

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–M.

Petitioner: Stillwater Mining Company, 1600 East 1st Ave. South/P.O. Box 1330, Columbus, MT 59019.

Mine: Stillwater Mine, MSHA ID No. 24–01490, located in Stillwater County, Montana.

Regulation Affected: 30 CFR 57.11052(d), Refuge areas.

Modification Request: The petitioner requests modification of 30 CFR 57.11052(d) to permit the use of sealed bottled water in lieu of waterlines for supplying potable water in two refuge chambers.

The petitioner states that:

(a) The petitioner requests a modification to the 30 CFR 57.11052 (d) for two specific refuge chambers that require the refuge chamber to be connected to mine water lines.

(b) Stillwater Mining Company is not seeking modification from the requirement of compressed air lines.

(c) As part of a reduction in mining fronts that occurred in 2024, the West side of the Stillwater Mine was placed into care and maintenance.

(d) As part of this process, electrical infrastructure was removed in several areas.

(e) Areas that no longer require access have been barricaded to prevent entry, and areas that remain accessible are inspected weekly to ensure applicable standards are maintained.

(f) The two refuge chambers included in this request are located on the 5300 West and 5000 West levels. These levels remain open solely as designated travelways to inspect and maintain primary ventilation equipment located at 53W 22,800.

(g) Waterlines within this portion of the mine are supplied from mine water

reservoir located at 55W 14,100. This area is fully barricaded, and all associated electrical infrastructure has been removed as part of the care and maintenance process.

(h) Re-establishing mine water service to the subject refuge chambers would require replacement of electrical infrastructure to power mine water pumps.

(i) In addition, barricades on the 5500 level and the ramp down to the 5300 level would need to be permanently removed.

(j) These areas are inspected weekly by the ventilation department and electricians, with scheduled maintenance occurring on quarterly and annual intervals.

(k) A ladder escapeway, compliant with all applicable standards, connects the 5300 level and the 5000 level.

(l) Fewer than five individuals access this area during a typical week.

(m) The refuge chambers hold a max occupancy of (8) persons for a max duration of 96 hours.

(n) The petitioner currently employs steel constructed cylindrical refuge units; these units are not commercially available and were fabricated locally.

(o) Based on a review of the conditions described above, removing the requirement for the mine water lines supplying these refuge chambers would reduce overall risk by eliminating the need to re-energize electrical infrastructure, restore mine water pumping systems, and permanently remove barricades in areas currently maintained under care and maintenance controls, while continuing to provide an adequate and reliable emergency water supply inside the refuge chambers for few individuals accessing the area.

The petitioner proposes the following alternative method:

(a) The refuge chambers are stocked with four 5-gallon sealed water containers that are available in case of an emergency.

(b) The 5300 West and 5000 West refuge chambers are stocked with (4) x 5gal jugs of water, providing ample water for 8 persons requiring 2.25 quarts of water per day, per person.

The miners at Stillwater Mine are represented by Jerry Philhower and Kyle Sandlin, both serving as Joint Health and Safety Representatives. The petition for modification has been provided to Mr. Philhower and Mr. Sandlin on June 8, 2026.

In support of the petition, the petitioner provided additional information including a mine map showing the escapeway and refuge chambers; a mine map showing the mine water reservoir that is currently

not in use; and an image of the steel constructed cylindrical refuge units.

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

Corliss A. Josephs-Conway

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

[FR Doc. 2026–13226 Filed 6–30–26; 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 Mettiki Coal WV, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 31, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2026–0761 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2026–0761.
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: Corliss A. Josephs-Conway, 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: Corliss A. Josephs-Conway, 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–2026–016–C.

Petitioner: Mettiki Coal WV, LLC, 293 Table Rock Road, Oakland, MD 21550.

Mine: Mountain View Mine, MSHA ID No. 46–09028, located in Tucker County, West Virginia.

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

Modification Request: The petitioner requests modification of the application of 30 CFR 75.500(d) at its Mountain View Mine to permit the use of non-MSHA approved handheld radios in return air outby the last open crosscut.

The petitioner states that:

(a) The Mountain View Mine is located at 180 E Portal Road, Davis, WV 26260, in Tucker County, WV. The Mountain View Mine extracts coal from the Freeport coal seam, operating one continuous miner section and one longwall section. There are two portals by which miners enter the underground mine. The mine currently employs approximately 85 coal miners and operates three shifts a day with two being production and one maintenance. The average mining height is eight feet and is ventilated by one dual compartment air shaft, one return shaft, and intake provided at the slope. Mountain View mines approximately three million tons of raw coal annually. The mine liberates approximately zero cubic feet of methane in a 24-hour period.

(b) Specifically, Mettiki is requesting to utilize the Kenwood Model NX–3200 portable radio attached to a Kenwood

KNB–79LC 7.4-volt intrinsically safe battery pack in return air outby the last open crosscut of the underground mine.

(1) The Kenwood Model NX–3200 portable radio when properly equipped with the Kenwood KNB–79LC 7.4-volt battery pack is CSA approved by the Canadian Standards Association as intrinsically safe.

(2) The Canadian Standards Association is a prominent, independent, not-for-profit membership association that develops safety, performance, and environmental standards for products and systems. Established in 1919, it serves industry, government, consumers, and the global marketplace.

(3) The KNB–79LC 7.4-volt battery pack is “C UL US” listed, which indicates that a complete, stand-alone product has been tested and certified by Underwriters Laboratories (UL) to meet both Canadian and United States safety standards.

(4) Breakdown of the “C UL US” Symbol:

(i) The “C” (left side) means the product complies with Canadian safety standards (evaluated against CSA standards).

(ii) The “UL” (center) identifies Underwriters Laboratories as the independent, third party laboratory that performed the testing.

(iii) The “US” (right side) means the product complies with United States safety standards (evaluated against ANSI/UL standards).

(5) The Kenwood Model NX–3200 portable battery-powered radio is not MSHA-approved as permissible.

(6) Kenwood is not pursuing MSHA permissibility approval for the Model NX–3200 portable battery-powered radio.

(7) Kenwood has discontinued the manufacture and sale of MSHA-approved permissible radios. Mettiki is not aware of any other MSHA-approved permissible radios that are compatible with the conditions and equipment being used underground at the Mountain View Mine.

(8) Mettiki currently uses MSHA-approved Kenwood TK–290 permissible 2-way radios in return air outby the last open crosscut at its Mountain View Mine to communicate between miners as part of the mine’s approved Emergency Response Plan (“ERP”). Such communication facilitates efficient and safe communication among the underground miners.

(9) The mine uses portable handheld radios for routine communications involving safety notifications, production coordination, emergency communications, maintenance

coordination, section-to-section communications, and communication with the dispatcher.

(10) Handheld radios are carried by all underground personnel, which makes the radios available to the miners whether they are on foot or operating mobile equipment.

(c) The radios will be limited to equipment independently certified as intrinsically safe, used only with listed batteries, controlled through inspection, removed from service when damaged, and used only under mine conditions that otherwise comply with applicable methane, ventilation, and examination requirements. These conditions collectively eliminate ignition risk while improving the reliability of communication in active working areas, including areas in return air outby the last open crosscut. Providing a reliable handheld radio that expands the options of radios permitted for use in return air outby the last open crosscut enhances the ability of miners to conduct routine communications involving safety notifications, production coordination, emergency communications, maintenance coordination, section-to-section communications, and communication with the dispatcher.

(d) The petitioner further submits that improved communications in all areas of the mine, including in return air outby the last open crosscut, promote miner safety by reducing delays in reporting hazards, communicating ventilation or equipment issues, coordinating examinations, and initiating emergency response actions. To the extent MSHA determines that additional conditions are necessary, the petitioner is willing to implement reasonable administrative controls, equipment restrictions, training requirements, and recordkeeping measures to ensure that the alternative method provides equivalent protection.

(e) Since Kenwood has discontinued the manufacture and sale of the MSHA-approved Kenwood TK–290 permissible 2-way radio, there are no other MSHA-approved units available compatible with the conditions and equipment being used underground at the Mountain View Mine.

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

The petitioner proposes the following alternative method:

(a) As an alternative method to strict compliance with the cited standard, the petitioner proposes to use non-MSHA

approved portable battery-powered handheld radios as follows:

(1) The Kenwood Model NX-3200 portable radio and the Kenwood KNB-79LC 7.4-volt intrinsically safe battery pack shall be clearly identified to ensure they are easily distinguishable from the MSHA-approved Kenwood TK-290 permissible 2-way radio and the Kenwood KNB-51 C 7.2-volt intrinsically safe battery pack. The unique identifier shall ensure positive identification of the respective radios to avoid any confusion between the different models and their battery packs.

(2) Only Kenwood battery pack model KNB-79LC shall be used with the Kenwood Model NX-3200 portable radio when taken into return air outby the last open crosscut.

(3) The battery packs for the radios shall be inspected before each use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the radio shall be removed from service.

(4) Before any radio is taken underground, the trained user shall examine the unit for damage, missing parts, cracked housing, compromised seals, loose battery attachment, and any other condition that could affect the safe use of the radio.

(5) The examinations of the Kenwood Model NX-3200 portable radio shall include:

(i) Check the equipment for any physical damage and the integrity of the case.

(ii) Remove the battery and inspect for corrosion.

(iii) Inspect the contact points to ensure a secure connection to the battery.

(iv) Reinsert the battery and power up and shut down to ensure proper connections.

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

(6) Any damaged, malfunctioning, or altered radio shall be immediately removed from service and tagged to prevent use.

(7) The Kenwood Model NX-3200 portable radio shall not be used in return air outby the last open crosscut when methane concentrations are 1.0 percent or greater.

(8) The Kenwood battery pack model KNB-79LC may be charged underground in designated areas free of combustible material and in intake air outby the last open crosscut.

(9) A fire extinguisher shall be readily available when batteries are being charged underground.

(10) Batteries shall be inspected before charging for cracks, swelling,

corrosion, leaks. Loose terminals, or heat damage.

(11) Battery change outs shall occur in intake air outby the last open crosscut. The radio should be turned off before changing the battery.

(12) Battery covers, latches, and seals shall be fully closed and secured after change out.

(13) Batteries and chargers shall be kept clean and dry. They shall also be protected from impact, heat, and rough handling.

(14) Batteries that are hot, leaking, swollen, damaged, or otherwise defective shall not be charged or used.

(15) Loose batteries shall not be carried with metal objects that could short-circuit the terminals.

(b) The following minimum training standards shall apply:

(1) All underground miners who will be required to carry and use the Kenwood Model NX-3200 portable radio shall receive task training in accordance with 30 CFR 48.7 on the requirements of this petition and manufacturer guidelines. Such training shall be completed before the miner takes the Kenwood Model NX-3200 portable radio in return air outby the last open crosscut.

(2) All underground miners who will be involved with or affected by the use of the Kenwood Model NX-3200 portable radio shall receive annual training on the requirements of the petition during annual refresher training in accordance with 30 CFR 48.8.

(3) All new miners who will be involved with or affected by the use of the Kenwood Model NX-3200 portable radio shall receive training on the requirements of the petition in accordance with 30 CFR 48.5, and all experienced miners shall receive training on the requirements of the petition in accordance with 30 CFR 48.6.

(4) Within 60 days after the Proposed Decision and Order (PDO) granted by MSHA becomes final, the proposed revisions associated with the petition shall be submitted to the MSHA District Manager to be included in the 30 CFR part 48 training plan. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in the PDO granted by MSHA.

(5) When training is conducted on the terms and conditions of the petition, 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 Kenwood Model NX-3200 portable radio in return air outby the last open crosscut.

(6) Training records shall be retained at a surface location at the mine for at least one year and shall be made available for inspection by MSHA and/or the State of West Virginia inspection personnel upon request.

(c) Mettiki Coal WV, LLC, Mountain View Mine does not have a representative of miners and a copy of the petition for modification has been posted on the mine bulletin board on May 20, 2026.

In support of the petition, the petitioner provided additional information including equipment specifications for the non-MSHA approved handheld radios.

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

Corliss A. Josephs-Conway,
Acting Director, Office of Standards, Regulations, and Variances.

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BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

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ACTION: Notice.

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DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 31, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA-2026-0760 by any of the following methods:

1. *Federal eRulemaking Portal:*
<https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2026-0760.

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