

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
BRAD ALLEN

INTERVIEWERS:  
JOE PAVLOVICH, ERNEST TEASTER

DATE:  
December 6, 2007

1                   MR. TEASTER:

2                   Brad, before we get into questioning, I'll share a little  
3 information of what we're trying to accomplish and why we're here. As you know, the  
4 assistant secretary, Richard Stickler and Administrator Cole was present during most  
5 of the recovery operation. The Agency has, in recent years, always conducted an  
6 internal review when they had an accident such as what we had at Crandall Canyon.  
7 So the secretary wanted to do a review but she didn't want to do one internal because  
8 the top people were here, so she decided she wanted to do an independent review.  
9 You know Joe. Joe and I both worked for the Agency for over 30 years. We worked  
10 in all the different positions up to district manager and I spent my last three years with  
11 metal/nonmetal. And Joe's got extensive background in mine rescues, as do I. We've  
12 conducted several internal reviews, handed those reviews out, so we have extensive  
13 background in all the areas we're touching in, but --- so we agreed to come out of  
14 retirement. Joe retired two and a half years ago, and me about five and a half.

15               A.       Right.

16                   MR. TEASTER:

17                   And a lot of changes have taken place. Plus we needed help  
18 doing this, so these people behind me agreed to come on board and help us  
19 accomplish this mission. And we have different areas of expertise. There's another  
20 one that's not here yet, that's our Attorney, Jennifer Honor. She'll be down shortly.  
21 We intend to get as much information as we can of what transpired at that mine as far  
22 as MSHA is concerned prior to the accident on August the 6th as well as the events  
23 that took place, decisions, plans, whatever, that took place up to and including the day  
24 of the second accident on August the 16th.

25               A.       Okay.

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. TEASTER:

We want to produce information that we've come up with, evaluate it, draw some conclusions and submit a report to the secretary probably with some recommendations. And we hope to do that some time in early April. That's our target date. Hopefully we'll finish up early, but more likely we'll be a little bit late. Do you have any questions or any concerns about how we're going to ---?

A. Not really.

MR. TEASTER:

Why we're here, what we're going to do?

A. Not really.

MR. TEASTER:

We are going to tape the interview unless you've got some problems. We're going to use that primarily to help us. If we need to refer back to it for some disagreement of what we said, we can refer back to the tape.

A. That's fine with me.

MR. TEASTER:

Before we get started into the questioning, I want to read this statement into the record. The secretary has assigned this group the task of evaluating MSHA's performance during the period preceding the August 6th, 2007 coal bounce at the Crandall Canyon mine and the subsequent rescue effort. We will also be evaluating issues that were raised during this time period regarding Bob Murray and his interaction with MSHA. This is not an investigation or review of any individual person. It's an administrative review of MSHA's actions as an agency. This evaluation will be presented to the secretary in the near future and it's intended that the results of the evaluation will be made public. This interview is being conducted to

1 gather information for this assignment. We intend to interview a number of other  
2 MSHA employees so that we may obtain unbiased information from all persons to be  
3 interviewed. We ask that you not discuss this interview with anyone until all the  
4 interviews have been completed.

5 BY MR. TEASTER:

6 Q. And Brad, are you a bargaining unit employee?

7 A. I am.

8 Q. And are you aware of the fact that you could have a union representation;  
9 right?

10 A. I am.

11 Q. And you obviously declined by being here?

12 A. Correct.

13 Q. Brad, would you give us your full name?

14 A. Bradley Kenneth Allen.

15 Q. And Brad, what is your job title?

16 A. I'm a coal mine inspector out of Delta, Colorado.

17 Q. And how long have you been in that position?

18 A. I've been in the Delta office since November of 2004. Prior to that, I was a  
19 metal/nonmetal inspector. I worked both out of Elko, Nevada field office and Denver,  
20 Colorado field office prior to transferring to coal. I started with MSHA in 2001, June of  
21 2001.

22 Q. Who's your current supervisor?

23 A. Right now, we have an acting supervisor. It used to be Larry Ramey. He has  
24 since taken a CLR job in the district and so right now [REDACTED] is our acting  
25 supervisor for 60 days.

1 Q. Brad, how about giving us a little bit of your mining background prior to  
2 coming to the Agency?

3 A. Prior to coming to the Agency, I started when I was 18 years old mining at  
4 Deserado Mine in Rangely, Colorado. I worked there most of my career, about 12 and  
5 a half years. I was laid off in 1995, at which time I went to Bear Coal number three in  
6 Somerset, Colorado and worked there about a year, and then returned back to  
7 Deserado until 2001 when I started with the Agency.

8 Q. And do these mines have deep cover?

9 A. It depends on what you consider deep. Bear did have --- Bear Coal had  
10 deeper cover than Deserado. Deserado ranged from about 500 to 1,000 feet of cover.  
11 Bear, I think they were upwards of 1,500 feet of cover.

12 Q. Did you experience many bounces or bumps in those mines?

13 A. Deserado, no. Bear, sometimes yes.

14 Q. Would you tell us how you were notified of the accident on August the 6th at  
15 the Crandall Canyon Mine?

16 A. Yes. Is it a problem if I refer to my notes?

17 Q. No. Please do.

18 UNIDENTIFIED SPEAKER:

19 Brad, would it be possible if we got a copy of your notes? We  
20 never --- I believe we never got anything from you. Do you have any notes that we  
21 could have a copy of?

22 A. These are personal notes and they've been submitted with Mr. Gates and  
23 you're welcome to have a copy as well.

24 MR. PAVLOVICH:

25 Thank you, Brad.

1 BY MR. TEASTER:

2 Q. Were these notes ever turned in to the Agency?

3 A. They were turned into --- a copy was given to Mr. Gates for the accident  
4 investigation.

5 Q. But prior to that, they were not turned in?

6 A. No.

7 MR. PAVLOVICH:

8 Ex. (b)(6) and Ex. (b)(7)(C) this is Brad Allen. This is Ex. (b)(6) and Ex. (b)(7)(C)

9 ATTORNEY Ex. (b)(6) and Ex. (b)(7)(C)

10 Hi, Brad. How are you?

11 A. Good. How are you?

12 ATTORNEY Ex. (b)(6) and Ex. (b)(7)(C)

13 Nice to meet you.

14 MR. PAVLOVICH:

15 Ex. (b)(6) and Ex. (b)(7)(C) our --- with the solicitor's office in Washington,

16 D.C., Brad.

17 A. Okay. Monday morning, August 6th, I received a voicemail from my  
18 supervisor and the mine rescue team coordinator, Larry Ramey. I think that was close  
19 to 6 o'clock in the morning. Told me that we had six miners missing at Crandall  
20 Canyon. The mine rescue, MSHA mine rescue, had been deployed. We were  
21 scheduled to have a staff meeting that morning. I redirected, packed a bag because I  
22 was still at home, and headed to the office so I could pick up my apparatus. Larry  
23 Ramey and I were going to travel to the mine together.

24 BY MR. TEASTER:

25 Q. And are you a member of MSHA's mine emergency unit?

1 A. Yes, I was at that time. I am no longer a member, but at that time I was.

2 Q. And how long have you been --- how long was you a member of the team?

3 A. I believe I started with the mine rescue team in early 2005.

4 MR. PAVLOVICH:

5 Did you start when the team was formed down here?

6 A. The western, when the western team was ---.

7 MR. PAVLOVICH:

8 You were one of the regional members of the western mine  
9 rescue?

10 A. Yes.

11 BY MR. TEASTER:

12 Q. So after you were notified, what actions did you next take?

13 A. I traveled at the Delta field office, grabbed my apparatus and associated mine  
14 rescue gear. Larry Ramey and I loaded all of the gear we could get into his blazer and  
15 we headed straight for the mine.

16 Q. Was the mine rescue station there at Delta?

17 A. Right now, the western part is kind of haphazard. We don't have a per se  
18 station. We can kind of follow ---.

19 MR. PAVLOVICH:

20 You keep your individual apparatuses at your work location, is  
21 that how they do it?

22 A. Yes.

23 MR. PAVLOVICH:

24 Okay.

25 A. And since Larry Ramey was the coordinator, we had some extra gear such as

1 the Dragorsorb and things like that, that we had to gather up as well.

2 BY MR. TEASTER:

3 Q. So you loaded up all your equipment and headed toward the mine or did you  
4 come to Price?

5 A. Yeah. We came to Price. Well, we didn't come clear into Price, but turned off  
6 at --- and headed up to Crandall Canyon straight away.

7 Q. Do you know about what time you arrived at the mine?

8 A. It was fairly close to noon.

9 Q. And what was your --- when you arrived at the mine, what was --- who did you  
10 meet? What was your instructions?

11 A. Well, once we got through all the security and stuff, Larry Ramey and I went  
12 into the MEO, at which time we met Bill Taylor. He was stationed in there. He briefed  
13 us shortly about where they believed the miners were located, showed us on a map  
14 where they thought they were. And the next step in the program, when I arrived, was  
15 that they were breaching a seal, in the process of breaching the seal. They needed  
16 apparatus wearers to go into that sealed area with the mine rescue teams.

17 Q. And where was those seals located? Was it west main?

18 A. Yeah. It was main west, right here.

19 Q. Who did you view as being in charge of the rescue operation when you  
20 arrived?

21 A. That's a tough question.

22 Q. Why is it tough? Does this appear to be more than one person in charge or  
23 did it appear that no one was in charge?

24 A. It didn't appear that anybody was in charge.

25 Q. Do you recall who was present at that time for MSHA?

1 A. I didn't see him but I knew Al Davis was on-site and Bill Taylor were the only  
2 management-type folks that were on-site. I knew that Gibb was underground, based  
3 on my briefing of Bill Taylor, and at that point I benched my apparatus to get ready for  
4 use and then coordinated a ride underground and got down to the number one seal  
5 location in mains west.

6 Q. Was there any company officials in that area where you were talking to Bill  
7 Taylor?

8 A. No.

9 Q. Just the MSHA folks?

10 A. Yes. It was --- I think there was one other MSHA fellow in there. It might  
11 have been Barry Grosely.

12 Q. Okay.

13 A. And Larry Ramey and Taylor and myself. Those were the only ones present  
14 at that time.

15 MR. PAVLOVICH:

16 Was this in the Blue Goose?

17 A. The Blue Goose, yes.

18 BY MR. TEASTER:

19 Q. And what were your instructions?

20 A. Once Taylor showed us where they believed the miners were missing and  
21 what the plan was to get into the number one seal in main west, Larry told me to get  
22 my apparatus ready and head in the mine, that I'd be accompanying the company  
23 teams, which at the time I didn't know who all was there but later on there was --- I  
24 found that there was Murray folks and Energy West folks both present.

25 Q. And who went underground with you?

1 A. Actually I just caught a ride in with a miner and I can't --- I don't recall the  
2 guy's name at all.

3 Q. I'm not so much interested, but did you have someone from the company  
4 transport just you alone on the ground?

5 A. Yes.

6 Q. And you went directly to the ---?

7 A. To the seal area.

8 Q. To the seal area at main west?

9 A. Yes. I believe we parked somewhere near crosscut 115 in this area and I  
10 walked up to the number one seal. When I arrived at that point, Gibb was there, Gary  
11 Jensen was there. I'm going to call him Gibb ---

12 Q. Okay.

13 A. --- because that's what we're used to calling him. And he asked me if I was  
14 ready to go in, that they had the hole through the seal. And I said sure.

15 Q. So he assumed you was going in?

16 A. He assumed I was going in. He was there with apparatus but as soon as I  
17 walked up, he said are you ready to go. So I took that to mean that he was assuming  
18 that I was going in and he was not.

19 Q. Was you given any instructions as to who was going in when you left the  
20 surface?

21 A. Other than what Larry Ramey said that I would be going to that seal area, no.  
22 He really didn't specify which one of us were to go in.

23 Q. So Gary just assumed that you was going to go in?

24 A. Yeah. And I assumed based on conversation he'd had with the fresh air base  
25 and outside that that was established while I was getting in the mine. It took a long

1 time to get into that point. The roads were less than desirable in that mine and the  
2 equipment, the little truck that we were riding in was kind of dilapidated and it took a  
3 while to get in. Plus there was a lot of traffic.

4 Q. Did you have any feeling that Gary had any reservations about going into this  
5 inby the sealed area?

6 A. Gary didn't seem real comfortable there, but I think had I told him I wasn't  
7 ready, he would have went. I think he would have went, yeah.

8 Q. And the seal had already been breached when you got there?

9 A. Yes.

10 Q. About what size opening did we have?

11 A. They had punched about roughly a two-foot square hole in the seal.

12 Q. And did they have an air lock established there?

13 A. They had a braddish air lock in front of it, yes.

14 Q. So continue. You talked to Gary and he told you that you'd be going in. And  
15 what happened from there?

16 A. At that point, I wanted to establish who was going in with us. Gary  
17 Christensen was kind of the head mine rescue guy there. He was the inner US mine  
18 rescue team captain. I think --- I'm terrible with the names, but I think one of the  
19 Murray mine rescue team captains was going in there with us, and I think there was  
20 one other Energy West guy and two other Murray guys.

21 MR. PAVLOVICH:

22 So a team of five combined from the two teams?

23 A. Five plus me.

24 BY MR. TEASTER:

25 Q. And who was going to be the captain?

1 A. Gary Christensen.

2 Q. Gary Christensen. How many people were at the seal?

3 A. A lot. That was one of the things that stuck in my mind as soon as I walked up  
4 was how many people were there.

5 Q. Were they all mine rescue people?

6 A. I don't believe so. I don't believe they were all apparatus wearers. I'm fairly  
7 certain that there was a couple Energy West folks that were not apparatus wearers  
8 and I know that there was one Murray --- I think he was either a shift foreman or a  
9 superintendent type person that was there.

10 MR. PAVLOVICH:

11 Brad, were you ever briefed or was it ever discussed with you  
12 what the purpose of this was?

13 A. To go into the seal?

14 MR. PAVLOVICH:

15 Yes.

16 A. Yeah.

17 MR. PAVLOVICH:

18 What was your mission? I mean, did anybody ever say here's  
19 what ---?

20 A. The mission was to see if there was --- what they wanted to try and do to ---  
21 what they told me was they believed that the miners were near crosscut 140. And  
22 they wanted to see if we could get into --- well, there's kind of a dog leg here where  
23 they dropped one of the entries and they wanted to see if we could get into that point.

24 MR. PAVLOVICH:

25 Where that sump is that's shown?

1 A. Yeah, where this sump is on the map in main west. So they can see if they  
2 drill a hole or something over to where those guys were located.

3 MR. PAVLOVICH:

4 So your intent was to see if it was travelable up to where the  
5 sump was?

6 A. Correct.

7 BY MR. TEASTER:

8 Q. How many apparatuses did they have at the seal?

9 A. I believe there was the five apparatus wearers that were going in and then I  
10 believe there was at least six more.

11 Q. Did you have backup for each person that was going in, Brad?

12 A. Yes. Probably maybe even more than ---.

13 Q. And was Gary acting as your backup?

14 A. Yes. Gary was apparatus --- had his apparatus right there. He was my  
15 backup. Gary helped me get suited up and do the apparatus check and everything  
16 before I entered in that seal.

17 Q. Okay. Just continue walking us through how you proceeded inby the seal.

18 A. Well, there was some hubbub before we actually got into the seal. Gary  
19 Christensen put his apparatus on and apparently had not benched it himself. There  
20 was no CO2 absorbent in his machine, so he was ---.

21 Q. So where did he go?

22 A. He approached the opening of the --- in the seal and ---.

23 Q. Was he inby the air lock?

24 A. Not yet. Yeah, he was actually in the air lock but he wasn't in the seal. He  
25 started feeling abnormal so we had him check his apparatus and didn't have CO2

1 absorbent in it, so we had to regroup and give him --- I'm not sure if they just got him a  
2 canister with CO2 absorbent in there or if we switched apparatus.

3 MR. PAVLOVICH:

4 What kind of apparatus did he have, Brad?

5 A. BG4.

6 MR. PAVLOVICH:

7 Did it have just a training canister in it that was empty?

8 A. Yes.

9 MR. PAVLOVICH:

10 Okay. So it just had a training canister but no absorbent?

11 A. No absorbent in the canister.

12 MR. PAVLOVICH:

13 And he actually started to feel ---

14 A. Woozy.

15 MR. PAVLOVICH:

16 --- the effects of that?

17 A. Yeah. And quickly.

18 BY MR. TEASTER:

19 Q. So there was no --- I'm sorry. Go ahead, finish.

20 A. He started feeling the effects of that quite quickly. I think he said he felt light-  
21 headed.

22 Q. Was there any test that would have --- that he could have, should have  
23 conducted on him prior to going in there that could possibly have detected that?

24 A. Sure. That's a see-through canister. That's part of a visual on your machine.  
25 That should have been detected before he even went underground.

1 Q. Were the other team members --- did they examine their machines or test  
2 their machines the way they should before they go into an irrespirable atmosphere?  
3 Or did we know it was irrespirable in that area?

4 A. Yes. Once they broke through --- well, I think they probably had a seal  
5 sample to know that it was potentially irrespirable. That area, I think, had been sealed  
6 three to four years, and then once they were able to breach the seal, they took  
7 readings and knew it was irrespirable.

8 Q. Do you know what the oxygen content was reported to be at that time?

9 A. Yeah. I believe they said it was around 16 percent.

10 Q. So after he got ---.

11 MR. PAVLOVICH:

12 Sixteen (16) percent oxygen outby the seal?

13 A. Right at the opening in the seal.

14 MR. PAVLOVICH:

15 Right at the opening.

16 BY MR. TEASTER:

17 Q. Do you know what it was behind the seals?

18 A. Yes, I do. It was 6 percent. Six (6) percent O<sub>2</sub>, 64 parts CO, no methane.

19 Q. Based on your knowledge of low oxygen, it wouldn't take too much of that  
20 without the protection of an apparatus to get you down?

21 A. Exactly.

22 Q. So what happened after Christensen came back out of the air lock?

23 A. Okay. After we got him squared away and got a good apparatus on his back,  
24 we headed in the seal area and ---.

25 Q. So he wasn't affected enough that he didn't continue? Once he got back out

1 in the fresh air, he was okay?

2 A. Yeah. As soon as he started feeling woozy, he wasn't actually in the seal area  
3 so he was able to step back out and pull his apparatus off, get his machine squared  
4 away. And once he got a good machine on his back, he felt comfortable with going  
5 back in. That was established with his Energy West folks.

6 Q. Okay.

7 A. He felt okay after he had the CO2 absorbent in his machine and he was ready  
8 to continue on in. So we went through the hole --- well, right before we went in, I  
9 wanted to make sure, I checked with Gibb to verify that we had communication with  
10 the surface and that that was our orders, was to go into the seal.

11 Q. You had communications there just outby the seals all the way to the surface?

12 A. Yes.

13 Q. What communications were you taking with you?

14 A. We took a pager phone with us.

15 MR. PAVLOVICH:

16 Into the seal area?

17 A. Into the sealed area.

18 MR. PAVLOVICH:

19 A pager phone?

20 A. Yes.

21 MR. PAVLOVICH:

22 Were you dragging a phone line with you?

23 A. Yes.

24 MR. PAVLOVICH:

25 With double twisted wire?

1 A. No.

2 MR. VANATTER:

3 What kind was it?

4 A. It was just regular phone wire.

5 MR. PAVLOVICH:

6 Regular phone --- well, the regular black and white phone wire  
7 or was it in a cable with ---?

8 A. It was actually in a --- I think it was gray. It was in a gray ---.

9 MR. PAVLOVICH:

10 You were actually dragging that with you, with a pager phone?

11 A. Yes.

12 BY MR. TEASTER:

13 Q. Did they not have any mine rescue communication systems there in the mine  
14 that you were aware of?

15 A. I believe they had them at the mine but they didn't have them at the seal area.

16 MR. PAVLOVICH:

17 So you didn't have your mine rescue radios where you could  
18 communicate among each other?

19 A. No.

20 MR. PAVLOVICH:

21 Do you have those out here, your team have those?

22 A. No. The Motorola radios?

23 MR. PAVLOVICH:

24 Yeah. The Motorola radios with the hand set that you can ---?

25 A. Those didn't arrive 'til Virgil got here.

1 MR. PAVLOVICH:

2 Okay. So they don't --- your team in the west didn't have a  
3 set of those?

4 A. No.

5 MR. PAVLOVICH:

6 Did Christensen have any of those?

7 A. Not that I'm aware of. And I believe ---.

8 MR. PAVLOVICH:

9 But you didn't take any of those into the seal where you could  
10 communicate among each other?

11 A. No.

12 MR. PAVLOVICH:

13 Okay.

14 A. We had voice communication, and then we were using the pager phone with  
15 the wire tied back to the fresh air base to communicate out of the seal.

16 MR. PAVLOVICH:

17 To call out of ---?

18 A. And at one point, since we're on that subject, we did lose the wires off of the  
19 pager phone and lost communication as we were retreating out.

20 BY MR. TEASTER:

21 Q. Did you have a lifeline or anything other than a pager phone and a telephone?

22 A. No.

23 Q. Did the last guy carry the pager?

24 A. Yes.

25 Q. How about walking us through after you got inby.

1 A. Okay. After we got inby, we advanced up the number one entry as far as we  
2 could, which was not far. We made it to this --- do you mind if I draw on this map?

3 Q. No.

4 MR. PAVLOVICH:

5 No. In fact, if you want to use one of these colors, Brad, you  
6 can go ahead and just mark your route of travel there. Any one, just whatever will ---.  
7 We'll make a notation here somewhere that that is your route of travel.

8 BY MR. TEASTER:

9 Q. If you could just talk us through where you're going through just for the tape.

10 A. We entered seal number one entry, traveled up to crosscut, the intersection of  
11 120 which was caved.

12 Q. Was it cave tight?

13 A. No. But it was unsafe to pass.

14 MR. PAVLOVICH:

15 So the intersection of 120 was caved or unsafe?

16 A. Yes.

17 MR. PAVLOVICH:

18 So where did you go then, Brad?

19 A. It's been a little while. I'm trying to ---.

20 BY MR. TEASTER:

21 Q. Just take your time.

22 A. No, it would have been 121 that was caved.

23 MR. PAVLOVICH:

24 Okay. So you actually went up one more.

25 A. One more. 121 would have been caved.

1 BY MR. TEASTER:

2 Q. The intersection was caved.

3 A. Intersection was caved. So we backed up to 120 and traveled up the crosscut  
4 to number two entry.

5 Q. Go ahead and use your ---. From here. From here, I guess.

6 A. And then we tried to go into the number two entry and best I can recall, we  
7 didn't even make it to the intersection there, it was caved. Not airtight, just unsafe to  
8 travel. Got bolts hanging and it wasn't safe to try and take a team through it. So we  
9 backed up, backed up again to crosscut 120, went up the number two to number three  
10 crosscut.

11 Q. Was that stopping out?

12 A. There was no stopping there. Correct.

13 MR. PAVLOVICH:

14 Let's just mark here.

15 A. And we traveled inby once again in the number three entry, the center section  
16 was also caved.

17 BY MR. TEASTER:

18 Q. Let me ask you a question. When you were number two, you said it was  
19 caved but it wasn't caved tight. I mean, the entry in there was walking high, so I guess  
20 about eight foot?

21 A. Seven foot.

22 Q. Seven foot.

23 A. About seven foot.

24 Q. And there was fallen material from around the roof bolts, so you see roof bolts  
25 hanging down. Could you see over top of the material like up this entry?

1 A. Not far.

2 Q. Not very far?

3 A. Mainly because of the atmosphere in there.

4 Q. How was it?

5 A. It was kind of hazy.

6 Q. Okay. So you had poor visibility as far as ---?

7 MR. PAVLOVICH:

8 You really couldn't shine your light up and see two or three  
9 crosscuts?

10 A. No.

11 BY MR. TEASTER:

12 Q. Maybe 20, 30 feet, something like that?

13 A. Maybe 50 feet.

14 MR. PAVLOVICH:

15 How was walking across that 120 from over toward three?

16 A. There was material and debris from the coal ribs blowing out and all of these  
17 entries and the cross cuts. I would say the path that we had to walk in in the straights  
18 were --- by the straights, I mean the straight entries would be about six foot wide and  
19 the crosscuts, the closer you got to the number four entry, the worse it was, the more  
20 material was out in the walkway. So we started out about three to four foot wide  
21 walkway, and as you progressed up towards the number four entry, the worse it got.

22 BY MR. TEASTER:

23 Q. Did you ever get to the point you was actually walking on some of the  
24 material?

25 A. Yes. In three to four, I believe. We backed up to the --- in the number three

1 entry intersection, tried to advance up toward number four. I believe we could see  
2 deteriorated roof. We did not go into the intersection of number four because the roof  
3 was deteriorated through there and we could see another cave up in here.

4 MR. PAVLOVICH:

5 The crosscut from four to five was caved?

6 A. Four to five crosscut.

7 BY MR. TEASTER:

8 Q. The intersection just had a bad roof, it was open?

9 A. Yeah.

10 MR. PAVLOVICH:

11 Did you ever get in the intersection, Brad?

12 A. In number four?

13 MR. PAVLOVICH:

14 Yeah.

15 A. I did not.

16 MR. PAVLOVICH:

17 Okay. Did anybody?

18 A. No.

19 MR. PAVLOVICH:

20 But they couldn't go up the number four entry, either? You  
21 couldn't get close enough to even turn up number four entry?

22 A. No. And at that point, we stopped and regrouped there and decided that it  
23 was futile to try and advance.

24 MR. PAVLOVICH:

25 Okay. You felt there was no way to get in by that line?

1 A. Any ---.

2 MR. PAVLOVICH:

3 Did you hear the roof making any noise or the ribs making any  
4 noise while you were in there? Was it popping and cracking?

5 A. Yeah. It continued to bounce. Small bounces.

6 MR. PAVLOVICH:

7 Small bounces. Was material actually falling off the ribs?

8 A. Yeah.

9 MR. PAVLOVICH:

10 Like sloughing when in it bounced?

11 A. Yeah. As it had bounced, the ribs would slough. There wasn't any roof that  
12 was fallen, per se. But until you would get close to these deteriorated intersections  
13 and then you'd get some raveling as it would bounce there.

14 BY MR. TEASTER:

15 Q. Did you all stay together when you were in this area?

16 A. Yes.

17 Q. So all the whole team went up to this intersection or did some stay out back?

18 A. Well, these are only 100 foot centers roughly, so we're kind of strung out  
19 throughout that 100 foot stretch. I think our communications guy was still back in the  
20 intersection of 120. He was a ways behind us until we got up to the --- close to the  
21 number four intersection, and we were all together at that point. And as a group,  
22 decided that it wasn't feasible to try and advance for any further in crosscut 120.

23 MR. PAVLOVICH:

24 Who made that decision? Just as a team?

25 A. Team decision.

1 BY MR. TEASTER:

2 Q. Okay. How long was you in that area, Brad, roughly?

3 A. Maybe 15 minutes.

4 Q. Fifteen (15) minutes. And you mentioned to Joe that it was working?

5 A. Yes.

6 Q. Did you feel like it was unsafe to be up there based on stuff falling off the rib?

7 A. Not at that point, no.

8 Q. Was that normal, you think, for that period?

9 A. They were small bounces, so it wasn't enough to make me nervous.

10 Q. Where did you think the bounces were occurring?

11 A. Where?

12 Q. Inby the area?

13 A. Yes. They felt like --- felt to me like it was inby, that they would be more  
14 concentrated inby of us.

15 Q. Okay. So after you made your decision to go out, just walk us through that 'til  
16 you got outside.

17 A. After we made the decision to retreat, we headed back down crosscut 120,  
18 keeping in mind that we had some debris in the walkway and stuff and our  
19 communication guy got kind of tripped up on the phone line and we ended up yanking  
20 the phone line apart, so we called the team, stopped and got the communication re-  
21 established before we retreated on out.

22 Q. Where were you at when your communication wire come out?

23 A. It was between cross ---.

24 Q. About where you advanced?

25 A. Three to four cross cut, yeah. Those phone wires are pretty flimsy, so it just

1 took a little bit and pulled loose. So after we got communication re-established, we  
2 retreated directly out 120 all the way to the number one entry and out the seal. After  
3 we got out of the seal, everybody took their apparatus off outby the air lock and ---.

4 Q. They just took their mask off or did they take their apparatuses completely  
5 off?

6 A. Just masks. Shut the air off and took the masks off, communicated with the  
7 outside command center through --- it's another name. Energy West guy.

8 Q. Ray Guymon, maybe?

9 A. No. Wasn't Ray. Ray was there but it was ---.

10 Q. Gordon?

11 A. No.

12 Q. Tuttle? Kevin Tuttle?

13 A. Kevin Tuttle, I believe. Yeah.

14 MR. PAVLOVICH:

15 So he was the one on the phone communicating to the  
16 outside?

17 A. I believe so. We conveyed what we found in there, and at that point, they --- I  
18 don't know who they were, who he was talking to, but they wanted us to try and go  
19 back in and try getting up crosscut 119 because we didn't try and get up that route.

20 MR. PAVLOVICH:

21 We'll use a different color for your next ---. Did you go back  
22 in?

23 A. We didn't actually make it all the way back in.

24 BY MR. TEASTER:

25 Q. Well, you can use that to show us where you ---.

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. PAVLOVICH:

Show us what you did do, then.

A. Okay. I'll use green for retreat, I guess. So we retreated back out and then we kind of met. At the fresh air base. As we were preparing to go back in the seal, I think Gary Christensen had his apparatus fully dawned. I had my mask on but I didn't have my head straps tightened. A significant bounce occurred inby the seal area, inby the seal line, which caused concussion to blow out that 6 percent oxygen, 64 part CO atmosphere out over the fresh air base. Keeping in mind that we ---.

MR. PAVLOVICH:

So when you were out in the fresh air base outside of the air lock ---

A. Yes.

MR. PAVLOVICH:

--- and no one was in the air lock, there was a bounce that occurred inby the seals that actually blew bad air out through the air lock, through the seal, through the air lock and into the fresh air base?

A. Yes. Over all of those people that didn't have their apparatus on.

BY MR. TEASTER:

Q. Why were you and Gary sitting back out?

A. Well, the whole team was going to go back in to go back and see if we could explore up crosscut 119 to see if we could make it up to the number 5 entry was the intent.

Q. So you were in the process of doing that when the bump occurred?

A. Yes. At that point, I just strapped my apparatus on because I knew that air was nasty coming in out of there. I was afraid that we were going to have to get

1 people out of there, so I got my O2 turned on and started trying to get people out of  
2 there. I was yelling at them.

3 MR. PAVLOVICH:

4 Did anybody go down, Brad? Did anybody go down?

5 A. No.

6 MR. PAVLOVICH:

7 Okay.

8 A. No. They were --- at the fresh air base, there was fairly decent air flow  
9 through there. So once they broke the plane of the intersection there, they were back  
10 into fairly decent air. Once Gary and I started yelling at people to get back, they  
11 scattered. Everybody got out of there. Gary and I stayed under apparatus. We had  
12 another, I think it was Guymon, Ray Guymon, stood out in the fresh air, had his  
13 apparatus on his back but not donned. Gary and I went back in to re-establish the air  
14 lock and we also tied a piece of braddish cloth over the hole in the opening of the seal.

15 BY MR. TEASTER:

16 Q. Did you still have the low oxygen in that area when you got back?

17 A. Yes.

18 MR. PAVLOVICH:

19 So did it blow the curtain out that was making the air lock?

20 A. Yes. It blew it up.

21 MR. PAVLOVICH:

22 Okay. Was it a pretty tight installed curtain, Brad?

23 A. No.

24 MR. PAVLOVICH:

25 So originally it wasn't much anyway?

1 A. No. No, it wasn't much of an air lock.

2 BY MR. TEASTER:

3 Q. How was it framed up?

4 A. It was just --- the best I can recall, it was just installed with pogo sticks.

5 Q. Then what happened after you got sealed back up and ventilation up to the  
6 seal?

7 A. After we got sealed back up, Gary and I retreated back out into good air, took  
8 our apparatus off. And during that hubbub, they --- whoever was on the phone  
9 communicated what had gone on to the surface. And based on the bounce inby the  
10 seal, and it sounded like there was probably some roof that came in along with that.  
11 We elected not to go back in the seal.

12 MR. PAVLOVICH:

13 The team agreed not to go back?

14 A. Yes.

15 BY MR. TEASTER:

16 Q. Do you know if anybody ever went back in there again during the operation?

17 A. Not while I was still on-site.

18 Q. Okay. Do you know after you went on-site if anybody ever went back in?

19 A. No.

20 MR. PAVLOVICH:

21 Okay. So walk us through from that point on.

22 A. After that, it was --- there were several vehicles parked in an intersection  
23 outby here. We all retreated back to where the vehicles were parked, the trucks and  
24 whatever else you could find a ride on in the intake. I kind of stayed back and was  
25 trying to be one of the last ones out to make sure everybody was out away from that

1 area. We traveled outside from that point. I was under the impression that there was  
2 work going on also in the section, I can't remember the name of it. North, was that the  
3 north?

4 MR. PAVLOVICH:

5 It's not on this one.

6 A. The south barrier section. Around crosscut 120, we were setting up a feeder.

7 MR. PAVLOVICH:

8 Did you go up there?

9 A. I don't know who was over there. I traveled outside.

10 MR. PAVLOVICH:

11 Was that area dangered off before you left outside around  
12 that seal?

13 A. No.

14 MR. PAVLOVICH:

15 Okay. What happened when you got outside?

16 A. Not that I'm aware of.

17 MR. PAVLOVICH:

18 Okay.

19 A. We got outside and I'm trying to remember who I met with. As soon as I got  
20 outside, I told Larry Ramey what we found and he was listening, you know, on the  
21 phone, so he kind of had an idea of what was going on. And then I think Bob Cornett  
22 was on-site when I got back outside. So we went upstairs in their bathhouse with other  
23 --- with Gary Christensen and Murray's team captain. I cannot remember his name.  
24 He was a big guy. And we were --- we briefed Lane Adair with what we found. And I  
25 can't remember. It seems like there was another Murray gentleman in there, but I

1 can't remember who he was. Showed him on the map where we had gone to cross  
2 reference with what they'd established out there with what we'd found to make sure it  
3 was accurate and where we encountered the bad roof and caves. That was pretty  
4 much it for that day.

5 MR. PAVLOVICH:

6 Did anybody, Lane Adair or anybody else from the company  
7 question your decision not to go back in there?

8 A. Lane --- when we were back outside, Lane did say --- did ask us if we thought  
9 we could get back in and try and go up this seal line and try and get into the number  
10 five entry and both team captains and myself said no, based on the bounces that we  
11 heard and what we ---. We didn't look in there but we had a pretty good feeling that  
12 there was some cave --- some more caving that went on with that bounce. And the  
13 roof in there was --- didn't look good. I mean, the bolts were still fairly well intact but  
14 you combine deteriorated initial roof with bounces and we could have some rocks on  
15 our heads if we didn't feel it was safe to go in there again.

16 MR. PAVLOVICH:

17 Well, had the --- you indicated earlier that you didn't seem to  
18 think anyone in particular was in charge. Had anything changed from the time you  
19 went underground when you got back out? Did it seem more orderly and organized?

20 A. Yes, it did.

21 MR. PAVLOVICH:

22 Who did you think was in charge?

23 A. I new Davis was still on-site, but I felt like Bob Cornett had a pretty good  
24 handle on things. He was trying to establish some order there. Matter of fact, one of  
25 the things he asked to see was a plan how we were going about things in there.

1                                   MR. PAVLOVICH:

2                                   Were you given a plan when you went underground initially?

3           A.       No. There was no plan established.

4                                   MR. PAVLOVICH:

5                                   Apparently there was a verbal plan but it wasn't reduced to  
6                                   writing.

7           A.       I'm not even sure that there was a verbal plan.

8                                   MR. PAVLOVICH:

9                                   No plan at all?

10          A.       This is what we want to do and I'm not sure where that was coming from or if it  
11                                   was running through any channels.

12                                   MR. PAVLOVICH:

13                                   Did you see Al Davis when you came back out of the mine?

14          A.       Yes. Later on, I was in the MEO to see if --- to wait for --- we were waiting on  
15                                   some other mine rescue folks to arrive apparatus wearers before Ramey and I could  
16                                   leave the site. We wanted to make sure we had apparatus wearers on-site all the  
17                                   time.

18                                   MR. PAVLOVICH:

19                                   Was Al present during any of your briefings with Bob Cornett  
20                                   or when you had one with Lane Adair and his group.

21          A.       No. Not that I recall.

22                                   MR. PAVLOVICH:

23                                   So you left the mines shortly after that?

24          A.       It was about six o'clock, I think. Six o'clock that evening, maybe a little later.

25                                   MR. PAVLOVICH:

1 And when did you return to the mine?

2 A. The next day, Tuesday.

3 UNIDENTIFIED SPEAKER:

4 Hey, Brad, I don't know if I misheard you because I'm having  
5 trouble hearing you. When you guys went in the sealed area, breached the seal and  
6 went in the sealed area, at the same time were there people working inby that area at  
7 a separate tailpiece?

8 A. There were people working in the south barrier section trying to establish  
9 tailpiece and feeder in that area around --- the best I can recall, crosscut 119 to 120.

10 UNIDENTIFIED SPEAKER:

11 Have any idea how many people?

12 A. No idea.

13 UNIDENTIFIED SPEAKER:

14 And they're on the split there that's going by the seal?

15 A. As far as I know.

16 BY MR. TEASTER:

17 Q. Okay. Brad, I just --- I have a copy here of the log outside. It's like 1625,  
18 mine rescue teams going inby seal. This is the entry you went in; right?

19 A. Uh-huh (yes).

20 Q. And then they have a few more entries, but somewhere around 1703 it says  
21 heavy bounce behind seals. Would that be the one you guys felt when you were out  
22 in the fresh air base? Does that appear to be that time?

23 A. Yeah, I would think so.

24 Q. Okay. And what we have here is a log, taken from this log, and then what you  
25 tried to do was compare the University of Utah seismic activity to those same

1 corresponding times. So you see here, the big bump that trapped the six men was a  
2 3.9 magnitude at 2:48.

3 A. Okay.

4 Q. This one at 1702 --- they reported 1703 behind the 1702. University of Utah  
5 says they had one at 1.9 magnitude.

6 A. Okay.

7 Q. Would that have been the one you felt? Was it a pretty good jolt?

8 A. Yeah. It was a good, heavy hit.

9 Q. Did a lot of material come off the ribs? Did you feel the vibration.

10 A. Oh, yeah. Yeah.

11 Q. Okay.

12 A. You feel the vibration. The entry's covered with dust and then we had that  
13 additional problem with that low O2 blowing out over ---.

14 Q. Okay. So even out in the fresh air base filled up with dust?

15 A. Oh, yeah.

16 Q. Oh, okay. So material was coming off the ribs out there, too?

17 A. Sure.

18 Q. Okay. Was that the only bump that you experienced while you were at the  
19 mine, Brad?

20 A. That was the only --- that was the biggest one. I left on --- well, Thursday was  
21 my last day at the mine, and I was underground every day, and there was several  
22 smaller bumps but that was the biggest one that I recall.

23 Q. Walk us through your second day from the time you arrived.

24 A. Best I recall, the second day, due to the continued bouncing, we had had  
25 everybody pulled out of the south barrier area out to ---.

1 MR. PAVLOVICH:

2 What time did you get there on the second day, Brad?

3 A. I believe it was about seven o'clock in the morning.

4 MR. PAVLOVICH:

5 So you were on the day shift again?

6 A. Yes

7 MR. PAVLOVICH:

8 Okay.

9 A. Roughly seven o'clock.

10 MR. PAVLOVICH:

11 And everyone was pulled out at that time when you got there?

12 A. Out of?

13 MR. PAVLOVICH:

14 Out of the south barrier.

15 A. Anybody inby crosscut 110.

16 BY MR. TEASTER:

17 Q. Do you know why that was?

18 A. Because of the bouncing in that section.

19 MR. PAVLOVICH:

20 Did anybody talk about a specific bounce to you?

21 A. No.

22 MR. PAVLOVICH:

23 No one told you they were cleaning up number four entry and  
24 it bounced and filled the entry back up?

25 A. I knew that they were trying to clean number three and number four with

1 scoops. After --- you catch bits and pieces. We didn't --- I didn't get a briefing per se.

2 MR. PAVLOVICH:

3 So you never got a briefing, here's what happened last night --

4 -

5 A. Right.

6 MR. PAVLOVICH:

7 --- and specifics as to what happened?

8 A. Right.

9 BY MR. TEASTER:

10 Q. What were you told when you arrived? This was what, Wednesday morning?

11 A. Tuesday morning.

12 Q. Tuesday morning.

13 A. Tuesday morning.

14 MR. PAVLOVICH:

15 Just that there was some more bouncing so everybody was  
16 outby?

17 A. Yeah.

18 MR. PAVLOVICH:

19 Nobody specifically told you anything else?

20 A. Yes, they did. Randy told me that they'd had another fairly good hit that night,  
21 Monday night, and took out the ventilation controls out to, I believe, crosscut 93. So  
22 what they were working on --- was trying to re-establish ventilation. And we started ---  
23 Larry and I started inquiring about a map or something to know what ventilation was in  
24 --- what was intact, what was just curtain, what was permanent, what was taken out  
25 with the bounce. Nobody knew, so Larry assigned Peter Saint and myself to go into

1 the mine and map the area from 93 inby so we knew what ventilation controls we had  
2 in place.

3 MR. PAVLOVICH:

4 Okay. So you're saying there was people underground re-  
5 establishing ventilation controls but you and Larry asked for a map to show what had  
6 been blown out, what was still intact, what needed to be worked on and nobody had  
7 one?

8 A. Nobody knew.

9 MR. PAVLOVICH:

10 So this was just like hit and miss. We'll go in and if we find  
11 one blow on that, we'll put one up?

12 A. Yep. And there was no reporting being done.

13 MR. PAVLOVICH:

14 Of what was being repaired?

15 A. Of what was repaired and what was just ---.

16 BY MR. TEASTER:

17 Q. So you and Peter was going to go map what controls were in?

18 A. Right.

19 Q. When you started at 93?

20 A. Crosscut 93 on the main west inby to the south barrier area, up to 120.

21 MR. PAVLOVICH:

22 Did you take your apparatus in with you?

23 A. No. That was a barefaced mission. So it took a while for us to catch a ride.  
24 Peter Saint and I geared up and tried to organize a ride.

25 BY MR. TEASTER:

1 Q. Who was responsible for getting transportation in and out of the mine? Did  
2 the company have a person that you would go to tell them you needed a ride or you  
3 just caught a ride by whoever was going in?

4 A. There was a guy, can't remember if it was Tuesday or Wednesday, but they  
5 finally had a guy kind of outside coordinating rides and material and a few things. I  
6 can't remember ---.

7 MR. PAVLOVICH:

8 So did Ramey --- oh, go ahead.

9 A. I'm terrible with names. I cannot remember that guy's name.

10 MR. PAVLOVICH:

11 Was he a company man or an MSHA man?

12 A. He was a Murray man.

13 MR. PAVLOVICH:

14 Murray man. Did Larry Ramey --- is he the one who took it  
15 upon himself to assign you and Peter to go in and map the area and put up controls,  
16 or was this a directive from Al Davis or someone, whoever was in charge?

17 A. I don't know.

18 MR. PAVLOVICH:

19 Okay. But Larry's the one who came to you and told you?

20 A. It was just Larry that told us. Told Peter and I. So my assumption was that it  
21 was something that Larry wanted to know.

22 BY MR. TEASTER:

23 Q. Brad, does it appear to you that Larry Ramey was the guy that was directing  
24 the people that was on the mine rescue team there doing the work, and somebody  
25 else was doing the people that was monitoring setting up these --- installing these

1 stoppings?

2 A. Yes.

3 Q. There seem to be two different crews.

4 A. Two different entities. MSHA was --- there was, I think Donnie Durrant was in  
5 the area where they were trying to re-establish ---. Or he was at 110 that day.

6 Crosscut 110 to make sure nobody was going in past 110 and kind of coordinating.

7 Q. What was the stop at 110? Why was it ---?

8 A. Because they didn't want anybody inby 110 because the bouncing was still  
9 fairly significant in the south barrier section.

10 Q. So they held everybody out? There was nobody in there working inby 110 on  
11 the south barrier that you're aware of?

12 A. No. They were re-establishing permanent ventilation controls from 93 into  
13 110.

14 Then 110 had a strike belt running across it so they had to re-establish the ventilation  
15 controls down that strike belt, too, before they could start working ventilation in  
16 towards the south barrier.

17 MR. PAVLOVICH:

18 Were they all knocked out, too, Brad?

19 A. Most of them.

20 MR. PAVLOVICH:

21 Were these Kennedy stoppings that were pretty much  
22 knocked out or were they concrete block stopping?

23 A. They were both.

24 MR. PAVLOVICH:

25 They were a mixture of both?

1 A. Yeah. And they were going back in with the Kennedys of course, because  
2 they're faster.

3 BY MR. TEASTER:

4 Q. It knocked out block stoppings as well as Kennedys?

5 A. Best I can recall, yes. Along that belt line.

6 MR. PAVLOVICH:

7 When you said there was two different entities, and I think  
8 Ernie --- I didn't really hear Ernie's question because I was writing something. But it  
9 was like Larry Ramey and his group, was it Al Davis or Bob Cornett in his group, and  
10 then the company was a separate three groups?

11 A. Separate group. And the company was kind of doing their thing and you had  
12 Bill Taylor on-site.

13 MR. PAVLOVICH:

14 Okay. He was giving his inspectors instructions?

15 A. He was going what he ---.

16 MR. PAVLOVICH:

17 And Ramey was giving the mine rescue people instructions?

18 A. Correct.

19 BY MR. TEASTER:

20 Q. What do you mean, the company was doing their thing?

21 A. The company was doing their ventilation.

22 Q. Doing the work.

23 A. Doing the work. Then you had Bill Taylor with his inspectors kind of  
24 monitoring that work, I guess would be the way to put that.

25 Q. These stoppings that were then re-installed and being worked on, were they

1 knocked out on August the 6th?

2 A. That night. The best I can recall, the night of August 6th, the second bounce  
3 or another bounce that occurred that night took the ventilation back out.

4 Q. So they had re-installed temporary on August the 6th and then taken back out  
5 on the bump that occurred when you were near the seals?

6 A. Yes. I don't know how far, how many --- I don't think the ventilation controls  
7 were taken out on that bump.

8 Q. So it was one that occurred that night?

9 A. That night. Yeah. I think there was another fairly significant bump and we  
10 probably got data on that that night that took the ventilation back out to 93.

11 MR. PAVLOVICH:

12 Actually, 1:13 was a 2.2 magnitude and the bounce was  
13 reported, and this is a little description from Ron Paletta about what happened. We  
14 might take a break?

15 MR. TEASTER:

16 Yeah. I was going to say, I got a signal back there from ---.

17 BREAK TAKEN

18 BY MR. TEASTER:

19 Q. I did just want to go back to earlier in your career, Brad. When you were ---  
20 you started with metal ---

21 A. Yeah.

22 Q. --- and then you transferred into coal. Were you sent back to Beckley for any  
23 additional training?

24 A. Yes.

25 Q. Okay. And what --- how long of a period of time was that?

1 A. Seems like it took about six months to get my transition classes in.

2 Q. Six months. So was it like three weeks on and off or something like that?

3 A. No. What we did was through the district, decided which classes I needed.

4 Q. Okay. So they decided that you needed, say, ventilation?

5 A. Ventilation and roof control. Didn't think I needed the citation order writing  
6 and that kind of thing, but some of the coal specific stuff.

7 Q. Did they withhold your AR from you then and give it back to you? How did  
8 that work?

9 A. When I started with coal, I was an ROE.

10 Q. Okay. Back to right of entry.

11 A. For I can't remember how long. I think it was --- it was most of that six month  
12 period.

13 Q. Okay. And did you have to do a complete EO1 inspection with Ramey or  
14 something ---

15 A. Yeah.

16 Q. --- before you were recommended for a coal AR?

17 A. Yeah.

18 Q. Okay. What kind of mine rescue training did you have when the team  
19 started?

20 A. The MSHA team?

21 Q. Yes.

22 A. Well, the very first thing we did was they resurrected some old BG-174As that  
23 they were, I think, donated from the state of New Mexico. So most of us that were on  
24 the team had to be trained on the 174As.

25 Q. Okay.

1 A. I'm trying to remember where we went. Oh, we went to Denver shortly after  
2 the team was started, and Virgil and another fellow came out and trained us on the  
3 174As.

4 Q. Okay. One of the team members from the east?

5 A. I think so. I can't remember his name.

6 MR. PAVLOVICH:

7 Ron Cosgrove?

8 A. Might have been. Might have been. And then of course that was a week long  
9 training. What they were trying to do is treat us similar to industry, so they were trying  
10 to do the week long training. And then, you know, we'd meet close to every other  
11 month for training.

12 BY MR. PAVLOVICH:

13 Q. For a whole day?

14 A. Uh-huh (yes).

15 Q. Where would that be held at?

16 A. It varied. Denver sometimes. Sometimes here in Price, sometimes in Delta.

17 Q. Would you have to take your apparatuses with you to the training?

18 A. Yes.

19 Q. Okay. What kind of apparatuses do you have now?

20 A. 174.

21 Q. You still have the old ---?

22 A. No. We had them then. They bought us BG4s. When did we get those? It  
23 was I think December of --- it was either November or December of 2006, they got us  
24 174s --- or BG4s, sorry. And we went to Edgar Mine and trained with ---.

25 Q. Is that at Idaho Springs?

1 A. Uh-huh (yes).

2 Q. Okay.

3 A. Trained with --- I think it was a 20 mile team. That was some of the other stuff  
4 that we did. We'd go to Edgar and train with some of the mine teams.

5 Q. Did you ever get any training in mine rescue about the organization of a mine  
6 rescue event?

7 A. From MSHA?

8 Q. Yes.

9 A. No.

10 Q. Never got any training on how it should be organized, how it should be  
11 conducted, chain of command, command center organization, that sort of thing?

12 A. No.

13 Q. None? Had you ever been on a mine rescue team prior to coming in to  
14 MSHA?

15 A. Yes.

16 Q. Whose team was that?

17 A. I was on Deserados mine rescue team.

18 Q. Deserados team. Had you been through any events similar to this, mine fires  
19 or anything with Deserado?

20 A. No. No events. However, we did go back to Beckley for Dave Friley's class.

21 Q. Okay. Did Dave Friley teach something about organization ---

22 A. Yes.

23 Q. --- of a mine rescue event?

24 A. Yes.

25 Q. Was the things that Friley taught you about how an operation should be

1 organized and controlled and managed, was that --- did it seem to be being applied  
2 here?

3 A. No.

4 Q. In what regard?

5 A. It was completely disorganized?

6 Q. This event was completely disorganized, in your words?

7 A. Yes.

8 Q. In what manner?

9 A. Well, for instance, we had seemed like we had three different entities doing ---  
10 we had the mine, we had the Price field office and then we had the MSHA mine  
11 rescue folks. And some of them kind of overlapped, because you had Gibb who was  
12 out of Price and Randy Gunderson, who was out of Price, but also a mine rescue team  
13 member. Some of it overlapped but it seemed like there was different agendas.

14 Q. Did it seem like you were being briefed and debriefed regularly as you had  
15 been trained before?

16 A. The briefing was --- there wasn't much briefing.

17 Q. Okay.

18 A. My briefing generally was --- Ramey would give some info prior to sending me  
19 in on what he wanted done. One day he went in with me, but a lot of the time I would  
20 read the notes from the previous night in the log so I kind of had an idea of what was  
21 going on.

22 Q. So you almost had to brief yourself?

23 A. Yeah.

24 Q. Is that what you're saying? Do they really sit down and say, here's what  
25 happened last night, here's the exact things we're going to do today, here's what I want

1 you to do?

2 A. No.

3 Q. You never got anything like that? How about at the end of your shift when you  
4 come out there? Did anybody sit down with the MSHA people that came out and  
5 debrief them as a unit to find out exactly what happened that shift?

6 A. No.

7 Q. None of that was going on?

8 A. I would tell Ramey.

9 Q. So you'd just talk to Ramey and tell him?

10 A. Yeah.

11 Q. But you never talked to anyone that was in command, I mean from the  
12 command center?

13 A. Not per se.

14 Q. Could you even tell who was in charge?

15 A. There was a little bit more oversight, I guess you'd call it, when Bob Cornett  
16 arrived, up until Kevin got out here.

17 Q. Okay. Which was the 7th; right?

18 A. I think so.

19 Q. So then did you feel like Kevin was in charge, or Mr. Stickler?

20 A. No. I think there was some transition before Kevin was kind of up to speed.  
21 Based on what --- how I perceived emergency to run, I still didn't see a whole lot of  
22 oversight on MSHA's part.

23 BY MR. TEASTER:

24 Q. What role did you think Kevin played?

25 A. I think Kevin's role was more media-related than oversight at the mine.

1 Q. What about Mr. Stickler? He came out with Kevin I think about the same  
2 time.

3 A. I think both of them were more geared towards dealing with the family and the  
4 press.

5 Q. So based on what you observed of their actions at the mine site, they were not  
6 in charge?

7 A. I didn't get that impression.

8 Q. Your impression was more like Bob Cornett was running the operation?

9 A. Yeah.

10 Q. What about Al Davis? How did he fit in the process?

11 A. Until Stickler and Stricklin arrived, Davis was --- he met with Murray quite  
12 often. I knew that was kind of going on behind the scenes. I never did hear any results  
13 of any of that.

14 Q. How did you know that?

15 A. Taylor. Bill Taylor.

16 Q. Bill Taylor would tell you that Al was the meeting with Mr. Murray behind  
17 closed doors?

18 A. He would tell us --- he would mention it that, you know, if something was  
19 needed, if they wanted to bounce something off of Davis, then Taylor generally knew  
20 where he was and he was usually with Murray.

21 MR. PAVLOVICH:

22 You said prior to Kevin and Richard arriving, Davis was doing  
23 that. When they arrived, were they meeting with Murray, or did you ever hear  
24 anything about that? Didn't hear anything more about anything?

25 A. Not really. I was underground most of the time so I didn't ---. I tried to go

1 down to where the rubber meets the road.

2 BY MR. TEASTER:

3 Q. Do you think Ramey, when he had discussions with you at the end of your  
4 shift, did he consider that a debriefing?

5 A. I believe so.

6 Q. You met with him every day on your exit from the mines?

7 A. Yeah. Yeah. We talked when I'd get out. But I don't know --- I'm not sure if  
8 Larry relayed anything that I discussed with him.

9 Q. No one else debriefed you or asked you what you were observing, what was  
10 going on under there as far as MSHA is concerned?

11 A. Nobody solicited it. On Thursday, had a few comments with Bill Taylor about  
12 the way things were being handled underground, but ---.

13 Q. You approached Bill Taylor to tell him some concerns you had?

14 A. Yes.

15 Q. And what were those?

16 A. Main concern was that they weren't watching out for the safety of the rescue  
17 guys. There was things going on in Crandall such as loose coal being ran over, coal  
18 dust in the mine air, no rock dust being applied, the methodology of how the --- what  
19 do they call those? The props, the water props that they were using for support.

20 Q. Rock props?

21 A. Rock props. How those were being installed, they were exposing --- the guys,  
22 the miners were going out in front of the areas that were supported to dig holes out.  
23 They were out exposed 30 foot out, had another significant bounce occurred while  
24 they were out there, then ---.

25 MR. PAVLOVICH:

1 So they were out even as far as 30 foot inby the last rock  
2 prop ---

3 A. Yeah.

4 MR. PAVLOVICH:

5 --- to clean out an area to set the next one?

6 A. Yeah, there was just ---.

7 BY MR. TEASTER:

8 Q. So how was that sequence going? Was the miner in cleaning up, he was  
9 going in there let's say 30 feet from the last prop to the bumper of the miner?

10 A. No. They were going a little further than that.

11 Q. How far were they going?

12 A. When I got in there on Wednesday --- was it Wednesday? Let me look. Just  
13 a second. They didn't have the miner on Wednesday. Wednesday night, they got the  
14 miner in and then did some cleaning. When I got in there, there was --- this is just  
15 guessing. I think they had cleaned out 70 to 100 feet of material out. That whole shift  
16 on Thursday, we didn't do any cleaning up because we had to catch up with the  
17 support.

18 Q. So it was 72 feet inby the bumper of the miner to the last support?

19 A. Close.

20 Q. What procedures did they follow as far as installing all of the rock props, the  
21 fencing and the cables?

22 A. The procedure was fairly haphazard.

23 Q. Did they have a plan for how it would be done at that point, Brad?

24 A. On Thursday afternoon, a plan did show up underground.

25 Q. But this is Thursday morning we're talking about?

1 A. Right. I didn't see any kind of a plan.

2 Q. Were you given any instructions of what the procedure was to be?

3 A. No. Matter of fact, on Wednesday --- Wednesday, they had started installing  
4 timber with the little cans on top. I can't remember what they called those. Pop cans  
5 or something that would pressurize them against the roof. They were actually square  
6 sets and they were not the right size per the plan that they said they had, and I never  
7 did get to see the plan.

8 MR. PAVLOVICH:

9 Is it something to do with an eight by eight as opposed to an  
10 eight by six?

11 A. Yes. So there was a lot of question about that. I guess they finally got that  
12 ironed out.

13 MR. PAVLOVICH:

14 They just changed the plan. They didn't put eight by eights  
15 in?

16 A. No. They didn't change the support. They changed the plan. So I didn't see  
17 any kind of a plan show up at the site until Thursday afternoon.

18 MR. PAVLOVICH:

19 Okay. And that was the plan on how to set the rock props?

20 A. Yes.

21 MR. PAVLOVICH:

22 Okay. Prior to that ---?

23 A. And it was real vague. It was clean up, set the rock props on, I think, two and  
24 a half foot centers.

25 BY MR. TEASTER:

1 Q. That was the afternoon plan. But what were they doing while you were there  
2 that you voiced a complaint to, to Bill Taylor?

3 A. Well, the big part was they weren't taking care of the outby areas. They  
4 weren't putting any rock dust down. The equipment was not being maintained. They  
5 were running a diesel forklift that every time it would tram in there, you'd get high NO2  
6 readings. Virgil Brown was with me on Thursday morning and we both decided that  
7 we needed to talk to the foreman in charge about that diesel. We needed to do  
8 something with the filters or something, because it was exposing all of those people to  
9 that nasty diesel exhaust. The diesel was leaking. There was minimal water being put  
10 on the roadway so it was suspending the coal into the mine atmosphere and all that air  
11 is getting pushed over all those rescue workers. So all that coal dust was getting  
12 carried in there over the top of them, too. There was no procedures in place to protect  
13 them as they were installing the rock props. Like I said, they were going out in  
14 advance of the last one that was set, digging holes, one or two guys on each side, so  
15 they were exposed up to --- might not have been 30 feet. It might have been --- it  
16 probably was five or six holes. So if you're on two and a half foot centers, it's probably  
17 closer to 15 to 20 feet.

18 Q. So why would they not dig a hole and put a jack? Would they dig four or five  
19 holes and then start the jacks?

20 A. Yeah. There was a lot of people there. That was the other thing I brought up  
21 to Taylor, was there was too many people down there. They had people digging holes  
22 and they only had one means to set the rock props, one hose. So you'd have guys  
23 carrying the props, standing them up, then they had to wait until they could use that  
24 hose to pressure them up against mine roof. So you had quite a few people in there  
25 running around trying to --- they were trying to do it expeditiously and we all know why.

1 They wanted to get in there to their buddies but they were exposed to precarious ribs,  
2 and if that had bounced, then those guys would have been covered up.

3 Q. So do you think your discussion with Bill Taylor ultimately resulted in that plan  
4 that --- whereby you systematically installed them?

5 MR. PAVLOVICH:

6 What did Taylor tell you when you discussed these issues with  
7 him?

8 A. We'll look into it.

9 MR. PAVLOVICH:

10 We'll look into it?

11 A. And Donnie Durrant was down there as well and some of the issues that I was  
12 trying to raise to the foreman that needed addressed, such as the diesel scoop, such  
13 as the rock dust, Donnie kind of indicated that we'll get around to that to me.

14 BY MR. TEASTER:

15 Q. We'll get around to getting it fixed?

16 MR. PAVLOVICH:

17 While you were underground?

18 A. Yeah.

19 BY MR. TEASTER:

20 Q. What time was this? This was Thursday?

21 A. Uh-huh (yes). Yeah.

22 Q. Thursday morning?

23 A. Yeah. It was prior to noon. And by the time --- I think **Ex. (b)(6) and Ex. (b)(7)(C)**

24 Somewhere between noon and two o'clock, Peter Saint **Ex. (b)(6) and Ex. (b)(7)(C)** Thursday and

25 there was still no rock dust being applied. Nothing had been done with the diesel, so I

1 don't know when they were planning on getting around to it, but they weren't getting  
2 around to anything.

3 Q. Did you raise those issues early that morning?

4 A. Yeah. The foreman's name was Josh Fielder. There was several other  
5 things.

6 There was a Joe Z. It starts with a Z.

7 Q. Zelanko?

8 A. Zelanko was there with me as well. And while they were setting the rock  
9 props, we looked around to some other areas. We traveled together and had  
10 discovered that it needed some additional timber up by the feeder because the coal  
11 rib had blown out to where it needed some more support, and that was a frequently  
12 traveled area. That's where they were running up there with that buggy, so we brought  
13 that to their attention, too. They did get that done. They were in the process of setting  
14 those timber when I left that day.

15 Q. When Donnie told you they'd get around to it, what did you gather from that  
16 comment?

17 A. I gathered that that was low priority, that the focus there was advancement.

18 Q. So do you think you was the only one that was concerned with the diesel  
19 emissions and the dust on the roadways, rock dust, you know, lack of rock dust?

20 A. No. I don't think so. Virgil agreed with me. Well, Virgil and I discussed the  
21 diesel together. The day before on Wednesday, Larry Ramey was with me. We  
22 traveled in together. They were just getting started with the scoops again in crosscut  
23 119. There was no means to wet down the muck piles or the roadways or anything  
24 and that dust was super thick in there, and those two scoop operators were in there  
25 without respirators, no means to control the dust. So Larry Ramey and I both brought

1 it to their attention, brought it to that same foreman's attention, that Josh Fielder.

2 Q. And what did he tell you?

3 A. He told me he'd get around to it, and they did get some respirators in there for  
4 those guys.

5 Q. Did they get anything to ---?

6 A. Not until we stopped the scoops.

7 Q. So you stopped the operation?

8 A. Yes.

9 Q. For how long?

10 A. I think we had the scoops stopped for --- just guessing, roughly 30 minutes to  
11 an hour before they could get --- they were having problems with getting plumbing to  
12 get from the header at the tailpiece to be able to hook up a hose.

13 Q. What were they using the scoops for?

14 A. They were mucking out the --- around the number two entry from the material  
15 that had, from that Tuesday night bounce.

16 MR. PAVLOVICH:

17 Would it have been the material they cleaned out of number  
18 four previous and just dumped into crosscuts? Is that what they were cleaning up?

19 A. I'm not sure where that material went. But when Peter and I went in on  
20 Tuesday, the miner was sitting --- I think it was crosscut 119 to 120. It was almost ---  
21 the ribs from the bounce came in almost level with the top of the covers and that  
22 miner is a 12, 12, so it was about 5 foot high down the sides of that miner.

23 BY MR. TEASTER:

24 Q. Had the feeder already been set?

25 A. Feeder was set but they had to clear material to be able to even get above to

1 that feeder.

2 Q. From number one entry?

3 A. From number one entry. And they cleaned up past number two entry and  
4 there was one scoop working in number two to number three and into number three. I  
5 think he was working outby at 119.

6 Q. Do you know where the scoops were dumping that material?

7 A. Once they got it established, they were dumping it on that feeder.

8 Q. But at that point --- was that the area that you was concerned about the dust  
9 and suspension from them ---?

10 A. Yes. The feeder was set at outby 119, the best I can recall, and they were  
11 running, cleaning the crosscut of 119 between number 1 and number 3 entries. Also, I  
12 think the guy up in number 3 started mucking out inby towards 120 a little bit.

13 Q. So it took them 30 minutes to an hour to get the water hose and get over  
14 there?

15 A. Yeah.

16 Q. Then what happened? When they got the dust --- they watered the roadways  
17 down and then you turned them loose?

18 A. Yes.

19 Q. So how much do you think they were down for, how long?

20 A. I'm guessing by the time they got the water hose established and got the  
21 roadways wet, the muck piles wetted down some, they were probably down a half an  
22 hour to an hour.

23 Q. But the miner was not operating?

24 A. No.

25 Q. It was these scoops getting things out ---?

1 A. Right.

2 Q. So this was on Wednesday?

3 A. Yes. That miner didn't run while I was underground on Wednesday. It was  
4 just prep work and cleaning up.

5 Q. Was Randy with you on Wednesday when ---?

6 A. Part of the day.

7 Q. Was he with you when you shut the mine down to clean up or get that water  
8 down?

9 A. Yes. And then at that point, he went outside, giving every indication he had  
10 some peoples that he wanted to talk to out there. I'm not sure who he went and talked  
11 to. His last directive to me was, make sure they do it right.

12 Q. Before they start back in operation?

13 A. Yeah.

14 Q. Okay.

15 A. Which is what I was trying to see to it that they did.

16 Q. So you got your concerns addressed on that shift or was it just the water?

17 A. The water and the rock dust. On that day, they did bring in some rock dust.  
18 Matter of fact, Larry Ramey and I helped them pack the rock dust up to the point to  
19 where the miner was, which was at 119, because they were --- I think they started at  
20 117, the number one entry with the timber. From that point up to 119 and even a little  
21 bit inby, needed rock dust. So we helped them pack rock dust.

22 Q. So was the diesel an issue on Wednesday?

23 A. No.

24 Q. So that was ---?

25 A. That forklift wasn't running on Wednesday. The dust was primarily --- the dust

1 and roof support. The other thing that was significant on Wednesday was where the  
2 miner was sitting, there was some deteriorated roof and exposed bolt and some things  
3 that needed addressed there, too, and that was brought to that Fielder's attention.  
4 And after we ran it, the guy that was laying on top of the miner under this unsupported  
5 roof out of there.

6 MR. PAVLOVICH:

7 What do you mean he was laying on top of it?

8 A. He was laying on top of the miner. Where this material falling out of the roof,  
9 he was laying on top of the miner trying to clear something. I think it might have  
10 gotten up against a stop switch or a control switch of some sort that he was trying to  
11 clear out.

12 Instead of using a tool, he put himself up there and was cleaning that material out.

13 BY MR. TEASTER:

14 Q. So you got him out of that area?

15 A. Yeah. Whatever he did, he was able to get the switch before he got out of  
16 there, or whatever he was concerned about, because the miner started and they got  
17 the miner out of the way, and then they brought a bolter in to address that area.

18 Q. Where the fall had come in?

19 A. Uh-huh (yes).

20 Q. So what happened when you got outside that day?

21 A. Well, before I got outside, the bolter was in the crosscut of 119 bolting that  
22 area that was of concern. The miner had been moved and Bob Murray, Mr. Stickler,  
23 two family members and Larry Ramey arrived back in that area.

24 Q. So Ramey came back in with that group?

25 A. Yes.

1 MR. PAVLOVICH:

2 Wednesday?

3 A. Yes. We're kind of bouncing around but it's coming to me.

4 BY MR. TEASTER:

5 Q. That's okay.

6 A. Out of chronological order, but yeah, they came in and so no idea what time  
7 that was, but they came in. I stayed with that party.

8 MR. PAVLOVICH:

9 So Stickler, Murray, two family members and Ramey?

10 A. Yes.

11 BY MR. TEASTER:

12 Q. Was anybody else from the company there with Murray?

13 A. Yes. What's that kid's name? Allred.

14 MR. PAVLOVICH:

15 Bodie Allred?

16 A. Bodie. Yeah. And ---.

17 BY MR. TEASTER:

18 Q. So where did that group travel to?

19 A. They ---.

20 MR. PAVLOVICH:

21 Did you stay with them, Brad, when they came?

22 A. Yes. They came in and looked at the area where the miner was, which at that  
23 time --- let me just make an X. In number one entry crosscut, 119 to 120, just inby  
24 119 actually.

25 BY MR. TEASTER:

1 Q. So had they pulled it out to bolt, or was it still in the position it was in when you  
2 saw the miner?

3 A. No. They had pulled it out.

4 Q. Okay.

5 A. It was actually ---.

6 MR. PAVLOVICH:

7 Was it in number one?

8 A. It was in the crosscut of 119, number 1 to number 2 entry where the bad roof  
9 was.

10 MR. PAVLOVICH:

11 It hadn't started loading yet, had it?

12 A. No. It was Wednesday. So they looked at the material in front of the miner  
13 and looked at the back end of the miner, what they were doing to get the timber and  
14 rock props established in the number one entry. They walked up to the number two  
15 entry and then up into the number three entry and looked at the ---.

16 MR. PAVLOVICH:

17 The total of the material?

18 A. The total of the huge amounts of material that they were dealing with. Had  
19 some discussion with the family guys. They were ---.

20 BY MR. TEASTER:

21 Q. You did?

22 A. Yeah. They were very inquisitive about what we thought, and we just tried to  
23 be positive. They asked Bodie, one of the questions I recall is if there was water holes  
24 inby in that section, because one of them was an experienced miner, so if push came  
25 to shove, they would have something to drink in there if it took a while to get to them

1 and a few things like that. I toured with that group. And how about if I mark the route?

2 Q. Sure.

3 A. I met them in this area here. I came up here to in the number one entry, just  
4 inby 119 where the CM was up to the number two entry and then out the number 3  
5 intersection. This is far as they went on that occasion.

6 Q. Was there any reason they couldn't go any further than number three?

7 A. Yeah. Right there is the total material right there.

8 Q. Okay.

9 A. Call it the Murray and family.

10 Q. About how long was that group in that area?

11 A. I'm going to estimate an hour.

12 Q. An hour. Did activities continue to function normally while they were there?

13 A. Not normally. They stopped the bolter. He was still parked in this crosscut  
14 119, number 1 to number 2, and still working on putting the bolt in towards the outby  
15 corner here, I believe. And they stopped it so the group could get there because they  
16 had to walk through the walkway on the bolter. It was a Fletcher double-boom bolter.  
17 And then because of the noise the bolter makes when it's drilling and such, I think the  
18 ---.

19 Q. So was it pretty much down the time that they were there?

20 A. Yeah. Yeah. It was idle the whole time that group was in there.

21 MR. PAVLOVICH:

22 What did you think about when you saw Murray and these  
23 family members come in?

24 A. I thought it was --- I thought it was crazy.

25 MR. PAVLOVICH:



1 A. No, I didn't ask Mr. Stickler anything.

2 Q. Okay.

3 A. I didn't say anything to that guy.

4 Q. So they were up there about an hour. Then what happened?

5 A. Then we left. There was some --- couple pick-up trucks and like a land cruiser  
6 or something that was parked out in the number one entry up by where the work was  
7 going on, and we all rode it up and headed out of the mine at that point.

8 Q. Did somebody replace you on the oncoming shift?

9 A. Not --- yes, somebody did, but I cannot remember who it was. Somebody  
10 rode in with ---.

11 Q. The group ---?

12 A. The tour group. They stayed when I left, I think. I can't remember who it was  
13 though. And I just had another thought about that. Oh yeah, when I got outside, there  
14 was a lot of hubbub going on in the MEO. Bill Taylor said that Mr. Davis wants the K  
15 Order modified to allow the press to go in the mine.

16 Q. Now, this is Wednesday?

17 A. Yes.

18 MR. PAVLOVICH:

19 So Taylor told you that?

20 A. He didn't tell me specifically. I think he was telling Barry Grosely. I think that  
21 Barry was at --- in the MEO. And Barry set up a computer and Taylor wanted to write  
22 the modification to allow the press to go in the mine himself because he said he had  
23 some language he wanted to use.

24 BY MR. TEASTER:

25 Q. This is what Davis said?

1 A. This is what Taylor said.

2 Q. Taylor said to Barry?

3 A. Yes. So they started that activity, and I left the MEO at that point.

4 Q. Going back to that, did you ever see that modification or were you there when  
5 they wrote it out?

6 A. No. I saw it after the fact. I saw it on the ---.

7 Q. And did you think that the way that was written up, that that allowed the press  
8 to go in the mine? I'm just going from recollection. But as best I can see is it allows  
9 them to take pictures based in accordance with a photography plan. It said nothing  
10 about the press going underground. It was mostly pictures.

11 A. Yeah. The way that was written seemed to be different than what occurred.

12 Q. But do you think that was the intent? You heard Al Davis?

13 A. I heard Bill Taylor say that Al Davis wants me to --- wants us to modify that K  
14 Order to let the press go in the mine.

15 Q. So it was clear to you that that's what that modification was about?

16 A. Yeah.

17 Q. It says here to modify the operator to use a camera underground in  
18 accordance with our currently approved photography plan.

19 MR. PAVLOVICH:

20 Doesn't that really say let the press go underground, does it?

21 MR. TEASTER:

22 It would be very difficult for me to discern from that.

23 BY MR. TEASTER:

24 Q. Do you need a plan from MSHA to take pictures in outby areas, as far as you  
25 know?

1 A. No.

2 Q. Did you encounter any questions as to your actions as stopping the  
3 underground operations that day on Wednesday?

4 A. Yeah.

5 MR. PAVLOVICH:

6 What was that?

7 A. Wednesday shortly before I was relieved.

8 BY MR. TEASTER:

9 Q. You're talking about relieved for that shift?

10 A. For that shift. A fellow by the name of Gary Peacock who I later learned was  
11 the superintendent, and there's a little background there that I'll give you. I used to  
12 work with Gary Peacock at Deserado. Gary Peacock was a beltman at Deserado so I  
13 knew him. He came underground and asked me to have a conversation with him.  
14 We were at, I believe, crosscut 118 where the power center was located. So he and I,  
15 and there was another kid with him, I don't know who he was, walked up behind the  
16 power center and he asked me what I was doing, why I stopped him, and I told him  
17 that they needed to take better care of the rescue workers. And he said something to  
18 the effect that they needed to use --- that we needed to use common sense here. I  
19 said you're right, we do need to use common sense or we're not going to put any of  
20 these rescue workers in harm's way while they're trying to get in there to get those six  
21 men out. And he said something to the effect that these guys here would eat that coal  
22 if they could. They don't care. I say well, that's why I'm here, because I care. I'm not  
23 going to put these guys in harm's way. We're going to do it, we're going to do it right,  
24 and you need to get this rescue operation more organized if you want to be more  
25 efficient. He said something to the effect that it is organized, and I says well, I'm not

1 seeing it on this end underground. At that point, he and his buddy got confrontational.

2 Q. Confrontation with you?

3 A. With me. And I told them that that conversation was done.

4 Q. So you just walked away?

5 A. He needed to back up and we were done talking.

6 Q. Was there any further discussion?

7 A. No. But when I got outside, I saw him talking to Ted Farmer and he looked  
8 pretty agitated, so I'm assuming he was complaining.

9 Q. Did you all go out together?

10 A. No. He left and then the entourage showed up ---

11 Q. Okay.

12 A. --- shortly after he left.

13 Q. So what did you encounter when you arrived on the surface regarding that  
14 issue? You said Ted Farmer was talking to Peacock.

15 A. Yeah.

16 Q. Did Ted then address you later?

17 A. No. Ted never did address me.

18 Q. Did anyone from MSHA ever discuss what had transpired or did you ever  
19 share with them what transpired?

20 A. I told Larry Ramey what happened when I got outside, but there was no ---  
21 there wasn't anything said that day.

22 Q. Do you know if Ramey took that information and done anything with it? I  
23 mean, he was the one basically in agreement with what your actions were going to be?

24 As far as shutting it down and getting it, he was in agreement with that?

25 A. Yes.

1 Q. What did he say when you told him that you'd been approached by Peacock  
2 about shutting it down?

3 A. He says well, we've got to do what we've got to do. And he said that there  
4 was some --- I think it was on Wednesday. He said there was some complaints about  
5 me.

6 He had talked to Kevin Stricklin and he thought he had it resolved, and that was all he  
7 said to me about it.

8 Q. He had had some complaints?

9 A. Yeah.

10 Q. Did he say what those complaints were?

11 A. No.

12 Q. Could there have been anything other than what you've shared with us about  
13 your concerns with the rock dusting and the dust in suspension and maybe the roof  
14 support areas?

15 A. No. I don't believe so.

16 Q. Was there anything else that you know of that could have possibly ---?

17 A. No. Not Wednesday Ex. (b)(6) and Ex. (b)(7)(C)

18 Ex. (b)(6) and Ex. (b)(7)(C)

19

20 Q. Did you talk a lot with the miners?

21 A. No. Most of my interaction with the miners was answering questions. If they  
22 had questions about how things were being ran or what the next step was or  
23 something to that effect, I'd try and answer that. And if I didn't have the answer, I'd try  
24 and find out the answer for the guy.

25 Q. Did you say anything to the miners when you observed them up there digging

1 the holes in front of the supports?

2 A. No, because there was not a procedure established. I didn't think that that  
3 was

4 --- I didn't think that was something I needed to ---.

5 Q. You didn't think it was a good procedure but you didn't approach the miners?

6 A. I didn't think that was the venue to try and deal with it. I thought it needed ---  
7 the procedure needed to be established from outside.

8 Q. Was there any occasion ---.

9 A. I'm sorry, excuse me. I did talk to Josh Fielder about it.

10 Q. He's the foreman?

11 A. The foreman. I told him that we should probably try and keep these guys back  
12 to where the area is supported.

13 Q. Did you think that your interaction with Mr. Fielder was in any way

14 Ex. (b)(6) and Ex. (b)(7)(C)

15 A. I came across to Mr. Fielder very firm, that he needed to make the changes  
16 and adjustments and set the timber that I had brought up to him or we'd have to look  
17 at other avenues. So he was aware that it wasn't something to just get around to.

18 Q. Do you think your conversation with Mr. Peacock could have been categorized  
19 as Ex. (b)(6) and Ex. (b)(7)(C) and maybe that was what the miners may have been talking about?

20 A. It's possible. Mr. Peacock and I had --- like I said, I worked with him at  
21 Deserado so I wouldn't say that we were friendly, but we had known each other a long  
22 time. First thing I did with Mr. Peacock when I saw him on-site, I didn't even know  
23 what his position was. I walked up, shook his hand, said hi, and that would have been  
24 Monday on the surface.

25 MR. PAVLOVICH:

Ex. (b)(6) and Ex. (b)(7)(C)

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

A. Bob Cornett.

MR. PAVLOVICH:

Bob Cornett told you?

A. Yes.

MR. PAVLOVICH:

And was this when you came out of the mine?

A. Yes.

MR. PAVLOVICH:

As soon as you came out of the mine, did they tell you, hey,  
Bob wants to talk to you or something like that? How was this approached?

A. Let me read this. It might help refresh.

MR. PAVLOVICH:

Okay.

A. Okay. Part of what I've got --- I'm just trying to get sequence. I did not tell the miners what to do. All of the things that needed fixed, I went through the foreman, Fielder. And I've also got noted here that the recovery lacked organization again on Thursday. When I got outside ---.

MR. PAVLOVICH:

Did you tell that to anyone?

A. Yeah. I told Larry Ramey that. I told Bill Taylor that. I told Gary Peacock that. And those are the only three that I can recall.

BY MR. TEASTER:

Q. What did you get from the other two?

1 A. No, I told Donnie Durrant that. Told Peter Saint that.

2 Q. From the management people, what kind of reaction did you get? We know  
3 what you said about that to Gary Peacock, but what about to MSHA management  
4 people?

5 A. Didn't really get much of a response. Just a blank stare.

6 MR. PAVLOVICH:

7 How were you notified to go see Bob Cornett, or did Bob  
8 Cornett come to seek you out? Do you remember?

9 A. Bob Cornett and I had two conversations. That was after I got outside, got my  
10 gear off. Bob and I had a one-on-one conversation.

11 MR. PAVLOVICH:

12 Where at?

13 A. In the parking lot.

14 MR. PAVLOVICH:

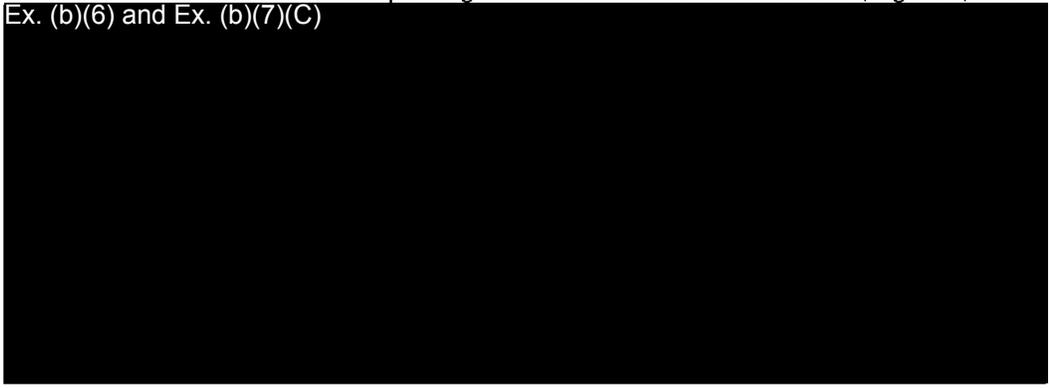
15 He came out to you at your vehicle?

16 A. I went into the MEO and he asked to go talk --- for me to talk to him.

17 MR. PAVLOVICH:

18 Okay. Okay.

19 A. So we walked off to the parking lot where --- to be out of earshot, I guess, and  
20 Ex. (b)(6) and Ex. (b)(7)(C)



21

22

23

24

25

26

1 anything even in earshot of a miner. That mine was a mess. So after I had the one-  
2 on-one with Bob, I went back to --- I think I went back to MEO.

3 MR. PAVLOVICH:

4 When Bob told you this, what did you --- did you have a  
5 response?

6 A. Yeah. I told him it's ---.

7 MR. PAVLOVICH:

8 So what did he say?

9 Ex. (b)(6) and Ex. (b)(7)(C)  
10  
11  
12

13 MR. PAVLOVICH:

14 Okay. But you admitted you told Ramey that. Did you tell  
15 Bob?

16 A. I don't think I told Bob that.

17 MR. PAVLOVICH:

18 Okay. So then what did Bob say?

19 A. He said okay and I think that was pretty much the end of the discussion. No.

20 Ex. (b)(6) and Ex. (b)(7)(C)  
21  
22  
23

24 BY MR. TEASTER:

25 Q. Bob told you that?

1 A. Yes.

2 MR. PAVLOVICH:

3 What changed?

4 A. I believe, and I'm just going to speculate because I'm not sure, but I believe  
5 there was directive from Ex. (b)(6) and Ex. (b)(7)(C)

6 MR. PAVLOVICH:

7 Ex. (b)(6) and Ex. (b)(7)(C)

8 A. Yeah.

9 BY MR. TEASTER:

10 Q. Do you have anything to base that belief on?

11 A. Just the fact that Bob wasn't around for a while and I think Al Davis was  
12 upstairs meeting with whoever he was meeting with, and Bob came back. And after  
13 the fact, Ex. (b)(6) and Ex. (b)(7)(C)

14 MR. PAVLOVICH:

15 So Bob said that?

16 A. I found that information out much later that Bob said that.

17 BY MR. TEASTER:

18 Ex. (b)(6) and Ex. (b)(7)(C)  
19  
20  
21  
22  
23  
24  
25

1 Q. Did you talk to Bob Murray?

2 A. He introduced himself and I shook his hand. That's all the conversation I had  
3 with that guy.

4 Ex. (b)(6) and Ex. (b)(7)(C)  
5  
6

(  
b  
)  
(  
6  
)

7 Ex. (b)(6) and Ex. (b)(7)(C) They were in a big hurry and really didn't care about putting  
8 Ex. (b)(6) and Ex. (b)(7)(C) people in harm's way.

9 Ex. (b)(6) and Ex. (b)(7)(C)  
10  
11  
12  
13  
14

10  
11  
12  
13  
14

15 Q. Did anyone ever tell you, you know, when you have an emergency like that,  
16 that things don't run as normal as they would during normal operations?

17 A. Not just that way, no.

18 Q. In any way, even hint at that?

19 A. Other than Peacock, no.

20 Q. Nobody from MSHA?

21 A. No. Matter of fact, when Larry Ramey and I were underground together, he  
22 said I can't believe some of the stuff I'm seeing down here.

23 Q. So you then left the mine and went back to Delta?

24 Ex. (b)(6) and Ex. (b)(7)(C)  
25

25

Ex. (b)(6) and Ex. (b)(7)(C)

- 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

Ex. (b)(6) and Ex. (b)(7)(C)

MR. PAVLOVICH:

Ex. (b)(6) and Ex. (b)(7)(C)

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. PAVLOVICH:

Ex. (b)(6) and Ex. (b)(7)(C)

MR. PAVLOVICH:

Ex. (b)(6) and Ex. (b)(7)(C)

Ex. (b)(6) and Ex. (b)

(7)(C)  
Ex. (b)(6) and Ex. (b)(7)(C)

1 back, which would be the week of August 13th.

2 Q. Okay. Thank you.

3 UNIDENTIFIED SPEAKER:

4 And Brad, again, while we're on this issue, you said something  
5 about having a conversation with Bill Taylor in which --- about some of what was  
6 concerning you and his response was, we'll look into it? Was that something he had  
7 said?

8 A. Something to the effect.

9 UNIDENTIFIED SPEAKER:

10 When was that conversation with Bill?

11 A. It was after I got out of the mine on Thursday.

12 UNIDENTIFIED SPEAKER:

13 Okay. After you got out.

14 A. It was probably --- I think it was prior to when I had the conversation with Bob  
15 Cornett.

16 UNIDENTIFIED SPEAKER:

17 And Thursday, the time that you came out of the mine, was  
18 that your normal quitting time or did you come out early that day?

19 A. It was quote, unquote normal. **Ex. (b)(6) and Ex. (b)(7)(C)**  
20 **Ex. (b)(6) and Ex. (b)(7)(C)**

21 UNIDENTIFIED SPEAKER:

22 Okay. Did you consider ---?

23 A. And that was --- we had talked about around noon, I don't think he got there at  
24 noon, but it was fairly close to noon, so I wasn't brought out early.

25 UNIDENTIFIED SPEAKER:

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

Okay.

BY MR. TEASTER:

Ex. (b)(6) and Ex. (b)(7)(C)



MR. PAVLOVICH:

I want to ask you a question about this. Did they tell you when this roster here was submitted?

A. No.

MR. PAVLOVICH:

And you're a member of the mine rescue team in the west?

A. Yes.

MR. PAVLOVICH:

Have you ever judged a contest?

A. Yeah.

MR. PAVLOVICH:

Served as a judge, mine rescue judge?

A. Yes. I've judged every western contest for the last couple years.

MR. PAVLOVICH:

Okay. Did anybody explain to you here why they list you for mine rescue as a line guard?

A. No.

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. PAVLOVICH:

What is a line guard?

A. I'm not sure.

MR. TEASTER:

Lifeline?

MR. PAVLOVICH:

I don't know.

MR. TEASTER:

I don't either.

MR. PAVLOVICH:

Do you know what a line guard is?

UNIDENTIFIED SPEAKER:

I would imagine that, without having looked at that, Joe, is listing what you may be ---?

MR. TEASTER:

I'll let you look at it.

MR. PAVLOVICH:

Ex. (b)(6) and Ex. (b)(7)(C)



1 Ex. (b)(6) and Ex. (b)(7)(C)  
2  
3  
4  
5  
6  
7  
8

9 MR. PAVLOVICH:

10 Let's take about five minutes, Ernie, if we can.

11 MR. TEASTER:

12 Yeah, that's good.

13 BREAK TAKEN

14 BY MR. TEASTER:

15 Q. Is there anything else that you'd like to share with us related to that issue of

16 Ex. (b)(6) and Ex. (b)(7)(C)

17 A. Yes. We were talking about EFS being in the mine on Thursday. Kent  
18 Norton, Fred Sanchez, I believe they were --- they could have had something to do  
19 with that because, you know, like you said, in an emergency, things don't always run  
20 exactly how you would normally, and I was kind of curious why we had two more  
21 people that weren't really doing anything right there in the area where we were trying  
22 to set supports and stuff. So I asked Kent what he was doing in the mine and he told  
23 me he was doing the same thing I was and I said okay.

24 Q. Which was what? What did you perceive that to be?

25 A. Well, I wasn't sure he was overseeing anything but that's what he told me he

1 was doing. It looked to me like he was visiting with some people. Every time I ran  
2 across him and Fred, they were just kind of holding people up and visiting with them.

3 Q. Was this the first time that you'd seen them underground?

4 A. This is the first time I recall. They may have been in there on Wednesday  
5 prior to the arrival of the Murray and family party but I don't recall.

6 Q. Was this on Thursday that you ---?

7 A. This was on Thursday when I saw them down there visiting.

8 Q. That was the end of the discussion when he said doing the same thing you're  
9 doing?

10 A. Yeah. And I didn't say anything to them or to anyone else, but it made me  
11 nervous having them there because that's two more people you got to watch out for, in  
12 my opinion.

13 Q. Was there any further discussion between you and Kent?

14 A. Not that I recall.

15 UNIDENTIFIED SPEAKER:

16 Brad, could speak up? I think all three of us are having a little  
17 trouble hearing you.

18 A. Okay. Yeah, my voice doesn't carry very well, so ---. Okay. I can turn if it  
19 would help.

20 MR. PAVLOVICH:

21 You know, you might turn that chair sideways. If you don't  
22 mind, where you can kind of ---.

23 A. Okay.

24 MR. PAVLOVICH:

25 Maybe that would help. Would that help, do you think?

1 Because I know talking in here, it sure doesn't reflect back there very well.

2 MR. TEASTER:

3 If it gets too bad, we do have chairs closer to the front.

4 MR. PAVLOVICH:

5 Like in church, right? You don't always have to sit in the back

6 of the church. I think we're --- maybe we'd be somewhere around in here, Ernie.

7 What do you think?

8 MR. TEASTER:

9 Yeah. That's where I think I was getting ready to ask him a  
10 question about the ---.

11 MR. PAVLOVICH:

12 Okay. Go ahead.

13 MR. TEASTER:

14 About the bump.

15 BY MR. TEASTER:

16 Q. That bump that occurred when you were in there, you indicated that that was  
17 kind of a normal thing or not out of the ordinary. How would you characterize that  
18 bump in that particular ---?

19 A. Are you referring to the big bump?

20 Q. When you went in by the seal.

21 A. No. I wouldn't characterize that one as a normal one. That was a good hit.  
22 That was a fairly significant bump. Bounce is what I call them.

23 Q. So it's not typical?

24 A. No. The ones prior to that that I said were fairly normal, I mean they probably  
25 didn't register but it's not uncommon to have some bumps and bouncing around,

1 especially when you get into deep cover. The mines I inspect up in the Norfolk Valley  
2 around our longwalls, it's not uncommon to have small bumps.

3 Q. Have you ever seen a bump similar to what occurred on August the 6th at  
4 Crandall Canyon?

5 A. I have not.

6 Q. Have you ever been around where they cleaned a bump up, cleaned up the  
7 area following a bump or bounce?

8 A. Have not.

9 Q. Have you ever been in a bounce when one occurred underground? Have you  
10 ever been in it where you've been affected by it other than the one you described  
11 earlier, on August the 6th?

12 A. Not one that has dislodged ribs and been that significant, no.

13 Q. Are you aware that there was significant bounces that continued to occur  
14 throughout the period between August the 6th and the 16th of August?

15 A. Yes. I followed the story on TV the best I could, but I was aware that they  
16 were

17 --- it continued to bounce and bump.

18 Q. Do you have a feel for what was causing that, what was going on in that area?

19 A. I think that was the mountain settling down because they'd mined all the coal  
20 out. On the day of the 6th when I walked in the MEO and Bill Taylor was briefing us  
21 on where they believed the miners were and where the seal area where I was  
22 supposed to go in, I looked at the big map which you have a copy of here, and I  
23 thought it was crazy that they were even trying to mine that area.

24 Q. Had you ever seen anything similar to that type of mining anywhere in your ---

25 A. No.

1 Q. --- travels as an inspector or your ---

2 A. No.

3 Q. --- experience as a miner?

4 A. No. Those barriers are left there for a reason and I can't imagine why --- I  
5 can't imagine why somebody would apply for a plan to mine those out, and then I can't  
6 imagine why we approved it. I looked at that map and I said, this is crazy, and I may  
7 have even said it out loud. Larry Ramey was standing beside me. He might have  
8 heard me.

9 Q. Do you think that in any way might have factored into (C)

Ex. (b)(6) and Ex. (b)(7)

10 A. It's possible. Bill Taylor was standing there, too.

11 Q. Did you ever hear of any of the MSHA people there voicing similar concerns  
12 that this area should never have been approved to be mined by MSHA?

13 A. Larry Ramey said that.

14 Q. He said that to you?

15 A. Yes. He said I can't believe they were mining that area.

16 Q. Anyone else?

17 A. No. Not that I recall.

18 Q. Did you have any confidence that the support system that was being utilized in  
19 there would provide protection for the workers if another bounce was to occur?

20 A. Some, yes, or I wouldn't have been in there myself.

21 Q. What experience have you had with this type of support system?

22 A. Very, very little. They use similar supports on the longwalls that I've been  
23 involved with and worked on.

24 Q. How were those supports installed?

25 A. They were similar only they used emulsion oil.

1 Q. Did they have the fencing and the wire ropes?

2 A. No. There was no fencing and wire rope associated with them. They were  
3 just for the roof supports.

4 Q. They were supporting the roof more so than to provide lateral protection in the  
5 event of ---?

6 A. Correct.

7 MR. PAVLOVICH:

8 Did anybody ask your opinion on what kind of supports should  
9 be used in there to protect the miners?

10 A. No.

11 MR. PAVLOVICH:

12 Did you have any ideas of maybe what could have been used  
13 or what might have been used that you thought maybe would be better?

14 A. I was anticipating in setting steel sets.

15 BY MR. TEASTER:

16 Q. Do you think these two accidents, one on the 6th and one on the 16th, was  
17 preventable?

18 A. I do.

19 Q. And how were --- how do you think they could have been prevented?

20 A. Number one, I don't think that area should have ever been approved to be  
21 mined. So had they not been in there mining that area, it wouldn't have happened.

22 Q. What about the second? I mean, I know still if you hadn't done number one,  
23 number two wouldn't occur, but ---.

24 A. Exactly. But I'm not sure where those guys were when that second bounce  
25 hit, but based on what I had seen while I was there, I think people were far too

1 exposed. And my gut told me that they were up too close to that miner and away from  
2 the supports.

3 Q. My understanding is that they were within the supported area, but they didn't  
4 get out a plan where they ultimately limited how far they could go. But I think it's safe  
5 to say that they were in this area that had been supported, where the rock props.  
6 Now, I don't know that the whole system had been installed, but I know the rock props  
7 had been installed where they had gotten the fencing and the wire ropes probably  
8 were not up in that area. But I don't know that for a fact.

9 A. Okay.

10 Q. But the rock props were definitely in.

11 MR. PAVLOVICH:

12 You know the rock props were blown out?

13 A. No.

14 MR. PAVLOVICH:

15 Okay.

16 A. I haven't had any ---.

17 MR. PAVLOVICH:

18 Any discussion with anybody ---

19 A. Discussion with anybody.

20 MR. PAVLOVICH:

21 --- about the second accident? Okay. When Ernie says they  
22 were out --- they were not in by the rock props, the rock props blew out.

23 A. Okay. Well, if they were --- that was another question and something that Joe  
24 Zelanko ---.

25 BY MR. TEASTER:

1 Q. Zelanko (corrects pronunciation).

2 A. He just shows they --- brought up to their attention several times is they didn't  
3 have them --- they weren't installing them correctly on that first day.

4 MR. PAVLOVICH:

5 Did you hear Joe Zelanko tell people that?

6 A. Yeah. He had them re-install at least two that I'm aware of on that day  
7 because they were not installed properly, and I don't know what his indicators were, if  
8 he just was watching them and didn't see enough pressure on the thing or what, but I  
9 remember them painting at least two of them and replacing them.

10 BY MR. TEASTER:

11 Q. So the fact that these miners that were involved in the accident on the 16th  
12 were in the confines of those supports, and the supports failed, is there anything else  
13 that you think that they could have done to prevent this accident from occurring?

14 A. I think had they been set in steel sets the whole way, it could have had a  
15 different outcome.

16 Q. And you mean --- by steel sets, you mean what?

17 A. High beam.

18 MR. PAVLOVICH:

19 Like arches?

20 A. Square sets.

21 MR. PAVLOVICH:

22 The square set. Okay.

23 A. With lagging.

24 MR. PAVLOVICH:

25 With lagging between them.

1 BY MR. TEASTER:

2 Q. Do you have any idea of the amount of energy that's generated when one of  
3 these things blow out from the side ---

4 A. I have no idea.

5 Q. --- or what it would take to ---?

6 A. It seems like they were pressuring them up against the mine roof up to about  
7 a thousand or more than a thousand PSI.

8 Q. 1,100 PSI.

9 A. Yeah. So it would take a significant amount of pressure, I would think, to  
10 dislodge it if it was properly set.

11 Q. Did you ever see a shuttle car knock out one of these rock props that had  
12 been installed with 1,100 PSI?

13 A. No, I haven't. I did hear that that occurred but I didn't see it.

14 Q. Did you ever see any of those rock props dislodged at those mines where they  
15 utilized them for the roof supports, the mines you've visited?

16 A. I've seen them crushed. I haven't seen them dislodged from the side.

17 Q. Did you have any occasion to, other than what you've described underground  
18 when you met Bob Murray, did you ever talk to him on the surface or have any  
19 interactions with him at all either at the rescue effort or prior to?

20 A. Not direct interaction. I was in the MEO on Monday afternoon, evening, when  
21 he came in to talk to --- I think he came in to talk to Al Davis briefly. I think when he  
22 came in or shortly thereafter, I left the MEO. And at that point, I didn't even know who  
23 he was. He was just another guy.

24 Q. Did you ever observe any occasion where Bob Murray was having a  
25 confrontation or say a heated discussion or elevated voices or anything when he was

1 talking to any MSHA people?

2 A. No.

3 Q. Did you ever hear of anyone discuss that this should be a recovery operation  
4 as opposed to a rescue effort?

5 A. No. For all intents and purposes, while I was on-site, it was a rescue effort.

6 Q. No talk or no discussion that maybe we should stop this, it's not safe to  
7 continue?

8 A. No.

9 Q. You felt safe the whole time you were there?

10 A. As long as I didn't go in past those supports, I felt comfortable.

11 Q. I know you weren't at the mine, but do you have any idea why the rescue  
12 effort was stopped after the second accident?

13 A. I would imagine because the mountain's still bouncing, the mine's still  
14 bouncing, and it's not safe to go in there. That would be an imminent danger.

15 Q. Had any of the boreholes penetrated the coal bed at Crandall Canyon prior to  
16 your departure?

17 A. No.

18 Q. So the only low oxygen readings that you were aware of was around that seal  
19 and behind the seal?

20 A. Yes. Reports of lower oxygen were given to me on Monday when Bill Taylor  
21 said that the initial exploration guys were --- and I don't know who the guys were he  
22 was referring to. I think they had advanced up to as far as --- best I can recall, 124,  
23 125 at which point they encountered oxygen less than 19.5 but I don't remember the  
24 number.

25 Q. You indicated earlier, Brad, that the people in charge there, you'd probably

1 give less than a satisfactory grade on how they handled the organization or the setup  
2 and running this rescue effort?

3 A. Yes.

4 Q. So it's fair to say that you don't think that they were properly trained?

5 A. Correct.

6 Q. The training that you've encountered as a mine rescue team member and that  
7 you had in the industry, you think that that's adequately prepared you for the duties  
8 that you performed?

9 A. Yes.

10 Q. Do you think similar training might be beneficial for some of those folks?

11 A. Yes. Up to and including how to manage an emergency. It's almost like just  
12 because somebody is a district manager, they are supposed to know how to handle an  
13 emergency, and I don't think that was the case at Crandall Canyon.

14 Q. And you voiced this concern to some of your fellow workers, and did you also  
15 voice that to Larry Ramey?

16 A. That it was disorganized?

17 Q. Yes.

18 A. Yes.

19 Q. Was it anybody above Larry Ramey that you can recall that you voiced that  
20 concern with?

21 A. Bob Cornett.

22 Q. And what, again, was their responses? What was Bob Cornett's response?

23 A. I don't think I got a response.

24 Q. Did he ask you for anything at all? Do you have any specifics or anything you  
25 can tell me?

1 A. Not that I recall, Ernie.

2 Q. What about with Larry?

3 A. I think he nodded in affirmation but I don't think he said anything.

4 Q. Was your concerns more directed toward the top staff like Al Davis and  
5 beyond or was it Bob Cornett? What area was your primary concern with?

6 A. I think he had breakdowns on all levels. There was no operation along  
7 guidance. I think the briefing and debriefing process was severely lacking. I don't  
8 think there was any communication other than what you can get in passing from the  
9 guys coming out, the MSHA folks coming out, as far as what conditions you're going to  
10 find when you go into the mine for your shift. There was just a huge failure to  
11 communicate on the, shall you say, supervisory type level.

12 Q. Did you get any of your fellow inspectors to buy into that, that it wasn't well  
13 organized and orderly run? Did they share your concern?

14 A. I don't know that we talked about it, Ernie. I don't think ---.

15 Q. I thought you had mentioned it to some of them.

16 A. I mentioned it to Donnie Durrant.

17 Q. And his response, do you recall?

18 A. Nothing that I can quote.

19 Q. Did MSHA have anyone there with the company as people was entering the  
20 mine and exiting the mine?

21 UNIDENTIFIED SPEAKER:

22 As far as check in, check out.

23 BY MR. TEASTER:

24 Q. Yeah, monitoring the people in and out of the mine?

25 A. Yes. The check-in, check-out system --- for the miners, you mean?

1 Q. For anybody that's going underground.

2 A. Yes.

3 Q. We know you had the ped system and then you had your tag system and  
4 there may be another one, but this is specific, was somebody at the mine portal  
5 monitoring who was going in and coming out?

6 A. Not really at the portal. What we had established was with the dispatchers,  
7 conspec gals. They would log who was coming in and who was going out.

8 Q. But if you wanted to get in the mine and didn't want to go through the process,  
9 how much difficulty would it be getting in the mine?

10 A. For MSHA?

11 Q. For anybody. If you just wanted to come up and of course I recognize you got  
12 to go through some lines down there to get through it, but if I showed up and wanted to  
13 go in the mine and didn't tell nobody, didn't want to check in, could I just go in the  
14 mine?

15 A. I don't think there would have been any trouble getting in other than finding a  
16 ride. MSHA was diligent about checking in with the conspec people, but I think if  
17 somebody just wanted to show up and go in, I don't know how much difficulty there  
18 would be.

19 Q. So the difficulty was ---.

20 A. There was no guard posted at the portal if that's kind of what you're getting at.

21 MR. TEASTER:

22 Okay.

23 BY MR. PAVLOVICH:

24 Q. Brad, you said you have some experience in mines with bumps, and you said  
25 you'd never seen a bump to this magnitude before?

1 A. Correct.

2 Q. Had you seen bumps before that involved one or two or three pillars,  
3 something like that, in your history?

4 A. Bounces.

5 Q. Bounces. Okay.

6 A. Bounces ---.

7 Q. We're using bump and bounce interchangeably because we're from the east  
8 and we call them bumps, but when I say bump, I mean a bounce, too. Okay. Had you  
9 seen some before that were two or three or four pillars that bounced?

10 A. Yeah. Generally, it would be across a section. Generally on a three entry  
11 system. And you'd see --- not to this magnitude, but you'd see rib rashing and  
12 sometimes some deteriorated roof ---.

13 Q. Have you ever seen pillars totally --- or entries totally filled with material like  
14 this?

15 A. Absolutely not.

16 Q. Have you been able to look over top of a pillar and see back in a long  
17 distance?

18 A. Never have.

19 Q. You're aware of the forces that are associated when a bump occurs?

20 A. Yes.

21 Q. You know, people getting knocked down?

22 A. Yes.

23 Q. Shears broken in half?

24 A. Yes.

25 Q. Ranging arms broken off, you're seen that before or heard of it?

1 A. Yes.

2 Q. With that knowledge and the fact that you also heard as people tried to  
3 explore over the fall, they found low oxygen?

4 A. Uh-huh (yes).

5 Q. Did you ever feel in your own mind, without voicing to anybody, but feel in  
6 your own mind that perhaps these six miners were not alive?

7 A. Yes.

8 Q. And when did you think about that? How soon into the operation or how late?  
9 Was this after you went home or was it while you were there working?

10 A. It was while I was there working. I didn't actually see the magnitude of  
11 material that was in the entries until Tuesday when Pete and I did the mapping.

12 Q. Okay.

13 A. When I walked into the south barrier section there and saw how mother nature  
14 had come unleashed in there, so to speak. From that point on, I didn't really think  
15 there was a lot of hope for those guys unless perchance it was just an isolated bounce  
16 and you could get through this and it would open up on the other side, but you wouldn't  
17 know that until the boreholes were punched.

18 Q. Did you ever hear any results from the number one borehole, which I think  
19 went through Thursday night or Wednesday night, was it? Thursday night, had you  
20 already left then?

21 A. I was already gone.

22 Q. Okay. So you never heard --- when you got home and heard that result of  
23 seven percent, what did you think then?

24 A. They're dead.

25 Q. Did you think then this was basically a recovery rather than a rescue?

1 A. Yes.

2 Q. Did you ever express that to anybody at all while you were there at the  
3 operation or did you hear anybody else discuss it?

4 A. No.

5 Q. So basically, no one would say it. Everybody was ---

6 A. Everybody was tight-lipped.

7 Q. --- upbeat that they're alive, but you think other people thought that, too?

8 A. Yeah. Larry Ramey and I discussed it en route back, I think it was Tuesday,  
9 back to the hotel.

10 Q. Okay.

11 A. It was pretty bleak.

12 Q. Okay.

13 A. The odds of finding them alive was going to be slim.

14 Q. So did you think there was for the value of what we were going to find when  
15 we got there, that the risk that was going on was worth it?

16 A. People hang on to hope.

17 Q. Okay.

18 A. But I think we were probably exposing too many people to ---

19 Q. Think we were taking ---

20 A. --- hazards.

21 Q. --- unnecessary risks?

22 A. Yes.

23 Q. You made a comment earlier on, and I believe Ernie was asking you  
24 something about did you talk to Mr. Stickler the day you saw he and Murray come  
25 underground with the family members, and you started to say, I wouldn't ask that guy

1 anything?

2 A. I didn't ask that guy anything.

3 Q. Okay. Why do you say that?

4 A. He doesn't seem very approachable.

5 Q. In what regard?

6 A. The way he was conducting himself, he just didn't seem like he wanted to be  
7 talked to.

8 Q. Okay. So you wouldn't have just gone up and said, Mr. Stickler, I'm Brad  
9 Allen, I'd like to make some comments or something like that?

10 A. No.

11 Q. How about Kevin? Would he solicit more? Did he feel more forthcoming as  
12 far as someone you wanted to talk to?

13 A. Yeah, and I visited with Kevin, not about anything Crandall specific, but he  
14 had been in the valley that I live in, so ---.

15 Q. Okay. But you didn't feel Mr. Stickler would really care what you thought?

16 A. Yeah.

17 Q. Is that kind of how you're characterizing that?

18 A. Yes. That's a good way to put it.

19 Q. Okay.

20 UNIDENTIFIED SPEAKER:

21 I don't want to belabor this point, Brad, but I just want to talk a  
22 little bit about air locking in that seal.

23 A. Okay.

24 UNIDENTIFIED SPEAKER:

25 Because maybe I had some concerns with us not being there

1 that we might have had some people exposed to some things that we probably  
2 shouldn't have. So I just --- I don't know if this drawing is accurate or not, but I just  
3 tried to draw in what may look like with a number one seal.

4 A. Okay.

5 UNIDENTIFIED SPEAKER:

6 Okay. And then the number two seal, this would be the west  
7 main. But did you have an approximate idea, I guess you had a hole here with a  
8 curtain ---

9 A. Right.

10 UNIDENTIFIED SPEAKER:

11 --- over that hole and then also another air lock with pogo  
12 sticks?

13 A Yeah.

14 UNIDENTIFIED SPEAKER:

15 Would you happen to know about where the people were and  
16 just when you first got there, about how many people were there, and you said  
17 probably maybe 12 apparatus wearers and 8 non-apparatus wearers?

18 A. The best I can recall.

19 UNIDENTIFIED SPEAKER:

20 Would you be able to just kind of show us there where you  
21 thought they were?

22 MR. PAVLOVICH:

23 Why don't you show us maybe the --- okay.

24 A. We'll call this the hole.

25 MR. PAVLOVICH:



1 Q. Was there a door or something cut in this curtain, or did you just pull the  
2 curtain aside and walk in?

3 A. Just pulled it the side the best I can recall.

4 Q. And the hole was open when you went in?

5 A. Uh-huh (yes).

6 Q. Is that an air lock?

7 A. Not a very good one. It was a sorry air lock.

8 MR. TEASTER:

9 Did you have two of these? Two of these across the entry?

10 A. Not that I recall.

11 MR. TEASTER:

12 How would you consider that an air lock? This is open, right?

13 A. Yes.

14 BY MR. PAVLOVICH:

15 Q. It's not an air lock, then.

16 A. Not really.

17 MR. TEASTER:

18 You just had a curtain across there.

19 A. And it was a loosely hung curtain to boot.

20 BY MR. PAVLOVICH:

21 Q. Do you know which way the air flow was through that crosscut immediately  
22 outby? Was it coming from left to right or right to left? Do you remember?

23 A. No. I can't remember. There was --- the rest of the people were kind of out in  
24 this area.

25 Q. So pretty much just throughout the intersection and just outby?

1 A. Yeah. And there wasn't a whole bunch of air flow in there anyway.

2 Q. Okay.

3 A. Through this area.

4 Q. Warm in there?

5 A. Yeah. It was plenty warm.

6 Q. Did anybody ever tell you how they knocked that hole?

7 A. Mr. Guymon said that they chipped it?

8 Q. With a sledgehammer?

9 A. I would assume that was a hammer and an axe or hammer and something.

10 They said it took them a while.

11 Q. Was it a Mitchell Barrett seal concrete block?

12 A. Yes. Double row concrete block, solid. Probably had taken a little weight  
13 because they said it was hard to chip. Was that kind of what you were looking for?

14 UNIDENTIFIED SPEAKER:

15 Yes. I appreciate that. Also, do you have an opinion on why  
16 Gary was waiting on you to get there?

17 A. Yes.

18 UNIDENTIFIED SPEAKER:

19 What would that be?

20 A. I think while I was en route, they were told that they had to wait 'til I was there  
21 by Larry Ramey.

22 UNIDENTIFIED SPEAKER:

23 Why do you think that was?

24 A. Because we wanted a backup at the fresh air base.

25 UNIDENTIFIED SPEAKER:

1 An MSHA backup?

2 A. MSHA backup at the fresh air base.

3 UNIDENTIFIED SPEAKER:

4 Why do you think you went in there instead of Gary?

5 Because I guess the conversations were going on while you were en route

6 underground?

7 A. Right.

8 UNIDENTIFIED SPEAKER:

9 That's what I thought I heard you say.

10 A. Yeah.

11 UNIDENTIFIED SPEAKER:

12 Any thoughts on that?

13 A. I'm younger.

14 MR. TEASTER:

15 Are you also --- were you able to fit through that hole maybe

16 better than Gary?

17 A. Yeah.

18 MR. TEASTER:

19 Did Gary help knock that stopping out?

20 A. I don't know, Ernie. I don't know.

21 UNIDENTIFIED SPEAKER:

22 Did you have plenty of time to bench your apparatus on the

23 surface?

24 A. Yeah. I took the time that I needed to make sure that I was comfortable with

25 that machine before I went in.

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

UNIDENTIFIED SPEAKER:

Now, when Gary Christensen realized he didn't have any Sodasorb in his apparatus and came back out, did he take a new apparatus or did he fill that canister?

A. I don't know. There was so many people and so much hubbub, I'm not sure if he switched apparatus or if they just stuck a canister in that had absorbent in it. I'm not sure.

UNIDENTIFIED SPEAKER:

Okay. I think that's all I have.

UNIDENTIFIED SPEAKER:

I've got one kind of question. You talked earlier about when you looked at the map and it just amazed you that a plan was approved to mine in that area?

A. Yep.

UNIDENTIFIED SPEAKER:

Okay. What kind of participation do you have in plan approvals? Do you get to see them before they're approved?

A. Oh, no. Not as an inspector. In industry, I commented on the plans at the Deserado mine.

UNIDENTIFIED SPEAKER:

But as an inspector, when do you find out if a plan is approved?

A. After it's approved.

UNIDENTIFIED SPEAKER:

After it's approved. What if you've got a problem with it?

1 What do you do? Do you say, there's no way I'm --- no, I don't want them doing this or  
2 something, this won't work?

3 A. There's always form 2,204.

4 UNIDENTIFIED SPEAKER:

5 Okay. Do you fill that form out? Have you ever filled it out?

6 A. Sure.

7 UNIDENTIFIED SPEAKER:

8 Or made any comments?

9 A. Sure.

10 UNIDENTIFIED SPEAKER:

11 Did you get a result out of that?

12 A. No.

13 UNIDENTIFIED SPEAKER:

14 Did you ever --- did they call you back and say, you said this?

15 Did they explain why or why not?

16 A. No.

17 UNIDENTIFIED SPEAKER:

18 Ventilation or roof control, or both?

19 A. Both. You never hear any feedback back on the ---.

20 UNIDENTIFIED SPEAKER:

21 Can you give us a couple specifics on that that we might be  
22 able to follow up on?

23 A. McClain Canyon mine, I.D. number 0503013. They have a lot of immediate  
24 roof problems, thin laminates, et cetera. I recommended best I can recall possibly  
25 tightening up the bolt spacing and/or adding mesh to the roof a couple years ago.

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

UNIDENTIFIED SPEAKER:

Would it be possible, Brad, when you go back to the office, if you see copies of those 204 forms that may have been marked inadequate? Is that out of line to ask for those?

MR. PAVLOVICH:

Well, if he can find them. I mean, ---.

UNIDENTIFIED SPEAKER:

You would find them a lot easier than we would.

A. I'd suspect they're not there anymore. The I.G.'s been through there looking through the 204s.

UNIDENTIFIED SPEAKER:

If you do come across them, would you care to share those?

A. Yeah. I might even have one in captivity still.

MR. TEASTER:

How long ago was it, Brad?

A. A couple years ago.

MR. PAVLOVICH:

Can't be too long. He's not been there that long.

A. I haven't been there ---. Can't think of any other instances but I know that one for sure.

BY MR. TEASTER:

Q. Brad, have you encountered an instance where you went to a mine and the operator had an approved plan that the field office had not yet received?

A. Sure. Matter of fact, I can give you an instance about that, too. It wasn't me specifically, but Oxbow Mine or Oxbow Elk Creek Mine had tailgate problems, still do.

1 Had a tailgate blockage. Larry Neil was sent to investigate. As soon as Larry Neil got  
2 out of his vehicle, the mine operator handed him a plan that had been approved that  
3 they were --- they could go ahead and mine through this tailgate blockage and nobody  
4 had even looked at it. Matter of fact, Terry Hayes told Larry Neil --- Terry Hayes is the  
5 safety director there --- you don't need to go in there and look at it. We've got this  
6 plan here. Larry Neil went ahead and looked at it and found excessive CH4 in the  
7 tailgate entry because of the blockage.

8 Q. Do you know how they got the approval? Was this something that was rather  
9 quickly encountered a problem on the tailgate, they faxed something maybe to the  
10 district?

11 A. I would imagine that would be the process.

12 Q. You don't know the particulars, though?

13 A. No.

14 Q. But you personally have never encountered that?

15 A. Not that I recall. No.

16 Q. You said sure so quickly, is this something that's happened on more than one  
17 occasion?

18 A. Sometimes certain operators get things done quite quickly and other  
19 operations, that takes quite a while, and I haven't figured out that.

20 Q. Do you know why that is?

21 A. I can speculate but I probably just better keep my mouth shut.

22 Q. We don't mind you speculating.

23 Ex. (b)(6) and Ex. (b)(7)(C)

24  
25 BY MR. PAVLOVICH:

1 Q. Has any operators said anything to you that if you keep doing that, Brad, we're  
2 going to call Al Davis or anything like that?

3 A. Yeah, that's occurred.

4 Q. You've had that happen?

5 A. At West Elk Mine.

6 Q. West Elk?

7 A. Yeah. And I told them to go ahead and call him.

8 MR. TEASTER:

9 And did they that you know of?

10 A. I don't know. I didn't hear anything about it.

11 BY MR. PAVLOVICH:

12 Q. Have you ever had anybody tell you to vacate or change your violation  
13 because of someone for Denver or through Ramey maybe by any chance?

14 A. No.

15 Q. Never?

16 A. No. It does get changed in the CLR process quite often, though. Matter of  
17 fact, I've written quite an extensive memo to Kevin Stricklin through Al Davis that I've  
18 not had a response for, and I'll be glad to give you a copy of that, too.

19 Q. Could we have that, please?

20 A. Okay.

21 Q. And that pertains to the CLR process?

22 A. Yes.

23 Q. Are you notified in advance if your violations are going to be contested in  
24 CLR?

25 A. Generally, yes.

1 Q. Do they ask for your comments?

2 A. Generally.

3 Q. Do you provide comments?

4 A. Quite often.

5 Q. Or you get feedback after the conference if any changes were made or what  
6 the status of those violations is?

7 A. The feedback usually comes in a memo form. Yeah.

8 MR. TEASTER:

9 Would you agree with that feedback that you're getting?

10 A. No. Usually not.

11 UNIDENTIFIED SPEAKER:

12 Is there anything else in there, Brad, that we haven't asked  
13 you that we might need to make a copy of?

14 MR. TEASTER:

15 You've got a whole box there.

16 A. I'll look.

17 UNIDENTIFIED SPEAKER:

18 We appreciate that.

19 A. See how much of this you want.

20 UNIDENTIFIED SPEAKER:

21 Do you have copies of citations or specific examples of  
22 citations?

23 MR. PAVLOVICH:

24 I think he has it right there. Ex. (b)(6) and Ex. (b)(7)(C) Looks like the whole deal.

25 UNIDENTIFIED SPEAKER:

1 I'll just make a copy of that, Brad, and bring it back.

2 UNIDENTIFIED SPEAKER:

3 And Brad, would the Valley Mine be one of the mines that has  
4 Al's number on speed dial?

5 A. That was actually one of our least problematic mines. West Elk has Al's home  
6 phone number, I'm pretty sure. I just want to make sure that you're getting everything.

7 BY MR. PAVLOVICH:

8 Q. What mines do you have there in the Valley now besides Valley and West  
9 Elk?

10 A. Valley, West Elk and Elk Creek.

11 Q. Which is Oxbow Mining?

12 A. Oxbow.

13 Q. You have those three in Paonia area of Somerset?

14 A. Uh-huh (yes).

15 Q. Paonia Valley. Okay. Is Roadside still active, Brad?

16 A. No. That's down. We got McClain Canyon.

17 Q. McClain Canyon. Are they mining there?

18 A. Uh-huh (yes). Still have one unit mining.

19 Q. Do you have King or is that out of Aztec?

20 A. No. They moved that to Aztec.

21 Q. Okay.

22 A. This is a reprint. That's why the date is that way. This is the original and  
23 these are all copies that were attached.

24 Q. Do you just have the four underground mines then?

25 A. No. We've got New Horizon down in Nucla. And we've got Terror Creek

1 Loadout.

2 Q. Okay. So how many underground MMUs does your field office have?

3 A. We've got three longwalls, Elk Creek has two development MMUs, West Elk  
4 has four development MMUs. Valley has two development MMUs and well, they just  
5 finished a pillaring MMU, then McClain Canyon, which is a development and pillar.  
6 They're pillaring right now.

7 Q. I counted 13. I'm not sure if that's right. And then how about Horizon, do they  
8 have an MMU working?

9 A. New Horizon?

10 Q. New Horizon.

11 A. Surface.

12 Q. Oh, it's a surface mine. I'm sorry. Okay. So that's maybe 13 MMUs. How  
13 many inspectors do you have in Delta?

14 A. We have four ARs.

15 Q. Four ARs.

16 A. And we've got two new guys that aren't AR yet.

17 Q. So you have two trainees, four ARs. Do you figure you have the work,  
18 enough people to do the work that's required to make those inspections?

19 A. Absolutely not. Matter of fact, right now we're behind on getting one of our  
20 mines done. Last quarter, we didn't get Elk Creek done. No. Last quarter, we didn't  
21 get West Elk done. Elk Creek's the one in this quarter that's behind.

22 Q. Do you do a lot of time, Brad, on special initiatives, seal projects, SCSRs,  
23 ERPs?

24 A. All of the above and you throw in some complaints, and every one of our  
25 mines up the valley are on five day spots. McClain Canyon's on a ten day spot.

1 Q. How to those detract from your ability to complete your EO1 inspections, by  
2 doing these special projects?

3 A. It kills us. For instance, we just had a complaint come in for West Elk mine  
4 that's probably going to tie two guys up for at least three days on site.

5 Q. Complaints I can understand, because you have to investigate a complaint.

6 A. Uh-huh (yes).

7 Q. But as far as everybody go out today and count all the seals you got, things  
8 like that, does that --- what does that do to help anything?

9 A. Well, it usually messes up our plans for the day.

10 Q. Does it take away from your inspection time?

11 A. Sure.

12 Q. How about your time at the face where the miners are working?

13 A. That's where the rubber meets the road there and we don't --- when we have  
14 all these new projects and then you throw in ITS systems and spreadsheets to fill out  
15 everything else, it's really taking away from our face time with the miners.

16 Q. Do you think you spend more time doing paperwork than should be  
17 necessary?

18 A. I do and especially because a lot of it's ---.

19 Q. Do you think it detracts from what MSHA's doing to protect miners, by doing  
20 those things?

21 A. Yes. I'm looking through some of these other papers that you might want.

22 Q. Okay.

23 UNIDENTIFIED SPEAKER:

24 I've just got one other question I kind of thought of to see what  
25 you had to take on it. How does district nine investigate bumps? What has to happen

1 before it's considered reportable? What has to happen before they'll actually send an  
2 inspector out to investigate?

3 A. Now or pre-Crandall?

4 UNIDENTIFIED SPEAKER:

5 I guess pre-Crandall. And then you can tell me what they're  
6 doing now.

7 A. Pre-Crandall, I don't --- I think it would have to be something that --- it would  
8 have to get reported first and I'm not sure. You'd have to talk to some of the other  
9 guys in my office. I know West Elk had a significant bounce in a tailgate one time that  
10 all but closed off the tailgate entry, but I don't know what the procedure was or  
11 anything.

12 UNIDENTIFIED SPEAKER:

13 Is somebody going to investigate that?

14 A. I'm not sure. Now, every little bump is investigated. But you mentioned  
15 Valley.  
16 Valley's had a significant bounce and a couple of them, and they've been all over that.

17 UNIDENTIFIED SPEAKER:

18 Was there ever any that you can think of that you know,  
19 nobody got hurt, the inspector just didn't happen to be there that you found out about  
20 later that probably should have been reported but wasn't?

21 A. Not personally.

22 UNIDENTIFIED SPEAKER:

23 Do you know anybody that has come back and said, man,  
24 they had a big bounce over there and ---?

25 A. Danny Cerise in my office has had some comments like that.

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

UNIDENTIFIED SPEAKER:

Danny Cerise?

A. Uh-huh (yes). If this is helpful at all, this is a printout from the Solaris that I was carrying in the seal area. If you want to take a copy of that.

MR. PAVLOVICH:

Sure.

MR. TEASTER:

Brad, do you know what the criteria for reportable bump to MSHA?

A. It has to impede ventilation, impede travel or entrap miners, off the top of my head. Anyone of the --- if it affects any one of the 50 dash --- dot 12, I think, is the regulation, then it would be reportable.

BY MR. PAVLOVICH:

Q. Are you aware that there's a requirement that says outbursts of coal have to be recorded on the map just like it does roof falls?

A. Yes.

Q. Have you ever seen anybody record an outburst on a mine map the same as their roof falls? You've seen them put roof falls on the map.

A. I've seen ---.

Q. You ever seen an outburst plotted on a map?

A. Not that I recall.

Q. Why do you think that is, in district nine?

A. It's not because we're not having them.

UNIDENTIFIED SPEAKER:

Brad, did you just become aware of this in the last couple

1 days?

2 A. The outburst?

3 UNIDENTIFIED SPEAKER:

4 No, no. The requirement that they be recorded on the mine  
5 map. Were you aware of that previously? I know Billy just sent an e-mail out. I don't  
6 know if you guys were aware ---

7 MR. PAVLOVICH:

8 No.

9 UNIDENTIFIED SPEAKER:

10 --- that Billy sent an e-mail out discussing that.

11 MR. PAVLOVICH:

12 I'm shocked.

13 A. Was that after he visited you all here? No, I was aware of it.

14 UNIDENTIFIED SPEAKER:

15 You were aware of it?

16 A. Yeah. That's not something we --- as general inspectors, we don't look at as  
17 frequently as the roof control folks, but we do look at the maps for roof falls. And if it's  
18 a reportable outburst, then we can ensure that it gets put on there and make sure that  
19 they're reporting them.

20 BY MR. PAVLOVICH:

21 Q. Do you have a roof control specialist in the Delta office?

22 UNIDENTIFIED SPEAKER:

23 Those are your regionals.

24 A. Thank you. Yeah, we do.

25 BY MR. PAVLOVICH:

1 Q. Who is that?

2 A. That would be Kathleen Kelleher.

3 Q. Does Kathleen assist in doing EO1 inspections also?

4 A. No.

5 Q. No?

6 A. No, she does not.

7 Q. How about one of the three ---?

8 A. Rarely.

9 Q. Is she an AR?

10 A. She is.

11 Q. Is most of her work then dedicated to roof control and review of roof control  
12 plans, or do you know?

13 A. I think so. Yeah. I think most of what she does is tied to roof control only.

14 Q. Is it mostly office?

15 A. Periodically she'll ---.

16 Q. Mostly office work or is it mostly in the field evaluating plans?

17 A. Mostly office work.

18 Q. Mostly office work?

19 A. Yeah.

20 UNIDENTIFIED SPEAKER:

21 I had a couple for you, Brad. When you were talking about  
22 the family members coming in, I got the impression from the way you said something  
23 about on that occasion, were you there also for another time that the family members  
24 were brought in?

25 A. Family members were --- I think they came in on Thursday as well. I can't

1 remember the timing. Wednesday and Thursday.

2 UNIDENTIFIED SPEAKER:

3 And do you know who accompanied them from the company  
4 or did somebody from MSHA bring them in as well?

5 A. It wasn't MSHA. Seems like Adair was with them the second time.

6 UNIDENTIFIED SPEAKER:

7 And did they disrupt any of the activities, to your recollection?

8 A. Not that I recall.

9 UNIDENTIFIED SPEAKER:

10 Going to when you were discussing your concerns and little  
11 exchange with Donnie Durrant about that, you said something about that you also told  
12 Donnie what you were concerned about and he kind of gave you the impression that it  
13 was low-priority and we'll get to it later?

14 A. Yes.

15 UNIDENTIFIED SPEAKER:

16 Did you also, when you were talking about your concerns, was  
17 the exposure inby also part of the concerns or was it more the dust than some of the  
18 outby issues? Was he aware of the exposure issue, is what I'm asking.

19 A. No. It was more the outby issues that I talked about with Donnie.

20 UNIDENTIFIED SPEAKER:

21 Okay. But the exposure issue was still going on? They hadn't  
22 changed the plan?

23 A. No. I didn't think that was --- the best I can recall, I don't think I talked to  
24 Donnie about that because I didn't anticipate him doing anything about it anyway or  
25 even looking at it.

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

UNIDENTIFIED SPEAKER:

And I guess my last one is on the steel sets and your impression of the steel sets. You've indicated that you think that that would have been a better way to go, is that fair?

A. Yes.

UNIDENTIFIED SPEAKER:

And I'm just curious how you would envision the steel sets because of the concern here is from a lateral impact. Would you see the steel sets being bolted to the floor?

A. Yes.

UNIDENTIFIED SPEAKER:

And that would be part of what would maintain their integrity?

A. Yes. Bolted to the roof, bolted to the floor, tied together in a significant ---.

UNIDENTIFIED SPEAKER:

Bolted to the roof as well as the floor?

A. Yes. Which would have limited the clearance there somewhat as far as the shuttle car travel, but a car probably would have fit fine.

BY MR. PAVLOVICH:

Q. Did you discuss that with Joe Zelanko in any of the numerous conversations you had with him?

A. I don't recall.

Q. How about Mike Gauna? Did you ever see Mike there or talk to Mike? Do you know Mike Guana from ---?

A. Yeah, I know Mike.

Q. Did you ever talk to Mike?

1 A. Little bit. He was with Joe. When they first arrived at the MEO on I think  
2 Tuesday, they were inquiring about what we had ran into behind the seal.

3 Q. Okay.

4 A. So I talked to Mike then.

5 Q. Nothing underground? Did you see Mike underground at all?

6 A. Not that I recall.

7 Q. Did you see Joe underground quite a bit?

8 A. Joe went in with me and stayed later than I did on one occasion.

9 Q. Okay. So you saw him underground a lot. You didn't see Mike that much?

10 A. Uh-uh (no). No.

11 Q. But you never had an opportunity or just didn't discuss any alternate forms of  
12 roof support or rib support with him?

13 A. Not that I recall, and they're the experts, so ---.

14 Q. So it was mostly because you assumed they're the experts and they know ---?

15 A. Yes.

16 Q. Okay. They didn't ask you, Brad, got any other ideas?

17 A. No. No. I wasn't asked for a lot of input.

18 Q. Nobody asked you?

19 A. No.

20 UNIDENTIFIED SPEAKER:

21 Brad, I guess my last question would be just going back to

22 Ex. (b)(6) and Ex. (b)(7)(C) role in the office, if you guys are behind, what's your opinion as to

23 why Ex. (b)(6) and Ex. (b)(7)(C) not utilized the help with some EO1? It seems like that's been the case with  
24 a lot of the other specialists that we hear about. What would be different Ex. (b)(6) and Ex. (b)(7)(C)?

25 A. I'm not going to say. I don't know. I don't think it's because Ex. (b)(6) and Ex. (b)(7)(C) overloaded.

1 [REDACTED]

2 UNIDENTIFIED SPEAKER:

3 [REDACTED]

4  
5 UNIDENTIFIED SPEAKER:

6 Brad, when --- you said you marked a plan efficiency at

7 Crandall Canyon?

8 A. Yeah.

9 UNIDENTIFIED SPEAKER:

10 And you got no response?

11 A. Correct.

12 UNIDENTIFIED SPEAKER:

13 Did you follow up and make sure that they --- did you ask  
14 them if they got your paper and why you didn't respond or ---?

15 A. Sure.

16 UNIDENTIFIED SPEAKER:

17 What were you told?

18 A. We're going to get to it.

19 UNIDENTIFIED SPEAKER:

20 Who were you talking to?

21 A. It just so happened that Kathleen had that mine for plan reviews at that time.

22 UNIDENTIFIED SPEAKER:

23 Was she in the field office or in the district?

24 A. She's in the field office.

25 UNIDENTIFIED SPEAKER:

1 And at that time, she was in the field office?

2 A. Yeah. She's always been there.

3 BY MR. PAVLOVICH:

4 Q. Physically located in the field office; right?

5 A. Correct.

6 Q. But she works for ---?

7 A. She works for the district.

8 Q. Works for the district.

9 A. But she's located in our field office.

10 UNIDENTIFIED SPEAKER:

11 Who said they would get to it?

12 A. Kathleen. And I don't believe she ever did anything on-site as far as that  
13 specific comment.

14 UNIDENTIFIED SPEAKER:

15 Does anybody ever get a response in writing that you know  
16 of?

17 A. Not that I'm aware of. I do recall one time I made a comment regarding a  
18 vent plan and I got a response back.

19 BY MR. PAVLOVICH:

20 Q. And was that response like --- how did you take that response? Positive or  
21 negative?

22 A. I filed it. I think it was through Al Davis from Bill Reitze and they thanked me  
23 for the comments that I'd made.

24 Q. Oh, they thanked you for the comments?

25 A. Yes.

1 Q. Did that discourage you from writing any other comments, by any chance?

2 A. No.

3 Q. Okay.

4 BY MR. TEASTER:

5 Q. Or did they thank you and say they basically had no merit or was there action  
6 taken to ---?

7 A. I don't recall exactly what it said.

8 Q. Just thanking you for them?

9 A. Yeah. I'm not sure if there was an adjustment or not. That's the only  
10 response that I can recall, though.

11 UNIDENTIFIED SPEAKER:

12 Brad, when you were in Crandall Canyon Monday through  
13 Thursday, before you go in, you call conspec to let him know you were going in. Did  
14 anybody ever call them from underground and say we're in zone four or zone five?

15 A. Yes. Yes. They had mine phones established at each zone transition  
16 location. They would stop and call as you progressed in and out per their ---.

17 UNIDENTIFIED SPEAKER:

18 They did follow that mine tracking system ---

19 A. Yes.

20 UNIDENTIFIED SPEAKER:

21 --- as far as you know?

22 A. Yes. And as far as I know, they did a very good job with keeping track of  
23 people.

24 UNIDENTIFIED SPEAKER:

25 So somebody should have an idea on where people where

1 even if there wasn't a whole lot of people?

2 A. Yes.

3 UNIDENTIFIED SPEAKER:

4 Okay. When the rest of your team went behind the seal at  
5 main west, breached the seal and went back in there, was the communication system  
6 that they took, was that a permissible condition? Was it a permissible ---?

7 A. It was a permissible mine phone.

8 UNIDENTIFIED SPEAKER:

9 Was it maintained in permissible condition?

10 A. Appeared so. It looked new so I would assume that it would have been  
11 checked for permissibility.

12 BY MR. PAVLOVICH:

13 Q. How heavy was that thing, Brad? That permissible mine phone?

14 A. They weigh about three to five pounds. A couple batteries in the phone.  
15 They're not terribly heavy.

16 Q. Okay. It's an explosion-proof compartment?

17 A. They're permissible.

18 Q. When you say permissible, you mean explosion-proof?

19 A. Yes.

20 Q. So is this like a packing gland that the wire enters through?

21 A. No.

22 Q. Well, what is it?

23 A. It's low voltage.

24 Q. So you're saying it's intrinsically safe?

25 A. Yes.

1 Q. And it says on it, intrinsically safe?

2 A. Best I can recall.

3 Q. Okay.

4 A. I think a regular mine rescue communication line would have been the better  
5 way to go but they didn't --- I think we sent one in when I got out so they'd have one  
6 underground, but they didn't even have one underground when they were in that seal.

7 Q. Okay.

8 UNIDENTIFIED SPEAKER:

9 Where did the wire --- you said something about the wires  
10 pulled out and they lost communication at one point?

11 A. I think they disconnected from the phone.

12 UNIDENTIFIED SPEAKER:

13 The inby phone or the outby phone?

14 A. The inby phone. The one they carried in.

15 BY MR. PAVLOVICH:

16 Q. So you just got the two lobes where the wire ---

17 A. Yeah.

18 Q. --- is screwed on?

19 A. Yeah. Keep in mind there was no methane in there.

20 Q. Yeah, I understand.

21 MR. TEASTER:

22 That still doesn't eliminate them from being permissible. It  
23 doesn't require to be; right?

24 A. Right.

25 UNIDENTIFIED SPEAKER:





1 A. Brad Serazio was in the MEO after I left, and he indicated the same thing. He  
2 didn't put it quite that nicely but he indicated the same thing.

3 Q. Okay. From what you observed, did people seem to be, you know, pretty  
4 happy to have somebody at that level there or do you think that it made the situation a  
5 little more tense or uptight?

6 A. It made Bill Taylor uptight.

7 Q. Did he say anything to you or ---?

8 A. Mr. Stickler wants this, Mr. Stickler wants that, and you've got to jump through  
9 hoops to get what Mr. Stickler wants.

10 BY MR. TEASTER:

11 Q. Would you call that job security?

12 A. I don't know what I'd call it. I know what I'd used to call it in industry. I just  
13 bite my tongue on that.

14 Q. Brad, these notes that you provided us a copy of, were those made after you  
15 departed from the mine or were they made on a daily basis?

16 A. Daily basis. These from my personal log, yes, those were daily basis.

17 MR. PAVLOVICH:

18 Were they copied into your book there from a notepad or  
19 something that you kept underground or did you have that in your memory?

20 A. No. These are from memory.

21 MR. PAVLOVICH:

22 From memory. Okay. So they're not a duplicate of  
23 something else?

24 A. No.

25 MR. PAVLOVICH:



1 Q. And Gary, I would assume that if he had felt uncomfortable or unsafe that he  
2 would have probably exercised some concern to somebody or refused to go in that  
3 area. So when you said he was placed there not of his own will, what did you mean?  
4 He was placed in that position?

5 A. I think he was maybe exposing himself more so than he normally would.

6 Q. What do you ---?

7 A. I think he might have felt somewhat responsible for what was going on there.

8 Q. How do you perceive that this thing should have been --- how we should have  
9 proceeded with this rescue effort, just with the sense that you talked about?

10 A. I think that would have helped. I think ensuring the --- minimizing the  
11 exposure, minimizing the number of people that were in the area and taking the  
12 support with you in advance and the only exposure would be to machinery.

13 Q. I think they ultimately settled on that. I mean, they got to that point quite a  
14 number of days prior to the 16th where nobody was allowed to go in by the supports.

15 A. Okay.

16 Q. So I mean I don't think that contributed. That's just my --- and I don't have all  
17 the information, but I don't think anybody was in by the supports ---

18 A. Okay. That's good to know.

19 ( b Q. --- when the accident occurred.

20 ( A. That's good to know. So the magnitude was just to the extent that it took the  
21 5 ) supports out.

22 Q. It did take the supports out.

23 A. Okay.

24 Q. And you yourself had said that you had confidence that those things would  
25 provide the protection that was needed.

1 A. I didn't feel uncomfortable in there. No.

2 Q. Okay. Anything else?

3 A. Nope.

4 Q. Okay. Well, if you think of something else, we appreciate you getting in touch  
5 with us. If we think of something else, we'll get back in touch with you.

6 A. Okay.

7 Q. And again, we would ask you not to share any part of this interview until we've  
8 completed all the interviews so we can continue to get unbiased information.

9 A. All right.

10 Q. And we appreciate your efforts. We've all been out there on the line  
11 conducting inspections, and I know that it's an awesome responsibility, and we just  
12 hope that you continue to keep the miner first and foremost. And that's what we're all  
13 about. That's what MSHA's about.

14 A. Yeah.

15 Q. And I just hope that you get the support that you need and things you need to  
16 do and time to perform all those duties and perform them adequately. And again, we  
17 thank you.

18 A. I appreciate it.

19

20

21

22

23

24