, and Diesel Particulate Matter

■ 2. Amend § 57.5060 by removing and reserving paragraphs (a), (b)(1), and (b)(2), and revising paragraph (b)(3) to read as follows:

§ 57.5060 Limit on exposure to diesel particulate matter.

* * * * *

(b) * * *

* * * * *

(3) A miner's personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 160 micrograms of total carbon per cubic meter of air (160_{TC} $\mu g/m^3$).

* * * * *

Wayne D. Palmer,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2026–23050 Filed 11–10–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2025–0088]

RIN 1219–AC15

Mining of Pillars

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: MSHA is eliminating outdated requirements for the final mining of pillars from MSHA's regulations. These requirements are being removed because the practice of final mining of pillars with one mine opening is no longer used in the mining industry due to safety concerns.

DATES: *Effective date:* December 14, 2026.

FOR FURTHER INFORMATION CONTACT: Corliss A. Josephs-Conway, Acting Director, Office of Standards, Regulations, and Variances, MSHA at *MSHARulemaking@dol.gov* (email) or 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

On February 6, 2025, the President issued Executive Order (E.O.) 14192 ''Unleashing Prosperity Through Deregulation,'' (90 FR 9065), which directed agencies to alleviate unnecessary regulatory burdens. On July 1, 2025, MSHA published a notice of proposed rulemaking (NPRM) titled, ''Mining of Pillars'' in the **Federal Register** (90 FR 28429).

In the final rule, unchanged from the proposal, MSHA is removing § 75.386 because mines do not practice mining at the working section with only one mine opening. Instead, mine operators follow the requirements in § 75.380 which requires two separate escapeways to be provided from the working section. Removing § 75.386 will not reduce protections afforded to miners because the requirements are no longer applicable to underground coal mines.

MSHA received two comments from the public during the comment period. One commenter requested an extension of the public comment period and another commenter supported MSHA's proposal. MSHA received no comments opposing the proposed changes discussed in the NPRM.

II. Discussion

Section 75.386—Final Mining of Pillars.

In this final rule, which is unchanged from the proposal, MSHA is removing the existing § 75.386. This section permitted final mining of pillars with only one mine opening if no more than 20 miners were in the mine, and the distance between the mine opening and working face did not exceed 500 feet. Removing this provision will not reduce protections afforded to miners because the practice of final mining of pillars with one mine opening is no longer used in the mining industry due to safety concerns; instead, mine operators provide two separate and distinct travelable passageways to be designated as escapeways from each working section as currently required under existing § 75.380.

MSHA received two comments on the proposal. One commenter requested a 60-day comment period extension. The commenter asked for the extension to properly review, research, and develop meaningful comments. The changes are non-substantive; therefore, an extension of the public comment period was unnecessary.

The second commenter supported the proposal to rescind requirements in § 75.386 for the final mining of pillars because the practice is outdated and no longer used due to safety concerns. MSHA agrees with the commenter and is removing § 75.386 in its entirety, as proposed. The section numbering will be reserved to show that the gap in section numbering is deliberate and to assure reviewers that content is not missing from Subpart D, Ventilation.

Conforming Amendments

As a result of removing § 75.386, MSHA is making conforming amendments to §§ 75.380(a) and

75.381(a) to remove references to § 75.386. Therefore, MSHA finalizes the rule as proposed.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

E.O. 12866, ''Regulatory Planning and Review'' 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

E.O. 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (Jan. 21, 2011), requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends.

E.O. 12866 and E.O. 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; the regulation is tailored to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits.

Removing these outdated requirements will not impose new costs on underground coal mine operators because mines do not practice mining at the working section with only one mine opening. Removing the outdated requirements will not reduce the protections afforded to miners; instead, it will streamline current requirements and improve the clarity of MSHA's standards for underground coal miners and mine operators.

Under section 6(a) of E.O. 12866, the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and whether agencies are required to submit the regulatory action to OIRA for review. Under section 3(f) of E.O. 12866, a ''significant regulatory action'' is a regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant);

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

This final rule is determined to not constitute a ''significant regulatory action'' because it does not meet any of the four ''significant regulatory action'' criteria under section 3(f) of E.O. 12866. Accordingly, this final rule was not submitted to OIRA for review under E.O. 12866.

No alternatives were considered for this final deregulatory action.

B. Review Under the Regulatory Flexibility Act; Small Business Regulatory Enforcement Fairness Act; and Executive Order 13272

The Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires an agency to consider the impact of its rulemakings on small entities. E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' 67 FR 53461 (Aug. 16, 2002), requires Federal agencies to assess the economic impacts of rules on small businesses, small governmental jurisdictions, and small organizations, collectively referred to as small entities.

MSHA has reviewed this final rule, which reduces regulatory complexity, under the provisions of the RFA. MSHA determines that there will be no impact on small entities because the practice of final mining of pillars with one mine opening is no longer used in the mining industry because it is not considered safe. MSHA concludes that the impacts of the final rule will not have a ''significant economic impact on a substantial number of small entities.'' MSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides for the Federal Government's collection, use, and dissemination of information. The goals of the Paperwork Reduction Act include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected under 5 CFR part 1320. The Paperwork Reduction Act requires Federal agencies to obtain approval from OMB before requesting or requiring ''a collection of information'' from the public.

This final rule imposes no new information collection or recordkeeping requirements. MSHA does not have an active information collection request regarding mining of pillars for underground coal mines. Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

D. Review Under Executive Order 13132

E.O. 13132, ''Federalism'' 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The E.O. requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

MSHA has examined this final rule and has determined that it will not have

a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. MSHA has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of E.O. 12988.

F. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them.

MSHA examined this final rule according to UMRA and its statement of policy and determined that it does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), requires each Federal agency to consider the environmental effects of regulatory actions and to prepare an environmental impact statement on agency actions that would significantly affect the quality of the environment, unless the action is considered categorically excluded under 29 CFR 11.10. MSHA has reviewed the final rule in accordance with NEPA requirements and the Department of Labor's NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this final rule will not impact air, water, or soil quality, plant or animal life, the use of land or other aspects of the human environment. Therefore, MSHA has not conducted an environmental assessment nor prepared an environmental impact statement.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, MSHA has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), MSHA has determined that this final rule will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002). MSHA has reviewed this final rule and has concluded that it is consistent with applicable policies in the OMB guidelines.

K. Review Under Executive Order 13175

E.O. 13175, ''Consultation and Coordination With Indian Tribal Governments'' 65 FR 67249 (Nov. 9, 2000), requires agencies to consult with tribal officials when developing policies that may have ''tribal implications.'' This final rule does not have ''tribal implications'' because it will not ''have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' Accordingly, under E.O. 13175, no further Agency action or analysis is required.

L. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' 66 FR 28355 (May 22, 2001), requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. MSHA has reviewed this final rule for its energy effects. For the energy analysis, this final rule will not exceed the relevant criteria for adverse impact.

M. Review Under Additional Executive Orders and Presidential Memoranda

MSHA has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, ''Unleashing American Energy'' 90 FR 8353 (Jan. 29, 2025); E.O. 14192, ''Unleashing Prosperity Through Deregulation'' 90 FR 9065 (Feb. 6, 2025); E.O. 14267, ''Reducing Anti-Competitive Regulatory Barriers'' 90 FR

15629 (Apr. 9, 2025); and the Presidential Memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis'' 90 FR 8245 (Jan. 28, 2025). This final rule is an E.O. 14192 deregulatory action.

N. Congressional Notification

As required by 5 U.S.C. 801, MSHA will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 30 CFR Part 75

Communications equipment, Electric power, Emergency medical services, Explosives, Fire prevention, Mine safety and health, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended, MSHA is amending chapter I of title 30 of the Code of Federal Regulations as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), and 957.

Subpart D—Ventilation

■ 2. Revise § 75.380(a) to read as follows:

§ 75.380 Escapeways; bituminous and lignite mines.

(a) Except in situations addressed in §§ 75.381 and 75.385, at least two separate and distinct travelable passageways shall be designated as escapeways and shall meet the requirements of this section.

* * * * *

■ 3. Revise § 75.381(a) to read as follows:

§ 75.381 Escapeways; anthracite mines.

(a) Except as provided in § 75.385, at least two separate and distinct travelable passageways shall be designated as escapeways and shall meet the requirements of this section.

* * * * *

§ 75.386 [Removed and Reserved]

■ 4. Remove and reserve § 75.386.

Wayne D. Palmer,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2026–23053 Filed 11–10–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2025–0078]

RIN 1219–AC09

Improving and Eliminating Regulations; Permissible Lamps in Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: MSHA is removing duplicative requirements for electric cap lamps and other electric lamps in underground coal mines. This provision is being removed from MSHA's regulations because it is a duplicative provision and its removal will not reduce the protections afforded to miners.

DATES: *Effective date:* December 14, 2026.

FOR FURTHER INFORMATION CONTACT: Corliss A. Josephs-Conway, Acting Director, Office of Standards, Regulations, and Variances, MSHA at *MSHARulemaking@dol.gov* (email) or 202–693–9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

On February 6, 2025, the President issued Executive Order (E.O.) 14192, ''Unleashing Prosperity Through Deregulation'' (90 FR 9065), which directed agencies to alleviate unnecessary regulatory burdens. On July 1, 2025, MSHA published a notice of proposed rulemaking (NPRM) titled, ''Improving and Eliminating Regulations; Permissible Lamps in Underground Coal Mines'' in the **Federal Register** (90 FR 28438).

In the NPRM, MSHA proposed to remove the existing requirements in 30 CFR 75.1703–1, *Permissible lamps,* for electric cap lamps and other electric lamps in underground coal mines because they are duplicative. Removing this provision will not reduce protections afforded to miners and clarifies the permissibility requirements for electric cap lamps and other lamps.

MSHA received two comments on the NPRM during the public comment period. One commenter requested a 60-day extension of the comment period to properly review, research, and develop meaningful comments. The other commenter supported MSHA's proposal. MSHA received no comments opposing the proposed changes in the NPRM.

II. Discussion

In this final rule, unchanged from the proposed rule, MSHA is removing and reserving 30 CFR 75.1703–1. This section identifies that lamps approved by the Bureau of Mines or by MSHA under 30 CFR part 19 or 30 CFR part 20 are approved as permissible portable electric lamps under § 75.1703. ''Permissible'' is defined in § 75.2 and covers the permissible electric lamps mentioned in § 75.1703. Therefore, MSHA is removing and reserving § 75.1703–1. Removing this provision will streamline part 75 by removing duplicative provisions and will not reduce the protections afforded to miners.

MSHA received one comment requesting an extension of the comment period. The commenter stated a 30-day comment period did not provide ample time to review, research, and develop meaningful comments, and requested a 60-day extension. The same commenter stated support for any effort that enhances health and safety protections for miners; however, they noted the Agency could ensure this rule becomes a success by allowing additional time for comments.

MSHA considered the comment extension request and determined it was not necessary to extend the comment period. Removing the existing requirements in 30 CFR 75.1703–1 for electric cap lamps and other electric lamps in underground coal mines does not reduce protections currently afforded to miners. The existing § 75.1703–1 contains duplicative requirements for the use of electric cap lamps and other electric lamps in underground coal mines. Since these requirements exist elsewhere in the CFR, MSHA believes that removing these requirements is not significant and does not impose any safety or health hazards on miners. The changes are non-substantive; therefore, extending the comment period was unnecessary.

MSHA received one comment in support of the proposal. The commenter supported removing the duplicative requirements for electric cap lamps and other electric lamps in underground