



October 1, 2009

Mr. Denis N. Murphy
Safety Manager
Buick Mine/Mill
Doe Run Company
P.O. Box 500
Viburnum, MO 65440

Dear Mr. Murphy:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) has conducted a pattern of violation (POV) screening of compliance records for the Buick Mine/Mill, MSHA ID No. 23-00457 for the 24-months ending August 31, 2009. A POV screening is used to determine if Section 104(e) is applicable to a particular mine. If implemented, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions only after an inspection of the entire operation results in no significant and substantial violations.

This letter is your notification that a potential pattern of violations exists at the Buick Mine/Mill. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 CFR Parts 104.2 and 104.3 respectively. A Pattern of Violation Review report is enclosed as Attachment A. This report details the methodology utilized for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Buick Mine/Mill, you are provided the opportunity, not to exceed 20 days from the date of this notification, to take any or all of the following steps:

Review all documents upon which the pattern of violations evaluation is based and provide additional mitigating information.

Submit a written request for a conference with me (I shall hold any conference within 10 days of a request).

Provide a written plan to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at the operation.

Please note that current regulation 30 C.F.R. Part 104.4(d) requires that you post a copy of this letter on the mine bulletin board until you are notified of MSHA's final determination with respect to your status pursuant to Section 104(e) of the Mine Act.

If you implement a corrective action program, MSHA will conduct a complete inspection of the Buick Mine/Mill. This inspection may start as soon as November 1, 2009. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the Buick Mine/Mill has effectively reduced the occurrence of S&S violations during the review period. Therefore, I encourage you to implement a corrective action program as soon as practicable. If, during the review period, the Buick Mine/Mill achieves a reduction in the S&S violation frequency rate to 4.44 S&S violations per 100 inspection hours, [this number will be the higher of the two possible goals - 30% reduction or reduction to the national rate] the Buick Mine/Mill will not be issued a pattern of violations notice during this POV review cycle. ¹

If you implement a corrective action program which does not reduce the rate of S&S violations to the levels set forth in the paragraph above, pursuant to 30 C.F.R. Section 104.5(b), I will submit an evaluation report to the Administrator for Metal within 120 days from the date of this notification. If you choose not to implement a program to reduce S&S violations, I will submit the report of the evaluation to the Administrator within 60 days from the date of this notification.

¹ However, mines which have implemented a successful corrective action plan during the 90 day evaluation period will be considered along with all other mines for potential pattern of violation notices during the next and subsequent review cycles. In the case of the Buick Mine/Mill, it was issued 5.95 S&S violations per 100 inspection hours during the 24-month review period, in this review cycle --34 percentage points higher than the national average of 4.44 S&S violation per 100 inspection hours for {mine type and classification} mines. To ensure the Buick Mine/Mill is not exhibiting a potential Pattern of Violations when the next evaluation is conducted, the Buick Mine/Mill should have an S&S violation rate at or near the national rate. MSHA is required to conduct evaluations at least annually but can conduct the evaluations more frequently.

In both cases, a copy of the report of evaluation will be provided to you 10 days before the report is sent to the Administrator. You will have 10 days from the receipt of the report to submit written comments to the Administrator.

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the Buick Mine/Mill is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you.

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the Buick Mine/Mill is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

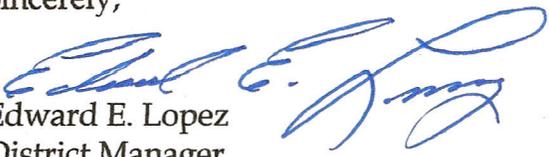
If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue an order requiring the withdrawal of all persons in the area affected by the violation except those persons listed in 104(c) of the Mine Act. All persons except as listed in 104(c) of the Mine Act shall also be prohibited from entering that area until the inspector determines that such violation has been abated.

Termination of a Pattern of Violations notice shall occur when an inspection of the entire operation results in no significant and substantial violations or no withdrawal order is issued by MSHA in accordance with section 104(e)(1) of the Act within 90 days of the issuance of the pattern letter.

You may request an inspection of the entire operation or portions of the operation at any time. No advance notice of the inspection shall be provided and MSHA will determine the scope of each inspection. Partial inspections covering the entire operation within the 90-day period will constitute an inspection of the entire operation for the purposes of termination of a Pattern of Violations Notice.

Please contact me at (214) 767-8401 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at: **1100 Commerce Street - Room 462, Dallas, TX 75242.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward E. Lopez", is written over the typed name.

Edward E. Lopez
District Manager
South Central District
Metal and Nonmetal
Mine Safety and Health Administration

Attachment

Mine ID: 2300457
 Mine Name: Buick Mine/Mill
 End Date: 8/31/2009
 Type Mine: U (S - surface, U - underground)
 Buick Mine/Mill 2300457
 Start date for screening: 9/1/2007

2300457 National
 Buick Mine/Mill Total

74	Total Citations/Orders issued in first 12 months 9/1/2007 thru 8/31/2008	na
67	Total Citations/Orders issued in second 12 months 9/1/2008 thru 8/31/2009	na
17	S&S Citations/Orders issued in first 12 months 9/1/2007 thru 8/31/2008	667
17	S&S Citations/Orders issued in second 12 months 9/1/2008 thru 8/31/2009	722
11	S&S Citations/Orders issued in past 6 months 3/1/2009 thru 8/31/2009	484
0	107(a) (imminent danger) orders issued during 24 month review period. 9/1/2007 thru 8/31/2009	19
3	Elevated enforcement actions issued during previous 24 months [104(b), 104(d) or 107(a) Orders] 9/1/2007 thru 8/31/2009	189
0	Elevated enforcement actions issued during previous 6 months [104(b), 104(d) or 107(a) Orders] 3/1/2009 thru 8/31/2009	62
38	S&S Citations that are final orders of the Commission during the previous 24 months 9/1/2007 thru 8/31/2009	954
1	104(d) (unwarrantable failure) citations and orders issued that became final orders of the Commission during the 24 month review period 9/1/2007 thru 8/31/2009	44
2	104(b) (failure to abate) orders issued for failure to abate an S&S issuance that became final orders of the Commission during the 24 month review period 9/1/2007 thru 8/31/2009	13

Mine ID: 2300457
 Mine Name: Buick Mine/Mill
 End Date: 8/31/2009
 Type Mine: U (S - surface, U - underground)
 Buick Mine/Mill 2300457
 Start date for screening: 9/1/2007

2300457 National
 Buick Mine/Mill Total

1	S&S 104(d) Orders that are final orders of the Commission during the previous 24 months 9/1/2007 thru 8/31/2009	
3	Elevated Commission Final Orders during previous 24 months [104(b), 104(d) or 107(a) Orders] 9/1/2007 thru 8/31/2009	76
281	Inspection hours during first 12 months 9/1/2007 thru 8/30/2008	na
290	Inspection hours during second 12 months 8/31/2008 thru 8/31/2009	na
127.25	Inspection hours during previous 6 months 3/1/2010 thru 8/31/2009	7,769.00
571	Inspection hours during previous 24 months 9/1/2007 thru 8/31/2009	31,249.75
2	Degree 1-4 Injuries during previous 24 months 9/1/2007 thru 8/31/2009	217
20	Degree 1-4 Severity Rates during previous 24 months 9/1/2007 thru 8/31/2009	43,296
869,154	Operator Hours Reported during previous 24 month 9/1/2007 thru 8/31/2009	31,981,591

The following screening criteria are used to perform the initial screening required under 30 CFR §104.2. Mines meeting **all ten** of the following criteria are further screened to identify mines meeting appropriate specified criteria for the potential Pattern of Violations, among those listed in 30 CFR §104.3.

Buick Mine/Mill **2300457**
Beginning date for screening: **09-01-2007**
End date for screening: **08-31-2009**

Item	Description	Current	Status
1	At least ten S&S Citations/Orders, at mines classified as Surface and Facility, issued during the 24 month review period, OR At least twenty S&S Citations/Orders, at mines classified as Underground, issued during the 24 month review period.	OK 34 POV	POV
2	At least two "elevated enforcement" actions, [i.e. type action is 104 (b), 104 (d) or 107(a)], issued during the 24 month review period.	3	POV
3	The ratio of Citation/Orders issued in the most recent <i>R</i> 12 months of the review period to the number of Citations/Orders issued during the previous <i>P</i> 12 months of the review is 70% or greater.	<i>R</i> 67 <i>P</i> 74 91%	POV
4	The mines' <i>M</i> rate of S&S Citations/Orders issued per 100 inspection hours during the 24 month review period is equal to or greater than 125% of the National <i>N</i> rate of S&S Citations/Orders issued per 100 inspection hours for that mine type and classification.	<i>M</i> 5.95 <i>N</i> 4.44 134%	POV
5	The number of S&S Citation/Orders issued per 100 inspection hours during the last two quarters <i>M</i> is greater than the Industry Average <i>N</i> for this mine type and classification, OR The number of elevated enforcement Citations/Orders issued per 100 inspection hours during the last two quarters <i>M</i> is greater than the Industry Average <i>N</i> for this mine type and classification.	<i>M</i> 8.64 <i>N</i> 6.23 POV <i>M</i> 0.00 <i>N</i> 0.80 OK	POV
6	A minimum of two "elevated enforcement" final orders of the Commission, [i.e. type action is 104 (b), 104 (d) or 107(a)] during the 24 month review period.	3	POV

Item	Description	Current	Status																																																							
7	At least one S&S 104 (d) issuance that became a final order of the Commission during the 24 month review period.	1	POV																																																							
8	At least ten S&S Citations/Orders, at mines classified as Surface or Facility, that are final orders of the Commission during the 24 month review period, OR At least twenty S&S Citations/Orders, at mines classified as Underground, that are final orders of the Commission during the 24 month review period.	OK 38	POV																																																							
9	<p>The information used to screen mines includes a raw weighted score for each operation meeting the above criteria as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 65%;">a The number of S&S citations and orders issued per 100 Inspection Hrs. that became final during the 24 month review period; plus</td> <td style="width: 5%; text-align: center;">M N</td> <td style="width: 10%; text-align: center;">6.65 3.05</td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td>b the number of 104(b) (failure to abate) orders issued per 100 Inspection Hrs. for failure to abate an S&S issuance that that became final during the 24 month review period and multiplying by a factor of 5; plus</td> <td style="text-align: center;">M</td> <td style="text-align: center;">0.35</td> <td style="text-align: center;">6.7</td> </tr> <tr> <td></td> <td>c the number of 104(d) (unwarrantable failure) citations and orders issued per 100 Inspection Hrs. that became final during the 24 month review period and multiplying by a factor of 5; plus</td> <td style="text-align: center;">M</td> <td style="text-align: center;">0.18</td> <td style="text-align: center;">1.8</td> </tr> <tr> <td></td> <td>d a. the number of 107(a) (imminent danger) orders issued per 100 Inspection Hrs. during the 24 month review period and multiplying by a factor of 5.</td> <td style="text-align: center;">M</td> <td style="text-align: center;">0.00</td> <td style="text-align: center;">0.9</td> </tr> <tr> <td></td> <td colspan="4">This raw weighted score is increased by:</td> </tr> <tr> <td></td> <td>5%-20% for operations with injury rates above the national average for the same mine type and industry grouping as follows:</td> <td style="text-align: center;">M N +</td> <td style="text-align: center;">0.46 1.36 0%</td> <td style="text-align: center;">0.0</td> </tr> <tr> <td></td> <td colspan="4" style="text-align: center;"><i>Degree 1-4 Injury Rate Multipliers (percent)</i></td> </tr> <tr> <td></td> <td>e Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</td> <td style="text-align: center;">5</td> <td></td> <td></td> </tr> <tr> <td></td> <td>IR Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</td> <td style="text-align: center;">10</td> <td></td> <td></td> </tr> <tr> <td></td> <td>IR Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</td> <td style="text-align: center;">15</td> <td></td> <td></td> </tr> <tr> <td></td> <td>IR Greater than 4 times the Nat'l. Avg.</td> <td style="text-align: center;">20</td> <td></td> <td></td> </tr> </table>		a The number of S&S citations and orders issued per 100 Inspection Hrs. that became final during the 24 month review period; plus	M N	6.65 3.05			b the number of 104(b) (failure to abate) orders issued per 100 Inspection Hrs. for failure to abate an S&S issuance that that became final during the 24 month review period and multiplying by a factor of 5; plus	M	0.35	6.7		c the number of 104(d) (unwarrantable failure) citations and orders issued per 100 Inspection Hrs. that became final during the 24 month review period and multiplying by a factor of 5; plus	M	0.18	1.8		d a. the number of 107(a) (imminent danger) orders issued per 100 Inspection Hrs. during the 24 month review period and multiplying by a factor of 5.	M	0.00	0.9		This raw weighted score is increased by:					5%-20% for operations with injury rates above the national average for the same mine type and industry grouping as follows:	M N +	0.46 1.36 0%	0.0		<i>Degree 1-4 Injury Rate Multipliers (percent)</i>					e Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.	5				IR Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.	10				IR Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.	15				IR Greater than 4 times the Nat'l. Avg.	20				
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Item	Description	Current	Status
	5%-20% for operations with injury severity rates (number of days lost X 200,000 divided by the total work hours reported) above the national average for the same mine type and industry grouping as follows: <p style="text-align: center;">Degree 1-4 Injury Severity Rate Multipliers (percent)</p> f <i>ISR Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</i> <i>ISR Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</i> <i>ISR Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</i> <i>ISR Greater than 4 times the Nat'l. Avg.</i>	M 4.6 N 270.8 + 0%	0.0
9	5%-20% for operations with final S&S citations and orders per 100 inspection hours (VPIH) above the 24-month national average for the same mine type and industry grouping as follows: <p style="text-align: center;">VPIH Multipliers (percent)</p> g <i>VPIH Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</i> <i>VPIH Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</i> <i>VPIH Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</i> <i>VPIH Greater than 4 times the Nat'l. Avg.</i>	M 6.7 N 3.1 + 10%	0.9
	The final weighted score must be greater than or equal to the average weighted score for all active mines of the same mine type and industry classification. (9a+9b+9c+9d+9e+9f+9g)	M 10.2 N 3.8	POV
10	The mine must have at least five S&S citations of the same standard that became final orders of the Commission during the most recent 12 months.	The standard 57.20003(a) had been cited 6 times.	POV

Mine ID: 2300457 - Buick Mine/Mill

Type: Underground - Metal

Operator ID: L13463 - Doe Run Company

Controller ID: M10271 - Renco Group

Owner Start Date - April 04, 1994

MSHA District: South Central District

Field Office: Rolla-North MO Field Office

4.44 - S&S Issued per 100 Inspection Hours nationally for this mine type (09-01-2007 thru 08-31-2009)

Month	Inspector Hours Worked	Inspection Days At Mine	Citations and Orders Issued									Cumulative S&S/100 Inspection Hours	Cumulative S&S Rate	
			Non S&S	S&S	Total (1)	Elevated Enforcement				Other Issuances (2)				
						104(b)	104(d) C's	104(d) O's	107(a)		Total			
Month 01	Sep-2007	14.75	4	1	1	2							6.78	50.0%
Month 02	Oct-2007	45.25	5	19	1	20							3.33	9.1%
Month 03	Nov-2007													
Month 04	Dec-2007													
Month 05	Jan-2008	64.50	6	9	5	14							5.62	19.4%
Month 06	Feb-2008													
Month 07	Mar-2008	10.00	1										5.20	19.4%
Month 08	Apr-2008	0.00	1	1		1							5.20	18.9%
Month 09	May-2008	99.25	8	15	4	19	2	1			3		4.71	19.6%
Month 10	Jun-2008	1.00	1										4.69	19.6%
Month 11	Jul-2008													
Month 12	Aug-2008	46.25	3	12	6	18							6.05	23.0%
Month 13	Sep-2008	35.50	4										5.37	23.0%
Month 14	Oct-2008													

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			Non S&S	S&S	Total (1)	Elevated Enforcement				Other Issuances (2)				
						104(b)	104(d) C's	104(d) O's	107(a)	Total				
Month 15	Nov-2008	49.50	7	9	2	11						5.19	22.4%	
Month 16	Dec-2008	24.75	4									4.86	22.4%	
Month 17	Jan-2009	24.00	7	11	4	15						5.55	23.0%	
Month 18	Feb-2009	29.00	6	3		3						5.18	22.3%	
Month 19	Mar-2009													
Month 20	Apr-2009													
Month 21	May-2009	48.25	8	9	7	16						6.10	25.2%	
Month 22	Jun-2009	1.50	1									6.08	25.2%	
Month 23	Jul-2009	71.00	9	18	4	22						6.02	24.1%	
Month 24	Aug-2009	6.50	1									5.95	24.1%	
Totals:		571.00	76	107	34	141	2	1	0	0	3	0	5.95	24.1%

(1) - Includes all citations and orders issued

(2) - Includes the following sections of the ACT: 103(j), 103(k), 104(e), 104(g), 109(a), 110(c), 110(g) and 314(b)

2300457

24 Month Inspection History Leading up to PPOV

Buick Mine/Mill

