



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 Knight Hawk Coal, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments identified by Docket No. MSHA-2026-0103 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2026-0103.
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.

Persons delivering documents are required to check in at the receptionist's desk. 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-2026-005-C

Petitioner: Knight Hawk Coal, LLC, 500 Cutler-Trico Road, Percy, IL 62272.

Mine: Prairie Eagle Underground Mine, MSHA ID No. 11-03147, located in Perry County, IL.

Regulation Affected: 30 CFR 75.312(c), Main mine fan examinations and records.

Modification Request: The petitioner is requesting a modification to 30 CFR 75.312(c) to permit an alternative method of compliance to permit the testing of the automatic fan signal device every 31 days without stopping the fan each time the device is tested.

The petitioner states that:

(a) Prairie Eagle Underground Mine seeks modification of 30 CFR 75.312(c): At least every 31 days, the automatic fan signal device for each main mine fan shall be tested by stopping the fan. Only persons necessary to evaluate the effect of the fan stoppage or restart, or to perform maintenance or repair work that cannot otherwise be made while the fan is operating, shall be permitted underground. Notwithstanding the requirement of § 75.311(b)(3), underground power may remain energized during this test provided no one, including persons identified in § 75.311(b)(1), is underground. If the fan is not restarted within 15 minutes, underground power shall be deenergized and no one shall enter any underground area of the mine until the fan is restarted and an examination of the mine is conducted as described in § 75.360 (b) through (e) and the mine has been determined to be safe.

(b) The mine's existing automatic fan signal device is a pressure transducer. The device continuously monitors and records the fans operating pressure electronically.

(c) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) The testing of the automatic fan signal device will be conducted at least every 31 days without stopping the fan each time the fan signal device is tested.

(b) A lockable ball valve will be installed in between the tubing connecting the pressure transducer to the fan ductwork where pressure is measured and another between the tubing and the atmosphere.

(c) An alarm signal will be activated when the fan pressure falls below the normal operating pressure by 2" W.G. or more.

(d) During the 31 day checks without stopping the fan, the valve to the fan ductwork will be closed and the valve to the atmosphere will be opened allowing the pressure to the transducer to drop below the normal operating pressure and signal the alarm indicating loss of ventilating quantity to the mine.

(e) A fan signal check will be made by stopping the fan, per 30 CFR 75.312(c), at intervals not to exceed 6 months.

(f) The methods described are in accordance with the Proposed Decision and Order (PDO) granted by MSHA under docket No. M-2015-017-C.

(g) The miners at Prairie Eagle Underground Mine are not represented by a labor organization and the petition has been posted at the mine on January 7, 2026. In support of the proposed alternative method, the petitioner has also submitted drawings of the fan ductwork setup: currently; during fan normal operation under the proposed alternative method; and fan testing under the proposed alternative method.

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.

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