

May 30, 2006

In the matter of
Phelps Dodge Bagdad, Inc.
Phelps Dodge Bagdad, Inc. Mine
I.D. No. 02-00137

Docket No. M-95-008-M

PROPOSED DECISION AND ORDER TO REVOKE

On April 1, 1996, Phelps Dodge Bagdad, Inc. (formerly Cyprus Bagdad Copper Corporation) was granted a petition for modification of 30 CFR § 57.6309, 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 Bagdad, Inc. filed a petition for modification of 30 CFR § 57.6309, which was assigned Docket No. M-2005-005-M. Since the granted petition (M-95-08-M) was for different equipment and never implemented, Phelps Dodge Bagdad, Inc. Mine (Bagdad Mine) 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 Bagdad, Inc.'s modification of 30 CFR CFR § 57.6309 as it pertains to the use of waste oil at the Bagdad Mine, is hereby **REVOKED**.

/s/ Felix Quintana

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