

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 provided 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 57**

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Metal and nonmetal mining, Mine safety and health, Noise control, Radiation protection, Reporting and recordkeeping requirements, 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 C—Fire Prevention and Control**

##### **§ 57.4532 [Removed and Reserved]**

■ 2. Remove and reserve § 57.4532.

**Wayne D. Palmer,**

*Assistant Secretary of Labor for Mine Safety and Health Administration.*

[FR Doc. 2026-12797 Filed 6-24-26; 8:45 am]

**BILLING CODE 4520-43-P**

#### **DEPARTMENT OF LABOR**

#### **Mine Safety and Health Administration**

#### **30 CFR Part 72**

[Docket No. MSHA-2025-0074]

**RIN 1219-AC05**

#### **Improving and Eliminating Regulations; Diesel Particulate Matter Emission Limits in Underground Coal Mines**

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

**ACTION:** Final rule.

**SUMMARY:** MSHA is eliminating outdated requirements for diesel particulate matter (DPM) emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment operated in underground coal mines. These requirements are being removed from MSHA’s regulations because they contain outdated effective dates that are no longer applicable.

**DATES:** *Effective date:* July 27, 2026.

#### **ADDRESSES:**

*Docket:* Access rulemaking documents electronically at <http://www.regulations.gov> [Docket No. MSHA-2025-0074]. Obtain a copy of a rulemaking document from the Office of Standards, Regulations, and Variances, MSHA, 200 Constitution Avenue NW, Washington, DC 20210, by request to (202) 693-9440 (voice) or (202) 693-9441 (facsimile). These are not toll-free numbers.

*Email Notification:* To subscribe to receive email notification when the Agency publishes rulemaking documents in the **Federal Register**, go to [www.msha.gov](http://www.msha.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Corliss A. Josephs-Conway, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 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) entitled, “Improving and Eliminating Regulations; Diesel Particulate Matter Emission Limits in Underground Coal Mines” in the **Federal Register** (90 FR 28418). In the NPRM, MSHA proposed to remove existing requirements from 30 CFR part 72. MSHA identified §§ 72.500(a), 72.501(a), and 72.501(b) for removal because they contain outdated effective dates that are no longer relevant. Removing these requirements will not reduce protections afforded to miners because the requirements are no longer applicable to underground coal mines.

MSHA received two comments on the NPRM during the public comment period. One commenter requested a 60-day extension of the public comment period and another commenter supported MSHA’s proposal. MSHA received no comments opposed to the changes discussed in the NPRM.

## II. Discussion

Existing paragraph (a) of § 72.500 and existing paragraphs (a) and (b) of § 72.501 list outdated effective dates for DPM emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment in underground coal mines.

In this final rule, unchanged from the proposed rule, MSHA amends § 72.500 by reserving existing paragraph (a) and revising paragraph (b) to remove the compliance date. Paragraph (b) contains the current DPM emission limit for permissible diesel-powered equipment in underground coal mines and remains unchanged.

In this final rule, unchanged from the proposed rule, MSHA amends § 72.501 by reserving existing paragraphs (a) and (b). MSHA also revises paragraph (c) to remove the compliance date. Paragraph (c) contains the current DPM emission limit for non-permissible heavy duty diesel-powered equipment, generators and compressors in underground coal mines and remains unchanged.

Removing these requirements will not reduce protections afforded to miners because they are outdated and the current emission limits will remain. As a result of removing §§ 72.500(a), 72.501(a), and 72.501(b), MSHA also makes a conforming amendment to § 72.503(e) by removing references to

§§ 72.500(a) and 72.501(a). Section 72.503(e) defined the term “introduced” for equipment brought into the mine inventory and remains unchanged. These actions reflect MSHA’s experience and ongoing review of existing regulations to ensure they remain necessary, effective, and aligned with current technologies and mining practices.

MSHA received two comments on the proposal. One commenter requested a 60-day extension of the public comment period to properly review, research, and develop a meaningful comment. The Agency reviewed the comments and determined it was not necessary to extend the public comment period. Removing the requirements for DPM in underground coal mines will not reduce protections afforded to miners. MSHA is making non-substantive changes to the DPM standards in underground coal mines to remove outdated requirements that have no safety, burden, or cost implications. MSHA determined this rule is not 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. The changes are non-substantive; therefore, an extension of the public comment period was unnecessary.

MSHA received one comment in support of the proposal to remove the outdated effective dates for DPM emission limits for permissible diesel-powered equipment and non-permissible heavy-duty diesel-powered equipment in underground coal mines. The commenter agreed that the proposal would streamline the current requirements for underground coal mine operators while maintaining the same level of protection for miners who work with such equipment. Therefore, MSHA finalizes the rule as proposed.

## III. Procedural Issues and Regulatory Review

### A. Review Under Executive Orders 12866 and 13563

Executive Order (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 the requirements concerning DPM emission limits will not impose new costs on underground coal mine operators because they are outdated and the current emission limits are still in the regulations. Removing the requirements will not reduce the protections currently 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 their 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 eliminates regulatory complexity, under the provisions of the RFA. MSHA concludes that this 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. The recordkeeping requirements for DPM exposure are fully covered in a currently approved information collection request, OMB Control Number 1219–0124 “Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines).” This final rule removes the outdated, interim permissible exposure limits of DPM with no safety, burden, or cost implications. Therefore, there is no change to this information collection request. 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 provided 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 72**

Coal, Mine safety and health.

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 72—HEALTH STANDARDS FOR COAL MINES**

- 1. The authority citation for part 72 continues to read as follows:

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

#### **Subpart D—Diesel Particulate Matter—Underground Areas of Underground Coal Mines**

- 2. Revise § 72.500 to read as follows:

##### **§ 72.500 Emission limits for permissible diesel-powered equipment.**

(a) [Reserved]

(b) Each piece of permissible diesel-powered equipment operated in an underground area of an underground coal mine must emit no more than 2.5 grams per hour of diesel particulate matter.

- 3. Amend § 72.501 by:

- a. Removing and reserving paragraphs (a) and (b); and

- b. Revising paragraph (c).

The revision reads as follows:

##### **§ 72.501 Emission limits for nonpermissible heavy-duty diesel-powered equipment, generators and compressors.**

\* \* \* \* \*

(c) Each piece of nonpermissible heavy-duty diesel-powered equipment (as defined by § 75.1908(a)), generator or compressor operated in an underground area of an underground coal mine must emit no more than 2.5 grams per hour of diesel particulate matter.

\* \* \* \* \*

- 4. Amend § 72.503 by revising paragraph (e) to read as follows:

##### **§ 72.503 Determination of emissions; filter maintenance; definition of "introduced".**

\* \* \* \* \*

(e) For purposes of § 72.502(a), the term "introduced" means any piece of equipment whose engine is a new addition to the underground inventory of engines of the mine in question, including newly purchased equipment, used equipment, and equipment receiving a replacement engine that has a different serial number than the engine it is replacing. "Introduced" does not include a piece of equipment

whose engine was previously part of the mine inventory and rebuilt.

**Wayne D. Palmer,**

*Assistant Secretary of Labor for Mine Safety and Health Administration.*

[FR Doc. 2026–12792 Filed 6–24–26; 8:45 am]

BILLING CODE 4520–43–P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Part 75

[Docket No. MSHA–2025–0073]

RIN 1219–AC04

#### Improving and Eliminating Regulations; Use of Permissible Flame Safety Lamps in Underground Coal Mines

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

**ACTION:** Final rule.

**SUMMARY:** MSHA is removing flame safety lamps from the list of permissible electric face equipment that can be operated in underground coal mines. This provision is being removed from MSHA's regulations because flame safety lamps are an outdated technology that is no longer used in underground coal mines.

**DATES:** *Effective date:* July 27, 2026.

#### ADDRESSES:

*Docket:* Access rulemaking documents electronically at <http://www.regulations.gov> [Docket No. MSHA–2025–0073]. Obtain a copy of rulemaking documents from the Office of Standards, Regulations, and Variances, MSHA, 200 Constitution Avenue NW, Washington, DC 20210, by request to (202) 693–9440. This is not a toll-free number.

*Email notification:* To subscribe to receive email notification when the Agency publishes rulemaking documents in the **Federal Register**, go to [www.msha.gov](http://www.msha.gov).

#### FOR FURTHER INFORMATION CONTACT:

Corliss A Josephs-Conway, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 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, “Use of Permissible Flame Safety Lamps in Underground Coal Mines” (90 FR 28421). In the NPRM, MSHA proposed to remove flame safety lamps from the list of permissible electric face equipment in paragraph (d)(4) of 30 CFR 75.506, *Electric face equipment; requirements for permissibility*, because flame safety lamps have been replaced by electric cap lamps and portable methane and multi-gas detectors and monitors in underground coal mines.

MSHA received two comments on the NPRM during the public comment period. One comment requested a 60-day extension of the public comment period. 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 amending § 75.506 to remove paragraph (d)(4).

MSHA received one comment requesting an extension of the comment period. The commenter stated a 30-day comment period did not provide ample time for review, research, and development of 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 flame safety lamps from the list of permissible electric face equipment does not reduce protections currently afforded to miners. Flame safety lamps were developed in the mid-19th century to provide illumination for miners using a specialized lamp with an enclosed flame that could safely be used in underground coal mines. Miners also used flame safety lamps to detect the presence of gases such as methane and low oxygen levels in the mine atmosphere by observing changes in the shape and color of the lamp's flame. Flame safety lamps have since been replaced by electric cap lamps and portable methane and multi-gas detectors and monitors. As a result, flame safety lamps are outdated technology making § 75.506(d)(4) unnecessary. MSHA determined this rule is not 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. 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 flame safety lamps from the list of permissible electric face equipment that can be operated in underground coal mines. The commenter also stated that the proposed removal of § 75.506(d)(4) would maintain the same level of protection for miners because it removes outdated technology that is no longer used in underground coal mines.

MSHA agrees with the commenter and believes that removing flame safety lamps from the list of permissible electric face equipment does not impose any safety or health hazards on miners since flame safety lamps are no longer used in underground coal mines.

Therefore, MSHA is removing flame safety lamps from the list of permissible electric face equipment that can be operated in underground coal mines by removing and reserving paragraph (d)(4) from § 75.506, 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.