



Tyrone Operations
P.O. Drawer 571
Tyrone, NM 88065

July 28, 2010

Via UPS Overnight
Tracking #1Z8753E50194195428

Mr. Holland Shepherd
Program Manager
Mining Act Reclamation Program
Mining and Minerals Division
Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Dear Mr. Shepherd:

Re: Application for Modification of Waiver - Tyrone Mine Permit GR010RE

Freeport-McMoRan Tyrone Inc. (Tyrone) holds the above-referenced permit from the Mining and Minerals Division (MMD), which includes a waiver from regulations requiring a permittee to reclaim land disturbed by mining to achieve a designated post-mining land use (PMLU).

The current waiver was approved by MMD for four of the open pits covered by the existing closure permit. The current waiver covers an area of 1,236 acres. Tyrone is submitting the attached application to modify the waiver by adding 135 acres of new pit area and 462 acres of interior stockpile area to the existing waiver. If approved, a total 1,833 acres out of approximately 5,021 disturbed acres in the primary mining area at Tyrone would be included in the waiver.

The application to modify the waiver is intended to be congruent with the area preliminarily determined to be the "Open Pit Surface Drainage Area" by the New Mexico Environment Department (NMED) for purposes of closure requirements under a renewed discharge permit DP-1341 under the New Mexico Water Quality Act. The Open Pit Surface Drainage Area, as defined in the enclosed application, generally is consistent with the surface water catchment zone (SWCZ) in the Closure/Closeout Plan (CCP) update submitted to NMED and Mining and Minerals Division (MMD) in October, 2007.

Tyrone has proposed not to reclaim the side slopes of stockpiles located within the SWCZ because runoff from these surfaces will drain by gravity into the pit bottoms rather than to the outside of the mine perimeter. Impacted water that enters the pit will be pumped and treated prior to discharge as described in the CCP.

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Six paper copies and one electronic copy of the waiver request are enclosed for your consideration. Two copies of the figures in D size prints are also included. One paper copy and one electronic copy of the waiver request will be sent to the NMED.

If you have questions regarding this waiver request please contact Thomas Shelley at (575) 912-7173.

Sincerely,



Timothy E. Eastep, Manager
Environment, Land and Water

TEE:cj
Attachments
20100728-100

c: Mary Ann Menetrey