

October 19, 2007

In The Matter of
Mosaic Potash Carlsbad, Inc.
Mosaic Potash Carlsbad, Inc., Mine
I.D. No. 29-00802

PETITION FOR MODIFICATION

Docket No. M-2006-007-M

PROPOSED ORDER OF DISMISSAL

On July 17, 2006, a petition was filed by Mosaic Potash Carlsbad, Inc. (Mosaic) seeking a modification of the application of 30 CFR § 57.15030 (Provision and maintenance of self-rescue devices) to its Mosaic Potash Carlsbad, Inc., Mine located in Carlsbad, Eddy County, New Mexico. The petitioner requested relief from providing and maintaining one-hour self-rescue devices to their miners. The alternative method outlined in the petition would utilize a ten-minute Self-Contained Self Rescuer as the primary device with a one-hour Self-Contained Self Rescuer serving as the backup rescue device.

Standard 57.15030 *Provisions and maintenance of self-rescue devices* provides:

A 1-hour self-rescue device approved by MSHA and NIOSH under 42 CFR part 84 shall be made available by the operator to all personnel underground. Each operator shall maintain self-rescue devices in good condition.

As a result, the Mine Safety and Health Administration's (MSHA) Southcentral District conducted an investigation into the merits of the request for modification. On September 12, 2006, the Southcentral District Manager filed a report of that district's findings. Their report concluded that Mosaic was in compliance with the standard for the following reasons:

- a) The Ocenco M-20 and CSE SR-100 Self-Contained Self Rescuers are approved by MSHA and the National Institute for Occupational Safety and Health (NIOSH) under 42 CFR part 84;
- b) One of these units is rated by MSHA/NIOSH for 10 minutes duration; the other device is rated for one-hour use; and
- c) Together, these units comprise a system exceeding the requirements of § 57.15030 that self-rescue devices are to be of duration.

Therefore, a violation of the standard has not occurred and the petition for modification is not necessary and is hereby:

DISMISSED

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14 within 30 days. The request for hearing must be filed with the Administrator for Metal and Nonmetal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia 22209-3939. If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition. Any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Order of Dismissal will become final.

/s/Felix A. Quintana
Felix A. Quintana
Administrator for Metal and Nonmetal
Mine Safety and Health