

May 30, 2006
In the matter of
Phelps Dodge Sierrita, Inc.
Phelps Dodge Sierrita, Inc. Mine
ID No. 02-00144

Docket No. M-94-01-M

PROPOSED DECISION AND ORDER TO REVOKE

On July 25, 1995, Phelps Dodge Sierrita, Inc. (formerly Cyprus Sierrita Corporation) was granted a petition for modification of 30 CFR § 57.6309 at its Phelps Dodge Sierrita, Inc. Mine (Sierrita Mine) pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, based upon an alternative method of compliance. The granted petition allowed the use of waste oil in the preparation ammonium nitrate-fuel oil at its mining operation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Recently Phelps Dodge Sierrita, Inc. filed a petition for modification of 30 CFR § 57.6309, which was assigned Docket No. M-2006-002-M. Since the granted petition (M-94-01-M) was for different equipment and never implemented, Phelps Dodge personnel have requested that the granted petition be revoked.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Metal and Nonmetal Mine Safety and Health and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., Section 811(c), it is ordered that Phelps Dodge Sierrita, Inc.'s modification of 30 CFR CFR § 57.6309 as it pertains to the use of waste oil at the Sierrita Mine, is hereby **REVOKED**.

/s/ Felix Quintana

Felix Quintana
Acting Administrator for
Metal and Nonmetal Mine Safety and Health