

Exhibit 3 to Confirmed Chapter 11 Plan¹

List of Contracts and Leases That are Rejected

Pursuant to the Environmental Custodial Trust Settlement Agreements, the confirmed chapter 11 plan and the order confirming the chapter 11 plan, the Debtors are obligated to assign and transfer to the Environmental Custodial Trusts all of the Designated Properties and Designated Sites, attendant contracts, fixtures and personalty, and the cash equal to the Environmental Custodial Trust Funding and the Environmental Custodial Trust Funding. Under the confirmed chapter 11 plan, all contracts and leases not previously assumed or rejected by the Debtors are deemed assumed by the Debtors unless expressly rejected, such rejection to be accomplished by inclusion of the rejected contract on this Exhibit 3. The Montana Environmental Custodial Trust (a/k/a “The Custodial Trust”) and Multi-State Environmental Custodial Trust (a/k/a “The Multi-State Custodial Trust”) have requested that certain contracts and leases attendant to their respective Designated Properties and Designated Sites be rejected by the Debtors on or prior to the Effective Date and therefore not assigned or transferred to such Custodial Trusts. Parent (the proponent of the confirmed chapter 11 plan) has agreed to accommodate those requests.

In addition, the Debtors have determined that certain additional contracts and leases, listed below, should be rejected.

Accordingly, the contracts and leases listed on the following pages are rejected by the Debtors, rejection to be effective as of the Effective Date of the confirmed chapter 11 plan. The rejection of such contracts and leases is without prejudice to Reorganized Asarco’s right to establish that any or all such contracts and leases were terminated under applicable non-bankruptcy law prior to the Effective Date.

Under the confirmed chapter 11 plan, any person or entity that has a Claim in connection with the rejection of the contracts and leases listed below shall have until 30 days after the Effective Date to file a Proof of Claim, or such Claim will be barred and discharged; and the foregoing is without prejudice to Reorganized Asarco’s right to establish that (a) any such Claim has been barred or discharged for other reasons, including, without limitation, under applicable non-bankruptcy law, or (b) the liability for such Claim has been assigned or otherwise transferred by agreement or operation of law to a trust or other third party. The Effective Date is December 9, 2009, and the deadline to file proofs of claim in respect of rejected contracts and leases is January 8, 2010.

¹ All defined terms are used as defined in the confirmed chapter 11 plan, or in the order confirming the chapter 11 plan.

**A. Contracts and Leases Rejected by Request
Of Montana Environmental Custodial Trust**

<u>Name of Parties To Contract</u>	<u>Name of Contract</u>	<u>Contract Date</u>
ASARCO Inc. & American Chemet Corp (Lessee)	Lease Agreement	11/1/02
ASARCO Inc. (Seller) & Ash Grove Cement Co. (Buyer)	Purchase Agreement—East Helena Fumed Slag	11/1/02
ASARCO Inc (Lessor) & Gary Dobler of 5365 Hwy., 12 East, E. Helena, MT 59635 (Lessee)	Farm Lease	2/20/03
ASARCO LLC (Lessor) & Harry Culbertson of Spokane Rd, E. Helena (Lessee)	Farm Lease	—
ASARCO Inc. (Buyer) & Air Liquide America Corporation (Seller)	Modification and Partial Termination Agreement On-Site Oxygen Supply Agreement	6/93; amended 2002
ASARCO LLC (Lessor) & Otto Johnson of 1960 Spokane Creek Rd, E. Helena 59635 (Lessee)	Farm Lease	—
ASARCO Inc. (Lessor) & American Chemet Corporation (Lessee)	East Helena Contract Lease Agreements: (1) Barnum & Bailey Buildings; Amendment to Lease Warehouse & Coal Mill Building (2) Belly yard & Parking Lot	8/1/07
ASARCO LLC (Owner) & Hydrometrics (Consultant)	Professional Services Agreement Groundwater & Surface water Monitoring & CAMU Phase II Cell Oversight Agreement	2007
ASARCO LLC & Industrial Automation Consulting (IAC)	On-Site Maintenance & Service Agreement	12/10/07
ASARCO LLC (Lessor) & William Foster Jr of PO Box 759, E Helena, MT 59635 (Lessee)	Farm Lease	4/1/07
ASARCO LLC & John Simac (Tenant)	Grazing Access Agreement	7/1/09
ASARCO LLC (Owner) & CDM Constructors Inc. (Contractor)	Cost Plus Construction or Repairs Contract (Upper Blackfoot River Water Treatment System Construction)	3/24/08
ASARCO LLC (Owner) & Randall Contracting Inc. (Contractor)	Mike Horse Fixed Price Contract MH-3 (2006)	4/1/06
ASARCO LLC (Lessor) & Lloyd Johnson (Lessee)	Residential Lease	10/2/07
ASARCO LLC (Lessor) & Bill Casey (Lessee)	Residential Lease	9/12/07
ASARCO LLC (Lessor) & Mitch Hill (Lessee)	Residential Lease	9/25/07
ASARCO LLC (Lessor) & Rick Lamping (Lessee)	Residential Lease	9/25/07
ASARCO LLC (Lessor) & Sean Stenlund (Lessee)	Residential Lease	9/25/07
ASARCO LLC (Lessor) & Seth Delanoy (Lessee)	Residential Lease	10/4/07
ASARCO LLC (Lessor) & Terry Swensen (Lessee)	Residential Lease	9/27/07

B. Contracts and Leases Rejected by Request of Multi-State Environmental Custodial Trust

<u>Name of Parties To Contract</u>	<u>Name of Contract</u>	<u>Contract Date</u>
ASARCO Inc. (Seller) & Orelas, LLC (Buyer)	Purchase and sale Agreement	11/29/04
ASARCO Inc. (Lessor) & Ricky Lee Rael and Louella B. Rael (Lessee)	Lease Agreement - grazing	3/1/04
ASARCO Inc. (Lessor) & Brad Green (Lessee)	Farm Agreement and Lease	3/14/95
ASARCO LLC (Lessor) & CTT Corporation (Lessee)	Lease Agreement	10/1/05
ASARCO LLC (Lessor) & Gerry Spinner (Lessee)	Lease Agreement	12/1/07
ASARCO LLC (Lessor) & American AAC (Lessee)	Lease Agreement	2009
ASARCO Inc. (Lessor) & Wayne Moroney (Lessee)	Lease Agreement	3/1/05
ASARCO Inc. (Lessor) & Norman Hale and Ruth Hale	Lease Agreement - grazing	3/30/66
ASARCO Inc. (Lessor) & North American Pipe Corp.	Lease Agreement	7/28/97
ASARCO Inc. & Van Buren Pipe Corp. and Capco Pipe Company	Addendum to Lease	3/27/00
ASARCO LLC & Camp, Dresser & McKee	Professional Services Agreement	9/1/03

C. Other Rejected Contracts and Leases

<u>Name of Parties To Contract</u>	<u>Name of Contract</u>	<u>Contract Date</u>
ASARCO LLC (Buyer) & ADT Security Services, Inc. (Seller)	Purchase Agreement – Access Control System	7/27/05
ASARCO LLC (Buyer) & ADT Security Services, Inc. (Seller)	Purchase Agreement – Burglar Alarm System	7/25/09
ASARCO LLC & Renaissance Personnel Group, Inc.	Service Agreement – temporary personnel and employee search services	2007
ASARCO Inc. (Lessee) & Empire Southwest, LLC (Lessor)	Rental Agreement –trucks	12/16/04