(a) Shuttle Cars

(1) The maximum length of No. 2 AWG G–GC trailing cables supplying 995 volts AC to the Komatsu Shuttle Cars Model 10SC32 shall be 1,100 feet.

(2) All circuit breakers used to protect the No. 2 AWG G–GC trailing cables exceeding 700 feet in length for the 995-volt AC powered Komatsu Shuttle Cars Model 10SC32 shall have instantaneous trip units calibrated to trip at 800 amps. The trip setting of these circuit breakers shall be sealed or locked so that the setting cannot be changed, and these circuit breakers shall have permanent legible labels displaying the maximum short circuit setting. Calibration, sealing and labeling of circuit breakers shall be performed by the circuit breaker manufacturer or an authorized repair facility outfitted with calibrated test equipment. Each label shall identify the circuit breaker as being suitable for protecting No. 2 AWG G–GC cables. The labels shall be maintained legible.

(3) Replacement instantaneous trip units used to protect the No. 2 AWG G–GC trailing cables shall be calibrated to trip at 800 amps and this setting shall be sealed or locked. Calibration, sealing, and labeling of the replacement units shall be conducted by the device manufacturer or an authorized repair facility outfitted with calibrated test equipment.

(4) All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available.

(5) The trailing cables for the Komatsu Shuttle Cars shall be protected by being hung on well-installed insulated hangers from the section transformer to the slack pile of the trailing cable for each machine or to the last open crosscut, whichever is further outby.

(6) Prior to putting the Komatsu Shuttle Cars in service for each shift, examinations by persons designated by the mine operator shall be made to visually examine the trailing cables to ensure that the cables are in a safe operating condition. The instantaneous settings of the specially calibrated circuit breakers shall also be visually examined to ensure that the peals or locks have not been removed and that they do not exceed the settings stipulated in items (2) and (4).

(7) Permanent warning labels shall be installed and maintained on the covers of each circuit breaker and the trailing cable disconnecting device indicating that the cable can only be connected to a circuit breaker that is set to trip at its predetermined instantaneous value. These labels shall warn miners not to change or alter these sealed short-circuit settings and warn them not to connect the trailing cable to an improperly adjusted circuit breaker.

(8) Any trailing cable that is not in a safe operating condition or damaged in any way shall be removed from service immediately and repaired or replaced. Each splice or repair in the trailing cables shall be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The splice or repair shall comply with 30 CFR 75.603 and 75.604.

(9) Excessive cable shall be stored behind the anchors on equipment that use cable reels to prevent cables from overheating. Trailing cable anchoring points located along haulage roads, belt tailpiece or feeder shall be arranged to prevent the shuttle cars from running over their trailing cables, to minimize the need for secondary (temporary) trailing cable anchoring points and minimize back spooling.

(b) Mobile Roof Bolters

(1) The maximum length of No. 2 AWG SHD–GC trailing cables supplying 995 volts AC to mobile roof bolter shall be 1,100 feet.

(2) All circuit breakers used to protect the No. 2 AWG, SHD–GC, trailing cables that exceed 700 feet in length and supply 995-volt, three-phase power to the mobile roof drill shall have instantaneous trip unit(s) calibrated to trip at 800 amps. The trip setting of these circuit breaker(s) shall be sealed, and these circuit breakers shall have permanent, legible labels. The label shall identify the circuit breaker(s) as being specially calibrated circuit breaker(s) and as being suitable for protection of No. 2 AWG, SHD–GC cables. This label shall be maintained legible.

(3) Replacement circuit breakers and/or instantaneous trip units, used to protect the 995-volt, No. 2 AWG, SHD–GC cables, shall be calibrated to trip at 800 amps and this setting shall be sealed.

(4) During each production shift, persons designated by the operator shall visually examine the trailing cables to ensure that the cables are in a safe operating condition and that the instantaneous settings of the specially calibrated circuit breaker settings stipulated in item (2) do not have seals broken or removed. A record of this examination shall be kept by the operator and made available to an authorized representative of the Secretary and to miners in this mine.

(5) Any trailing cable that is not in a safe operating condition shall be removed from service immediately and repaired or replaced.

(6) Each splice or repair in the trailing cables to the mobile roof supports shall be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair kit. The outer jacket of each splice or repair shall be vulcanized with flame-resistant material or made with material that has been accepted by MSHA as flame-resistant.

(7) In the event that the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable shall be removed from service immediately, repaired or replaced and additional precautions shall be taken to ensure that, in the future, the cable is protected and maintained in a safe operating condition.

(8) Permanent warning labels shall be installed and maintained on the cover(s) of each circuit breaker and the trailing cable disconnecting device(s) indicating that the cable can only be connected to a circuit breaker that is set to trip at its pre-determined instantaneous value. These labels shall warn miners not to change or alter the sealed short-circuit settings and warn them not to connect the trailing cable to an improperly adjusted circuit breaker.

(c) The miners at West Elk Mine are not represented by a labor organization and the petition for modification is posted on the mine bulletin board as of January 21, 2026.

In support of the proposed alternative method, the petitioner has also submitted copies of previously granted PDOs (Docket No. M–2023–027–C and M–96–104–C) and copies of fault analyses.

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. 2026–06519 Filed 4–2–26; 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 Marfork Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 4, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2026–0100 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2026–0100.

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–2026–002–C.

Petitioner: Marfork Coal Company, LLC, 500 Cutler Trico Road, Percy, IL 62272.

Mine: Glen Alum Tunnel Mine, MSHA ID No. 46–09375, located in Raleigh County, West Virginia.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d) to permit alternative methods of compliance to permit the use of additional respirable dust protection. Specifically, the petitioner is requesting to permit the use of a 3M Versaflow TR–800–HIK Intrinsically Safe Powered Air Purifying Respirator (PAPR) motor/blower and battery.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.500(d), as it pertains to the use of battery-powered respirable protection.

(b) That standard 30 CFR 75.500(d) provides in relevant part:

All other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in § 75.501, which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, shall be permissible.

(c) Currently, the petitioner does not use a battery powered respirator unit but would like to add a PAPR to the units available to miners in certain situations.

(d) Currently there are no battery powered respirators that meet applicable MSHA standards for permissibility. Electronic equipment used in underground mines in potentially explosive atmospheres is required to be approved by MSHA per 30 CFR. 3M and other competitor manufacturers do offer alternative products for many other environments and applications.

(e) One of the main benefits of a PAPR is that they provide a constant flow of air inside the headtop or helmet. This constant airflow helps to provide both respiratory protection and comfort in warm working environments.

(f) A strict application of the standard (*i.e.,*—objecting to the use of the requested PAPR) results in a diminution of safety at the mine.

(g) The petitioner is requesting to permit the use of a 3M product, the Versaflow TR–800–HIK Intrinsically Safe Powered Air Purifying Respirator motor/blower and battery.

(h) The Versaflow TR–800–HIK motor/blower and battery qualifies as intrinsically safe in the US, Canada, and any other country accepting IECEx reports. (IECEx is the International Electrotechnical Commissions System for Certification to Standards. Relating to Equipment for Use in Explosive Atmosphere). The TR–800–HIK PAPR has a blower that is UL-certified with an intrinsically safe (IS) rating of Division 1: IS Class I, II, III; Division 1 (includes Division 2) Groups C, D, E, F, G; T4, under the most current standard (UL 60079, 6th Edition, 2013). ATEX-certified with an intrinsically safe (IS) rating of ''ia''. The TR–800 is rated and marked with Exia I Ma, Exia IIB T4 Ga, Ex ia IIIC 135 °C Da, $-20\,°C \leq Ta \leq +55\,°C$, under the current standard (IEC 60079).

(i) The 3M Versaflow TR–800 Intrinsically Safe Powered Air Purifying Respirator is not MSHA approved as permissible and 3M is not pursuing approval to our knowledge.

(j) The standards for approval of these respirators are an acceptable alternative to MSHA's standards and provide an equivalent level of protection.

(k) The petitioner seeks an alternative method to the mandatory safety standard, asserting it 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) Affected mine employees must be trained in the proper use and maintenance of the Versaflo TR–800 PAPR in accordance with established manufacturer guidelines. This training shall alert the affected employee that the Versaflo TR–800 PAPR is approved under 30 CFR part 18 and must be de-energized when 1.0 or more percent methane is detected. The training shall also include the proper method to de-energize the PAPR. In addition to manufacturer guidelines, the petitioner will require that mine employees be trained to inspect the units before use to determine if there is any damage to the units that would negatively impact intrinsic safety as well as all stipulations in this petition.

(b) The PAPR, battery pack, and all associated wiring and any connections must be inspected before use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the PAPR must be removed from service.

(c) The operator will maintain a separate logbook for the 3M Versaflo TR–800 PAPR that shall be kept with the equipment, or in a location with other mine record books and shall be made available to MSHA upon request. The equipment shall be examined at least weekly by a qualified person as

defined in 30 CFR 75.512–1 and the examination results recorded in the logbook. Since float coal dust is removed by the air filter prior to reaching the motor, the PAPR user shall conduct regular examinations of the filter and perform periodic testing for proper operation of the ''high filter load alarm'' on the 3M Versaflo TR–800 PAPR.

(d) All 3M Versaflo TR–800 to be used in or inby the last open crosscut, shall be physically examined prior to initial use and each unit will be assigned a unique identification number. Each unit shall be examined by the person to operate the equipment prior to taking the equipment underground to ensure the equipment is being used according to the original equipment manufacturer's recommendations and maintained in a safe operating condition. The examinations for the 3M Versaflo TR–800 PAPRs shall include:

(1) Check the equipment for any physical damage and the integrity of the case;

(2) Remove the battery and inspect for corrosion;

(3) Inspect the contact points to ensure a secure connection to the battery;

(4) Reinsert the battery and power up and shut down to ensure proper connections; and

(5) Check the battery compartment cover or battery attachment to ensure that it is securely fastened.

(6) For equipment utilizing lithium type cells, ensure that lithium cells and/or packs are not damaged or swelled in size. The pre-use examination is limited to inspecting the equipment for indications of physical damage.

(e) The petitioner shall ensure that all 3M Versaflo TR–800 units are serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and shall include a description of the work performed.

(f) The 3M Versaflo TR–800 units that will be used in or inby the last open crosscut, or in areas where methane may enter the air current, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA.

(g) Prior to energizing the 3M Versaflo TR–800 inby the last open crosscut, methane tests must be made in accordance with 30 CFR 75.323(a).

(h) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors must provide visual and audible warnings when methane is detected at or above 1.0 percent.

(i) A qualified person as defined in existing 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of the 3M Versaflo TR–800 PAPR in or inby the last open crosscut or in areas where methane may enter the air current.

(j) The 3M Versaflo TR–800 PAPR shall not be used if methane is detected in concentrations at or above 1.0 percent methane. When 1.0 percent or more of methane is detected while the Versaflo TR–800 is being used, the equipment shall be de-energized immediately and the equipment withdrawn outby the last open crosscut.

(k) The petitioner will use only 3M TR–830 Battery Pack, which meets lithium battery safety standard UL 1642 or IEC 62133, in the 3M Versaflo TR–800 PAPR.

(l) The battery packs must be ''changed out'' in intake air outby the last open crosscut. Before each shift when the 3M Versaflo TR–800 is to be used, all batteries and power units for the equipment must be charged sufficiently so that they are not expected to be replaced on that shift.

(m) The following maintenance and use conditions shall apply to equipment containing lithium-type batteries:

(1) Always correctly use and maintain the lithium-ion battery packs. The 3M TR–830 Battery Pack may not be disassembled or modified by anyone other than persons permitted by the manufacturer of the equipment.

(2) The 3M TR–830 Battery Pack must only be charged in an area free of combustible material, readily monitored and located on the surface of the mine. The 3M TR–830 Battery Pack is to be charged by either:

(i) 3M Battery Charger Kit TR–641N, which includes one 3M Charger Cradle TR–640 and one 3M Power Supply TR–941N, or,

(ii) 3M 4-Station Battery Charger Kit TR–644N, which includes four 3M Charger Cradles TR–640 and one 3M 4-Station Battery Charger Base/Power Supply TR–944N.

(3) The batteries must not be allowed to get wet. This does not preclude incidental exposure of sealed battery packs.

(4) The batteries shall not be used, charged or stored in locations where the manufacturer's recommended temperature limits are exceeded. The batteries must not be placed in direct sunlight or used or stored near a source of heat.

(5) The batteries will not be used at the end of their life cycle (*i.e.,* when there is a performance decrease of greater than 20% in battery-operated equipment). The battery will be disposed of properly.

(n) Personnel engaged in the use of the 3M Versaflo TR–800 and shall be properly trained to recognize the hazards and limitations associated with the use of the equipment in areas where methane could be present. Additionally, personnel shall be trained regarding proper procedures for donning Self Contained Self Rescuers (SCSRs) during a mine emergency while wearing the 3M VersaFlow TR–800 or PAPR. The mine operator shall submit proposed revisions to update the Mine Emergency Evacuation and Firefighting Program of Instruction under 30 CFR 75.1502 to address this issue.

(o) Within 60 days after the PDO becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Mine Safety and Health Enforcement District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in the PDO. When training is conducted on the terms and conditions in this Order, an MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that the training received was for use of the 3M Versaflo TR–800.

(p) All personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 PAPR shall receive training in accordance with 30 CFR 48.7 on the requirements of this Order within 60 days of the date the PDO becomes final. Such training must be completed before any 3M Versaflo TR–800 can be used in or inby the last open crosscut. The operator shall keep a record of such training and provide such record to MSHA upon request.

(q) The operator shall provide annual retraining to all personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 PAPR in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO in accordance with 30 CFR 48.5, and shall train experienced miners on the requirements of the PDO in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide such record to MSHA upon request.

(r) Once approved, the operator shall post the PDO in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted.

There are no representatives of miners at Glen Alum Tunnel Mine. A copy of this Petition has been posted on the bulletin board as of January 7, 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. 2026–06517 Filed 4–2–26; 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 Kepler Processing Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 4, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2026–0001 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2026–0001.
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–2026–001–C.

Petitioner: Kepler Processing Company, LLC 3864 R.D. Bailey Highway State Route 97, Pineville, WV 24874.

Mine: Kepler No. 1 Prep Plant, MSHA ID No. 46–04637, located in Wyoming County, West Virginia.

Regulation Affected: 30 CFR 77.214(a), Refuse Piles; general.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 77.214(a) as it pertains to coarse coal refuse highwall backfill. Specifically, the petitioner requests approval for backfilling and reclamation of the abandoned mine openings associated with the inactive Road Fork Development Company, Inc.—Kepler Sewell Mine (MSHA ID No. 46–09287) using coarse coal refuse as the backfill material.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 77.214(a), as it pertains to the Kepler Processing Company, LLC's proposed coarse coal refuse highwall backfill.

(b) Specifically, the petitioner requests approval to backfill five mine openings, associated with the inactive Road Fork Development Company, Inc.—Kepler Sewell Mine (Sewell coal seam) portal area, with coarse coal refuse as an alternative method to those methods described in § 77.214(a).

(c) The portals are located at approximate Elevation 1622.

(d) The petitioner proposes that the construction of the coarse coal refuse fill will cover the portal entries and reclaim the highwall; however, § 77.214(a) generally states that refuse piles shall not be located over abandoned openings.

(e) The apparent intent of § 77.214(a) is to limit the potential for a ''blowout'' of mine water and to limit the potential for combustion of the refuse and/or coal seam.

(f) The proposed modification addresses these concerns and provides a practical method of backfilling the openings with coarse coal refuse that will provide an equivalent or greater measure of protection afforded by the standard (§ 77.214(a)).

(g) The petitioner states that mining of the Road Fork Development Company, Inc. Kepler Sewell Mine may resume in the near future and the coal blended with coal from the Road Fork No. 52 Mine when needed.

(h) Upon completion of the mining in the Kepler Sewell No. 1 Mine, the mine openings shall be sealed and the highwall reclaimed as presented herein.

(i) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) The petitioner proposes to use coarse coal refuse as a construction material to cover the openings and reclaim the highwall.

(b) Each of the five openings associated with the Kepler Sewell Fork Mine No. 1 portal area shall be back-stowed with soil and rock to a length of 25 feet as specified in 30 CFR 75.1711–2.

(c) A 6-inch, SDR 17 high density polyethylene (HDPE) pipe shall also be installed through the soil/rock in each of the seals to convey pooled water from the mine.

(d) Existing canopies, structures, and loose debris shall be removed prior to placing the backfill/pipe.

(e) An underdrain system consisting of durable rock cobbles and a perforated pipe wrapped with filter fabric shall be installed at the base of the mine openings along the entire portal area.

(f) The wet seal mine opening pipes shall be connected to the perforated pipe within the underdrain.

(g) The proposed mine opening pipes shall be extended approximately 40 feet inby the opening and positioned along the rib to minimize damage to, and movement of, the pipes during backfilling operations.

(h) The underdrain shall be extended to discharge beyond the limits of the proposed coarse coal refuse fill.