

STATEMENT UNDER OATH

OF

BRAD ALLEN

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Monday, October 1, 2007, beginning at 10:44 a.m.

Any reproduction of this transcript is prohibited without authorization by the certifying agency.

## 1                   A P P E A R A N C E S

2

3       RICHARD A. GATES

4       U.S. Department of Labor

5       District Manager, District 11

6       135 Gemini Circle

7       Suite 213

8       Birmingham, AL 35209

9

10      SHERRIE HAYASHI

11      State of Utah, Labor Commission

12      160 East 300 South

13      3rd Floor

14      P.O. Box 146600

15      Salt Lake City, UT 84114-6600

16

17      JOSEPH ZELANKO

18      Mine Safety &amp; Health Administration

19      Cochrans Mill Road

20      Pittsburgh, PA 15236

21

22

23

24

25

## A P P E A R A N C E S (cont.)

1  
2  
3 TIMOTHY S. WILLIAMS, ESQUIRE

4 U.S. Department of Labor

5 Office of Solicitor

6 1100 Wilson Boulevard

7 Room 2211

8 Arlington, VA 22209-2296

9  
10 TIM WATKINS

11 Mine Safety & Health Administration

12 100 Fae Ramsey Lane

13 Pikeville, KY 41501

14  
15 MICHAEL GAUNA

16 Mine Safety and Health Administration

17 Industrial Park Drive

18 Triadelphia, WV 26059

19  
20  
21 ALSO PRESENT:

22 Kelly C. Kirkwood, Notary Public

## I N D E X

1		
2		
3	INTRODUCTION	6 - 10
4	WITNESS: BRAD ALLEN	
5	QUESTIONS	
6	by Mr. Gates	10 - 104
7	CONCLUDING REMARK	104 - 106
8	QUESTIONS	
9	by Mr. Gates	106 - 113
10	CONCLUDING REMARK	113 - 114
11	CERTIFICATE	115
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

EXHIBIT PAGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE IDENTIFIED</u>
One	Map	17

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

-----

MR. GATES:

Brad, my name is Richard Gates and I'm an accident investigator with the Mine Safety and Health Administration (MSHA), an agency of the U.S. Department of Labor. With me is Tim Williams from the Solicitor's Office and Sherrie Hayashi with the Utah Commission of Labor. We will be conducting the questioning today.

I, together with other government investigators have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August 2007. The investigation is being conducted by MSHA under

1 Section 103(a) of the Federal  
2 Mine Safety and Health Act and  
3 the Utah Commission of Labor.  
4 We appreciate your assistance  
5 in this investigation.

6 After the investigation  
7 is complete, MSHA will issue a  
8 public report detailing the  
9 nature and causes of the  
10 fatalities in the hope that  
11 greater awareness about the  
12 causes can reduce their  
13 occurrence in the future.  
14 Information obtained through  
15 witness interviews is  
16 frequently included in these  
17 reports and your statement may  
18 also be used in other  
19 proceedings. You may have a  
20 personal representative  
21 present during the taking of  
22 this statement and you may  
23 consult with the  
24 representative at any time.  
25 Your statement is completely

1           voluntary and you may refuse  
2           to answer any question and you  
3           may terminate your interview  
4           at any time or request a break  
5           at any time.

6                    A court reporter will  
7           record your interview. Please  
8           speak loudly and clearly. If  
9           you do not understand the  
10          question, please ask me to  
11          rephrase it. Please answer  
12          each question as fully as you  
13          can, including any information  
14          you've learned from someone  
15          else.

16                   I would like to thank  
17          you in advance for your  
18          appearance here. We  
19          appreciate your assistance in  
20          this investigation and your  
21          cooperation is critical in  
22          making the nation's mines  
23          safer.

24                   After we finish asking  
25          questions, you will have an

1                    opportunity to make a  
 2                    statement and provide us with  
 3                    any other information that you  
 4                    believe to be important.  If  
 5                    at any time after the  
 6                    interview you recall  
 7                    additional information that  
 8                    you believe might be useful,  
 9                    please contact me at the  
 10                    telephone number or e-mail  
 11                    address on the business card.

12                                       Ms. Kirkwood, would you  
 13                    swear in the witness?

14                    -----  
 15                    BRAD ALLEN, HAVING FIRST BEEN DULY  
 16                    SWORN, TESTIFIED AS FOLLOWS:  
 17                    -----

18                                       MR. GATES:

19                                       Ms. Kirkwood, are you  
 20                    empowered as a notary in the  
 21                    State of Utah?

22                                       MS. KIRKWOOD:

23                                       I am.

24                                       MR. GATES:

25                                       When does your

1 commission expire?

2 MS. KIRKWOOD:

3 August 15th, 2008.

4 MR. GATES:

5 And have you sworn in  
6 Mr. Allen?

7 MS. KIRKWOOD:

8 I have.

9 BY MR. GATES:

10 Q. Brad, please state your full  
11 name and address for the record.

12 A. Bradley Kenneth Allen. I live  
13 at **(b) (7)(C)**  
14 (b) (7)(C)

15 Q. And do you have any questions  
16 about the interview process as I  
17 described it?

18 A. I don't.

19 Q. And do you have a personal  
20 representative with you today?

21 A. I do not.

22 Q. Okay. We know each other.  
23 And so I'm Richard and I'll call you  
24 Brad, if that works with you?

25 A. Sounds good to me.

1 Q. Okay, Brad. Are you appearing  
2 here today voluntarily?

3 A. I am.

4 Q. And how long have you worked  
5 with Mine Safety and Health?

6 A. I started with Mine Safety and  
7 Health in June of 2001.

8 Q. And what's your current duty  
9 station?

10 A. My current duty station is a  
11 coal mine safety and health inspector  
12 in Delta, Colorado.

13 Q. Delta. How long have you been  
14 in Delta?

15 A. I've been in Delta since  
16 November of 2004.

17 Q. And who is your current  
18 supervisor in Delta?

19 A. Larry Ramey is my immediate  
20 supervisor.

21 Q. Okay. Brad, could you give us  
22 just a --- I guess just a brief  
23 summary of your coal mining  
24 experience and background?

25 A. I started as a coal miner on

1 August 22nd, 1988. I mined coal from  
2 1988 until starting with the agency  
3 in 2001. I worked at Deserado Mine  
4 in Rangely, Colorado. Most of that  
5 time period, during --- there was a  
6 year during which I was laid off.  
7 Then I went to work at Bear Coal in  
8 Somerset, Colorado.

9 I've done pretty much a little  
10 bit of everything in underground  
11 mining, from just your general  
12 laborer to running almost all of the  
13 equipment available. Working on the  
14 long walls, working in continuous  
15 mining sections, certified mine  
16 examiner. And my last job at  
17 Deserado was fireboss.

18 Q. Okay. Good. Good. And Brad,  
19 how were you initially notified of  
20 the August 6th accident at Crandall  
21 Canyon?

22 A. On August 6th I received a  
23 voicemail on my cell phone from my  
24 supervisor, Larry Ramey, who is also  
25 the western MSHA mine rescue team

1 coordinator. It was about six  
2 o'clock, between 6:00 and 6:30, I  
3 believe. He told me on this  
4 voicemail that there were six missing  
5 miners at Crandall Canyon Mine and  
6 that the mine rescue team had been  
7 deployed. That he needed me to get  
8 to Delta as soon as possible.

9 Q. And that was 6:00 to 7:00  
10 a.m. ---

11 A. Correct.

12 Q. --- on August 6th?

13 A. Yes.

14 Q. Okay. And what happened, I  
15 guess, once you received or once you  
16 were --- I guess, when did you pick  
17 up your voicemail then?

18 A. It was shortly after it had  
19 come in. It was between 6:00 and  
20 7:00. We were initially scheduled to  
21 have a staff meeting that day so I  
22 was planning on being in the office  
23 at 8:00, which would require me to  
24 leave about 7:00, leave my house  
25 about 7:00. So I was getting ready

1 to leave. I had to regroup at that  
2 point and pack for a mine rescue  
3 effort instead of an office meeting,  
4 so I had to throw a bag together with  
5 some clothes and gather my mine  
6 rescue gear that I had at the house  
7 and then I headed to Delta from  
8 there.

9 Q. Okay. And what happened when  
10 you got to Delta?

11 A. As soon as I got to Delta,  
12 Larry Ramey told me that we still had  
13 --- we had six miners missing. He  
14 didn't have a whole lot of details.  
15 That I needed to grab my apparatus  
16 and we would load up and head out.  
17 Larry Ramey rode to Price with me.

18 Q. Okay. Where do you keep your  
19 apparatus at?

20 A. My apparatus is in my office  
21 in Delta, Colorado. And I also have  
22 an RZ tester and some other mine  
23 rescue gear that we both loaded. We  
24 had extra apparatus there. It's kind  
25 of our western station until we get

1 an official station. We keep extra  
2 apparatus, the Sodasorb and RZ  
3 testers and all that sort of thing in  
4 Delta.

5 Q. Okay. And you said you and  
6 Larry loaded some of the rescue gear  
7 and then headed to Price?

8 A. Correct.

9 Q. Did you drive straight to the  
10 mine or how did --- where did you go?

11 A. Yes. We drove straight to the  
12 mine. We of course made a couple of  
13 rest stops along the way and then  
14 grabbed a little bite to eat on the  
15 way through. I can't remember the  
16 little town just outside of Price.  
17 And then drove straight to the mine.

18 Q. Okay.

19 A. Once we arrived at the mine, I  
20 started benching my apparatus and got  
21 my gear on, because I was instructed  
22 that I would be heading underground  
23 ASAP.

24 Q. Okay. And that's --- you must  
25 have known what the next question was

1 going to be because I was going to  
2 say once you arrived at the mine and  
3 I guess to the best of your  
4 recollection just describe what  
5 happened, what you did, what you did  
6 that day, beginning with when --- say  
7 what time it was when you arrived.

8 A. I don't recall exactly what  
9 time we arrived. It was fairly close  
10 to noon by the time we got through  
11 all of the security and everything  
12 down at the base of the canyon and  
13 got up to the mine site. Got the  
14 vehicle parked.

15 The MEO was already in place.  
16 Larry and I headed to the MEO. There  
17 we were briefed somewhat by Bill  
18 Taylor. Saw a map. Kind of gave us  
19 an indication of where they believed  
20 the six missing miners were, and what  
21 was going on at the time that they  
22 were --- that the bounce occurred and  
23 they were reported missing.

24 It appeared that they had been  
25 mining on the barrier pillar and

1 possibly had started taking a lift  
2 off of the leftmost pillar. I  
3 believe it was at Crosscut 139.

4 MR. GATES:

5 I hate to interrupt  
6 you, but let me just pull out  
7 a map and if you kind of look  
8 at that one maybe it will help  
9 you as you try to recall what  
10 you did. We can mark that as  
11 Allen Exhibit One.

12 (Allen Exhibit One  
13 marked for  
14 identification.)

15 BY MR. GATES:

16 Q. I hate to interrupt, like I  
17 said. Just continue with the day.

18 A. Okay. So Bill Taylor had  
19 briefed us, said that they believed  
20 that the miners were somewhere around  
21 Crosscut 139 to 140, I believe. That  
22 they were --- had been cut --- can I  
23 mark on the map?

24 Q. Sure. Please do.

25 A. That they had been robbing the



1 to come into this sealed area on the  
2 Main West and they were working on  
3 breaching the Number One entry seal  
4 at Crosscut 118 to 119 in the Main  
5 West. That Gary Jensen was onsite  
6 down there assisting and overseeing  
7 and that I was to get with him as  
8 soon as I got underground. At which  
9 point I turned my attention to  
10 benching my apparatus, making sure it  
11 was ready to go. And I believe  
12 somebody else was organizing me a  
13 ride in the mine.

14 As soon as I got my apparatus  
15 ready and got my gear on, I headed in  
16 the mine. Of course we traveled from  
17 the portal in. Checked in the mine  
18 with dispatch and traveled to --- I  
19 can't recall exactly what crosscut  
20 but we had to walk in about four  
21 breaks to the point where the seal  
22 was at the time that I arrived. They  
23 had completed an approximate two by  
24 two, two foot by two foot square hole  
25 in this seal. They meaning a

1 combination of Energy West Mine  
2 rescue teams and I think it was  
3 Murray's, Bob Murray's mine rescue  
4 team.

5 They were --- at that point I  
6 believe they were waiting on me  
7 because I was going in the seal with  
8 them. And as soon as I arrived, I  
9 got briefed quickly by Gibb Jensen.  
10 And at that point I found out how  
11 many of us were going in.

12 And one thing that did stick  
13 in my mind was as I approached that  
14 area, there was a lot of people  
15 there. Didn't get a head count but  
16 there was probably between 15 and 20  
17 miners in that area right outside  
18 that seal. So I found out how many  
19 of us were actually going in. Found  
20 out if they had established  
21 communications to the surface and how  
22 we were going to be communicating  
23 through the seal.

24 We were taking a mine pager  
25 phone into the sealed area. Verified

1 that it was working okay with the ---  
2 kind of the rear captain. The guy  
3 that was doing the communicating and  
4 carrying the phone, made sure that  
5 the phone worked at that point.

6 I believe there was five other  
7 apparatus wearers that were going in.  
8 The only one that I knew the name of  
9 was Gary Christensen. Gary  
10 Christensen donned his apparatus  
11 because he was going to be the first  
12 one in.

13 Pardon, let me back up just a  
14 second. Gibb Jensen had told me that  
15 they have about six percent oxygen  
16 running, six percent to seven percent  
17 oxygen behind the seal, around 50  
18 part CO and minimal methane. Gary  
19 Christensen donned his apparatus and  
20 was working in a --- they had put a  
21 brattice curtain up in front of the  
22 seal. He put his apparatus on and  
23 traveled into the air lock briefly  
24 while everybody else was getting  
25 under O2. And Gary popped back out

1 of the air lock and said he felt  
2 dizzy. So we had to fumble around  
3 for a little bit and figure out what  
4 was going on with him. It turned out  
5 he didn't have any CO2 absorbent in  
6 his apparatus, so we had to get him  
7 squared away and get his equipment in  
8 working order. And once everybody  
9 was comfortable, we headed in the air  
10 lock and headed into the seal.

11 We advanced in to Crosscut  
12 120.

13 BY MR. GATES:

14 Q. If you don't mind, just go  
15 ahead and use --- there's some  
16 markers over there, if it would make  
17 it easier to mark your travel. Just  
18 pick up a green marker and ---.

19 A. There was an air lock there.  
20 We went --- traveled through the air  
21 lock, went through the seal. And  
22 once everybody made it through the  
23 seal, we advanced up to Crosscut 120,  
24 at which point we found this  
25 intersection to be caved. I believe

1       it was 120.

2               It was caved just inby the  
3       intersection, actually. Then we  
4       backed up and we advanced towards the  
5       Number Two entry and then the --- in  
6       the Number Two entry between 120 and  
7       121, that area was caved as well,  
8       unsafe to travel.

9               We then backed up and we  
10       advanced towards the Number Three  
11       entry. We found this area to be  
12       caved and unsafe to travel as well.

13              The whole time we were in  
14       there, the ground was working. And  
15       there was minor bumps going on the  
16       whole time. The O2 in there was  
17       around 6 to 6.8 percent. The best I  
18       can recall about 64 part CO, no  
19       methane. Irrespirable atmosphere.

20              And I believe at this point we  
21       looked up into this crosscut. This  
22       stopping was not in place in Number  
23       Three to Number Four, but --- the  
24       roof looked ratty in there as well.

25              At that point we decided

1        amongst those of us that were in  
2        there to back out, because it was  
3        continuing to work and we were not  
4        real sure about the stability of the  
5        bolts that were over our heads. So  
6        we retreated back out of the seal.

7                At that point, we communicated  
8        --- we were communicating with the  
9        fresh air base at the --- the whole  
10       time. The fresh air base was  
11       relaying the information outside.  
12       When we --- the entire team that went  
13       into the sealed area arrived back at  
14       the fresh air base which was Crosscut  
15       --- about this intersection of  
16       Crosscut 118.

17                Command center had asked us to  
18        return back into the sealed area to  
19        see if we could get up into the  
20        Number Three entry and come back to  
21        Crosscut --- into the Number Three  
22        entry at 120 and backtrack to  
23        Crosscut 119 and try and get up into  
24        the Number Five entry through 119,  
25        which we agreed to do at that point.

1           As we approached the seal, we  
2 were all out from under apparatus at  
3 that point. As we approached the  
4 seal, we were going to go back under  
5 apparatus and another serious bounce  
6 occurred, which we believe may have  
7 caused a cave in the Mains West or it  
8 just created enough concussion that  
9 it pushed that low oxygen out over  
10 the fresh air base.

11           Gary Christensen and I were  
12 hollering at people to retreat. I  
13 almost had had my apparatus on so I  
14 just finished strapping it on.  
15 Turned my O2 on to get my lungs  
16 isolated from irrespirable air. Gary  
17 Christensen had his on. Everybody  
18 else at that point started retreating  
19 back up to Number One entry.

20           And once we were --- Gary  
21 Christensen and I were sure that  
22 everybody was clear of the bad air,  
23 we returned back up to the air lock  
24 at the seal, reestablished the  
25 curtain and made sure it was tight.

1 And there was also a curtain across  
2 Crosscut 118, Number One to Number  
3 Two entry. To help wean air in, in  
4 that direction, the curtain --- we  
5 tightened it up and made sure that it  
6 was doing what it needed to do to  
7 keep some positive pressure in there  
8 to keep that low O2 inside that  
9 sealed area.

10 At that point, we all  
11 retreated out of there, back to the  
12 location where most of the pickups  
13 --- we moved in the mine in Isuzu  
14 pickups. We retreated back to the  
15 point where all the trucks were and  
16 worked on getting out of the mine in  
17 those Isuzu trucks.

18 Q. And then you did --- you did  
19 drive out of the mine, then, after  
20 you returned to the trucks?

21 A. Yeah. It took some time to  
22 get it organized to get that many  
23 people a ride out of there, but  
24 eventually I --- everybody --- I was  
25 one of the last ones out, but

1 eventually everybody made it out that  
2 was on this project.

3 Q. Okay.

4 A. What I understand they were  
5 all --- there was also another crew  
6 working on establishing a feeder  
7 breaker at around Crosscut 120. In  
8 this section where they --- adjacent  
9 to the Mains West where the major  
10 bounce occurred and where the miners  
11 were missing.

12 Q. You had understood that that  
13 was going on simultaneous to you and  
14 your crew ---

15 A. Correct.

16 Q. --- on your mission around the  
17 seals?

18 A. Yes.

19 Q. And that was the extent of  
20 your activities on the 6th?

21 A. Yes.

22 Q. Then you get to the  
23 surface ---?

24 A. The rest of the time I spent  
25 on surface.

1 Q. Okay.

2 A. I was debriefed by, I think  
3 the guy's name was Laine Adair, Gary  
4 Christensen, Bob Cornett. I believe  
5 Larry Ramey was in the room and  
6 myself at that point. We informed  
7 them of what our findings were in  
8 here, confirmed what they mapped  
9 outside and told them it wasn't safe  
10 to travel.

11 Q. You had a good recall of the  
12 day. Like I say, I appreciate that.  
13 And maybe we'll go back and just kind  
14 of start --- start with you getting  
15 up to the seals and I'll ask you a  
16 few questions about what you did  
17 while you were there.

18 So you got to the surface, or  
19 you hit the mine and you were briefed  
20 by Taylor and then you were told kind  
21 of what your mission was going to  
22 be ---

23 A. Correct.

24 Q. --- in traveling with another  
25 group of folks inby the seal. Did

1       you have or did anybody give you any  
2       kind of written plan as to what was  
3       going to take place when you got  
4       underground or when you got there  
5       with the team?

6       A.       No.

7       Q.       Okay.

8       A.       There was no written plan  
9       established.

10      Q.       Okay.

11      A.       The first point I saw a  
12      written plan, Richard, was probably  
13      there was a request for a written  
14      plan about four o'clock.

15      Q.       Four o'clock that day?

16      A.       The 6th.

17      Q.       That same day.

18      A.       Bob Cornett arrived on the  
19      mine site and he asked if there was  
20      any kind of a plan. Nobody in the  
21      MEO had seen any kind of a written  
22      plan. At that point Bob went and  
23      requested a written plan.

24      Q.       Okay. Do you know why you  
25      were going inby the seals or what you

1 were attempting to do or ---?

2 A. The intention was to see if  
3 either the Number One or the Number  
4 Five entry of the Mains West was  
5 travelable. They wanted to try and  
6 reach Crosscut 150 or 151 at the  
7 Number One entry and see if it was  
8 feasible to drill over towards where  
9 they thought the miners were  
10 missing, ---

11 Q. Okay.

12 A. --- or even establish air in  
13 there and possibly try and cut an  
14 entry over there with the miner.

15 Q. So somebody had explained to  
16 you kind of why you and the rest of  
17 the team members were breaching the  
18 seal and what the ultimate goal of  
19 the exploration was then?

20 A. I don't know if it was prior  
21 to me going in or not.

22 Q. Okay.

23 A. At some point in that ---  
24 during the day that was explained  
25 that that was the intention.

1 Q. Okay. Do you know, Brad,  
2 about what time it was that you made  
3 your way underground and got to the  
4 Number One seal?

5 A. I believe I started  
6 underground close to noon and I've  
7 got some documents from my --- some  
8 downloads from my Solaris instrument,  
9 gas-detector instrument, that will  
10 tell you what time I hit the low  
11 oxygen and that will give us an  
12 indication.

13 Q. Okay.

14 A. I think it was fairly close to  
15 one o'clock in the afternoon.

16 Q. Okay. And when you got to the  
17 seal, you said there were several  
18 people around the area?

19 A. A lot of people.

20 Q. What were they doing or what  
21 was going on?

22 A. Well, some of them were  
23 apparatus wearers, of course. And I  
24 honestly can't tell you what a lot of  
25 them were doing there. They could

1       have possibly been just looking ---  
2       because they didn't have any business  
3       being near that sealed area with that  
4       seal being breached.

5       Q.       Do you know who they were?

6       A.       No.    I think they were Murray  
7       Mine employees.   One guy, I believe,  
8       was a shift foreman, but I didn't  
9       catch any names.

10      Q.       Was Gary the only --- when I  
11      say Gary, Gary Jensen, the only MSHA  
12      person there at that time?

13      A.       Yes.

14      Q.       When you got there, were there  
15      people actually breaching the seal or  
16      attempting to breach the seal?

17      A.       No.    From what I understand,  
18      the hole was made and they were  
19      waiting on me because word had come  
20      in from outside that they were not to  
21      go in until I arrived.

22      Q.       Okay.   Did Gary have his  
23      apparatus with him, Gary Jensen?

24      A.       Correct.

25      Q.       He did?

1 A. He did. And when I arrived,  
2 he said are you ready to go in, ---

3 Q. Okay.

4 A. --- which gave me the  
5 indication that he didn't want to go  
6 in.

7 Q. But you mentioned that he had  
8 --- you and he had some kind of  
9 discussion and he briefed you as to  
10 what was going on and ---?

11 A. Yeah. He briefed me and he  
12 gave me the constituents of what they  
13 had found once the seal was breached  
14 behind there. I asked him if it had  
15 been bouncing. He said some. And I  
16 asked him if there was any methane,  
17 because the valleys that I inspect  
18 in, we deal with a lot of methane, so  
19 I wanted to know if we were dealing  
20 with not only irrespirable but  
21 explosive mixes as well.

22 Q. Right.

23 A. That changes the scope of what  
24 you're doing in there, ---

25 Q. Right.

1 A. --- the mine rescue team.

2 Q. And his response was?

3 A. No methane.

4 Q. Okay.

5 A. And that it had been bouncing  
6 some.

7 Q. You mentioned, or I think you  
8 did a fresh air base.

9 A. There was a fresh air base of  
10 sorts where all of the folks had been  
11 --- that were stationed outside the  
12 seal, near this intersection of  
13 Crosscut 118, Number One entry.

14 Q. What was --- I mean, is that  
15 where the communications was or what  
16 exactly did you ---

17 A. Yes, it was ---

18 Q. -- do there as far as the  
19 fresh air base?

20 A. Basically there was a phone  
21 line that we were going to take in  
22 the seal, attached to a phone, pager  
23 phone. And there was another pager  
24 phone tied in at that fresh air base.

25 Q. So you did have communication,

1 working communication, then, to the  
2 surface?

3 A. Correct.

4 Q. Okay.

5 A. Yes. I verified that prior to  
6 going into that sealed area.

7 Q. And when you --- you said you  
8 --- I think you said you went into  
9 the sealed area with four or five  
10 other individuals?

11 A. Correct. There was five other  
12 apparatus wearers, one of which was  
13 Gary Christensen. One of the other  
14 guys, I believe, was a captain for  
15 Crandall Canyon's team. He was a big  
16 guy and I can't recall his name.

17 Q. Okay.

18 A. The other guys I didn't catch  
19 their names either.

20 Q. Okay. When you and your team  
21 members, if you will, breached the  
22 seal and went into the area, was  
23 there a backup team at the fresh air  
24 base or a backup team at the seal, or  
25 was there a backup team?

1 A. There were other apparatus  
2 wearers in the area, yes.

3 Q. Do you know where they were  
4 or ---?

5 A. They were near the fresh air  
6 base. I don't know exactly where  
7 they were.

8 Q. Were they there for the  
9 express purpose to be a backup team  
10 or ---?

11 A. That wasn't made clear to me.  
12 I would assume so, just based on  
13 practice, that we had enough  
14 apparatus wearers as backup at the  
15 fresh air base.

16 Q. You mentioned that you benched  
17 your own apparatus on the surface  
18 prior to going underground, I believe  
19 you did?

20 A. Yes.

21 Q. But when you got there the  
22 rest of the team --- the rest of the  
23 people who ultimately were a part of  
24 your team were already there?

25 A. Correct.

1 Q. So you're not --- do you have  
2 any knowledge or recollection of any  
3 of the benching of any of the other  
4 instruments ---

5 A. No.

6 Q. --- or apparatus that were  
7 there?

8 A. No. I believe that Gary  
9 Christensen and his guys were part of  
10 the initial exploration up in the ---  
11 up to 126, Crosscut 126. And I  
12 believe that they were --- their  
13 benching had taken place long before  
14 I had arrived on the site.

15 Q. I think you also said that  
16 Gary, when he initially went through  
17 the seal, that he was there for a few  
18 minutes and then came back out?

19 A. He actually didn't even make  
20 it into the seal. He went through  
21 the air lock towards the seal and  
22 then he came back out and said he  
23 felt dizzy. So one of his team  
24 members was an Energy West guy, offed  
25 the back cover off of his machine and

1       said, well, you don't have any  
2       absorbent in your canister. So at  
3       that point I was getting my --- I was  
4       donning my machine. And I'm not sure  
5       if they switched his machine out or  
6       if they just gave him a canister that  
7       put it into the machine that he had  
8       on his back without rebenching. But  
9       once he had the CO2 absorbent in his  
10      apparatus, he felt comfortable and he  
11      was ready to go after that.

12     Q.       Did anybody else have any  
13     apparatus issues while you were inby  
14     the air lock or inby the seals during  
15     your exploration?

16     A.       Not that I'm aware of.

17     Q.       Okay. Yours worked fine?

18     A.       Mine was fine.

19     Q.       Okay. How long do you think  
20     you were under --- under oxygen?

21     A.       I believe I was under --- we  
22     were under inby in the sealed area  
23     about 15 minutes, 10 to 15 minutes  
24     was all.

25     Q.       So the exploration that you've

1 outlined on the map here took you  
2 roughly 15 minutes?

3 A. Yes. To get in and get out.

4 Q. If you could, maybe --- I  
5 think you used the term that things  
6 were --- the ground was working and  
7 that there were minor bumps ---

8 A. Yeah.

9 Q. --- while you were inby? If  
10 you could, maybe, describe what you  
11 were seeing or hearing or feeling  
12 while you were conducting the  
13 exploration?

14 A. It's fairly typical in mining,  
15 a bounce or a bump. You feel the ---  
16 it feels like rock breaking around  
17 you, and you can kind of feel the  
18 concussion. When that happens you  
19 always keep an eye on your roof and  
20 make sure that you don't have initial  
21 roof deteriorating and watch your  
22 bolts, make sure they're not  
23 weighting up. We didn't seal ---  
24 inby the seal area we didn't see a  
25 lot of indication of weight on the

1 bolts. But after that last big  
2 bounce that pushed the low O2 out of  
3 the sealed area, we noticed in the  
4 intersection and inby intersection of  
5 Crosscut 118 that the bolts were  
6 starting to --- the bolt plates were  
7 starting to mushroom and you could  
8 tell that they were starting to load  
9 up some.

10 Q. They weren't like that when  
11 you first ---? You saw a change from  
12 the time you went in through the air  
13 lock and into the seals, and then  
14 after this event occurred ---

15 A. Yes.

16 Q. --- you saw a change in the  
17 plates?

18 A. Yes.

19 Q. When you and the team had just  
20 breached the seals and you were just  
21 starting the exploration and you're  
22 hearing this ground working and the  
23 minor bounces, are you feeling it in  
24 your --- do you feel it in your boots  
25 or in your feet or ---?

1 A. You can feel the concussion,  
2 when it bounces you can feel it  
3 through your whole body. You can  
4 tell --- generally you can tell the  
5 difference, if it's coming from the  
6 floor or from the roof and these were  
7 coming from the roof.

8 Q. These were from the roof?

9 A. Yeah.

10 Q. From the sounds, I guess from  
11 what you were hearing or feeling, did  
12 it feel like it was coming from inby  
13 you or to your left, north, south,  
14 behind you?

15 A. The indication that I got was  
16 that it was coming --- the source of  
17 it was coming from inby.

18 Q. Did you --- go ahead, I'm  
19 sorry.

20 A. Up until that last one. That  
21 last one when it hit it was at our  
22 location.

23 Q. Okay.

24 A. Very close.

25 Q. Okay. We'll get back to that.

1 I was just trying to get a feel for  
2 what you were seeing when you were  
3 inby the seal. When you were hearing  
4 and feeling this, then, did you see  
5 or hear any material from the roof or  
6 any of the ribs being moved or  
7 falling or being expelled or ---?

8 A. The ribs were deteriorating.  
9 That was --- that's one thing that I  
10 didn't indicate to you all. When we  
11 went into this seal, there was only  
12 about a three to four foot path  
13 except at the intersections because  
14 of the rib deterioration in here.  
15 The ribs had significantly sloughed,  
16 like they had taken a pretty serious  
17 hit all the way through here. We  
18 only had even two foot --- two to  
19 three foot is probably a fairly  
20 conservative number in some  
21 locations.

22 For instance in 120, up  
23 between three to four, we had --- the  
24 ribs had sloughed to the point that  
25 they were --- both ribs were

1 touching, the material from both ribs  
2 was touching in the center of the  
3 entry. We were climbing on top of  
4 that material to get up in there and  
5 take a look.

6 Q. Okay. That's what I was going  
7 to ask you. When you said two to  
8 three feet, that was the --- that was  
9 your path down the middle of the  
10 entry?

11 A. Yeah.

12 Q. How high --- how much  
13 material, then, had come down,  
14 sloughed off?

15 A. It was sloughed --- from that  
16 point at the two to three foot in the  
17 center of the entry, it was at the  
18 angle of repose up --- all the way up  
19 towards the rim. So it would go all  
20 the way up to the roof line.

21 Q. Okay. And that material that  
22 you saw, did it appear --- did any of  
23 that appear fresh or did it ---?

24 A. It appeared fresh to me. It  
25 was all black and the area inside the

1 seals was fairly moist. And the  
2 material that was on the ground  
3 didn't look like it had been there  
4 very long.

5 Q. Was it like that way all the  
6 way as far as you got into the --- I  
7 guess I'll just say the Number One  
8 entry?

9 A. Yes.

10 Q. Okay.

11 A. It seemed to get worse as you  
12 progressed towards the Number Five  
13 entry.

14 Q. Okay. The fall that stopped  
15 your exploration in Number One, did  
16 it appear recent or weren't you able  
17 to tell?

18 A. No. No. No, it didn't. The  
19 bolts looked rusty and it looked like  
20 it had been falling for a while.

21 Q. Okay.

22 A. It did not look like a fresh  
23 fall.

24 Q. And when you went through the  
25 crosscut from one to two, was the

1 pathway still two to three feet or  
2 did there appear to be any difference  
3 in the sloughage in the crosscuts  
4 versus the entry?

5 A. That crosscut was about the  
6 same as what we had in the straight  
7 of Number One entry.

8 Q. Uh-huh (yes).

9 A. And like I said, as you  
10 progressed towards the Number Five  
11 entry, it got progressively worse in  
12 the Crosscut 120.

13 Q. So effectively you didn't do  
14 much exploration in the entries,  
15 then, if I'm looking at the map  
16 correctly, you just go through the  
17 crosscut from one to two at 120, and  
18 then from two to three at 120, and  
19 then you were blocked by a fall going  
20 from three to four?

21 A. It wasn't falling in three to  
22 four. It was unsafe. You could look  
23 --- it looked bad. We didn't want to  
24 get under it.

25 Q. The roof looked bad?

1 A. The roof looked bad in that  
2 intersection.

3 Q. The bolts were --- were the  
4 bolts still there or ---?

5 A. The bolts were in place but  
6 the bolts were mushrooming. And  
7 based on the falls that we'd seen in  
8 this area, that intersection looked  
9 heavy.

10 Q. What ---? Go ahead, I'm  
11 sorry.

12 A. We elected not to expose the  
13 rescue teams to that intersection.

14 Q. What did the ribs look like  
15 there?

16 A. Through that area that was in  
17 this Crosscut 120, number three to  
18 number four, that area was --- the  
19 rib material was touching. There was  
20 no path in the middle of the entry.  
21 We were climbing on top of the  
22 material to get through there.

23 Q. And it looked like, again ---  
24 and I know you probably answered  
25 this, but most of that material was

1 coal from rib sloughage as opposed to  
2 the roof?

3 A. Yes.

4 Q. Okay.

5 A. The roof was fairly well  
6 intact up through 120 until we got to  
7 that Number Four intersection.

8 Q. And that was a group decision,  
9 then, not to proceed any further?

10 A. Yes.

11 Q. When you were doing the  
12 exploration, I guess you had  
13 communications, the team had  
14 communications?

15 A. Yes.

16 Q. They were calling out ---  
17 somebody was calling out what you  
18 were observing?

19 A. Yes.

20 Q. Do you know if anybody was  
21 mapping any of the observations or  
22 any of the routes of travel back at  
23 the fresh air base?

24 A. I don't know if they were  
25 mapping at the fresh air base. I

1 believe they were mapping outside of  
2 the command center but I don't know  
3 if there was a map at the fresh air  
4 base or not.

5 Q. Okay. Did you ever see a map  
6 that anybody had constructed of your  
7 route of travel and your  
8 observations?

9 A. Yes. When we were debriefed  
10 outside by Laine Adair and all of  
11 those folks, there was a map  
12 indicating the caves and the section  
13 we had encountered.

14 Q. Did they have it mapped pretty  
15 accurately?

16 A. Yeah.

17 Q. Okay.

18 A. Yeah. I didn't --- it looked  
19 real accurate.

20 Q. Good. So you made --- the  
21 team made the decision, then, to  
22 retreat, retreat. You get back to  
23 the seal. You all --- how big was  
24 the hole in the seal?

25 A. It was about a two-foot

1 square.

2 Q. So it was a bit of a ---?

3 A. Yeah.

4 Q. How high was it? I mean, how  
5 high off of the floor was the  
6 opening?

7 A. It was fairly low. You had to  
8 crawl through it, so I'm guessing a  
9 foot and a half, two foot off the  
10 ground.

11 Q. That's a pretty tight squeeze  
12 then with apparatus?

13 A. Yeah. Exactly. One thing, I  
14 don't know how much relevance it has,  
15 when we decided to retreat from this  
16 point, ---

17 Q. Uh-huh (yes).

18 A. --- the wires came off of the  
19 phone that we took in with us, so we  
20 had no communication as we retreated,  
21 because the wires came off and we  
22 thought it would be better just to  
23 get the heck out of there rather than  
24 fiddle around with trying to get the  
25 wires hooked back up on the phone.

1 Q. Was it continuing to work and  
2 continuing to bump or bounce the  
3 whole time you were there?

4 A. Yes.

5 Q. Did that contribute any to the  
6 decision to pull out or was it just  
7 the roof conditions there where you  
8 were?

9 A. Well, the roof conditions in  
10 combination with the bounces that ---  
11 when you've got deteriorated roof and  
12 it's bouncing, you don't want to be  
13 under it.

14 Q. So you and the team have  
15 retreated back to the seal. Is  
16 everybody out of the --- has  
17 everybody crawled through the seal  
18 and --- where were you at when the  
19 second event occurred or had  
20 everybody got out of the seal or out  
21 of the air lock or ---?

22 A. Everybody was out of the seal  
23 and outby the air lock, with the  
24 exception of ---. No, we were all  
25 out at Crosscut 118 outby the air

1 lock. But the air lock was not ---  
2 it was loosely hung. When it hit,  
3 when that big bounce hit --- I say  
4 big but the one that pushed the low  
5 air out, the low O2 out, it blew the  
6 curtain wide open, and blew it down,  
7 because it was held up, I believe,  
8 with some pogo sticks and just  
9 spadded.

10 Q. There wasn't a frame --- not a  
11 frame?

12 A. It wasn't a substantial  
13 construction.

14 Q. Okay. And this happened right  
15 just after you all had exited the air  
16 lock?

17 A. Shortly after.

18 Q. Shortly after.

19 A. We were communicating with  
20 command center and they had asked us  
21 to go back and see if we could  
22 explore up through 119 near the seals  
23 and see if we could make it up to  
24 Number Five entry, because they  
25 thought there was a ---. Command

1 center, I don't know who out there  
2 thought this, but they thought maybe  
3 we could --- once we reached Number  
4 Five entry that we might be able to  
5 get through the Number Five entry all  
6 the way.

7 Q. When you got back out, the  
8 team was outby the air lock, were  
9 there still a lot of people there?

10 A. Yes.

11 Q. About the same amount as when  
12 you left ---

13 A. Yeah.

14 Q. --- or when you went inby?

15 A. I believe so.

16 Q. So you're there, somebody ---  
17 who is it that's saying, here's what  
18 the command center or here's what  
19 some of the folks on the surface want  
20 you to do?

21 A. I'm terrible with names. I  
22 think the guy's --- he's an Energy  
23 West guy.

24 Q. He was a backup team member?

25 A. He was not an apparatus

1       wearer.

2       Q.       Okay.

3       A.       I'm going to venture a guess  
4       that he's a president of the mine  
5       rescue association in Utah but I  
6       can't place his name.

7       Q.       Okay. But he was kind ---  
8       whoever this guy is then was kind of  
9       the mouthpiece of the command  
10      center ---

11      A.       At the ---.

12      Q.       --- he was relaying the  
13      information from the command center  
14      to you, ---

15      A.       Yes.

16      Q.       -- Christensen and the other  
17      team members?

18      A.       Yes.

19      Q.       And maybe one more time could  
20      you explain what round two of your  
21      mission was to be then?

22      A.       Round two was to go back in  
23      the breached seal at Number One  
24      entry, Crosscut 118 to 119. And they  
25      wanted us to try and go up Crosscut

1 119, follow the seal line up --- I'll  
2 highlight that in pink for you ---

3 Q. Okay.

4 A. --- is what the intent was.  
5 You go up Crosscut 119 and try and  
6 reach Number Five entry because they  
7 wanted to see if Number Five entry  
8 was open because we did not make it  
9 to that point through Crosscut 120.

10 Q. And this individual is  
11 explaining this to you when the  
12 bounce occurs, or are you done ---?

13 A. He was done explaining that to  
14 us and we had just decided we were  
15 going to go ahead and go back in at  
16 that point, and had started  
17 saying ---. Five members and myself  
18 were getting ready to go back under  
19 O2 to go back into the seal when that  
20 last bounce hit and pushed the low O2  
21 out over everybody.

22 Q. So you were still outby the  
23 air lock when the next --- second  
24 event ---

25 A. Yes.

1 Q. --- or the big event occurred?

2 A. Yeah. We were very near the  
3 intersection of 118.

4 Q. Uh-huh (yes). And what did  
5 you hear or see or feel when that  
6 occurred?

7 A. Oh, it was --- we felt a very  
8 large concussion that shook rock dust  
9 loose. So there was a lot of rock  
10 dust in the air, and then you see ---  
11 you could see the loosely constructed  
12 air lock blow open. And then  
13 immediately my gas detector went into  
14 alarm. And I had it in my hand so I  
15 looked and I could see that it was  
16 --- I'm guessing it was around 12 to  
17 15 percent oxygen.

18 My apparatus was almost on. I  
19 had my headpiece on and my hard hat  
20 in between my knees so I just  
21 strapped my headpiece on, my face  
22 mask and turned on my oxygen, the  
23 whole time yelling at the rest of the  
24 folks outby us to get out of there.

25 Christensen, Gary Christensen,

1 I believe, already had his face piece  
2 on and just turned his O2 on. And  
3 then we --- together we kind of  
4 reestablished that air lock and that  
5 wind curtain at 119 Number One entry.

6 Q. So everybody got out of there  
7 with the exception of you, Gary and  
8 the other team members?

9 A. The other team members left  
10 too.

11 Q. It was just you and Gary left?

12 A. It would just be --- Gary and  
13 I were the only two who kind of tied  
14 up the air lock and wind curtain and  
15 then we retreated out of there, too.

16 Q. Were you standing right in  
17 front of the curtain when this  
18 occurred?

19 A. Very near it, we were very  
20 near. It didn't hit me when it flew  
21 up but I was very near it.

22 Q. Everything seemed to come then  
23 from inby ---

24 A. Yeah.

25 Q. --- the air lock?

1 A. There was a mass of air rush  
2 from inby the air lock, ---

3 Q. Nothing coming from ---?

4 Q. --- from the seal.

5 Q. Nothing coming from outby down  
6 through that crosscut to you?

7 A. No. There didn't appear to  
8 be.

9 Q. Okay. Was there any CO on  
10 your detector or did you notice?

11 A. At that point, there was ---  
12 the low O2 was what I was concerned  
13 with. I'm not sure --- I'm sure  
14 there was probably some CO on my  
15 detector because we had 64 parts inby  
16 the seal, so I'm sure it pushed the  
17 CO as well as the low O2 out, but I  
18 don't recall.

19 Q. Could you see?

20 A. Barely. Due to the dust and  
21 everything in the air. It took a  
22 little while for the dust to settle  
23 out so you could see well.

24 Q. How long do you figure it  
25 took?

1 A. Probably a minute, better than  
2 60 seconds.

3 Q. Then you put the curtain ---  
4 you and Gary, put the curtain  
5 back ---

6 A. Yeah.

7 Q. --- after that? And what did  
8 you do after that then?

9 A. After we got that done, the  
10 curtain back in, we fell back to  
11 where everybody else was kind of  
12 congregating. And I don't know if it  
13 was one or two crosscuts back out by  
14 number one. So probably somewhere  
15 between 116 and 117 Number One entry.  
16 And at that point we said we're not  
17 going back in there as a team. We  
18 all --- everybody pretty much said  
19 that they don't feel comfortable  
20 going in there. So at that point we  
21 relayed that information to command  
22 center and started regrouping to get  
23 to the trucks to head outside.

24 Q. How much time do you think has  
25 elapsed now? I mean, you were in ---

1 from what you told me, your initial  
2 exploration was about roughly 15  
3 minutes, you come back, the event  
4 occurs. You fix the curtain and then  
5 you retreat back to where the other  
6 folks are.

7 A. Maybe 20 minutes.

8 Q. So there wasn't a whole lot of  
9 discussion. I mean, you guys had  
10 heard the plan as to what they wanted  
11 you to do, the event occurred,  
12 everybody moves, so it wasn't a whole  
13 lot of time?

14 A. Yeah. We were moving at a  
15 pretty good clip. You know, when you  
16 have miners missing, you try and do  
17 things expeditiously so you can try  
18 and get to them or find a means to  
19 get to them.

20 Q. When you were doing the  
21 exploration, you mentioned Gary, were  
22 you set up with a captain?

23 A. Gary Christensen was kind of  
24 the --- acting as captain, you know,  
25 he was on --- he was kind of on the

1 captain's stance. And then the  
2 Murray captain, the big guy, I can't  
3 remember his name, was with Gary.  
4 They were kind of communicating  
5 together. They were --- I mean, I  
6 stayed with those two guys.

7 Q. Did the group, when you were  
8 doing the exploration, did the group  
9 stay together or did you ---?

10 A. Yes, for the most part.

11 Q. Okay.

12 A. Your captain usually gets out  
13 and sees things first, of course, but  
14 we were --- we weren't tied together,  
15 like you would be if you were in  
16 smoke or something like that, but we  
17 were all traveling as a group.

18 Q. What kind of apparatus do you  
19 wear?

20 A. Draeger, BG4.

21 Q. Is that what the other team  
22 members were wearing?

23 A. Not all of them. No.  
24 Christensen was wearing a Draeger,  
25 and Murray folks were wearing a

1 battle pack.

2 Q. Okay. And you said aside from  
3 Gary, as far as you know, there were  
4 no other issues with anybody's  
5 apparatus?

6 A. No.

7 Q. Okay.

8 A. They were all okay.

9 Q. Okay. Do you want a break?  
10 Are you good? Break?

11 A. Yeah. I could use a break.

12 MR. GATES:

13 Okay. Go off the  
14 record.

15 SHORT BREAK TAKEN

16 BY MR. GATES:

17 Q. Okay. You guys had a few  
18 follow-up questions as to what you  
19 saw and what you did here on August  
20 6th, when you were in by the seal. Do  
21 you know what type of seal it was  
22 that was in place there?

23 A. It looked to me like Mitchell-  
24 Barrett.

25 Q. A concrete block?

1 A. A concrete block seal,  
2 mortared. And it was covered with  
3 sealant on the outby side, of course.

4 Q. Yeah.

5 A. It was fairly good  
6 construction, I guess. Hearsay, of  
7 course, but it took them a while to  
8 get chipped through it.

9 Q. That's what we've heard as  
10 well, is it was quite a task to break  
11 through. When you came back out,  
12 retreated back out, the backup team  
13 was at the fresh air base?

14 A. Yes.

15 Q. Or the folks that you had  
16 assumed would be your backup team  
17 were there?

18 A. Yeah.

19 Q. Were they wearing their  
20 apparatus? Did they have it on their  
21 back?

22 A. They were on their backs.

23 Q. On their backs?

24 A. Yeah.

25 Q. Okay. When the event

1 occurred, the bounce that blew the  
2 curtain down, do you know if any of  
3 those --- any of the oxygen levels or  
4 if the event at all was called out to  
5 the command center?

6 A. After the fact, I know it was.  
7 We told them that it had bounced and  
8 blew low O2 out. We believed that it  
9 could have caved in by the seals and  
10 that we weren't going back in.

11 Q. Okay. What did they say?

12 A. I believe that was kind of  
13 going --- taking place while  
14 Christensen and I were putting the  
15 air lock back up. So some of that's  
16 secondhand but I think they kind of  
17 gave the directive to come outside.

18 Q. When you say they, do you know  
19 who ---?

20 A. Command center. I'm sure  
21 Laine Adair was involved outside.

22 Q. Do you know anybody else that  
23 may have been involved or ---?

24 A. I don't. I don't know who was  
25 in the command center. I believe Al

1       Davis was on site. He was not in the  
2       MEO. So my assumption was that he  
3       was in the command center.

4       Q.       Where was the command center?

5       A.       I believe it was upstairs in  
6       the bathhouse/shop facility.

7       Q.       And who was in it?

8       A.       The best I can recall, Laine  
9       Adair was involved and Al Davis, and  
10      I don't know who else was in the  
11      room.

12      Q.       And you mentioned that you  
13      were carrying a Solaris detector?

14      A.       Yes.

15      Q.       And does that detector record  
16      when alarms --- when it goes into  
17      alarm status?

18      A.       Yes. It logs alarms and it  
19      logs percentages. I think I had mine  
20      set up at that time to log once a  
21      minute. And if it would be helpful  
22      at all, I think I've got --- if you  
23      want copies, I've got a copy with me.

24      Q.       I was getting ready to ask if  
25      you had any of those readouts.

1 A. Yeah.

2 Q. Did you take any notes while  
3 you were in --- during the  
4 exploration?

5 A. No.

6 Q. You said as you guys were  
7 exploring and as you worked your way  
8 through the crosscuts, that the  
9 condition seemed to worsen. I guess  
10 could you may describe that in more  
11 detail. And if you could --- I mean,  
12 I know this is not a very large scale  
13 map, but if you could in any way  
14 sketch how the walkway diminished or  
15 how the material was laying, that  
16 would be a big help to us.

17 A. The best I can recall --- I'm  
18 just going to draw wavy lines on the  
19 rib lines to kind of indicate the  
20 total of the rib.

21 Q. Total of the material, okay.  
22 That'd be good.

23 WITNESS INDICATES

24 A. I'm making notes --- the width  
25 of the path is what I'm writing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GATES:

Good. Any details or the more details you can come up with would be great.

A. I drew all along Crosscut 119 and 120. But if you want, I can draw ---.

BY MR. GATES:

Q. No, we can transpose it. But what you drew --- you drew along the pink line, which was going to be the second route of travel, but you're actually referring to what you saw in the Crosscut 120?

A. Correct. This is projected. It's kind of what we could see up through this unsafe roof but it didn't look like it got any better. It looked like it deteriorated the closer to Number Five entry you got.

Q. Okay.

A. Does that make sense?

Q. Right. Right. So effectively then when you started off you had, I think you had mentioned, a two to

1 three-foot walkway. And the farther  
2 you went it appeared to ---.

3 A. Less of a walkway because the  
4 material had been blown out into the  
5 entry. The intersections were still  
6 free and clear because there was no  
7 --- I mean, there was some  
8 deterioration on the corners but it  
9 didn't blow out into the intersection  
10 to the point that it impinged your  
11 walkway very much.

12 Q. But this between --- in the  
13 Number Two Entry would have been what  
14 you saw as opposed to what you  
15 actually traveled, right here in  
16 Number Two?

17 A. No. We could see that because  
18 that was outby us.

19 Q. But you didn't travel that,  
20 that's what you saw?

21 A. Yeah. It was fairly  
22 consistent there.

23 Q. The areas that you marked  
24 caved, was that caved solid?

25 A. This intersection was --- no,

1       it wasn't caved solid. This Number  
2       One caved area looked to me like it  
3       was about --- there was about three  
4       to four foot of roof material on the  
5       floor. In some places there was  
6       three to four foot of exposed bolts  
7       still hanging in the roof.

8       Q.       Okay.

9       A.       And then other places the roof  
10      --- the bolts came down with the  
11      cave.

12     Q.       Did you get a feel for what  
13     the mining height was in the area?

14     A.       Roughly seven feet.

15     Q.       Seven feet. And the cave that  
16     you --- or the fall that you had  
17     marked in the Number Two entry, was  
18     it the same or ---?

19     A.       It wasn't as big. The best I  
20     can recall, it was about --- there  
21     was about two foot of material. One  
22     to two foot of material had fallen.

23     Q.       All the way across the entry?

24     A.       It kind of peaked, the best I  
25     can recall. The rib bolts might have

1 even stood somewhat intact, the rib  
2 side bolts. It was just more towards  
3 the center.

4 Q. Now, did you say rib bolts?

5 A. The rib side bolts.

6 Q. Okay.

7 A. I believe there was four to  
8 five bolts across in each row.

9 Q. Okay.

10 A. I think the bolts closest to  
11 the ribs in some places were still  
12 intact.

13 Q. But there weren't any bolts  
14 that had been installed into the  
15 ribs?

16 A. No, the rib side bolts in the  
17 roof.

18 Q. Did you or Gary or anybody  
19 look back through the seal after that  
20 second event occurred, back through  
21 the opening in the seal?

22 A. I did not. Gary was about  
23 ready to go through the seal when  
24 this happened. I'm not sure if it  
25 blew him away from it. I think he

1 was very near it. And I don't know  
2 if he looked back through it or not.

3 Q. Did it knock him down?

4 A. I don't recall.

5 Q. It didn't hurt him?

6 A. It didn't hurt him. It didn't  
7 hurt him at all, but after --- there  
8 was so much dust and stuff I don't  
9 believe that we could have seen  
10 anything had we looked through there.  
11 And that was my feeling. I don't  
12 know if Gary looked through there or  
13 not.

14 Q. Okay. You've done a very good  
15 job recalling the conditions and  
16 marking them on the map. And I think  
17 you mentioned earlier that when you  
18 got to the surface, that somebody  
19 else had a map there that they'd been  
20 putting together based on what you  
21 called out?

22 A. Yes.

23 Q. Did it go into as much detail  
24 as what you've done here as far as  
25 where the sloughage was, where

1 the ---?

2 A. No, I don't believe that the  
3 sloughage was being relayed to the  
4 command center. The furthest point  
5 of advance was --- the caves were all  
6 indicated fairly accurately on that  
7 map. I don't believe that the  
8 sloughage and the travel paths were  
9 really indicated on that map at all.

10 Q. Okay. After the event  
11 occurred that blew the air out, blew  
12 the concussion through the seal and  
13 knocked the curtain down, did it get  
14 quiet after that or was there still  
15 noises and activity ongoing?

16 A. It continued to work. The  
17 roof and ground continued to work.  
18 It wasn't in the immediate area.  
19 Again, it sounded more like it was  
20 thumping inby us again.

21 Q. You mentioned that you thought  
22 while you were --- while you guys  
23 were inby exploring, that there was  
24 some other activity going on over  
25 there in the south section, if you

1 will?

2 A. Yes.

3 Q. Do you know if those guys felt  
4 the bounce that you did?

5 A. I don't know. I didn't talk  
6 to any of the folks that were over in  
7 that area, so I don't know what went  
8 on over there.

9 Q. But by the time you've  
10 retreated out, you say the air is  
11 clear, your oxygen's come back up ---

12 A. Yes.

13 Q. --- and everything's ---  
14 everybody's bare-faced and no  
15 problems?

16 A. Yes. Once we reestablished  
17 that air lock, tightened it up and  
18 got a wind curtain kind of pushing  
19 some pressure up towards that seal,  
20 the air was good in the intersection  
21 of 118 Number One entry.

22 Q. Okay. When you left the mine,  
23 did everybody leave or were there  
24 still people over there in the other  
25 entries south of where you were?

1 A. You mean in the south mains?

2 Q. Yes. Uh-huh (yes).

3 A. As far as I know they were  
4 still working down there, yes.

5 Q. Okay. So your team and the  
6 10, 15, 20 people who were with you  
7 piled up and went to the surface?

8 A. Right.

9 Q. You don't know what was going  
10 on with the other folks who may have  
11 been in the mine?

12 A. No. The only thing that I can  
13 recall is they were working on moving  
14 a miner ---. Can I look at this map?

15 Q. Oh, sure. Please do.

16 A. I think they were pulling the  
17 miner out of this third north main  
18 section to bring over to that area  
19 where they were going to try to go in  
20 that Number One entry to get to the  
21 miners.

22 Q. Okay. And that's south ---  
23 are we calling it south mains?

24 A. Yeah, we call it south barrier  
25 section. By day I don't know how

1 many people were working on it, but  
2 they were pulling the miner out of  
3 there to the south barrier area.

4 Q. Did you guys take any tie-down  
5 tubing with you when you were  
6 exploring or did you set up any way  
7 to sample that sealed atmosphere  
8 after you left?

9 A. No. I do recall one other  
10 thing that we did. We did spad a  
11 curtain over the hole on that seal in  
12 conjunction with the air lock. But I  
13 know we didn't set up any means to  
14 sample that.

15 Q. Did you go to any of the other  
16 seals?

17 A. I did not.

18 Q. Okay. So you guys get to the  
19 surface. I think you mentioned that  
20 you were debriefed. You go over the  
21 map that the folks on the surface had  
22 drawn. What did you do after that?

23 A. I ran to the command center,  
24 pulled my apparatus apart and dumped  
25 the CO2 absorbent and kind of got it

1 somewhat ready for the next  
2 excursion. In fact, we were going to  
3 go under apparatus again. And then  
4 the rest of my time was pretty well  
5 just spent in the command center.

6 I don't recall if I did any  
7 writing in the logbook that day. A  
8 lot of commotion. Very busy in the  
9 command center. I don't recall if I  
10 did any writing. I know I did ---  
11 during that week's time, I did a  
12 little bit of writing in the logbook,  
13 but ---.

14 Q. Now, when you say Command  
15 center now, are you still referring  
16 to the same ---?

17 A. No, the MEO, MSHA's MEO.

18 Q. The blue goose?

19 A. Yes.

20 Q. Not the same place that Laine  
21 Adair or whomever ---?

22 A. No, MSHA's blue goose in our  
23 log.

24 Q. So that pretty much finished  
25 up your shift. And it sounded like

1 probably a pretty lengthy shift or  
2 pretty long day for you on August 6?

3 A. Yes. Yeah. That was pretty  
4 much it for me on the 6th. I  
5 traveled back with Larry Ramey after,  
6 I think it was after Bob Cornett  
7 arrived and he was kind of debriefed.  
8 Larry Ramey and I left and headed for  
9 Price, to the hotel.

10 Q. Did you work the next day?

11 A. I did.

12 Q. And maybe if you could, were  
13 you in the mine when the accident on  
14 August 16th occurred?

15 A. No. I was sent home on the  
16 afternoon of Thursday, August 9th, so  
17 that is my extent.

18 Q. Okay. If you could, Brad,  
19 you've given us a very good  
20 description of what you did on the  
21 day of the 6th, and you left and you  
22 and Larry had gone back to Price, to  
23 the hotel. If you could, maybe just  
24 walk me through what you did after  
25 that during the rescue and recovery

1       efforts.

2       A.           Okay.    On Tuesday, August 7th,  
3       I don't know when it occurred but at  
4       some point there was another bounce  
5       had hit.    They had the miner set up  
6       in the south barrier.   I think it was  
7       at Crosscut 120 and they had pulled  
8       everybody out.   Nobody was allowed  
9       inby Crosscut 110.   After that ---  
10      some subsequent bounce, I don't know  
11      when it occurred, though.

12     Q.           Were you in the mine?

13     A.           No.

14     Q.           So this is what somebody told  
15     you or ---?

16     A.           Yes, that was part of my  
17     briefing of the next morning, of  
18     Tuesday, August 7th.

19     Q.           Okay.

20     A.           Larry Ramey had instructed  
21     Peter Saint and myself to go in and  
22     map the ventilation control so we had  
23     an accurate picture of what  
24     ventilation controls were still in  
25     place.

1 Q. Did you come back on dayshift?

2 A. Yes. We started --- our day  
3 started at six in the morning. I'm  
4 guessing that we arrived at the mine  
5 close to 7:00. So I'm not sure what  
6 time period I headed in the mine, but  
7 we got geared up, traveled in the  
8 mine and was starting to map, I  
9 believe, at --- it was very near  
10 Crosscut 98 of the west mains because  
11 part of that bounce that had occurred  
12 that evening of August 6th, I believe  
13 it was that evening or that morning  
14 of August 7th, had taken out some of  
15 the ventilation controls that we had  
16 tried to reestablish the day before.  
17 So our folks, MSHA folks, didn't have  
18 a clear picture of what kind of  
19 ventilation controls we had up to 110  
20 and on up to 119, 120.

21 So Peter and I traveled in,  
22 started mapping the --- I believe,  
23 Number Two entry which is the intake,  
24 mapping conditions that we had on  
25 both sides, walked into the south

1 barrier section up to Crosscut 119.  
2 And then we traveled the belt line  
3 for the most part back out to map  
4 what was on the other side of the  
5 belt line.

6 Q. Were all the controls in at  
7 that time?

8 A. No, there were numerous  
9 stoppings out and knocked out. And  
10 there was people actually working on  
11 the ventilation controls then.

12 Q. So what you were mapping was  
13 in a sense the effects of this bump  
14 or bounce that had occurred earlier  
15 in the morning ---

16 A. Yes.

17 Q. --- that day of the 7th?

18 A. Yes.

19 Q. The bump that happened or the  
20 bounce that happened when you guys  
21 were over there by the seal on the  
22 air lock, did it knock any controls  
23 out other than the air lock curtain?

24 A. Not in the vicinity that I was  
25 in, that I'm aware of.

1 Q. Okay.

2 A. I've got a note here that as  
3 Peter and I approached Crosscut 110,  
4 there was another MSHA person kind of  
5 stationed at 110, Donnie Durrant, and  
6 he was kind of keeping the folks from  
7 going inby that point. They were  
8 working on --- a lot of folks were  
9 working along this Crosscut 109  
10 reestablishing vent controls in  
11 there.

12 And then Peter and I traveled  
13 in briefly inby 110 to 119 to map  
14 what was intact in there. We looked  
15 at the miner, I believe it was at  
16 either 119 or 120. And the miner was  
17 covered to the top of the covers from  
18 the slabbing and there was a power  
19 center sitting in the Number One  
20 entry. I think it was just inby  
21 Crosscut 120. And it was two-thirds  
22 of the way --- the rib slabs were  
23 two-thirds of the way up the power  
24 center, up the sides of the power  
25 center from that bounce that had

1 occurred.

2 Q. Okay.

3 A. And there was --- once you  
4 rounded the corner at 110, it was  
5 making a lot of noise, continuously,  
6 bumping and thumping and popping.

7 Q. Where was the miner at, the  
8 continuous miner at this time?

9 A. The best I can recall,  
10 Richard, it was in this Crosscut 120.

11 Q. And you said it was partially  
12 covered, ---

13 A. Yeah.

14 Q. --- it was covered with rib  
15 material?

16 A. Level with the top covers on  
17 that Joy 12-12 miner. There was  
18 quite a bit of material.

19 Q. Did you have any --- you said  
20 you guys were mapping the controls  
21 and there were some of the controls  
22 out. Did you have any bad air as  
23 you ---?

24 A. No. They had established  
25 temporary controls all the way

1 through and we had good air being  
2 pushed out to this point.

3 Q. Do you know where that map is  
4 that you and Pete were --- did you  
5 have a map with you that you were  
6 just drawing the controls ---?

7 A. We did. I have no idea where  
8 it's at. We turned it over to ---  
9 well, Pete had it. Pete carried it  
10 out of the mine. And I believe he  
11 gave it to Larry Ramey.

12 Q. Did you map on up to where the  
13 miner was and the power center and  
14 some of the debris that you saw?

15 A. Just the vent controls, yeah.

16 Q. So you had just the controls,  
17 then, you didn't have the miner or  
18 any of the notes about how deep the  
19 material was or how much was there?

20 A. No. I noted that in my  
21 personal log, ---

22 Q. Okay.

23 A. --- but I didn't get the  
24 location, just that there was a lot  
25 of racket into that inby 110, the

1 ventilation controls, the miner was  
2 covered to the top of the covers and  
3 the PC was slabbed about two-thirds  
4 of the way up. And I had made a note  
5 that they had lost progress.

6 Q. As a result of this earlier  
7 event earlier that morning?

8 A. Yes.

9 Q. So after you got your map, got  
10 up to the miner and the power center  
11 and you'd got your mapping completed,  
12 where to --- where to then?

13 A. That was the end of that day  
14 underground. We traveled outside.  
15 And that was actually a fairly short  
16 day for us. Larry Ramey and I headed  
17 back to the hotel fairly early that  
18 day.

19 And then on Wednesday, August  
20 8th, dayshift again. We started at  
21 6:00. I traveled underground that  
22 morning with Larry Ramey. And the  
23 miner was still in the same location.  
24 And I believe the feeder breaker was  
25 sitting in Number Two entry between

1 119 and 120.

2           There was a lot of activity.  
3 They were working on reestablishing  
4 power to this continuous miner. The  
5 PC had been moved outby. I think it  
6 was setting at 119 in the Number One  
7 to Number Two entry.

8           I think they had gotten the  
9 power established --- reestablished  
10 to the PC and were working on getting  
11 power to the miner then in  
12 anticipation of backing it up and  
13 starting to clean up in Number One  
14 entry. There was a lot of debris  
15 around the feeder breaker, there were  
16 miners around there shoveling. There  
17 was two scoops being used along  
18 Crosscut 120 trying to clean out  
19 material to make it clear for a  
20 shuttle car path from Number One to  
21 Number Two entry towards the feeder.  
22 Q.       Had any of the rock props or  
23 water jacks or whatever term you want  
24 to use, were any of those being  
25 installed?

1       A.           Not at that time. They were  
2       installing, I think it was --- they  
3       were six by eight square sets with  
4       some kind of a --- I had not seen it  
5       before, some kind of water pan that  
6       pressurized them up against the roof.  
7       I think they started those at 118 and  
8       were working inby from that  
9       intersection of 118 inby. There was  
10      no rock prop set at that point but  
11      they were working on setting those  
12      square sets. And I think one of the  
13      dilemmas that day was the plan had  
14      called for eight by eights and these  
15      were six by eight hardwood, so they  
16      were trying to establish if those six  
17      by eights were going to be adequate  
18      or are we going to have to redo that.

19                The area was really dry. The  
20      equipment being operated on dry  
21      roadways. There had been no rock  
22      dust reestablished from 117 inby.  
23      The ribs were black. The scoops were  
24      running in really dry material. It  
25      was hard to see, a lot of coal dust

1 in the air. Some air flow. Coal  
2 dust and no respirators were being  
3 worn by the miners.

4 No respirators were even made  
5 available to the miners. When Larry  
6 Ramey and I had asked some of the  
7 miners down in that nasty area where  
8 the respirators were, we were told  
9 that they weren't given any.

10 Running over pulverized coal  
11 from that bounce. The foreman in the  
12 area's name was Josh Fielder. And  
13 Larry Ramey and I got with him as  
14 soon as we established who was  
15 supposed to be in charge there and  
16 told him that he needed to get some  
17 protections in place for the miners  
18 working on that rescue effort, to get  
19 some water on the roadways and get  
20 this dust alleviated, get some  
21 respirators in there for those guys,  
22 get some rock dust in there to try  
23 and reduce the combustibility in that  
24 area.

25 Q. What did he do?

1       A.       He argued for a while but ---  
2       he continued to run the scoops for  
3       probably another half an hour, said  
4       he'd get some water and some  
5       respirators coming. They had a  
6       plumbing issue with being able to  
7       hook up a water hose at the feeder  
8       breaker to be able to get any water  
9       out of the piles when the scoops were  
10      working, so he said that he was  
11      working on getting the --- I think it  
12      was a fitting, pipe fitting, brought  
13      in the mine to be able to reduce that  
14      float coal dust that was in the air  
15      and wet down those mud piles that  
16      those guys were running over.

17      Q.       So they did have water on the  
18      belt line?

19      A.       There was water established up  
20      to the feeder breaker from what I  
21      understand.

22      Q.       Water to the miner?

23      A.       Yes, there was water to the  
24      miner. I'm not sure if that water  
25      hose was hooked up to the miner at

1 that point. That was part of the  
2 stuff that they were working on, was  
3 getting water established to the  
4 miner.

5 They did eventually get some  
6 rock dust brought in. Larry Ramey  
7 and I helped them pack that rock dust  
8 to distribute it between 118 and 120  
9 so it could be applied. They  
10 continued to run those scoops in that  
11 low visibility with high float coal  
12 dust in the air.

13 And at that point when Larry  
14 Ramey and I walked back in towards  
15 that feeder and saw what was going  
16 on, we shut them down until they  
17 could get some water on the mud piles  
18 and get some water on the roads  
19 because those guys didn't --- those  
20 rescue guys didn't need to be exposed  
21 to that kind of environment.

22 Q. How many people are in there  
23 while this is going on?

24 A. I'm just going to guess, there  
25 was probably between 25 and 30 people

1 in there ---

2 Q. That's from the feeder ---

3 A. --- from 118 ---

4 Q. --- inby?

5 A. --- because you have a lot of  
6 people working on the roof controls  
7 that they were putting in. And you  
8 had miners shoveling at the feeder.  
9 You had the scoop operators and you  
10 had a mechanic working on the miner.  
11 Because when that --- I'm not sure if  
12 the cable was damaged or not, but  
13 when that miner was covered, or the  
14 ribs came in on the miner, there was  
15 also a small roof fall over the top  
16 of the miner. And there was a  
17 mechanic working at the miner. The  
18 miner operator was assisting him.  
19 There was a lot of people in there.

20 Q. Did they have to set any  
21 timber around these falls or do they  
22 clean them up or ---?

23 A. The one at the miner, once  
24 they established power to the miner,  
25 they were able to back it --- it was

1     able to back out under its own power.  
2     So once it was backed out and out of  
3     the way, they brought a roof bolter  
4     in. And I believe they backed it out  
5     and pulled it in by 120 so they could  
6     get that roof bolter in there. Those  
7     roof bolters put some bolts in that  
8     caved area.

9     Q.        Okay. Do you know if there  
10    was ever --- I know you mentioned  
11    that there were several folks when  
12    you were up around the sealed area  
13    and you motioned a few there. Do you  
14    know if there was ever anything in  
15    place to say how many people could be  
16    at any one area of the mine or at the  
17    section or at the seals or anywhere?

18    A.        There never was any --- at  
19    that point there was never any  
20    guideline on how many people could be  
21    in there. There was no restriction.

22    Q.        What else did you do on ---  
23    was this at the end of your ---  
24    towards the end of your shift on the  
25    8th, then, when you shut things down

1       until they get some water and  
2       dust put on?

3       A.       That was close to the end.  
4       After we shut them down and kind of  
5       tried to get some thing  
6       reestablished, Larry Ramey went  
7       outside. And then I don't know who  
8       he got with, but he got with  
9       somebody. He told me he was going  
10      outside to talk to the people to get  
11      a little bit more protections for the  
12      rescue workers.

13     Q.       Didn't say who he was going to  
14      talk to?

15     A.       No. And if he did, I don't  
16      recall.

17     Q.       Okay.

18     A.       And shortly after he went  
19      outside, a guy name Gary Peacock, I  
20      thought at the time was a  
21      superintendent, but I guess his title  
22      is general manager for that mine,  
23      came into the mine and confronted me.  
24      Said we had to use commonsense during  
25      their emergency, because he was bent

1 out of shape about us shutting down  
2 the scoops running in that pulverized  
3 coal and creating all that float coal  
4 dust in the mine air.

5 And then at that point I think  
6 I told him we weren't going to put  
7 those people in harm's way. We're  
8 going to have to take care of  
9 business as we go.

10 He got confrontational. And I  
11 told him at that point that our  
12 discussion was over. He left the  
13 section at that point. I was  
14 underground for I think close to  
15 eight hours that day.

16 Shortly after that, I think  
17 they finally got their water and  
18 their pipefitting and were able to  
19 get some water on the roadways and on  
20 the mud piles where the scoops were  
21 working. We got some rock dust on  
22 ribs. We got a few safety things  
23 addressed for those rescue workers.  
24 The whole time they were installing  
25 the roof support. I can't remember

1       where the transition was to the rock  
2       props, I think it was close to the  
3       intersection of 119, inby 119, I  
4       think, is where they transitioned to  
5       start to set the rock props.

6       Q.       Were you there, then, when the  
7       dust was applied and the piles were  
8       wetted down and I guess you said  
9       respirators were at some time made  
10      available?

11      A.       Respirators arrived at some  
12      point, too.   And, yes, I was still  
13      underground when that all took place  
14      but one of my directives was make  
15      sure they do it right when Larry  
16      Ramey left.

17      Q.       So Larry --- I mean, it sounds  
18      like from the biggest part of your  
19      visit then that you were with Larry  
20      or Larry was providing direction ---?

21      A.       That morning up until about  
22      --- I think about noon when he left.

23      Q.       Okay.

24      A.       I had lots of discussion with  
25      that Josh Fielder, foreman, to get

1 things made safe for those rescue  
2 workers or as safe as we could, given  
3 the circumstance and what little bit  
4 of plan we had. I don't think ---  
5 there wasn't a plan made underground  
6 until after noon that day.

7 Q. After noon on the 8th?

8 A. On the 8th.

9 Q. Did you see it or did somebody  
10 bring you a copy of it?

11 A. They didn't bring me a copy of  
12 it. I saw it, but I can't remember  
13 who showed it to me.

14 Q. Do you remember what it said?

15 A. The part that I specifically  
16 looked at was the six-by-eight props  
17 that they were using versus eight by  
18 eight --- six by eight hardwood. And  
19 I think somebody approached me asking  
20 them for guidance on that, and I told  
21 them they needed to deal with the  
22 command center on that. So I just  
23 briefly glanced at it. I don't  
24 recall what it said at all.

25 Q. What happened after that?

1       A.       I'm reviewing my notes. I  
2 think that was about the extent of  
3 Wednesday.

4       Q.       When you get on the surface  
5 then, are you meeting up with  
6 somebody who's taking your place and  
7 kind of debriefing them or is there  
8 somebody that's relieving you  
9 specifically, or what happens when  
10 you get to the surface?

11       A.       On Wednesday, my impression  
12 was that --- I've even got it written  
13 down that I think Peter Saint was to  
14 relieve me. And he didn't relieve  
15 me. So I can't remember on Wednesday  
16 if we switched out at the face or at  
17 the scene. I don't think --- I think  
18 somebody came in when I left but I  
19 cannot remember who it was on  
20 Wednesday.

21       Q.       So when that happened then,  
22 you just kind of get them up to speed  
23 on what's going on and then you ride  
24 out?

25       A.       Right. Gary Jensen was

1 working the swing shift, but I cannot  
2 remember if he met me underground or  
3 how it happened on Wednesday. It was  
4 a long day. I traveled outside and  
5 spent some time in the MEO. I don't  
6 think there was anything else real  
7 significant on Wednesday.

8 Q. Let's move to Thursday.

9 A. Thursday I was sent  
10 underground first thing upon arrival.  
11 I believe we started at --- left the  
12 hotel at 6:00. And Saint was to  
13 relieve me at noon. When I arrived  
14 underground at the recovery effort  
15 around 1:20, no rock dust had been  
16 applied since I had left yesterday.

17 Virgil Brown and Joe --- I'm  
18 going to mess up his last name, it  
19 starts with a Z.

20 Q. Zelanko.

21 A. Zelanko, traveled in the mine  
22 with me. They wanted to look at some  
23 things at the accident scene, see how  
24 things were going.

25 A few things that I have noted

1 here is Virgil and I noticed that the  
2 diesel forklift that they were using  
3 was smoking real bad, so I brought  
4 that to the same foreman's attention,  
5 Josh Fielder. And he again wanted to  
6 argue that they had just changed the  
7 filters. And I told him that he  
8 needed to do something with the smoke  
9 because I didn't want to expose those  
10 rescue workers to that smoking piece  
11 of diesel equipment.

12 There were a few areas of  
13 concern brought up by Joe and myself,  
14 got with the same foreman on it.  
15 There was an area next to or up in  
16 the vicinity of the feeder breaker  
17 where the bolts were, I'd say more  
18 than five feet from where the roof  
19 line was, so it needed some more  
20 support in that area because they  
21 were going to be traveling through  
22 there with the shuttle car and needed  
23 some better support there.

24 Q. That was due to some more  
25 sloughage that had occurred?

1       A.           Sloughage from the bounce or  
2       what have you. I was only in the  
3       mine until about noon. Peter Saint  
4       came and relieved me. I don't recall  
5       if we got any more rock dust in there  
6       or not. The crew before us had  
7       knocked out quite a bit of the gob  
8       material in the Number One entry in  
9       the south barrier.

10                I think most of the time I  
11       spent underground the miners were  
12       working on setting those rock props.  
13       And most of my time was spent  
14       watching that and trying to ensure  
15       that they got the additional support  
16       in around the feeder breaker and inby  
17       the feeder breaker.

18                And then there's some other  
19       things that probably don't apply to  
20       the accident that happened later that  
21       day. Peter Saint relieved me when I  
22       was helping the guys hold some timber  
23       that they were setting up around the  
24       feeder at Crosscut 120. Peter  
25       relieved me and I traveled outside

1       shortly after noon.

2       Q.       And that was your last time  
3       underground?

4       A.       It was my last time  
5       underground.   Shortly after I got  
6       outside, I spent some time in the  
7       MEO.   I think I did some cleaning of  
8       my apparatus and checking --- checked  
9       it out.   I was told by Bob Cornett,  
10      with Larry Ramey present, that I  
11      needed to go home.

12      Q.       You never did don your  
13      apparatus or wear your apparatus  
14      again after that first day?

15      A.       No.   The apparatus spent the  
16      rest of the time in the MEO in the  
17      blue goose.   I didn't even bring it  
18      underground.   There was no further  
19      apparatus work scheduled after  
20      reaching the seal on the 6th.

21      Q.       One thing that I failed to ask  
22      you on the 6th, was there an MSHA MEU  
23      person on that backup team that was  
24      at the fresh air base while you were  
25      exploring?

1 A. Gary Jensen was.

2 Q. Gary was backup there. Okay.

3 A. Gary Jensen was my backup guy.

4 MR. GATES:

5 Maybe if we take just  
6 three minutes and then we'll  
7 wrap things up.

8 SHORT BREAK TAKEN

9 BY MR. GATES:

10 Q. Just a couple more follow-up  
11 things, Brad. On the 6th is when you  
12 got to the seal breaching area. Were  
13 there any additional supports that  
14 had been set around those seals, cans  
15 or wooden cribs or anything that had  
16 been set either on the outby side of  
17 the seals or any kind of additional  
18 support that you saw when you got  
19 inby the seal?

20 A. Yes.

21 Q. Do you remember what it was  
22 and where it was?

23 A. On the inby side, I vividly  
24 remember that there was a double row  
25 of timber, about five foot centers.

1 On the outby side, the best I can  
2 recall there was some timber, at  
3 least a double row on the outby side  
4 and there may have been some  
5 additional timber set, kind of like  
6 in the center of the entry, a double  
7 row kind of out towards the  
8 intersection of Crosscut 118.

9 Q. Was that all of the additional  
10 roof support that had been put in  
11 there?

12 A. That's all I can remember,  
13 Richard.

14 Q. Okay. You don't remember any  
15 cans or ---?

16 A. I don't. Part of that being  
17 because I see so many seals, that  
18 they started looking the same after a  
19 while.

20 Q. All right. I know what you  
21 mean. When you and the team were  
22 exploring inby the seals and you got  
23 to the fall there in Number One  
24 entry, was there any discussion on  
25 setting some timbers and trying to

1 get inby that fall?

2 A. No.

3 Q. Do you know why or it just  
4 wasn't feasible?

5 A. It was a fairly-extensive  
6 fall, fairly long. It didn't look  
7 safe to do, the brows were ratty  
8 looking. It didn't seem like a  
9 feasible option, especially  
10 considering the intent of what we  
11 were trying to explore, trying to get  
12 in there inby there quickly.

13 Q. And was that the same for the  
14 other falls that you encountered?

15 A. Yes, especially considering  
16 the fact that it was continuing to  
17 work in there, setting timber ---  
18 hanging around setting timber in  
19 there didn't seem like the thing to  
20 do at the time.

21 Q. When you and Gary were just  
22 outby the seal or Gary was half in,  
23 half out, wherever he was and the  
24 bounce occurred, did you hear  
25 material fall or any material being

1 moved? I know you said you felt a  
2 concussion, but do you know if any  
3 material fell inby?

4 A. I don't know that for a fact,  
5 no.

6 Q. Do you think you heard any?

7 A. Yes.

8 Q. Yes?

9 A. It gave every indication that  
10 something went haywire in there and  
11 something was falling. You don't  
12 know if it's rib material or roof  
13 material.

14 Q. And you mentioned that you  
15 guys took --- what kind of  
16 communication did you take with you?

17 A. A pager phone.

18 Q. Any reason that you took the  
19 phone --- used that means of  
20 communication versus any other?

21 A. That's what they had  
22 established when I arrived, Richard.

23 Q. Okay.

24 A. I don't know why they went  
25 that route. I kind of had



1           already been interviewed or  
2           may be interviewed in the  
3           future. This will ensure that  
4           we obtain everyone's  
5           independent recollection of  
6           the events surrounding the  
7           accident.

8                         After questioning other  
9           witnesses, we may call you if  
10          we have any follow-up  
11          questions that we feel we need  
12          to ask. If at any time you  
13          have additional information  
14          regarding the accident that  
15          you would like to provide,  
16          please contact me at the  
17          information previously  
18          provided.

19                        If you wish, you may  
20          now go back over any answer  
21          that you've given or you may  
22          also make a statement if you  
23          would like.

24          A.           Can we take a little break and  
25          I can think about that?

1                   MR. GATES:

2                   Sure. We can take ---.

3           A.       Take a little break.

4           SHORT BREAK TAKEN

5                   MR. GATES:

6                   We can go back on the  
7                   record.

8           BY MR. GATES:

9           Q.       Before you get to any  
10           statement that you'd like to make,  
11           Bard, I know that you have referred  
12           to some notes during the course of  
13           the interview. And I guess I would  
14           ask you if it would be possible to  
15           get a copy of the notes that you've  
16           referred to?

17           A.       That would be fine.

18           Q.       Okay. And I also see that  
19           during the course of the interview we  
20           had discussed the Solaris gas  
21           detector and any of the printouts  
22           that are available from it when it's  
23           calibrated or when it goes into alarm  
24           status.

25           A.       Yeah, this is my only copy but

1 you're welcome to have a copy of  
2 that.

3 Q. Okay. I might just ask you  
4 for it.

5 A. If you want, just for your  
6 note --- or your own information,  
7 I've highlighted the effective date.

8 Q. Okay. And I guess I would  
9 just ask you if we could get a copy  
10 of that at your convenience?

11 A. Sure. Can we do that at the  
12 Price office or do you want me to  
13 send you these or ---?

14 Q. We can go back to the office  
15 after we're through here, whatever is  
16 convenient for you. I don't know if  
17 you need to get back to --- if you  
18 need to hit the road or we can sort  
19 that out when we're finished.

20 A. That's fine.

21 MR. GATES:

22 And right before we  
23 took a break, I had asked if  
24 there was any question that  
25 you would like to go back over

1           your answer or any statement  
2           that you would like to make  
3           that you think would be  
4           relevant to the accident  
5           investigation and help us in  
6           what we're trying to do.

7       A.       Yes.    I have a few more  
8       thoughts.    The long day that I had  
9       Wednesday that we were talking about,  
10      I remember what happened that  
11      afternoon.

12      BY MR. GATES:

13      Q.       That would be Wednesday, the  
14      8th?

15      A.       Yes.    When I was anticipating  
16      my buddy Peter Saint relieving me and  
17      he didn't show up, Bob Murray, Larry  
18      Ramey and two of the family members  
19      of the six trapped miners arrived  
20      underground that afternoon.    And I  
21      traveled with that party while they  
22      were underground, too.    Had some  
23      discussion with the two family  
24      members, nothing of real  
25      significance.    They asked --- I think

1 they asked me what I thought of the  
2 situation. And I said it kind of  
3 speaks for itself. They could see  
4 the amount of material that was going  
5 to have to be moved and the distance  
6 that we were going to have to go to  
7 be able to get to the location they  
8 thought these guys were at.

9 And that just kind of ---. I  
10 wanted to get that on the record  
11 because that's the time filler I was  
12 --- I didn't make any notes of it,  
13 but that was the day that that  
14 occurred.

15 Q. Do you remember who those  
16 people were, who the family members  
17 were?

18 A. No. The only thing that I do  
19 recall is the one family member is a  
20 mine rescue team member for (b) (7)(C) .  
21 I didn't catch names. Like I said,  
22 I'm terrible with names.

23 Q. What was their response, when  
24 you shared that information, when you  
25 tried to show the amount of material

1 that may have to be moved?

2 A. They just kind of nodded in  
3 agreement. They were pretty much  
4 getting paraded around by Bob Murray.  
5 Bob Murray was running that show.

6 Q. What do you mean? What do you  
7 mean by that?

8 A. He was escorting these guys  
9 around, giving them his version of  
10 what he thought was going to take  
11 place.

12 Q. Were you privy to much of  
13 those discussions?

14 A. I overheard some of them but  
15 there was really nothing of any  
16 relevance that I put in long-term  
17 memory. It's seems like Laine Adair  
18 was present for that, too.

19 A lot of faces, a lot of  
20 people that were in the mine looking  
21 around. A lot of people that were in  
22 the mine that didn't need to be in  
23 the mine. And as far as a statement  
24 --- that clears up that time filler  
25 for you.

1           A statement. I believe that  
2 both accidents were preventable. I  
3 think what was going on in the mine  
4 in the south barrier was risky at  
5 best. I think the way that emergency  
6 was handled lacked organization and  
7 was handled in a risky manner.

8           And I don't know what happened  
9 after I left, but I know what was  
10 going on while I was onsite. There  
11 was a lot of safety precautions that  
12 were being ignored. And I feel that  
13 the last three guys that got killed  
14 and the injuries were very much  
15 preventable. And I just want to go  
16 on record saying that.

17 Q.       I guess if you'd let me just  
18 give you a follow-up question to that  
19 then. What do you think could have  
20 been done differently during the  
21 rescue and recovery efforts?

22 A.       As they were going into the  
23 recovery, they should have taken care  
24 of your basics such as rock dust,  
25 such as preventing the float coal

1 dust, such as addressing the  
2 pulverized coal that the equipment  
3 was running over to prevent fires or  
4 other things from occurring behind  
5 these rescue workers as they were  
6 installing the rock props.

7           The methodology that they were  
8 using, they were stretching out chain  
9 link without any protection out in  
10 front of the area where these rock  
11 props were going in, which exposed  
12 people to --- had it bounced while  
13 they were out there stretching that  
14 chain link out, exposed the people to  
15 hazards that could have been dealt  
16 with in a different manner. I think  
17 you could progressively put those  
18 supports in and give your people more  
19 protection than what was being  
20 provided.

21 Q.       The chain link was advanced  
22 prior to the rock props being put in?

23 A.       Yes. It was hung and a lot of  
24 times it was hung and then the props  
25 were set in front of the chain link.

1 Q. Okay.

2 A. They were digging holes way in  
3 advance of the rock props to set the  
4 rock props in, which exposed the  
5 people to potential problems from  
6 bounces, if the rib blows out, the  
7 rib bursts.

8 Q. Were you involved in the  
9 installation of any of the rock props  
10 or the chain link or the cable?

11 A. That was on Thursday. I was  
12 there when that was going on for a  
13 little while. That was from that  
14 morning until about noon when Peter  
15 Saint relieved me.

16 Q. Okay. Anything else ---

17 A. That's it.

18 Q. --- you'd like to add?

19 A. I think that's it.

20 MR. GATES:

21 We appreciate your time  
22 and you taking the opportunity  
23 to come and talk with us  
24 today. I appreciate the  
25 information you've shared with

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

us and your cooperation.

Thanks, Brad.

A. Thank you.

\* \* \* \* \*

STATEMENT CONCLUDED AT 1:04 P.M.

\* \* \* \* \*