

STATEMENT UNDER OATH

OF

DONALD DURRANT

Taken pursuant to Notice by Richard J. Lipuma, CCR a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Thursday, October 4, 2007, beginning at 9:35 a.m.

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

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

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THOMAS MORLEY  
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ALSO PRESENT:  
Kelly C. Kirkwood, Notary Public

## I N D E X

1			
2			
3	INTRODUCTION	6 -	10
4	WITNESS: DONALD DURRANT		
5	QUESTIONS		
6	by Mr. Smith	10 -	79
7	by Mr. Gates	79 -	86
8	by Mr. Smith	86 -	109
9	CONCLUDING REMARKS	109 -	110
10	CERTIFICATE		112
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

EXHIBIT PAGE

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

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE IDENTIFIED</u>
One	Map	75
Two	Sketch compiled after 8/16 incident	86

P R O C E E D I N G S

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MR. SMITH:

My name is Gary Smith. I'm an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the United States Department of Labor. With me is Tim Williams from the Solicitor's Office. We will be conducting the questioning today.

I, together with other government investigators and specialists, have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August 2007. The investigation is being conducted by MSHA, under Section 103(a) of the Federal

1 Mine Safety & Health Act, and  
2 the Utah Commission of Labor.  
3 We appreciate your assistance  
4 in this investigation.

5 After the investigation  
6 is complete, MSHA will issue a  
7 public report detailing the  
8 nature and causes of the  
9 fatalities in the hope that  
10 greater awareness about the  
11 causes of the accidents can  
12 reduce their occurrence in the  
13 future. Information obtained  
14 through witness interviews is  
15 frequently used in these  
16 reports. Your statement may  
17 also be used in other  
18 proceedings.

19 You may have a personal  
20 representative present during  
21 the taking of this statement  
22 and may consult with the  
23 representative at any time.  
24 Your statement is completely  
25 voluntary. You may refuse to

1           answer any question and you  
2           may terminate the interview at  
3           any time or request a break at  
4           any time.

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

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

23                   After we have finished  
24          asking questions, you will  
25          have an opportunity to make a

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statement and provide us with any other information that you believe to be important. If any time after the interview you recall any additional information that you believe might be useful, please contact Richard Gates at the telephone number or e-mail address on this card.

Ms. Kirkwood, would you swear in the witness?

-----  
DONALD DURRANT, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

MR. SMITH:

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

MS. KIRKWOOD:

I am.

MR. SMITH:

When does your commission expire?

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MS. KIRKWOOD:

August 15th, 2008.

MR. SMITH:

Have you sworn in Mr.

Durrant?

MS. KIRKWOOD:

I have.

BY MR. SMITH:

Q. Okay. Donnie, please state your full name and address for the record.

A. Okay. Donald Edward Durrant.

I reside at (b) (7)(C)  
(b) (7)(C)

Q. Okay. Donnie, do you have any questions about the interview process as I've described it?

A. I don't.

Q. Okay. Do you have a personal representative with you here today?

A. No.

Q. Okay. Donnie, are you appearing here today voluntarily?

A. I am.

Q. Okay. How long have you

1 worked for MSHA?

2 A. I've been with MSHA since  
3 December of 2000, so just shy of  
4 seven years.

5 Q. Okay. What is your current  
6 duty station?

7 A. Price, Utah.

8 Q. Okay. How long have you  
9 worked at that location?

10 A. Since I began my employment,  
11 so near seven years.

12 Q. Okay. You've been there the  
13 whole time then?

14 A. Uh-huh (yes).

15 Q. What is your present position?

16 A. Coal mine safety and health  
17 inspector.

18 Q. Okay. And how long have you  
19 been in that position?

20 A. Oh, just over five years, I  
21 believe.

22 Q. Okay. I guess it took you a  
23 couple years to get your AR card  
24 then?

25 A. Yeah. Initially, I came in

1 with the health group just as a lab  
2 tech, if you will.

3 Q. Okay.

4 A. I left the industry, and  
5 shortly after that I went to CMI  
6 training, within a year.

7 Q. Okay. Who is your current  
8 supervisor?

9 A. Ted Farmer.

10 Q. And could you tell us a little  
11 bit about your mining experience from  
12 whenever you started in the mines  
13 until you started with MSHA?

14 A. Okay. I actually started in  
15 the mines in April of 1973. Seven-  
16 and-a-half years or so as a miner at  
17 the Old Kaiser Steel Sunnyside  
18 operation doing various tasks, a lot  
19 of longwall work. Also maintenance  
20 background.

21 In January of '81, I believe,  
22 I started --- left there, went to  
23 work at --- at that time it was Emery  
24 Mining over in the Orangeville area  
25 at the Wilberg Mine. I was with them

1 and then later transferred to Deer  
2 Creek Mine as a section boss, section  
3 foreman.

4 After the Wilberg fire, around  
5 1985, I went back to the Cottonwood  
6 Mine which was the rehabilitated  
7 portions of --- portions of Wilberg  
8 Mine that were accessible, as a shift  
9 supervisor. I spent about a year  
10 doing that. Went to work in 1986 for  
11 about a year as a longwall  
12 coordinator where we got the longwall  
13 back over there, up and running.

14 And then from mid '87 through  
15 2000, I was a mine superintendent at  
16 the various mines that we had, you  
17 know, Deer Creek, Cottonwood, Trail  
18 Mountain until I opted to leave in  
19 2000. So about 27 or so years in the  
20 industry prior to coming to MSHA.

21 Q. Okay. Were you ever assigned  
22 to inspect the Crandall Canyon Mine?

23 A. Yes.

24 Q. Okay. When was that?

25 A. Actually, there was several

1 occasions that I inspected at  
2 Crandall. Probably the first  
3 inspection was in late 2002 just  
4 after I got an AR card. And I've  
5 probably been there three times. I  
6 was able to conduct AAAs or the  
7 EO-1s, so ---

8 Q. Okay.

9 A. --- various times during my  
10 career I've been there.

11 Q. Okay. Were you ever on any  
12 other type of inspection activities  
13 with the mine, other than EO-1s or  
14 AAA inspections?

15 A. No. We might have been there  
16 on a spot at some point, you know,  
17 saturation-type inspection, but I  
18 can't recall.

19 Q. Okay. When was the last time  
20 that you were inspecting the mine at  
21 Crandall Canyon?

22 A. That was in July of '06.

23 Q. Okay. You were on an EO-1 ---

24 A. That's correct.

25 Q. --- in July of '06?

1 A. That's correct.

2 Q. And who from the company did  
3 you normally deal with when you were  
4 on your inspections out there?

5 A. As far as accompanying me,  
6 traveling with me?

7 Q. Yeah. Yeah.

8 A. Oh, you had --- at that time I  
9 believe it was a guy by the name of  
10 Steve Radmall. Steve's currently  
11 employed with UtahAmerican Energy.  
12 Other individuals were, you know,  
13 safety people, Wally Jones, David  
14 Jensen. You know, those people were  
15 the ones that, you know, accompanied  
16 me during the inspections.

17 Q. Okay. Was there a  
18 representative of the miner at any  
19 time?

20 A. No, there was not.

21 Q. Okay. And what areas of the  
22 mine did you inspect? I guess you  
23 inspected the whole mine during the  
24 EO-1.

25 A. I did. This inspection in '06

1 was --- was cut short. I was pulled  
2 from the mine and given other duties  
3 and responsibilities. There was a  
4 --- there was an allegation by an  
5 employee at the mine.

6 Q. Uh-huh (yes).

7 A. It was investigated by our  
8 people, by MSHA. Also, it was  
9 investigated at that time by Andalex  
10 Resources.

11 Basically, it was found to  
12 have no merit. But, you know, other  
13 than that, when the allegation come  
14 forward they, you know, took me off  
15 duty there and some other guys  
16 finished the inspection.

17 Q. Okay.

18 A. I was only there maybe a week,  
19 so I didn't get a lot done during  
20 that inspection.

21 Q. Okay.

22 A. But previous inspections, I  
23 would inspect the entire mine, what  
24 was required by our procedures and  
25 policies.

1 Q. I guess whenever you were  
2 there in 2006, what areas were they  
3 mining at that time?

4 A. Okay. As I recall, they were  
5 in --- Crandall Canyon was down in  
6 the south mains pillaring out the  
7 south mains. And I believe they had  
8 another development section that was  
9 idle at that time, I believe, that  
10 they would run periodically. And it  
11 was just north of the Main West  
12 section, and they were blocking out  
13 up in there.

14 Q. Okay.

15 ATTORNEY WILLIAMS:

16 So the north barrier  
17 section?

18 A. Yes. But they were just  
19 actually slightly northwest of the  
20 south mains at that time.

21 ATTORNEY WILLIAMS:

22 Okay. So not really in  
23 the barrier section?

24 A. Yeah.

25 ATTORNEY WILLIAMS:

1                                   Just south of north  
2                                   mains?

3       A.            Yeah, they hadn't actually  
4       driven back west at that time. They  
5       were just --- they began blocking out  
6       just north of the south mains, as I  
7       recall.

8       BY MR. SMITH:

9       Q.            Okay. You say they were down  
10      in the south mains ---

11     A.            Yes, sir.

12     Q.            --- a section up in this area?

13     A.            Yes.

14     Q.            Okay. That's just south of  
15     the --- Section 36, north of the Main  
16     West there?

17     A.            Yes.

18     Q.            Okay. You said there was an  
19     allegation when you were at the mine  
20     there?

21     A.            That's correct.

22     Q.            Do you know what that  
23     allegation was?

24     A.            I do.

25     Q.            Could you explain a little bit

1       how you got that or what the  
2       allegation was?

3       A.       Yeah.   The allegation was from  
4       a female contract employee.   I had  
5       gone to --- to work that afternoon on  
6       the afternoon shift.   And I got there  
7       after the start of the shift, tried  
8       to find a supervisor.   I went down to  
9       where the Conspect people were  
10      stationed.   She was nowhere to be  
11      found.   I went down.   I hollered into  
12      the warehouse, could find no one.   So  
13      I went to the main bathhouse up near  
14      the portal.   I thought maybe somebody  
15      was up around there and nobody was  
16      around.

17                I paged on the mine phone.  
18      The attendant picked up the phone.   I  
19      identified myself and asked her where  
20      she was.   She said she had been in  
21      cleaning the restrooms in the lower  
22      building.   So I asked her to get  
23      ahold of the shift foreman.   He come  
24      out, went in, did inspection work  
25      that night.   I came out and was

1 setting up, you know, to issue the  
2 paperwork that I found that night.

3 And I began quizzing her about  
4 issues with her job. You know, I was  
5 concerned, one, she wasn't on the  
6 post that night. Of course, she  
7 assured me that if they had called,  
8 she had a phone available where she  
9 was cleaning. I asked her questions  
10 regarding the two entry petition,  
11 regarding diesel equipment, diesel  
12 traffic into the two entry sections,  
13 you know, numerous questions like  
14 that.

15 You know, she appeared to be  
16 very uncomfortable. Okay. And so I  
17 thought, well, I'll try to lighten  
18 the situation a little bit. And so I  
19 kind of backed off the questioning  
20 and things like that and just making  
21 small talk, you know, about my family  
22 and her family and children. And  
23 asked her --- you know, if she was  
24 married and where her husband worked  
25 and ---.

1 Q. Did she eventually file a  
2 complaint?

3 A. Actually, it was an  
4 allegation, but nothing ever  
5 went ---.

6 Q. You said it was investigated  
7 and found to have no merit; is that  
8 right?

9 A. That's correct.

10 Q. Okay.

11 A. Pretty much.

12 Q. Okay.

13 A. I have my --- I had my  
14 thoughts and suspicions on that,  
15 but ---.

16 Q. Okay. You know, whenever you  
17 did your other inspections at the  
18 mine, did you --- did you find that  
19 they were following their approved  
20 plans pretty good, like the roof  
21 control plan? Did you have any  
22 violations on them following their  
23 plans or the ventilation plan? What  
24 kind of company were they --- well,  
25 you did it in 2005. I guess that's

1 before the new ownership took over.

2 A. Right.

3 Q. How was it back then?

4 A. I'm not remembering a lot of  
5 particulars, but I issued a fair  
6 amount of paperwork at the Crandall  
7 operation during my inspections. I  
8 think the one was actually over a  
9 hundred tickets. Stoppings for a  
10 long time seemed to be an issue over  
11 there. You know what I mean?  
12 Stoppings maintenance, things like  
13 that, belts, cleaning them. You  
14 know, permissibility issues,  
15 guarding, stuff like that.

16 Could I say it was one of our  
17 better mines? No, it wasn't, for  
18 compliance reasons.

19 Q. Okay.

20 A. Like I said, I issued a fair  
21 amount of paperwork while I inspected  
22 that mine ---

23 Q. Okay.

24 A. --- during my inspections.

25 Q. How about the roof conditions

1 or the roof support they were putting  
2 in, was it --- what did it look like?

3 A. I believe that they did a fair  
4 job, you know, on the roof support.  
5 The Crandall Mine typically did not  
6 have a lot of roof control issues.  
7 Not a lot of history of roof falls.  
8 Hard top, hard floor. If there were  
9 roof control issues, it may be, you  
10 know, some bolt spacing here and  
11 there, not having their, you know,  
12 warning sign at the last row of  
13 bolts, things like that.

14 Q. Okay.

15 A. The roof really wasn't a  
16 problem.

17 Q. Okay. Did you have any  
18 involvement or did you know that they  
19 were going to mine the north and  
20 south barriers ---

21 A. I did not.

22 Q. --- of the Main West?

23 A. I did not.

24 Q. Okay. When did you find out  
25 they were doing that?

1       A.       Well, I'd seen a map in the  
2 office that showed the development  
3 and retreat coming out of the --- I  
4 guess out of the north barrier. And  
5 so I --- again, it had been a while  
6 since I'd seen a map, stuff like  
7 that, but that had been I'm going to  
8 say sometime mid '06 or --- excuse  
9 me, well, it'd have been this year.  
10 Maybe around mid '07. Like, you  
11 know, I come across a map in the  
12 office and ---.

13       Q.       Okay. So you've never been in  
14 the mine when they were mining the  
15 north or south barriers?

16       A.       No, I haven't.

17       Q.       Okay. When did you hear about  
18 the accident that occurred on August  
19 the 6th?

20       A.       Actually, it was early that  
21 morning. I had come in the office  
22 maybe as early as 4:30. I was  
23 running respirable dust at the Deer  
24 Creek Mine and was gathering up my  
25 gear. And that's when I run in to

1        --- Barry Grosley had come in the  
2 office and just made a statement to  
3 me and said that he just got a call,  
4 he was heading to Crandall Canyon.  
5 They had a big bounce and couldn't  
6 get --- there were six miners  
7 unaccounted for and didn't have any  
8 details to speak of.

9                As I was leaving the office, I  
10 just told Barry, I said, well, I'm  
11 only a few miles away, if you need  
12 help, call me. So it was early that  
13 morning.

14 Q.            Okay. So you went to the ---  
15 what mine did you say?

16 A.            Deer Creek Mine.

17 Q.            Deer Creek Mine to start your  
18 dust. Did you get a call from  
19 anyone?

20 A.            I did. It was probably 9:00,  
21 actually I got a call from Alice at  
22 the office and said that ---  
23 actually, they paged in. I called  
24 outside. They got me through to the  
25 office by the mine foreman

1 underground. And Alice told me that  
2 Ted wanted me to wrap up what I was  
3 doing there and come to Crandall.

4 Q. Okay.

5 A. I had actually called Ted that  
6 morning about 6:30, I guess, prior  
7 to, you know, going into the mine  
8 with the crew and requested --- I  
9 said if you need me, you know, I'll  
10 come. He said, no, we're covered  
11 right now, so ---.

12 Q. Okay. So you got a call  
13 underground. You were underground at  
14 9:00 at Deer Creek?

15 A. Yes.

16 Q. And then how long did it take  
17 you to get over to Crandall from  
18 there?

19 A. Oh, it's probably 35, 40  
20 minutes out of the mine.

21 Q. Uh-huh (yes).

22 A. By the time I gather up my  
23 pumps, got the ride out, it was  
24 probably 10:30, 10:40, something like  
25 that before I got to the mine.

1 Q. Okay. And I guess you went  
2 directly right to the mine from Deer  
3 Creek?

4 A. I did.

5 Q. And could you just kind of go  
6 over your activities on the day of  
7 the 6th, I guess, from the time you  
8 got to the mine on the 6th until the  
9 time you left the mine there?

10 A. Okay. Well, when I got there,  
11 we had obviously a number of miners  
12 in there. The Deer Creek miner's  
13 team was underground. They were  
14 doing some search activities, if you  
15 will. I got briefed when I got  
16 there, and I was assigned to stay in  
17 the command center at that time.

18 Q. Who briefed you there?

19 A. You know, I believe it was Ted  
20 Farmer, I believe.

21 Q. Okay.

22 A. I was assigned to stay in the  
23 command center and kind of take some  
24 notes, you know, keep the book up  
25 regarding the underground activities,

1 the air readings and stuff like that,  
2 the gas readings they were calling  
3 out. And they were also --- they had  
4 a group of people.

5 In fact, that may be where ---  
6 may have been where the Deer Creek  
7 rescue team was with some MSHA  
8 people. They got permission to  
9 breach the Number One seal at Main  
10 West. So I was kind of communicating  
11 back and forth with the progress  
12 there, you know, that was going on  
13 between the command center and them,  
14 people underground, those persons and  
15 Utah American Energy people. So I was  
16 pretty much in the command center  
17 that day.

18 Q. Okay. You didn't get  
19 underground that day?

20 A. I did not.

21 Q. Okay. I guess there's --- was  
22 there people that came --- arriving  
23 at the mine as you were in the  
24 command center, or did you keep any  
25 track of people that might have been

1 going underground at the command  
2 center there?

3 A. I personally did not, no. You  
4 know, they had obviously a couple  
5 different check-in systems. But, you  
6 know, I didn't personally keep track  
7 of that, no.

8 Q. Were you involved with any  
9 plans that the mine had devised on  
10 the rescue operations or ---?

11 A. No.

12 Q. Okay. Were you at the mine  
13 between, you know, the first day  
14 there until the second accident?

15 A. Yes. I was there every day  
16 but one.

17 Q. Okay. And what day weren't  
18 you there?

19 A. It would have been Monday  
20 prior to the accident, so it would  
21 have been around the 12th, 13th, if  
22 that makes sense.

23 Q. Okay. Let's see. Let's get a  
24 calendar here. Yeah, 13th would have  
25 been a Monday. Yeah.

1       A.       Yeah.  What happened there was  
2       they had brought in some other  
3       people, some people from the --- mine  
4       rescue people.  And they told me  
5       Saturday or Sunday that Sunday would  
6       be my last day and go back on my EO-1  
7       at Deer Creek.  And so I was in the  
8       office Monday, you know, mopping up  
9       paperwork and doing some other  
10      activities.  I had mentioned maybe  
11      that I was concerned that I had been  
12      pulled off the project.  You know, I  
13      felt that I could probably be of  
14      assistance, especially to some of  
15      these people that weren't aware of  
16      our deep cover conditions.

17               And I got a call that  
18      afternoon at home and said that they  
19      changed their mind and wanted me back  
20      Tuesday.  So I went back there.

21      Q.       Okay.  Can you tell me a  
22      little about your activities --- what  
23      activities you were involved with  
24      during the rescue recovery operations  
25      from the 6th until the 16th?

1       A.        Okay.  On the 7th ---  
2       obviously, I was underground on the  
3       7th.  A lot of that work was  
4       preparation.  We were trying to get  
5       equipment available and equipment  
6       there.  There were --- we had, you  
7       know, stoppings that were blown out,  
8       you know, clear back into the 90s,  
9       90, 95 area.  We were putting --- you  
10      know, I was kind of overseeing or  
11      observing work on the stoppings,  
12      getting air readings, you know, a lot  
13      of things like that, look in areas,  
14      some seals that were in the area, you  
15      know, that hadn't been checked that I  
16      knew, went and examined some of  
17      those.  Just kind of overseeing  
18      things and making sure that things  
19      were --- you know, were doing what  
20      they needed to do and they were doing  
21      it safely.  I believe it was probably  
22      --- it wasn't actually until the 9th  
23      as I recall that we actually --- were  
24      actually loading material out of  
25      Number One.

1 Q. Okay.

2 A. You know, the 8th or 9th. It  
3 kind of runs together. A lot of it  
4 does. But I basically was assigned  
5 to be in the area where they were  
6 loading, setting the rock props and,  
7 you know, be of any assistance that I  
8 could, you know, throughout that  
9 whole ordeal.

10 Q. Okay.

11 A. So most of my time was spent  
12 at the continuous miner.

13 Q. Okay.

14 A. Once we were in there and set  
15 up and loading, that was my --- that  
16 was my focus and my assignment.

17 Q. So you were pretty much  
18 underground every day then?

19 A. Yes, sir.

20 Q. Okay. Let's see. You said on  
21 the 7th --- where did they begin  
22 their rescue operations, in what  
23 entry up there? Did you know what  
24 entry they started to recover the  
25 people in --- or what entry did they

1 start their rescue operations in?

2 A. Well, actually talk initially  
3 was to actually go up Number Four  
4 entry. That was initially what the  
5 company had proposed. Once they got  
6 in and breached that Number One seal,  
7 they found very adverse conditions,  
8 you know, roof falls and stuff like  
9 that. So that took access from Main  
10 West out of the picture.

11 You know, they were still  
12 talking about rehabilitating Number  
13 Four and going in Number Four entry.  
14 And there was another --- there was a  
15 bump up around there. I'm trying to  
16 think if it was the 8th after they'd  
17 done, you know, quite a bit of  
18 cleaning up in there. You know, of  
19 course, they had to bring a tail  
20 piece, shorten the belt, you know,  
21 get that other equipment ready.

22 But initially it was Number  
23 Four entry that we were going to  
24 proceed up. And then that changed  
25 and they decided to go in Number One.

1 Q. Okay. And you said the reason  
2 they went over to Number One --- what  
3 was the reason they went over to  
4 Number One?

5 A. Well, again, you know, I don't  
6 want to speculate, but it appeared to  
7 me that after that bump had occurred  
8 that, you know, shelled one of those  
9 pillars --- or one of those pillars  
10 again, I'm sure UtahAmerican Energy,  
11 you know, MSHA, you know, got  
12 together and, you know, rethought the  
13 issue. And the next thing we knew we  
14 were going to go up Number One. What  
15 the deciding factor that made that  
16 call, I couldn't tell you.

17 Q. Okay. Were you involved with  
18 any of the rescue plans, on  
19 developing them or having any input  
20 into what went into those plans?

21 A. No.

22 Q. Okay. As far as, you know,  
23 the plans --- what the plans were  
24 whenever they were doing the recovery  
25 work, were you briefed on exactly

1        what the plans were and as they  
2        developed, all the changes?

3        A.        Yeah, pretty much. Yes. You  
4        know, I'd get to the command vehicle  
5        very early in the morning and talk to  
6        the supervisor that was on graveyard,  
7        any changes. They would have copies  
8        there, and we'd go over that and take  
9        a copy to the mine with us, you know,  
10       as far as manpower or particular  
11       situations with ventilation or  
12       measurements and measure locations.  
13       Actually, we was briefed pretty well  
14       by the field office supervisors that  
15       were in the command center.

16       Q.        Okay. So the people that were  
17       underground from MSHA were briefed by  
18       the field office supervisors of  
19       MSHA ---

20       A.        Yes.

21       Q.        --- or the supervisors, MSHA,  
22       in the command center?

23       A.        Uh-huh (yes). Yes.

24       Q.        Was there any company people  
25       involved with those briefings or ---?

1       A.       No, not really to speak of.  
2       There was times that I --- you may  
3       not think you got enough information  
4       prior to trying to get a ride to go  
5       in.    But some of those days, too, I'd  
6       say 6:30 or so, 6:15 the MSHA  
7       official supervisor, and, you know,  
8       the ADM or whoever may be there would  
9       go up to the --- up near the safety  
10      office in a small conference room,  
11      they'd have a little meeting.    So if  
12      anything changes, occurred or  
13      whatever, they were pretty good to  
14      call in and say, well, you know, take  
15      a look at this or check this or ---.

16      Q.       Okay.    Do you know if the  
17      miners were being briefed --- the  
18      miners from the company were being  
19      briefed on what the changes to the  
20      plans and everything were?

21      A.       I couldn't tell you.    I  
22      honestly don't know.

23      Q.       Did they seem --- whenever you  
24      were underground, did they seem to be  
25      familiar with what the approved plans

1        were?    Or did they --- did you have  
2        to tell them what the plans were or  
3        did ---?

4        A.        There were times you'd have to  
5        remind them, you know, as far as,  
6        hey, only X amount of people allowed  
7        here.    And, you know, when you're  
8        unloading, you need to be back here.  
9        You know, I don't know whether that  
10       was --- was not communicated to them  
11       or if it was just the circumstances.  
12       So I really couldn't tell you how  
13       well they communicated with the  
14       people.

15       Q.        I mean as far as putting up  
16       the roof supports and the mining of  
17       it and everything else that was in  
18       the plans, did they seem like they  
19       knew what they were supposed to be  
20       doing?

21       A.        Yeah, I think pretty much.  
22       And on --- the supervisors that was  
23       on the section or myself, you know,  
24       at times would remind them of the  
25       widths, you know, the spacing and

1 things like that. It was just an  
2 ongoing thing, you know, just to make  
3 sure we were doing it right and we  
4 were complying with what the plans  
5 said and we were just doing it the  
6 right way for the right reason, you  
7 know.

8 ATTORNEY WILLIAMS:

9 Did you have to remind  
10 them because sometimes they  
11 weren't doing it according to  
12 the plan or you just ---?

13 A. You know, once in a while  
14 you'd see --- you'd observe a guy  
15 taking the propping too far out.  
16 You know, standing it a little  
17 further ---. You'd have to say, no,  
18 come back, bring it back. At times,  
19 you'd see maybe a couple guys out  
20 shoveling for the props where we was  
21 only supposed to have one guy  
22 shoveling. I mean, they were just  
23 anxious and they were wanting to  
24 proceed and things like that --- a  
25 pretty busy time.

1 BY MR. SMITH:

2 Q. Yeah. Did any miner or  
3 yourself even have any concerns about  
4 the adequacy of the plans? Did  
5 anyone ever express to you any  
6 concerns that they had that maybe  
7 they should be doing something  
8 different?

9 A. No, not that I recall in the  
10 loading area. Okay. I mean, there  
11 was always --- you'd get a break or  
12 you were having a bolt removed, you  
13 know, there were maybe some guys just  
14 making small talk.

15 One concern that I had and  
16 some other miners had voiced to me  
17 was the area outby where we were  
18 working. Okay? That's that area  
19 between 118 and 114. Okay. That's  
20 where the --- that's where it was, I  
21 guess, the noisiest. You could still  
22 hear your pillars grunting and  
23 banging. And, you know, I went down  
24 there several occasions. I got a  
25 minute. I'd walk down and double

1 check the area. Check all four  
2 entries.

3 I had some concerns down  
4 there, and I voiced them concerns to  
5 not only the management people but,  
6 you know, the roof control crews.  
7 They come in and took a look, you  
8 know, Joe Zelanko, Mike Gauna. And,  
9 you know, they agreed that, you know,  
10 some more support needed to be set  
11 down in that Number One entry between  
12 --- in those locations. And my  
13 concern was --- with that was the  
14 fact that, you know, had that weight  
15 simply transferred and then it was  
16 loading up on us, you know, I didn't  
17 want our fate to be the same as those  
18 six men. Not to just concentrate on  
19 what we were doing, you know, to get  
20 by there, but we needed some help  
21 getting this area outby us supported.

22 Q. Was there extra support put in  
23 that outby entry there?

24 A. There was. They finally ---  
25 it actually didn't get completed I

1 don't think until around the 16th,  
2 the day of the second accident. I  
3 wasn't real happy about the way it  
4 progressed. I don't believe at times  
5 that they had enough people there to  
6 set those supports, you know, those  
7 rock props. But they finally did get  
8 it done.

9 Q. What extra support did they  
10 put in outby?

11 A. They actually went and they  
12 installed --- I think there was a few  
13 areas where they just put in the  
14 eight by eight square sets on five-  
15 foot centers. But they come back in  
16 and I think from 118 to about 114  
17 they rock propped that entire Number  
18 One entry on about five-foot centers.  
19 Then what happened to progress with  
20 the manpower that was dedicated to  
21 that project --- but did finally get  
22 it done that --- the day of the 16th,  
23 I believe.

24 Q. Okay. So they had --- they  
25 already had square sets put in there,

1 but they put rock props in between  
2 them?

3 A. Actually, there weren't a  
4 great amount of the square sets set.  
5 They did that initially on some areas  
6 that showed some perpendicular cracks  
7 in the entry in the roof. It wasn't  
8 a great deal of those. They quit  
9 setting those and went to the rock  
10 props and --- you know, so we'd get  
11 the preload and stuff like that that  
12 we felt comfortable with. But they  
13 did finally get it done.

14 Q. Was there any other roof  
15 support put in, any other bolts or  
16 channels or anything put across  
17 there?

18 A. I believe there was on the  
19 outby area and not --- wasn't any  
20 bolting done. There was some  
21 J-channels set, some areas, you know,  
22 where you had a fracture or something  
23 like that. Obviously inby where we  
24 were loading, they did some of that  
25 also. We crossed adverse roof. We

1 swapped the miner operator, put the  
2 bolter in and do whatever bolting we  
3 needed, setting J-channels, doing  
4 some screen.

5 Q. You mentioned just briefly  
6 that they might not have had enough  
7 people up there to set the rock  
8 props. Was that in the outby area or  
9 in the face area?

10 A. Outby area. It was outby us,  
11 between --- that would be between 118  
12 and 114.

13 Q. Okay.

14 A. I went down one day just to  
15 check on the progress. It might have  
16 been around the 14th, 15th. Talked  
17 to one of the miners there, asked him  
18 where all his people were. He said,  
19 this is all I got. I said, this is  
20 all you got? He said, yes.

21 So we went to the phone and I  
22 called Al Davis. He was outside.  
23 And told Al we need to get the  
24 support set in behind us. We're  
25 going to get with Laine Adair to see

1 where all these people are at and get  
2 them in here, we need some help.

3 Q. Okay. How about up in the  
4 face area? Was there ever any  
5 concerns that there was too many  
6 people up in the face area?

7 A. Yeah. Actually, from I think  
8 around the 11th, 12th, something like  
9 that, we --- we were just finishing  
10 up one of the loading cycles. And I  
11 believe we had shipped the last car  
12 --- or thought we'd shipped the last  
13 car. And seven, eight miners come up  
14 to help set props. Generally at the  
15 miner, there was the operator, a  
16 helper and myself only while we were  
17 loading. Okay. Otherwise three or  
18 four guys. On this day in question  
19 where we had these other miners come  
20 up to set the props, and we had some  
21 --- a group of people from Murray  
22 Energy also happened upon the area at  
23 the same time. And we decided that  
24 we needed another buggy. So the  
25 buggy come up. They kind of moved

1 off to the side. And obviously, that  
2 day we had too many persons there.

3 To me that set a red flag, if  
4 you will. But typically we --- when  
5 I was on shift, you know, we --- we  
6 kept to a bare minimum, you know,  
7 working three, four right there at  
8 the miner and that was it. You know,  
9 we kept them at least back a crosscut  
10 or so before the other miners would  
11 come in to set the rock props. So if  
12 I answered your question.

13 Q. Well, yeah, pretty much. You  
14 said there was --- you're saying  
15 there's about three or four people  
16 whenever they were loading material?

17 A. Tried to keep it as minor ---  
18 keep it to a minimum. There was  
19 times that frankly, you know, I run  
20 people out of there. A lot of times  
21 those were Murray's people. They'd  
22 come up to visit and look around and  
23 maybe there was three or four of  
24 them. And I'd say we're unloading,  
25 you guys get back.

1 Q. Okay. And then whenever they  
2 were putting the rock props up, how  
3 many people were up in the area  
4 whenever they were putting rock props  
5 up?

6 A. I'd say there was times that  
7 early on that we might have had as  
8 many as 15 guys there. But I mean,  
9 you know, oddly enough, we didn't  
10 have people standing around. You  
11 know, people were shoveling. People  
12 were gathering materials. People  
13 were stringing the cables. People  
14 were stringing the chain link, you  
15 know, extending ventilation. It  
16 sounds like a lot of people and  
17 probably --- it probably was at  
18 times, but everybody was just --- you  
19 know, they wanted to help expedite  
20 the procedure.

21 Q. You think that setting rock  
22 props that that many people were  
23 needed to set those, the rock props?  
24 Or what would be the minimum?

25 A. Probably not. But I would say

1       you needed --- you needed eight to  
2       ten able bodies there, I mean, to  
3       really --- to get things done with  
4       all of the other work that was  
5       involved and, you know, rock dusting.  
6       When you throw all that in there,  
7       it's ---.

8       Q.       Okay.  Whenever they were  
9       removing the material up there, was  
10      there bounces?

11      A.       Yeah, there was --- there was  
12      some bumps.  You know what I mean?  
13      I've documented, you know, those  
14      things in my notes somewhat, probably  
15      not in great detail.  There were days  
16      that it was --- there were times  
17      during the day that it was quiet.  
18      You know, there were times that, you  
19      know, we had a few bumps.  Obviously,  
20      if it was little minor things or just  
21      maybe grunting and groaning while you  
22      were loading, you'd never hear that  
23      because of the continuous miner  
24      running.  You've got a diesel shuttle  
25      car, you know, right behind you

1 running or right where you're at.

2 So yes, there were some bumps.  
3 We had one probably --- on my shift  
4 that was the hardest was the day of  
5 the accident, the 16th. About 10:05  
6 we had a pretty good bump.

7 Q. Before --- okay. You were on  
8 the date --- I should ask you right  
9 up front here again. You were on the  
10 dayshift?

11 A. Yes, sir. It was about 10:05  
12 that morning we had a pretty good  
13 bump.

14 Q. Okay. And that displaced coal  
15 then?

16 A. I'm sorry?

17 Q. That bump that you had at  
18 10:05, did it displace coal from the  
19 ribs?

20 A. It did. It did. We had to  
21 --- the miner was actually on the  
22 left-hand side cleaning. It bumped  
23 and shelled the chain pillar, you  
24 know, just to the north there between  
25 --- that was between 126 and 127

1 crosscut. But it shelled that  
2 pillar, you know, three or four feet.

3 Q. Okay.

4 A. And that's I guess --- it was  
5 cleared immediately. You know, there  
6 was still some life in that pillar.  
7 I mean, it was still a pretty good  
8 core there.

9 Q. Uh-huh (yes). Whenever it  
10 bumped like that, was there --- did  
11 it displace any of the rock props  
12 that were set?

13 A. No, no.

14 Q. Was the rock --- did the  
15 pillar that bumped, did it go up  
16 against the rock props?

17 A. No, it was actually --- it was  
18 actually up in the ---.

19 Q. Beyond where the rock props  
20 were?

21 A. Yeah. You know, next to the  
22 miner because it actually --- it  
23 probably filled that void up between  
24 the rib and the miner probably two,  
25 three-and-a-half feet. Obviously the

1 miner pulled right out and we loaded  
2 it out. Never actually experienced a  
3 bump in a location where we --- you  
4 know, we already had the props set,  
5 the chain link and all the ropes and  
6 stuff like that.

7 Q. Okay. Never had a bump in  
8 those areas there then?

9 A. No.

10 Q. Okay. Was there any other  
11 significant bumps between the 6th and  
12 the 16th that you can remember of,  
13 outby?

14 A. Well, I believe it was around  
15 the 7th or 8th when they had that  
16 bounce on the graveyard shift. Of  
17 course Ron Paletta was the inspector  
18 on the section that day. But other  
19 than that, no, there was --- things  
20 were quiet. You'd hear bumping and  
21 thumping and stuff like that coming  
22 from --- you'd actually hear it to  
23 the northwest and back into the  
24 southeast of where we were working.  
25 And, again, when you hear that

1 activity --- excuse me, to the  
2 northeast, I guess, to the northwest  
3 and northeast, you know, that just  
4 gave you some concerns on the outby  
5 area, you know, 114 to 118, because  
6 that's where it was probably the  
7 noisiest.

8 Q. Okay. When did you hear about  
9 the accident that occurred on August  
10 16th?

11 A. Well, I had actually --- I had  
12 just got home, went to the office,  
13 mopped up paperwork, you know, got  
14 showered. I mean, I hadn't been in  
15 the door for a few minutes before  
16 they ---.

17 Q. Do you want to take a five-  
18 minute break here, Donnie? Okay.

19 SHORT BREAK TAKEN

20 BY MR. SMITH:

21 Q. Okay. Just a couple  
22 follow-up questions, Donnie. You  
23 said you had concerns back at 114 to  
24 118 there as far as the roof  
25 conditions. And what exactly gave

1       you those concerns?

2       A.       Well, just being in the area.  
3       You know, I took time every day I was  
4       there and, you know, walked all them  
5       entries and, you know, looked for any  
6       changes, you know, listened to ---  
7       you know, the grunting, the bumping,  
8       stuff like that. We did have some  
9       cracks in the roof, obviously. But  
10      again, I don't know that my concern  
11      --- that I didn't mislead the group.  
12      My concern wasn't so much the roof as  
13      it was the pillars. You know what I  
14      mean?

15     Q.       Okay.

16     A.       The pillars loading up outby  
17     and I at least, you know, wanted to  
18     see some good support in that intake  
19     where we were traveling, you know,  
20     which was, you know, obviously our  
21     most likely escape route out of  
22     there. But I wanted to see some  
23     support in case we did have another  
24     event outby us that, you know, we  
25     would still have a way out of there.

1 Q. Okay. Were those ribs --- you  
2 say your main concerns was the  
3 pillars there. Were those ribs  
4 spalling and ---?

5 A. No. No, they weren't.

6 Q. Okay. So it wasn't filling up  
7 behind the mesh or anything back in  
8 that area, or was there a mesh in  
9 that area?

10 A. In the outby area?

11 Q. Yeah.

12 A. No, there was no mesh out  
13 there.

14 Q. Okay.

15 A. There wasn't any mesh or any  
16 chain link out there. Obviously,  
17 there were inby where we were loading  
18 the material, but nothing outby.

19 Q. Okay. All right. On setting  
20 those props up in the face area, what  
21 was the sequence of setting the props  
22 up in the face area?

23 A. Okay. Well, initially when we  
24 first started loading, we found that  
25 we could actually take that miner out

1       there about 56 feet, okay, and still  
2       not have the shuttle car operator ---  
3       he'd still be under supported roof if  
4       we'd run into adverse roof. So we  
5       could take that miner 56 feet. And  
6       at that point, you'd be just about  
7       dumping on the bumper of the car. So  
8       our first few pushes in there --- our  
9       first two pushes, I guess, were  
10      probably 55 to 56 feet.

11      Q.       Okay.

12      A.       It progressed real well.

13      Q.       Okay.

14      A.       And then as the material got  
15      --- got denser, you know, more  
16      concerns and that were raised about  
17      taking that long push. There were  
18      times that we could get out there,  
19      you know, 25 feet or so. You know,  
20      again we'd come in maybe 30 feet and  
21      then we'd come in and we'd set some  
22      props, okay, depending on the roof  
23      conditions and the ribs and things  
24      like that. We chose there towards  
25      the last, we did not get up alongside

1 of the continuous miner when it  
2 proceeded, you know, the continuous  
3 miner setting the rock props. Okay.  
4 It just felt, you know, too confined.  
5 You know what I mean?

6 Q. Uh-huh (yes).

7 A. So there were times that you  
8 may get three on each side set, you  
9 know, and you'd get two, two-and-a-  
10 half foot centers. Okay. And you'd  
11 proceed with a push or a partial  
12 push. Again, depending on the  
13 activity in there, you know, roof  
14 conditions, I mean, we did, you know,  
15 have to at times swap the machine,  
16 bring the pinner in when there was a  
17 lot of damaged bolts and stuff like  
18 that. But we tried to minimize that  
19 activity.

20 And when we did go on to bolt  
21 and drill a test hole, the roof was  
22 good. Okay? The roof was still  
23 solid pretty much. There may be some  
24 --- some of the surface stuff that  
25 was busted that came in from the ---

1 you know, from the bounce, from the  
2 initial bounce, whatever, but it  
3 actually ---. We didn't actually  
4 have a procedure that, okay, we're  
5 going --- you know, we're going to go  
6 25 feet and we're going to set 10 on  
7 each side or what have you. We made  
8 that call each and every push just  
9 depending on the conditions and the  
10 material availability and things like  
11 that. So I mean, we ---.

12 Q. Okay. Whenever you did set  
13 the rock props, did you put one up on  
14 the right side and then one on the  
15 left side and then continue in like  
16 that or ---?

17 A. Generally, yes, that's how we  
18 did. You know, we just worked out  
19 way. You know, we didn't go down one  
20 side of the other and then come back  
21 and try to ---. It worked out better  
22 sequentially there. You had your ---  
23 you know, guys preparing say the left  
24 side. And then when that was up and  
25 set, the right side was ready, the

1 prop was in position, they'd move the  
2 hose over, you know, hook it up to  
3 the feed point, the rock prop  
4 and ---.

5 One thing about that I --- if  
6 I can add, I was noticing pretty  
7 early on that we were getting some  
8 tilting on the rock props, okay, at  
9 the bases. Okay?

10 Q. What did you call that?

11 A. Some tilting ---

12 Q. Oh, okay.

13 A. --- on the rock props. Okay.  
14 We were setting them, you know, as  
15 close to vertical as we could  
16 initially, but the bases started to  
17 --- started to tilt in, particularly  
18 where you had a pillar. Okay? You  
19 could see some bulging, you know, in  
20 the rib and in the screen. It was  
21 bulging up, and the bases were  
22 starting to tilt inward.

23 I started having the guys on  
24 my shift set the bases slightly out.  
25 Okay. Just, you know, ever so

1 slightly out or vertical. I believed  
2 that it was the ribs and the barrier  
3 --- or the chain part of the barrier  
4 was pushing on the ---. It would  
5 actually become a little bit tighter  
6 before they got loose. And I passed  
7 that on to the other inspectors. I  
8 passed it on to management persons  
9 that this is what I felt was  
10 happening.

11 I talked to --- I did talk to  
12 our roof control people. They come  
13 in and looked at it, you know,  
14 painted some props, started taking a  
15 few measurements here and there. Not  
16 that it really had a factor in  
17 anything that took place or as far as  
18 a bump because it was actually right  
19 toward the props. Had not had a  
20 chance to tilt it at the base, but  
21 that --- at least that far ---.

22 That theory of mine was  
23 dismissed by Murray Energy and stated  
24 so in one of the daily updates, that  
25 it was not due to anything other than

1 the way they were being set. And I  
2 don't believe that.

3 Q. Okay. You're saying the base  
4 of the prop was being tilted and  
5 pushed out towards the center of the  
6 entry?

7 A. Oh, yes. Again, they weren't  
8 --- it was not drastic. You know,  
9 you had to take a look up there and  
10 you could eyeball it and see it, but  
11 they were moving. Okay? Not so much  
12 in the area where we were working,  
13 say the last crosscut we'd gone. But  
14 you'd go further back out where they  
15 had been there for a period of time.  
16 I believe some of it was from the ---  
17 yielded from the barrier, possibly  
18 the chain pillar. Some may have been  
19 from the floor. Okay?

20 Q. Okay. And you thought it  
21 would be better to set the prop with  
22 the base closer to the pillar just  
23 slightly ---

24 A. Yes.

25 Q. --- so it would take weight?

1 A. Or if there wasn't any pillar  
2 or barrier movement, as that pushed  
3 in it would eventually become a  
4 little tighter.

5 Q. Okay. Did they ever set any  
6 props like that?

7 A. We did.

8 Q. Okay. Was there any certain  
9 angle that you would put them in  
10 or ---?

11 A. No. No, we didn't have any  
12 equipment there to check the angle,  
13 but, you know, it was only maybe a  
14 --- I'll describe is as the base is  
15 maybe just a few inches out of  
16 vertical is all.

17 Q. Okay.

18 A. We were still getting a good  
19 tight set.

20 Q. Okay. And then I guess what  
21 else --- they were putting chain link  
22 and cables up ---

23 A. Yes.

24 Q. --- against those rock props?  
25 What was the sequence of putting that

1 material up on ---?

2 A. Well, they're --- you know,  
3 the chain link rows, I believe, were  
4 50 feet. And so anyway, you'd have  
5 to advance 40 to 50 feet, and you'd  
6 bring your chain link in behind them,  
7 which was a five foot chain link, if  
8 I recall. And they wanted to put  
9 three ropes extended and try and do  
10 that on a 40-foot sequence. You'd  
11 have a rope midway up a rock prop.  
12 You'd have one near the base, one  
13 near the top. And then we tried to  
14 keep it, you know, every 40, 50 feet.  
15 We would get the chain link, you  
16 know, fished back in there, get the  
17 ropes, you know, advanced and get  
18 those snug and tightened up.

19 I think as a rule it went  
20 pretty fair, but you may also go 60  
21 feet. And then when you get a break,  
22 you know, get the chain link back  
23 there and get the ropes caught up,  
24 you know, dusting and stuff like  
25 that.

1 Q. Okay. So you would up the  
2 props. At least 50 feet of rock  
3 props were put in before any chain  
4 link?

5 A. Yeah, I'd say, you know, 40,  
6 50, maybe sometimes 60 feet, you  
7 know.

8 Q. Okay.

9 A. I mean, we tried to follow  
10 that plan as closely as we could, but  
11 I think we needed some flexibility,  
12 too, in what we were doing.

13 Q. On your shift, you said you  
14 were up into the --- between 126 and  
15 127?

16 A. Yes, sir.

17 Q. Was the rock props and the  
18 chain link and the cables pretty  
19 close to the face whenever you left  
20 there that day?

21 A. Yeah. When the afternoons got  
22 there, we, you know, pretty much  
23 changed outright there at the loading  
24 point. When the afternoons got  
25 there, the first person I talked to

1 was Frank Markosek (phonetic). And  
2 of course, Gary come a few minutes  
3 later. But told them about the bump  
4 at, you know, 10:05 that morning.  
5 Told him, you know, about where we  
6 started, what we loaded.

7 And we were probably at that  
8 time needing to --- prior to the next  
9 cycle go ahead and finish up, getting  
10 things caught up, you know, getting  
11 the mesh --- the chain link standing,  
12 you know, where we were at with the  
13 ropes and stuff like that, just the  
14 daily things we talked about. But  
15 they had a bit of work to do to get  
16 those things caught up prior to  
17 loading.

18 Q. Okay. And they were probably  
19 back 50 feet or so then?

20 A. Yeah. I'd say that's probably  
21 a fair estimate. I don't know  
22 exactly.

23 Q. Okay. Okay. Can we just take  
24 another five-minute break here? My  
25 compadres might have something else.

1 A. If you want to get back to  
2 that one question, we can do that,  
3 too.

4 Q. Okay.

5 SHORT BREAK TAKEN

6 BY MR. SMITH:

7 Q. Okay. It sounds like you got  
8 a pretty good understanding of how  
9 the rock props were put up there and  
10 everything. I'd like to ask you a  
11 couple more questions on how they  
12 were put up there, Donnie.

13 A. Okay.

14 Q. Whenever they put up the rock  
15 prop, what was the method they did to  
16 put up one rock prop as far as, you  
17 know, cleaning the bottom,  
18 pressurizing it, where the people  
19 were, where they put it up and all  
20 that?

21 A. Well, actually we tried to  
22 work on one per side. Okay. We  
23 would advance one per side. We  
24 didn't want get people exposed to  
25 stuff like that. But we would try to

1 clean with the miner head about, you  
2 know, 13 feet or so --- you know what  
3 I mean, 13, 14 feet or so. You  
4 minimized the amount of shoveling.  
5 You minimized the time the guy was  
6 maybe beyond that last prop.

7 Q. And that's 13 or 14-feet wide  
8 for the entry?

9 A. Yes.

10 Q. Okay. And the individual  
11 would shovel out to the solid or as  
12 best he could do. Most of the times  
13 the floor was solid, you know, what I  
14 mean, appeared to be solid. Another  
15 individual would have the prop coming  
16 or the prop right there ready. The  
17 other individual would have the base,  
18 the top cap, the cap piece. As soon  
19 as that was ready to be put in place,  
20 obviously the base went under.  
21 They'd set it in, put the top cap.  
22 I'm not sure what you'd actually call  
23 that, the cap --- wooden cap piece  
24 above it.

25 By the time that was there,

1 the guy that was holding the prop  
2 would have the hose. He'd plug it  
3 into the base or near the base where  
4 he could actually inject the fluid.  
5 Another individual had the valving,  
6 the controls that would actually  
7 introduce the water and/or bleed it  
8 off.

9 As soon as they said okay,  
10 he'd hit it with water, you know,  
11 he'd open the valve, charge the rock  
12 prop depending on the entry height,  
13 the length of the prop. I mean,  
14 there must have been a half a dozen  
15 different lengths we had available,  
16 and we tried to keep --- you know,  
17 keep proper lengths and stuff. But  
18 five to ten seconds that thing was  
19 set. You know, once that --- once  
20 that base was put down and, you know,  
21 the prop was there, it was capped  
22 five to ten seconds. It was set to  
23 the roof and we moved to the next one  
24 on the other side.

25 And it just --- you know, I

1 don't know how to explain it any  
2 better than the fact that the guys  
3 had --- you know, they had a real  
4 sequence down. They were very good  
5 at that.

6 Q. Okay. How many people were  
7 around the prop whenever it was being  
8 set?

9 A. Around the single prop?

10 Q. Yeah.

11 A. You might have as many as  
12 three. But I'd say tops right there.  
13 You know what I mean?

14 Q. You said that one guy was  
15 holding the valve attached to the  
16 port on the rock prop. Was there  
17 another guy holding the rock prop  
18 vertical?

19 A. Yeah. You probably had ---  
20 you had a guy holding it vertical  
21 right there. You know, once it was  
22 --- you'd have at least a guy, you  
23 know, holding it vertical, somebody  
24 watching it and making sure it didn't  
25 get it out of line. You had an

1 individual who actually would put the  
2 holes on the base and had a keeper  
3 lock that would slide over. Okay.  
4 And of course, you had a guy that was  
5 maybe 10, 15 feet away at the valves  
6 that would actually, you know,  
7 introduce the water. Once it was  
8 set, he'd bleed it. They'd pull the  
9 valve off. So you'd probably had  
10 three to four people right there,  
11 okay, maybe three at or near the prop  
12 and a guy running the valves as far  
13 as introducing the water, bleeding it  
14 off so we could pull the hose.

15 Q. Okay. Did they fully  
16 pressurize that thing all in one  
17 sequence or did they ---

18 A. Yes.

19 Q. --- put so much pressure on  
20 and then ---?

21 A. No. They'd go ahead and  
22 they'd charge that prop. And they  
23 had --- you had gauges that were set  
24 up there that told us, you know, what  
25 you've reached, you know, 1,100 PSI.

1 And that's where we cut it off, shut  
2 the valve off, bleed it and pull that  
3 hose off. Basically, it was --- you  
4 know, around 1,100 PSI was our  
5 instructions to set those at.

6 Q. Okay. And that took five or  
7 ten seconds to ---

8 A. Yeah.

9 Q. --- pressurize?

10 A. Now, we had some --- we had  
11 some props that were bad. Don't get  
12 me wrong. We probably --- I'm going  
13 to say there might have been a couple  
14 days there where we probably took  
15 some of the props that we --- you  
16 know, we attempted to set. They'd  
17 blow a seal before we got to the top,  
18 so we'd have to get --- you know,  
19 unhook everything there, pull it out,  
20 call for another prop. We'd try to  
21 get those shipped back to another  
22 location to where --- we didn't want  
23 them laying around there. We didn't  
24 want them placed in behind the other  
25 material.

1 Q. Yeah.

2 A. But we probably --- a couple  
3 days we had one of ten was bad.

4 Q. And how would you know it was  
5 bad? What would happen whenever ---?

6 A. Actually, as you were  
7 extending that and that inner  
8 cylinder was being extended, it blew  
9 water out the seal there. I mean, it  
10 was obvious. Actually, we had a  
11 couple, too, that as we got near the  
12 top and started pressurizing, we'd  
13 lose the seal then. So we'd have to  
14 pull it out, discard it and get  
15 another one.

16 Q. Okay. And you said there was  
17 a wooden cap piece or something ---

18 A. Yes.

19 Q. --- on top of that?

20 A. Yes.

21 Q. Did that rock prop put a lot  
22 of pressure on that wooden cap?  
23 Could you see it bending or ---?

24 A. Oh, you'd --- you'd push that  
25 thing probably a four-inch cap to

1       within an inch, inch-and-a-half  
2       thick. I mean, it was set real  
3       tight.

4       Q.        Would there be any way that  
5       you could set one of those props  
6       without pressurizing it, without  
7       putting the water in there to  
8       pressurize it?

9       A.        Not that I'm aware of. I'm  
10      not aware. Because I mean, actually  
11      once that thing's extended --- one  
12      step that I did forget to tell you.  
13      Once that thing is extended, there's  
14      another mechanism, a wedge mechanism,  
15      in there that, you know, you get the  
16      individual who has a --- I forget  
17      what they call that. It's heavy. I  
18      know it was heavy. Would actually  
19      set that wedge in also.

20     Q.        Okay.

21     A.        So besides extending that,  
22     okay, you'd have to drive the wedge  
23     in and, of course, then bleed it off  
24     and pull the hose off. So I'm sorry,  
25     I missed a step in there.

1 Q. Okay. So you would keep the  
2 pressure --- water on there until you  
3 set the wedge?

4 A. You drove the wedge, yes.

5 Q. Okay.

6 A. That was usually the big  
7 strong boys that put the wedges in.

8 Q. Got some big arms on 'em, huh?

9 A. Yeah.

10 Q. Was there any markings or  
11 anything on these rock props that if  
12 they would be overextended that you  
13 would know that that ---? Is there  
14 any way of telling if it was extended  
15 too far? Was there a mark along  
16 around one of the cylinders or did  
17 anyone tell you anything like that?

18 A. Not that I --- not that I was  
19 aware of. No. We had numerous  
20 lengths in there. They were color  
21 coded. We had a sheet on the color  
22 coding, you know, was it pink or the  
23 blue and what the ranges were. I  
24 don't recall all that.

25 It'd been years since I'd been

1 in the industry, and they really  
2 didn't come into play while I, you  
3 know, was in the industry. So I  
4 didn't have all the experience, you  
5 know, to utilize these things  
6 firsthand. This was I guess --- my  
7 greatest exposure to 'em was during  
8 this project. If there was --- if  
9 there was something on these that  
10 indicated that you were extending  
11 them, I was not aware of that.

12 Q. Okay. Do you remember what  
13 height range each one of those ---?

14 A. I don't recall. I had a  
15 sheet, and I kept that sheet with me  
16 at all times while I was on the  
17 project, but I don't recall what the  
18 ranges were.

19 Q. But they were color coded to  
20 tell you what ---

21 A. Yes.

22 Q. --- which range they --- what  
23 heights they were good for?

24 A. Yes.

25 Q. Okay. Let's see. Back to

1 that screening a little bit. I got a  
2 map of the section here, Donnie.  
3 Sorry it's not a bigger-scale map.  
4 But you said that whenever you left  
5 there on the 16th that they were  
6 mining somewhere between 126 and 127  
7 crosscut in the Number One entry?

8 A. As I recall as we were  
9 finishing up that day, okay, you  
10 could see through the opening that  
11 was present, okay, up near the roof,  
12 okay. It looked like you could see  
13 about 40 feet. Okay. And it looked  
14 like if I was seeing what I thought I  
15 was seeing, I was probably --- seemed  
16 to be on 127 Intersection or within  
17 the intersection. Okay? So we had  
18 to be --- and it's in my notes. But  
19 I would say we had to be, oh, 70, 80  
20 feet beyond 126 interline with the  
21 mining.

22 MR. SMITH:

23 Okay. Could we mark  
24 this --- oh, you already did  
25 as Donald Durrant Exhibit One.

1                   Okay.

2                                 (Durrant Exhibit One  
3                                 marked for  
4                                 identification.)

5     BY MR. SMITH:

6     Q.            Could you mark on the map  
7     here, Donnie, where you think you  
8     were as far as the extent of mining?

9     A.            Do you want a line here or  
10    something or just an arrow to it or  
11    something?

12    Q.            Yeah, just a line across where  
13    the face of where you were mining  
14    was.

15    WITNESS COMPLIES

16    A.            I'd say we had to be in this  
17    location here.

18    BY MR. SMITH:

19    Q.            Okay.

20    A.            Do you want me to ---?

21    Q.            No, that's fine.

22    A.            That's about the location I  
23    would say where the mining was at.

24    Q.            Okay.

25                                 MR. SMITH:

1                   And for the record,  
2                   Donnie's putting a line across  
3                   the Number One entry between  
4                   126 and 127 crosscut almost to  
5                   the 127 crosscut.

6           BY MR. SMITH:

7           Q.           And then could you put about  
8           as far as you can remember where the  
9           rock props were set whenever you left  
10          that night?

11          A.           Okay.

12                                   MR. GATES:

13                   We're going to get  
14                   another map here in a minute  
15                   that I think will be much  
16                   easier --- much easier for you  
17                   to do that, Donnie. I think  
18                   it would be a bigger scale and  
19                   it will help --- will help  
20                   you.

21          A.           They were going to be probably  
22          40 feet or so --- I'm going to say 40  
23          feet outby this location because we  
24          didn't want to get in and work again  
25          alongside that miner much. But I'd

1 say this was probably about where the  
2 props and head of the miner were.

3 BY MR. SMITH:

4 Q. Okay. So you were setting the  
5 props just right up to the bumper of  
6 the miner?

7 A. Actually, sometimes we'd even  
8 --- we'd get that close. Sometimes  
9 we'd get up at or near the tail.  
10 Okay. And then we would resume  
11 loading at that time or we would ---  
12 you know, if it was appropriate, we  
13 would, you know, extend the chain  
14 link, the ropes, obviously, you know,  
15 curtain up there and things like  
16 that. But there's really a little  
17 concern about working, you know,  
18 right in alongside that miner.

19 Q. Would the miner back out  
20 before the props were put in, or  
21 would it stay right at the face?

22 A. Stay right at the face. We'd  
23 take the miner just as far forward as  
24 we could get it. And in the course  
25 of that time, systematically advance

1 the props up. The only time the  
2 miner came out was when we needed to  
3 switch it, you know, get out the  
4 bolter and do some spot bolting or  
5 some things like that.

6 Q. As far --- you said up in this  
7 area you were unable to take what  
8 length of cuts and then ---? Say in  
9 this crosscut here, the last couple  
10 crosscuts, what was the length of  
11 cuts you were taking?

12 A. And, again, that varied from  
13 push to push. Fifteen (15), maybe 30  
14 feet. And, again, we'd just make  
15 that call as conditions warranted.

16 Q. Just so I can get a better  
17 understanding, you know, after the 15  
18 or 30-foot push, you would put up a  
19 series of rock props?

20 A. Yes.

21 Q. And then would you take  
22 another 15 or 30-foot cut, put up the  
23 rock props before you put up the  
24 chain link fence?

25 A. At times. Yes, at times.

1 Other times you could fish it back in  
2 there. You were anchored to the last  
3 piece of chain link. You kind of let  
4 it roll back up in there. But,  
5 again, you know, we tried to allow  
6 some flexibility and just to keep  
7 things as safe as we could. But  
8 we --- we didn't have a set, you  
9 know, ten feet here, 15 feet or  
10 whatever. You know, we tried to be  
11 flexible. But, again, you know,  
12 safety was still of most concern.

13 BY MR. GATES:

14 Q. Who would make that cut then,  
15 the miner operator, the helper and  
16 you or was it kind of a joint effort?  
17 You guys would talk --- you'd talk in  
18 between shuttle cars or ---?

19 A. Well, generally, we'd ---  
20 actually the last two days I was on  
21 shift, one of the supervisors was  
22 actually running the miner.

23 Q. Who was that?

24 A. Dale Black. Dale was the  
25 operator. Yeah, we talked all the

1 time, you know, what do you think,  
2 observing the roof, looking at  
3 the ---. Sometimes you couldn't see  
4 the roof bolts real clear until you  
5 walked up to them. Some were blown  
6 clean away. Others were just packed  
7 with coal and things like that, and  
8 you didn't know if you had a bolt  
9 there or ---. But it's --- obviously  
10 it was I guess a joint decision by  
11 the supervisor or supervisors on  
12 shift and myself, you know, what do  
13 you think. You know, let's stop  
14 here.

15 Let's --- there's a few times  
16 we would just stop, wait and listen.  
17 You know what I mean? Yeah, it was  
18 just a real --- a joint effort by  
19 myself and the supervisors that were  
20 there. You know, we pulled from ---  
21 you know, from one another's thoughts  
22 and knowledge.

23 Q. Just made the decision with  
24 the best information you had  
25 available to you?

1 A. Yes, sir. Just, you know, I  
2 guess constantly trying to think on  
3 our feet and be able to mine it, you  
4 know, assert some flexibility.

5 Q. Who was the supervisor who was  
6 on the shift with you?

7 A. That would be Dale Black on  
8 this particular date and Brandon  
9 Kimber.

10 Q. Who was running the miners?

11 A. Dale Black.

12 Q. Okay. So the supervisor then  
13 effectively ran the miner all the  
14 time?

15 A. The last two days --- the last  
16 two days Dale run the miner. We had  
17 some problems with some miners that  
18 opted to not go back in there, and we  
19 honored that.

20 Q. Who were the guys who were  
21 putting the props up on your --- on  
22 your shift, I guess?

23 A. I'm trying to think of all the  
24 names here. You had Dale Black. You  
25 had Brandon Kimber. You had Casey

1 Metcalf, I believe, was there. Yeah,  
2 I know he was there. Lester Day.  
3 And there was a few guys that I  
4 didn't know who they were, you know,  
5 to be honest with you.

6 Q. So when it came time to put  
7 the props up, then the mine operator  
8 helper, they would assist in that as  
9 well?

10 A. Oh, yes. And the supervisors,  
11 yes.

12 Q. And I guess who was making ---  
13 apparently somebody would measure the  
14 roof at that location and make the  
15 determination which color prop you  
16 needed to use?

17 A. Generally, if there was any  
18 change in the height, okay, that was  
19 appreciable, Brandon and Dale were  
20 staying abreast of that. You know  
21 what I mean? They were saying, hey,  
22 next bolt we need, you know, whatever  
23 color, you know, bring some more of  
24 those.

25 Q. Did they start on the same

1 side every time, after the cut was  
2 made up at the face ---?

3 A. No, not necessarily. Not  
4 necessarily. No, you'd see it go  
5 both ways.

6 Q. Just wherever the guys got to  
7 first?

8 A. Right.

9 Q. You mentioned that you had a  
10 lot of flexibility, I guess, as to  
11 how far the cut was taken before you  
12 would stop and put the --- and put  
13 the props up. Was that --- do you  
14 know if all the crews were given ---  
15 kind of given that same flexibility,  
16 or if everybody had the same game  
17 plan when it came to when to mine and  
18 when to put the props up?

19 A. No, there was actually --- and  
20 I don't have that, Richard. But  
21 there was actually another one of the  
22 plan or papers that we had actually  
23 --- and I don't remember what they  
24 decided, Richard, as far as the  
25 furthest distance we would push.

1       Okay.  Initially, I said we were  
2       getting 55, 56 feet.  And then we  
3       felt that that's probably not a good  
4       idea at this point, you know.  I  
5       don't remember exactly what that  
6       maximum distance was.  But if you  
7       were able to, you know, prop up to  
8       the bumper, okay, of the miner, which  
9       at times you won't even be between  
10      the props and the tail --- if you  
11      could prop up to the bumper, you  
12      could actually go 28 feet with that  
13      miner.  Okay?  And that tail would be  
14      --- seven to ten feet in by the rock  
15      props would be the length of it.  So  
16      I mean, it was not uncommon to have  
17      that miner up there, you know, 40, 45  
18      feet, okay, from where the rock props  
19      were just to get it pushed out, get  
20      it out of the way and give you some  
21      good open ground there to work to  
22      where you're not confined.  But  
23      again, not so much worried about ---  
24      or at least personally not worried  
25      about the roof falls in there as my

1 concern was additional pillar bumps,  
2 activities. Okay.

3 But again, the roof was a  
4 factor in making that decision how  
5 far we'd push. There was --- I  
6 believe it was back here at 126 the  
7 day before that we got up near that  
8 intersection ---. And I believe it  
9 was 126 where it looked like the top  
10 was driven. It was going to fall.  
11 Come to find out we didn't pull out.  
12 We got in there. We did some  
13 rebolting, spot bolting. The roof  
14 was solid. It was just some loose  
15 material from the bounce that was  
16 driven in from the roof that alarmed  
17 us.

18 You know, we stopped mining  
19 that day, switched them out. We got  
20 in there. It was just a lot of that  
21 material that was pushed from the  
22 barrier across the entry that looked  
23 like loose roof. The roof was very  
24 solid in that area.

25 Again, I don't recall what the

1 maximum push that was agreed upon by  
2 MSHA and UtahAmerican, but I don't  
3 believe that was --- that was ever an  
4 issue or was ever exceeded. You know  
5 what I mean?

6 MR. SMITH:

7 Okay. Donnie, this is  
8 a blowup of the area between  
9 Crosscuts 126 and 127 in the  
10 Number One entry ---

11 A. Uh-huh (yes).

12 MR. SMITH:

13 --- where the accident  
14 occurred. This is total loose  
15 coal from the bump and the top  
16 of the loose coal and the  
17 location of the miner. And it  
18 looks like you had that pretty  
19 well depicted on there. So  
20 we'll mark that as Donald  
21 Durrant Exhibit Two.

22 (Durrant Exhibit Two  
23 marked for  
24 identification.)

25 MR. SMITH:

1                   If you could mark on  
2                   this map the location of the  
3                   props whenever you left the  
4                   section and the chain link  
5                   fence, if you can remember as  
6                   close as you can? I see you  
7                   had the props located right to  
8                   there on this Exhibit One.

9           A.        I'm thinking these props were  
10           pretty much up into this area through  
11           here. Okay? Now, whether --- and I  
12           believe --- you know, I believe we  
13           had props up into this area here.  
14           But the chain link and the ropes  
15           needed caught up and I passed that on  
16           to the swing shift. Would you like  
17           me just to do something here?

18                               MR. SMITH:

19                    Yeah. If you could  
20                    mark as close as you can with  
21                    maybe a blue-colored pen where  
22                    the last rock prop that you  
23                    had on your shift was set.

24                               MR. GATES:

25                    And I guess one thing

1           just so you know what you're  
2           looking at. I mean, that is a  
3           sketch that the accident  
4           investigation team put  
5           together based on our  
6           observations in the mine after  
7           the August 16th event.

8           A.        You know, I'd have to say we  
9           was --- you know, we was up in this  
10          location here. You want a line here,  
11          or what do you want?

12          BY MR. SMITH:

13          Q.        Yeah, just a circle of the  
14          last rock prop.

15          A.        I'd say we have to have been  
16          in this area here somewhere.

17          Q.        Okay.

18          A.        And it'd probably be --- you  
19          know, I believe we was straight  
20          across here. And we tried to get  
21          into these in sequence.

22          Q.        Okay. And then just maybe  
23          with the orange pen just where you  
24          think the chain link and ---.

25          A.        The mesh work?

1 Q. Yeah, the mesh and the cables.

2 A. I would say we were probably  
3 --- you want an X or something there  
4 or what do you want to see there?  
5 How do you want that identified?

6 Q. Yeah. If you could just put a  
7 line from the rib out across where  
8 the props were set there.

9 A. I'm going to say we was  
10 probably at this location here.

11 Q. And the chain link and the  
12 cables were pretty much even on both  
13 sides of the miner whenever you left  
14 there?

15 A. I'm thinking so. We may have  
16 had some chain link. Like I  
17 mentioned earlier, sometimes you  
18 could fish the chain link back in  
19 there. And as you --- you know, as  
20 you set a few, you could roll it back  
21 out a ways, you know, up that way  
22 there.

23 Probably not good information,  
24 I mean, as far as my memory is to be  
25 exact, but I did --- you know, we did

1 talk to the afternoon shift about,  
2 you know, they need to spend the time  
3 getting caught up with the chain link  
4 and ropes and things like that.

5 MR. GATES:

6 Do you know if anybody  
7 was marking any kind of map as  
8 to when the props were being  
9 put in or when the cable and  
10 the fence was being extended?

11 A. I don't know, Richard. That  
12 was at one of our callouts on the  
13 hour. You know, what we were to call  
14 out on the hour was obviously the air  
15 readings at the miner or at the  
16 location that had been decided upon,  
17 obviously the gas readings. Whether  
18 we had air moving inby or it was  
19 outgassing, location of the miner,  
20 location of the props, location of  
21 the dusting.

22 MR. GATES:

23 So you were calling out  
24 the location of the props  
25 every --- every hour?

1 A. Yes, sir.

2 MR. GATES:

3 And how --- what would  
4 you --- how would you describe  
5 where the props had been  
6 installed?

7 A. Okay. We take, you know,  
8 station number, but we would say it  
9 this --- this location here was  
10 Station 6792, so we would say okay,  
11 props, you know, 40 feet inby 6792,  
12 miner X amount of feet inby 6792.

13 MR. GATES:

14 Where was that called  
15 out to?

16 A. To the command center.

17 MR. GATES:

18 Every hour?

19 A. Oh, yeah. Yes, sir.

20 MR. GATES:

21 The MSHA person was  
22 doing that or ---?

23 A. Yes. I was doing that on my  
24 shift and obviously it would have  
25 been those inspectors.

1 BY MR. SMITH:

2 Q. And that information was being  
3 put on a map or was that just being  
4 put in logs?

5 A. Well, I know it was being put  
6 in the logbook.

7 MR. GATES:

8 You mentioned that I  
9 guess it was very flexible as  
10 to --- or you allowed  
11 flexibility as to how far the  
12 push would go before it would  
13 stop and the other guys would  
14 come in and start putting the  
15 --- putting the props up. And  
16 I know this would vary a lot,  
17 but just say for a 15-foot  
18 push, about how long would it  
19 take to make that 15-foot  
20 push? And, again, I know it  
21 varied a lot, but ---.

22 A. Depending on the amount of  
23 material we were loading out,  
24 depending on, again, the shuttle car  
25 travel, problem switching out. It

1 all seemed like forever. You know,  
2 that's what it felt like to get a  
3 decent push. But I'd be guessing.  
4 There were probably times it took,  
5 you know, over an hour to get a 15-  
6 foot push.

7 BY MR. SMITH:

8 Q. Was that mining the 15-foot  
9 push and putting in the rock props  
10 or ---

11 A. No.

12 Q. --- just mining?

13 A. Actually, the propping itself  
14 generally went quicker than loading.

15 MR. GATES:

16 That was going to be my  
17 next question. So you spent  
18 more time --- there was more  
19 time spent moving material  
20 than there was spent  
21 installing the props, as a  
22 rule?

23 A. Yeah. But I think once you  
24 bring in the --- moving up the chain  
25 link, extending the ropes, it's

1 probably 50/50 at that point. But  
2 actually to set the props in  
3 sequence, I mean, it went very fast.  
4 I mean, it went ---.

5 Q. Okay.

6 A. And I think that was --- you  
7 know, some of the management people  
8 took some --- took some real flak  
9 from senior management people at  
10 UtahAmerican that the project wasn't  
11 going well, and it was poorly  
12 managed. You know, that was taking  
13 shots at their people in there or at  
14 us or a combination of both, but, you  
15 know ---.

16 MR. GATES:

17 Did you hear those  
18 comments while you were on the  
19 surface?

20 A. I heard them from --- the  
21 first time I heard them from a  
22 supervisor, which I'd rather not  
23 reveal at this time. But I also  
24 heard that comment come out of one of  
25 their senior management persons on

1 the section. I heard that from Laine  
2 Adair. The second time, after I'd  
3 heard a supervisor tell me about a  
4 meeting he was involved in outside.  
5 It was probably the next day when  
6 Adair came in. He was unhappy about  
7 the progress, the way things were  
8 going. You had to have been there  
9 day and day out to, you know,  
10 appreciate what those men were doing.

11 MR. GATES:

12 Was he there day in,  
13 day out?

14 A. No, he wasn't there day in,  
15 day out. He'd make an appearance and  
16 then leave.

17 MR. GATES:

18 Do you remember what  
19 time you left the section that  
20 day?

21 A. You know, actually Frank and  
22 Gary got there pretty quick. And,  
23 again, we all were planning early  
24 part of the start of our shift to try  
25 to get in. Sometimes rides were a

1 real commodity. But, you know, I'll  
2 bet --- I'll bet they were there by  
3 3:30 on the section. Obviously, I  
4 didn't look at my watch, you know, at  
5 shift change. We didn't care if they  
6 got there until 6:00. But I --- no,  
7 it had to have been about 3:30.

8 MR. GATES:

9 What was your shift ---  
10 normal shift?

11 A. Well, it was actually supposed  
12 to be, for dayshift 7:00 to 3:00,  
13 but, you know, honestly I was at the  
14 mine site probably by 5:45 every  
15 morning and trying to get briefed by  
16 Don Gibson and looking for a ride so  
17 I could get in. And the guys were  
18 the same on the afternoon shift. I'm  
19 sure graveyard was. They got there  
20 earlier than they were supposed to be  
21 there, but ---.

22 MR. GATES:

23 So you would on your  
24 days --- at the end of your  
25 dayshift, you'd stay on the

1 section until I guess it was  
2 Frank and --- Frank and Gary  
3 that normally relieved you?

4 A. Yeah, those couple days it  
5 was. You know, there were some  
6 different --- different inspectors on  
7 the swing shift at times, you know,  
8 Scott Johnson, Pat Boyack one day. I  
9 mean, we just stayed until --- until  
10 we were relieved.

11 MR. GATES:

12 Scott worked with you?  
13 You and Scott Johnson were  
14 normally together and you and  
15 Pat were together?

16 A. Actually, I was not with Pat  
17 but did spend a couple days on the  
18 same shift with Scott. And then  
19 towards the --- the second week,  
20 excuse me, Scott was working swing  
21 shift.

22 MR. GATES:

23 So on the 16th, Scott  
24 and Gary and Frank came in and  
25 relieved you and do you

1                   remember who else?

2           A.           Peter Saint.   And there was a  
3           guy from back east, Kentucky,  
4           Rodney ---.

5                               MR. GATES:

6                               Abington (phonetic)?

7           A.           Yeah, Rodney Abington.

8                               MR. GATES:

9                               Peter and Rodney were  
10           with you on the dayshift,  
11           then, on the 16th?

12          A.           Yeah, Peter pretty much had a  
13          guy that stayed at the miner.   So if  
14          --- you had a guy that pretty much  
15          hung around the fresh air base, took  
16          some other air readings outby.   And  
17          then you had Rodney taking return  
18          readings, helping with return  
19          readings.   I believe they were taking  
20          bag samples pretty frequently.

21                               BY MR. SMITH:

22          Q.           Did the miners up there from  
23          the company --- did they work the  
24          same shifts as you guys did?

25          A.           No.   They worked 12-hour

1 shifts.

2 Q. Okay.

3 A. And it was a hot seat change,  
4 so they probably were --- you know,  
5 their days were probably, you know,  
6 13, 13-and-a-half hour days.

7 Q. The miners up there, they were  
8 in there before you got there and  
9 then after you left, ---

10 A. Yes.

11 Q. --- the same group of miners?

12 A. Yes.

13 Q. Okay.

14 A. I believe it was 6:00 to 6:00.  
15 Maybe it was 6:30 to 6:30, but they  
16 were 12-hour shifts.

17 MR. GATES:

18 Were you there when  
19 they put the jacks into  
20 Crosscut 126?

21 A. Here?

22 MR. GATES:

23 Yes. Those that went  
24 into the crosscut.

25 A. Yeah, I believe --- I'm sorry,

1 some of this stuff is kind of a blur.  
2 But it seems to me like, you know, we  
3 did do some of that. This crosscut  
4 here, as I recall, was real full,  
5 real full of material.

6 BY MR. SMITH:

7 Q. Did the miner have to go in  
8 there and clean up any of that  
9 material to put those ---?

10 A. Oh, yes. Yes.

11 Q. It would turn in there?

12 A. Yes.

13 MR. GATES:

14 Where you had marked  
15 the Exhibit Two in orange is  
16 where you believe the props  
17 had been extended at the end  
18 of your shift; is that  
19 correct?

20 MR. SMITH:

21 Where it's blue.

22 MR. GATES:

23 I'm sorry.

24 A. Actually, we was back this far  
25 with the ---.

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MR. GATES:

With the chain link?

A. Yeah. And actually --- we would actually extend and run the ropes, okay, get them into position. Okay. You had to get them out there so far before you could actually, you know, start catching these ropes. A lot of times they were either lying on the ground or they started, you know, stringing them along maybe in a position that you really couldn't go a couple rock props and then unhook your cable, retighten. I mean, the logistics would have been a nightmare. You'd have been there all day, you know,

BY MR. SMITH:

Q. And how did they tighten those cables?

A. How they'd tighten them?

Q. Or attach the cables.

A. There was a couple different ways. They actually --- of course, they used Crosby clamps. Okay? But

1 they would use a come-along or a  
2 couple come-alongs. And they would  
3 have a loop tied in there where they  
4 could, you know, just get 'em snug,  
5 you know what I mean, and then clamp  
6 'em. Actually, I think they were  
7 using three clamps per end, I  
8 believe. At least that's what we  
9 were supposed to be doing.

10 Q. Okay.

11 MR. GATES:

12 Again, I apologize.  
13 Was the blue where you thought  
14 the jacks had been extended by  
15 the end of the shift? Do you  
16 remember how many you think  
17 you put in that shift at the  
18 start of your shift on the  
19 16th?

20 A. I don't recall, Richard.

21 MR. GATES:

22 Okay.

23 BY MR. SMITH:

24 Q. Do you know about how far you  
25 advanced on that shift, Donnie, with

1 the miner?

2 A. Well, tell you what, that  
3 looks pretty --- you know, that looks  
4 pretty close to what I recall, you  
5 know, because standing back here,  
6 this part of the roof, you know, you  
7 can see up over here over that  
8 opening in the top. And, you know,  
9 as I recall, you could see back in  
10 there what I would guess to have been  
11 40 or so feet. It should have been  
12 127 intersection or right close, you  
13 know.

14 MR. GATES:

15 Could you see anything  
16 that looked like the crosscut?

17 A. No. Just a lot of rope. You  
18 know, you had an opening near the  
19 roof that tapered at the edges, and  
20 you know, of course, it was a little  
21 higher in the center. Maybe two and  
22 a half, three-foot opening. But you  
23 had all that mesh --- that roof mesh  
24 that was just, you know what I mean,  
25 blowing in from both sides and

1 sagging down there.

2 BY MR. SMITH:

3 Q. I was really getting to, you  
4 know, the length that you mined that  
5 day, you know, from what point to  
6 what point you mined.

7 MR. GATES:

8 Did you mention that  
9 those figures were called out  
10 every hour?

11 A. They were.

12 MR. GATES:

13 If that's the case,  
14 we'll ---.

15 A. They're in the --- they're in  
16 the books. We tried to get within a  
17 foot or so. It was easy to measure  
18 from the station to rock props, but  
19 sometimes you couldn't actually get  
20 an accurate measurement to the tail  
21 of the miner because you may be going  
22 beyond supportive top. So I mean,  
23 sometimes, you know, that might have  
24 been off a few feet.

25 MR. SMITH:

1                   Okay.

2                   MR. GAUNA:

3                   Maybe I just ought to  
4                   ask. Can you recall --- what  
5                   would you estimate the time it  
6                   would have taken them to move  
7                   that mesh up after you left to  
8                   where you thought the props  
9                   were just from your past  
10                  experience of moving the mesh  
11                  up?

12                A.       Well, depending on --- it  
13                could have been easy an hour and a  
14                half. It sounds simple, but when it  
15                comes to tying all that stuff  
16                together, marrying it all up, it's  
17                probably some of the complaints that  
18                some of the senior management people  
19                had that it was not going fast  
20                enough. Then show us how to do it.  
21                You know what I mean? I'd say that  
22                was probably an hour and a half's  
23                worth of work to get it done right,  
24                you know, get it snug and ---.

25                   And what we were doing also,

1 we had those two curtains we kept  
2 advancing with us, you know, rock  
3 curtains. And so, I mean, it doesn't  
4 sound like much, but you start some  
5 of these little projects in and  
6 you're into rock dusting and stuff  
7 like that, it's --- it adds up. But  
8 maybe an hour and a half.

9 ATTORNEY GAUNA:

10 And one last question.

11 Is the mesh --- mesh, it is  
12 called out or just the rock  
13 prop position?

14 A. Just the props. We didn't  
15 call out the --- at least, I didn't  
16 call out the mesh or the cables. We  
17 didn't have any instructions. You  
18 know, they may ask where you at with  
19 the mesh, this and that, whatever.  
20 But that wasn't --- that wasn't one  
21 thing that they were asking for at  
22 the command center.

23 BY MR. SMITH:

24 Q. Okay. Going back to what we  
25 asked you before on the 16th,

1 whenever you found out about the  
2 accident. You said you were back in  
3 the field office just getting cleaned  
4 up.

5 A. Yeah, I just actually got home  
6 from there and ---.

7 Q. Just take your time and ---.

8 A. And my wife and my daughter, I  
9 guess, was watching TV, and that's  
10 when the --- it was maybe during one  
11 of the news updates or briefings,  
12 whatever. And I was --- just walked  
13 into the garage for something. She  
14 said, come in here, you need to look  
15 at this. And that's when it showed  
16 all the emergency vehicles and that  
17 going back to the mine.

18 And so I waited for, you know,  
19 it seemed like an eternity, but maybe  
20 five, ten minutes until they said  
21 that they --- of course, they  
22 described it as another --- what did  
23 they call it, mine collapse, I guess.  
24 And so I --- I got on the phone and  
25 called my supervisor. He was at

1 home. And I said, Ted, do you know  
2 what's going on. He said, no, what.  
3 I said, well, it was on TV and if he  
4 wanted me to go back to the mine. He  
5 said, well, no, wait, I'll check and  
6 I'll call you back. And so I waited  
7 maybe five minutes and I never got a  
8 call from Ted, so I just went back to  
9 the mine.

10 And by the time I got back,  
11 obviously by the time I got to the  
12 office and got my clothes changed and  
13 back up there in my government  
14 vehicle, the --- you know, they had  
15 everybody brought out. So I was up  
16 there maybe --- maybe an hour at the  
17 mine, hour and a half that evening.  
18 And that's when Al Davis and Kevin  
19 Stricklin, I guess, it was that  
20 wanted me to go check on Frank  
21 Markosek. I don't know if that  
22 answered your question.

23 Q. Yeah. I just wanted to get a  
24 feel of what you did.

25 MR. GATES:

1                   You never did go in ---  
2                   back in the mine on August  
3                   16th?

4       A.           No, I didn't.

5                   MR. GATES:

6                   You didn't go back?

7       A.           No, sir.

8                   MR. SMITH:

9                   On behalf of MSHA, I  
10                  would like to thank you for  
11                  appearing and answering  
12                  questions today. Your  
13                  cooperation is very important  
14                  to the investigation as we  
15                  work to determine the cause of  
16                  the accident.

17                  We ask that you not  
18                  discuss your testimony with  
19                  any person who might have  
20                  already been interviewed or is  
21                  going to be interviewed just  
22                  so we can get an independent  
23                  account of what happened.

24                  After questioning other  
25                  witnesses, we may call you if

1 we have any follow-up  
2 questions that we feel we need  
3 to ask you. If at any time  
4 you have additional  
5 information regarding the  
6 accident that you would like  
7 to provide to us, please  
8 contact us at the contact  
9 information that was  
10 previously given to you on  
11 that card.

12 If you wish, you may  
13 now go back over any answer  
14 you have given during the  
15 interview and you may also  
16 make any statement that you  
17 would like to make at this  
18 time.

19 A. Will I be afforded a  
20 transcript of this or a copy, I  
21 guess, at some point ---

22 MR. SMITH:

23 Yes.

24 A. --- of my interview?

25 MR. SMITH:

1 Yes.

2 A. Okay. No. I think I guess  
3 you covered it. If something comes  
4 up, I'll give you guys a holler.

5 MR. SMITH:

6 Okay. I appreciate  
7 your cooperation.

8 A. Thank you.

9

10 \* \* \* \* \*

11 STATEMENT CONCLUDED AT 11:53 A.M.

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