

Carl Huie

Withdrawn

From: Rummel, Jeffrey [Rummel.Jeffrey@ARENTFOX.COM]
Sent: Wednesday, August 31, 2005 10:08 AM
To: Carl Huie
Cc: James Burtle; Mike Regiec; Rodney Conway; Seppala, Vicki; Hanson, James
Subject: SSR System - Update and Thank You



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Mr. Huie:

As you are aware, there is currently pending with the Commission an application for a 2 year experimental license submitted on behalf of Phelps Dodge Corporation, under File No. 0164-EX-PL-2004 ("Two Year Application") for operation of Slope Stability Radar ("SSR") facilities. An experimental STA had previously been granted by the Commission under File No. 0145-EX-ST-2004 for the SSR system.

This is to advise you that the manufacturer of the SSR system, GroundProbe, has obtained the remaining Commission equipment authorization required for the SSR system. As a result, Phelps Dodge is now pursuing a 10 year license under Part 90 for the system. Phelps Dodge has obtained an STA under Part 90 for the facilities.

Accordingly, it is no longer necessary for Phelps Dodge to pursue grant of the Two Year Application under File No. 0164-EX-PL-2004, and Phelps Dodge hereby requests that the application be withdrawn from Commission consideration.

Finally, Phelps Dodge wishes to express its sincere appreciation and thanks to you, and your colleagues Jim Burtle, Mike Regiec and Rodney Conway, for your long-term efforts in connection with the processing of the experimental applications for the SSR system and the exploration of a strategy for Part 90 licensing for the system. Your grant of the experimental STA for the system, and your processing of the Two Year Application, allowed the feasibility of this next-generation technology to be tested by Phelps Dodge as early as possible, thereby permitting the implementation of this technology on a licensed basis under Part 90. Attached for your reference are some more detailed materials which outline the substantial advantages of this technology, which you have helped make available to thousands of workers who will benefit from the system's safety features. Once again, thank you for your assistance with respect to this issue, and we look forward to working with you on other matters, including perhaps future experimental applications relating to next generation SSR technology.

Best regards,

Jeffrey Rummel
Attorney for Phelps Dodge Corporation

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