

July 21, 2006
In the matter of
Genesis Inc.
(Formerly ASARCO, Inc.)
ID No. 24-01467

Docket No. M-81-09-M
Petition for Modification

PROPOSED DECISION AND ORDER TO REVOKE

On May 1, 1995, Genesis Inc. (formerly ASARCO, Inc.) was granted an amended petition for modification of 30 CFR § 57.4463 (formerly 57.44-53), 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 liquefied petroleum gases to operate mobile equipment in specified areas of the underground mine in lieu of limiting the use of liquefied petroleum gases to only maintenance work.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

MSHA Rocky Mountain District personnel determined that conditions requiring modification of the mandatory standard no longer exist. A Genesis official confirmed that the mobile equipment using the liquefied petroleum gases is no longer used at the mine. Consequently, modification of the mandatory standard is no longer needed.

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 Genesis, Inc.'s modification of 30 CFR CFR § 57.4463 as it pertains to the use of liquefied petroleum gases to operate mobile equipment at the Troy Mine, is hereby **REVOKED**.

/s/ Felix Quintana

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

