

STATEMENT UNDER OATH
OF
KRAIG KOFFORD

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 Friday, September 28, 2007, at 8:04 a.m.

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A P P E A R A N C E S

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ALSO PRESENT:
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P R O C E E D I N G S

MR. WATKINS:

Kraig, my name is Tim Watkins. I am an accident investigator with the Mine Safety & Health Administration (MSHA), which is an agency of the United States Department of Labor. With me is Derek Baxter from the Solicitor's Office, and we'll 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 of 2007. The investigation is being conducted by MSHA under 103(a)

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

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

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

1 voluntary. You may refuse to
2 answer any questions and you
3 may terminate your interview
4 at any time. And you may also
5 request a break at any time.
6 Since this is not an
7 adversarial proceeding, formal
8 cross-examination will not be
9 permitted; however, your
10 personal representative may
11 ask clarifying questions as
12 appropriate.

13 A court reporter will
14 record your interview, so
15 please speak loudly and
16 clearly. If you do not
17 understand the question,
18 please ask me to rephrase it.
19 Please answer each question as
20 fully as you can, including
21 any information that you may
22 have learned from someone
23 else.

24 I would like to thank
25 you in advance for your

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appearance here today. We appreciate your assistance in this investigation. Your cooperation is critical in making the nation's mines safer.

After we have finished asking questions, you will have an opportunity to make a statement and provide us with any other information that you believe to be important. If at any time after the interview you recall any information that you believe might be useful, please contact Richard Gates at the telephone number or e-mail address right on this card.

Ms. Kirkwood, would you please swear in the witness?

MS. KIRKWOOD:

Yes.

KRAIG KOFFORD, HAVING FIRST BEEN DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 -----

3 MR. WATKINS:

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

7 MS. KIRKWOOD:

8 I am.

9 MR. WATKINS:

10 And when does your
11 commission expire?

12 MS. KIRKWOOD:

13 August 15th, 2008.

14 MR. WATKINS:

15 And have you sworn in
16 Mr. Kofford?

17 MS. KIRKWOOD:

18 Yes.

19 BY MR. WATKINS:

20 Q. Kraig, do you have any
21 questions about the interview process
22 as I described it?

23 A. No, sir.

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

1 A. Yes.

2 Q. Would your personal
3 representative identify himself by
4 name and address for the record,
5 please?

6 ATTORNEY MEANS:

7 Yes. I'm Thomas C.
8 Means of the law firm of
9 Crowell & Moring, LLP, in
10 Washington, D.C. And I'd just
11 clarify that, as Mr. Kofford
12 and I have discussed, I'm the
13 company's attorney and not his
14 personal attorney, but he has
15 the right to have anybody he
16 wants here with him, and I am
17 here at his request this
18 morning.

19 BY MR. WATKINS:

20 Q. Kraig, are you aware that your
21 representative may have a conflict of
22 interest in representing you while
23 being provided by someone else, such
24 as the company?

25 A. Yes.

1 MR. WATKINS:

2 Mr. Means, would you
3 please state for the record
4 whether you also represent the
5 mine operator in this matter?

6 ATTORNEY MEANS:

7 I do represent the mine
8 operator, yes.

9 BY MR. WATKINS:

10 Q. Kraig, with this
11 understanding, do you still want this
12 person as your representative?

13 A. Yes, sir.

14 Q. Kraig, are you appearing here
15 today voluntarily?

16 A. Yes.

17 Q. Okay. And how many years of
18 mining experience do you have total?

19 A. Eighteen (18).

20 Q. Can you give me a brief
21 description of that work experience
22 and history, where you worked at and
23 what you did?

24 A. I worked at Genwal, Crandall
25 Canyon for going on 18 years, as a

1 fireboss and belt man.

2 Q. Okay.

3 A. And I worked at Wilberg Mine
4 as a faceman for about a year, not
5 quite a year.

6 Q. So the last 18 years you've
7 been at Crandall?

8 A. Yes, sir.

9 Q. What is your current position
10 at Crandall? What was your ---?

11 A. Fireboss, compliance.

12 Q. Fireboss ---.

13 A. Pre-shift compliance.

14 Q. What does the ---? I know
15 what the fireboss part is. What's
16 the compliance part of that title?

17 A. Well, if we come across any
18 violations or --- such as that, we'd
19 report them and then possibly, if we
20 could, take care of the situation,
21 take them out of the books.

22 Q. Do you still work at Crandall?

23 A. No, sir. I work at Tower now.

24 Q. Tower. Kraig, going back to
25 the date of the accident of August

1 the 6th, what was your title at that
2 time? Was it the same?

3 A. Yes, sir.

4 Q. And how long have you held
5 that position as fireboss?

6 A. Ten, twelve years.

7 Q. Okay. What other positions
8 have you held at the mine?

9 A. I was on the belt crew, a belt
10 man and roof bolted for a while.

11 Q. Do you have any mining
12 certificates, certifications?

13 A. Other than fireboss, that's
14 all.

15 Q. And on August the 6th, who was
16 your immediate supervisor?

17 A. Duane Gilbert.

18 Q. And how long had Duane been
19 your supervisor?

20 A. About two years.

21 Q. What was your work schedule
22 for the week of August the 6th?

23 A. I was on my days off when the
24 accident occurred on the 6th.

25 Q. You worked like a four

1 on/three off type schedule?

2 A. Yeah. Yes, sir.

3 Q. When was your last day working
4 at the mine?

5 A. Thursday night, Friday
6 morning, prior to the weekend of ---
7 I don't know what the date was.

8 Q. I think Thursday would have
9 been the 2nd, I believe. You said
10 Thursday night/Friday morning. What
11 time did your shift begin?

12 A. Six o'clock in the evening.

13 Q. 6:00 p.m.?

14 A. Yes, sir.

15 Q. And it ran until?

16 A. 6:00 a.m.

17 Q. You were scheduled to come
18 back on that Monday?

19 A. Yes, sir.

20 Q. What shift would you have come
21 back on when you came back?

22 A. We would have come in at six
23 o'clock at night.

24 Q. You rotated up one shift?

25 A. Yeah.

1 Q. Going back to the last day
2 that you were in the mine, which
3 would have been Thursday/Friday on
4 August the 2nd, what did you do that
5 day, where you went to in the mine?

6 A. I preshifted the belts and the
7 intakes twice during the night, and
8 then did some belt work during ---
9 two times between the preshifts.

10 Q. Did you ever have any occasion
11 to go on the section that day?

12 A. Went to the tail piece.
13 That's as far as I went.

14 Q. You went to the tail piece?

15 A. Yes, sir.

16 Q. Okay. Tell you what, Kraig,
17 I'll bring out a map of the area.
18 That might help us remember as we go
19 through this. We can put some marks
20 on it. I'm just going to set this
21 map here.

22 A. Okay.

23 MR. WATKINS:

24 Kofford Exhibit One,
25 please.

1 (Kofford Exhibit One
2 marked for
3 identification.)

4 MR. WATKINS:

5 And just for the
6 record, this is a map that was
7 taken from an AutoCAD file
8 provided by the company.

9 ATTORNEY MEANS:

10 Thank you.

11 BY MR. WATKINS:

12 Q. Does it look familiar to you,
13 Kraig, a little bit anyway?

14 A. Yes.

15 Q. After 18 years, I'd say it
16 probably does. What do you refer to
17 the --- where the section was at,
18 what do you refer to that section as?
19 We call it the south main barrier
20 block section, but I don't know what
21 you refer to it as.

22 A. Main West.

23 Q. You just refer to it as Main
24 West?

25 A. Yeah.

1 Q. I'll try to remember that.
2 But if I refer to it as South Block,
3 that's what I mean. So you went to
4 the tail piece on August the 2nd,
5 which would be ---

6 A. Yeah.

7 Q. --- the 2nd and 3rd, that
8 shift. Do you remember where the
9 tail piece was located?

10 A. It was either 140 or --- I
11 think it was 140 ---

12 Q. Okay.

13 A. --- or 139. I'm not positive.

14 Q. Okay. If you would, Kraig,
15 there's a pen there. We're not
16 going to hold you to it, we're just
17 trying to get an idea of where things
18 were at. So you're marking the
19 Number Two entry at 139?

20 A. Yes, sir.

21 Q. Was the section producing coal
22 or were they in a move or what was
23 going on in the section?

24 A. They was in this middle block
25 and they was cutting coal.

1 Q. And Kraig, also, could you
2 mark that, please, where you were at?

3 A. Right here, but I'm not ---
4 somewhere in this block. I can't
5 remember.

6 Q. Okay. You're referring to the
7 block between 141 and 142?

8 A. Yeah, somewhere in there.
9 Right there.

10 Q. Between the Number One and
11 Number Two entries?

12 A. Yes, sir.

13 Q. Okay. Kraig, can I ask you
14 how you know that you was in that
15 block?

16 A. Well, I talked to the buggy
17 drivers, and they ---.

18 Q. You talked to the buggy
19 drivers?

20 A. When I come down here and come
21 across, walked up to the belt, I
22 talked to one of the buggy drivers.
23 They was only just down there a
24 couple breaks.

25 Q. Okay. Do you remember what

1 time it was when you was --- when you
2 would have been up there?

3 A. I'm not positive because we
4 --- probably about four o'clock in
5 the morning.

6 Q. 4:00 in the morning, okay.

7 ATTORNEY MEANS:

8 To clarify, Kraig, you
9 say that a buggy driver told
10 you they were a couple of
11 breaks up?

12 A. Yeah. He told me that they
13 was in that block, somewhere in
14 there. I'm not positive.

15 BY MR. WATKINS:

16 Q. Do you know who that buggy
17 driver was, who you spoke with?

18 A. I can't remember.

19 Q. Okay. How did you travel to
20 the section that morning?

21 A. In an Isuzu.

22 Q. Okay. You traveled --- which
23 entry did you travel?

24 A. This Number One entry up here.

25 Q. Okay. What were the

1 conditions like in the Number One
2 entry or did you observe anything in
3 the face area or the area that you
4 went to?

5 A. As far as I went was 138.
6 That's where I got out of the truck
7 and then walked down this entry, then
8 over and then up the belt line.

9 Q. What was the roof and rib
10 conditions like that you observed
11 that day?

12 A. They looked okay to me. I
13 mean, it was nothing that out of sync
14 that I could see.

15 Q. Okay. And you traveled the
16 belt line off the section?

17 A. Yes, sir.

18 Q. Did you see anything in the
19 belt line that was --- as far as out
20 of the ordinary that you ---?

21 A. No, sir.

22 Q. Okay. You didn't see any
23 floor heave or anything like that in
24 the belt line entry or anything?

25 A. There had been some floor

1 heave. I think it was between 130
2 and 131.

3 Q. Just with the blue marker
4 there or one of the other colors,
5 just kind of indicate that for me,
6 please.

7 WITNESS COMPLIES

8 BY MR. WATKINS:

9 Q. You got some floor heave
10 between 130 and 131 in the Number Two
11 entry?

12 A. Yeah.

13 Q. Okay. How high was this floor
14 heave?

15 A. Six, eight inches.

16 Q. About how long did it go?

17 A. About the length of the table.

18 MR. WATKINS:

19 Okay. That would be
20 about, what, eight feet, six
21 feet.

22 ATTORNEY MEANS:

23 And when was that, do
24 you remember, when you had
25 seen that?

1 A. Preshift. It was probably
2 first or second, somewhere in there.

3 BY MR. WATKINS:

4 Q. That floor heave, did it
5 interfere with the running of the
6 belt or anything?

7 A. No.

8 Q. Did it cause any problem with
9 the belt?

10 A. Not at that time, no.

11 Q. Is that the only location that
12 you noticed any floor heave?

13 A. Yes, sir, that's all.

14 Q. What about on development, the
15 section that was on inby where they
16 pillared out of, did you notice any
17 floor heave?

18 A. No, sir.

19 Q. Do you recall marking any
20 hazards or anything in the book on
21 those days or that day, the last day
22 you was in there?

23 A. I can't remember, no, sir.

24 Q. I take it you also made the
25 preshift as the section was

1 blowing out?

2 A. Blowing.

3 ATTORNEY MEANS:

4 Blowing?

5 A. Yeah. Blow out, you know,
6 pieces of them.

7 BY MR. WATKINS:

8 Q. They'd actually blow coal off
9 the rib?

10 A. Yeah.

11 ATTORNEY MEANS:

12 And this was on retreat
13 or on development?

14 A. Development.

15 BY MR. WATKINS:

16 Q. I know you don't remember
17 exactly, but was it towards the inby
18 part or --- whereabouts on that panel
19 would you say that was occurring at?

20 A. Towards the end.

21 Q. Towards the end?

22 A. Yeah.

23 Q. The end meaning the inby
24 portion?

25 A. Yeah.

1 Q. How often would these
2 blowouts or whatever you call them
3 occur?

4 A. Well, they just did it a few
5 --- a couple times that I can
6 remember, you know, on my shift here,
7 from ---. The only time I noticed is
8 from one --- I'd go one preshift to
9 the next and there might be something
10 different.

11 ATTORNEY MEANS:

12 Kraig, to clarify, were
13 you present when these
14 blowouts occurred or you just
15 concluded that they had
16 occurred by observing the
17 different conditions from one
18 preshift to the next?

19 A. Yeah, that.

20 ATTORNEY MEANS:

21 The latter?

22 A. Yeah, I wasn't --- I didn't
23 watch it happen.

24 BY MR. WATKINS:

25 Q. You've never seen --- are you

1 familiar with the term bounce? We've
2 heard it several times during our
3 interview process.

4 A. Bounce?

5 Q. Yes.

6 A. Yes, sir.

7 Q. What does that mean to you?
8 What's your definition of a bounce?

9 A. The mountain settling down
10 from where they extracted the coal.

11 Q. Okay. What would happen
12 underground during a bounce? If a
13 bounce occurred, what would happen
14 underground?

15 A. The air, where it was settling
16 down, it would blow air out and, you
17 know, you'd feel the air. You'd feel
18 the movement sometime if it was a big
19 enough bounce.

20 Q. All right. Just for
21 clarification, could you have a
22 bounce and the coal --- was coal
23 displaced in the ribs or not
24 displaced or both?

25 A. It could.

1 Q. Okay.

2 A. I've seen it both ways, where
3 it blew some coal out and where it
4 didn't.

5 Q. Okay. Did you ever experience
6 any bounces while conducting your
7 preshift work?

8 A. Well, a couple times I --- you
9 know, you'd be walking and then you'd
10 feel the air, you know, when they
11 started pillaring, you know, get your
12 first cave or something.

13 Q. Okay. Did you ever encounter
14 it during development?

15 A. Not that I can recall.

16 Q. As you were conducting your
17 preshift --- let me back up just a
18 second. You said it would displace
19 air when you had the bounces. Did it
20 ever take out any stoppings, knock
21 down any stoppings or damage any
22 stoppings?

23 A. In development?

24 Q. In development or retreat
25 or ---.

1 A. A couple times it did when
2 they was pulling, retreating.

3 Q. When they were retreating?

4 A. Yeah.

5 Q. But you didn't observe that
6 during ---

7 A. Development?

8 Q. --- development?

9 A. No, sir.

10 Q. Okay. And do you recall
11 whether you observed those stoppings
12 being out?

13 A. I'm not real sure.

14 Q. Did they ever encounter or did
15 you ever encounter during your
16 examination a water problem in this
17 mine, waterholes or ---?

18 A. Where at?

19 Q. In the south --- what you call
20 the Main West but we call South
21 Block? We're still on that section
22 for now.

23 A. 129 and 130, in the Number One
24 roadway they had a little waterhole,
25 had to put a pump in.

1 Q. Do you recall indicating
2 anything in the preshift book as far
3 as that being a hazard or anything
4 like that?

5 A. Well, I didn't think it was,
6 but we put a pump in there and kept
7 it so, you know, it didn't block the
8 escapeway or anything.

9 Q. Could equipment get through it
10 okay?

11 A. Yeah. We went with scoops and
12 stuff and the Isuzus went through it.

13 Q. Okay. During your preshift
14 exams, did you ever see any
15 indication where the roof was
16 separated from any of the pillar
17 blocks where you could actually see a
18 little bit over top of the pillar
19 blocks?

20 A. No, sir.

21 Q. What was the --- and the roof
22 and rib condition you said was ---
23 was it straight? Did they slough
24 off? I mean, the rib conditions,
25 rather.

1 A. They just kind of sloughed off
2 a little.

3 Q. Okay. Where was the section
4 mining prior to going to the South
5 Block? Where were they at then?
6 What section did you mine before the
7 South Block ---

8 A. Over here.

9 Q. --- or the North Block? Okay.
10 And you conducted preshift
11 examinations in that area as well?

12 A. Yes, sir.

13 Q. Okay. Did you ever have the
14 occasion to run a piece of equipment,
15 roof bolter, shuttle car, scoop or
16 anything like that?

17 A. No, not for a long time.

18 Q. Okay. Could you just explain
19 the conditions of the north barrier?
20 What did you call that section up
21 there at the top? The West Mains
22 still?

23 A. Yeah, West Mains.

24 Q. Okay. For our definition, we
25 call it the north.

1 A. Okay.

2 Q. So what was the condition like
3 during development of the North
4 Mains, Northwest Mains or whatever
5 you want to call it?

6 A. You got a little water. I
7 don't know where it was. Somewhere
8 in here.

9 Q. Somewhere around ---

10 A. In here ---.

11 Q. --- 141, 144, somewhere ---?

12 A. Pipe and some pumps in there.

13 Q. Where did they run that water
14 to, do you know?

15 A. Back around and down through
16 their sump down there. Had a
17 six-inch line. Down here somewhere
18 and then it went down the belt line.

19 Q. What were the conditions like
20 while they were developing the north
21 barrier?

22 A. As far as I could see, just
23 normal conditions. It was nothing
24 out of normal that I could see.

25 Q. Was there any difference

1 between the development of the north
2 barrier versus south barrier?

3 A. Not that I could really see.

4 Q. I noticed on development it
5 came all the way to the end. It
6 doesn't extend all the way out as far
7 as the other panels. Do you know why
8 that was stopped short?

9 A. I don't have any idea why they
10 stopped there.

11 Q. Have you had the occasion to
12 examine the farthest point of advance
13 there in the north?

14 A. Yeah. I went clear to the
15 end.

16 Q. The conditions in that area,
17 anything --- roof and rib conditions,
18 water, anything ---?

19 A. Just a little water. They
20 just kept following them in.

21 Q. Was there any water at the
22 head end?

23 A. Just in that one entry. And
24 then they got out of it right towards
25 the end. The pump dried up.

1 Q. So as far as you know, the
2 time they quit, there wasn't a big
3 water problem?

4 A. No.

5 MR. BAXTER:

6 What was the one entry
7 you said there was water?

8 A. It's Number One, whether it be
9 --- yeah, it would be the Number One
10 entry.

11 BY MR. WATKINS:

12 Q. They didn't have a water
13 problem in the other entry?

14 A. No.

15 Q. How about the bounces in the
16 north, did you ---?

17 A. Nothing out of the norm.

18 Q. You did experience some. Were
19 they worse or the same or ---

20 A. Just ---.

21 Q. --- as compared to the south?

22 A. Well, the only time I ever
23 looked at it was when they was
24 pulling, and that's just --- you
25 know, when it would cave after they

1 pillared it, you know, pulling
2 pillars out.

3 Q. Okay. I notice also on that
4 map it's labeled March '07, and it
5 looks like they pulled the blocks
6 back around 137.

7 A. Yeah.

8 Q. They skipped a couple blocks.
9 Do you know why they skipped a couple
10 blocks?

11 A. No, sir, I don't.

12 Q. Okay. Do you know if they did
13 skip those blocks? Did you ---?

14 A. Why they skipped them, I don't
15 have any idea.

16 Q. Okay. When you were
17 conducting preshift, did you ever
18 notice any stoppings being damaged or
19 blown out?

20 A. No, sir.

21 Q. So after they skipped those
22 couple blocks, it looks like they may
23 have mined two or three more
24 additional blocks and then pulled
25 out. Do you know why? Did anybody

1 ever speak of why they might have
2 pulled out that section?

3 A. They never said anything to
4 me.

5 Q. The whole time you preshifted
6 that area both on development and on
7 retreat, you didn't really notice
8 anything out of the ordinary as far
9 as roof and rib conditions?

10 A. No, sir.

11 Q. I guess also on this map is a
12 panel in the middle, which is --- you
13 referred to it as Main West and
14 labeled it as Main West on the map.
15 Were you --- after 18 years, I'm sure
16 you were in that area also. What was
17 the condition like when you was
18 developing the Main West?

19 A. It would be okay until you got
20 up toward 158 and 160, up in there,
21 it started to get a little heavy.

22 Q. Started to get a little heavy.
23 Could you explain those ---?

24 A. Well ---.

25 ATTORNEY MEANS:

1 then we'd have to travel this and
2 preshift all that intake area.

3 BY MR. WATKINS:

4 Q. Okay. So basically what you
5 marked as getting heavy is straight
6 across from where the north section
7 stopped?

8 A. Give or take, yeah.

9 Q. Okay. Could you --- I know
10 you said it was getting heavy. Could
11 you describe that a little bit to me,
12 please, what you mean by heavy and
13 what the conditions looked like?

14 A. Well, just ribs sloughed out
15 more and you'd --- every once in a
16 while that gives you that --- you
17 know, you're coming a little more out
18 into the entryway.

19 Q. How far out in the entryway
20 would it slough or would it come to?

21 A. Well, not quite where you're
22 driving down through. Just to kind
23 of the edges.

24 Q. So you could get one vehicle
25 through it?

1 A. Oh, yeah. You can get a scoop
2 or something mechanical.

3 Q. The scoops, okay.

4 A. Uh-huh (yes).

5 Q. In working in the Number Four
6 entry, did you observe or see any of
7 the other entries?

8 A. Not that I can recall.

9 Q. Was water an issue in that
10 area?

11 A. No.

12 Q. No. How about floor heave?
13 Did you observe any floor heave in
14 that area?

15 A. No, sir.

16 Q. Okay. The bounces, were they
17 occurring?

18 A. Not that I can recall.

19 Q. Do you know why they didn't
20 retreat mine that panel?

21 A. No, I don't.

22 Q. Okay. That middle right of
23 that panel there seems to be several
24 crosscuts. It's got some notation in
25 them. On the map it's denoted as

1 rock. Do you know what those were?

2 A. No, sir, I don't.

3 Q. Did you ever recall seeing any
4 of that in that area, anything in
5 those crosscuts or entries in that
6 area?

7 A. Can you rephrase that?

8 Q. Yeah. When you was examining
9 that area, okay, was those crosscuts
10 --- was there anything in those
11 crosscuts, any rock, you know, roof
12 falls, anything that was ---?

13 A. Not that I can recall.

14 Q. Okay. Do you recall the
15 conditions in that area, what they
16 were like as far as the roof and rib
17 goes?

18 A. Nothing out of the norm.

19 Q. Nothing out of the norm, okay.
20 Just to make sure, you don't recall
21 being in roof falls or any sloughage
22 that they might have cleaned up and
23 placed in those crosscuts or
24 anything?

25 A. A couple of these dog holes

1 had some stuff in them.

2 Q. Okay.

3 A. That was all I had ---.

4 Q. That's all you had seen?

5 A. Yeah.

6 ATTORNEY MEANS:

7 How long ago was this
8 Main West in the middle mined,
9 do you remember? Do you know?

10 A. It had to be a long time ago.

11 ATTORNEY MEANS:

12 Talking five, ten
13 years?

14 A. Probably.

15 BY MR. WATKINS:

16 Q. I'm going to change gears for
17 a minute, Kraig, and go back to
18 August the 6th. When and how did you
19 learn about the accident?

20 A. My sister called me and told
21 me that Monday morning.

22 Q. Prior to you coming to
23 the ---?

24 A. Coming to work, yeah.

25 Q. Did you come in a little bit

1 earlier that day or ---?

2 A. Yeah.

3 Q. Do you remember what time you
4 arrived?

5 A. I can't remember the exact
6 time.

7 Q. Just take me through that day,
8 what you did the time when you got
9 there and what you did and what time
10 you left and ---.

11 A. When I got there, I tried to
12 find out what they was doing and
13 where they wanted us to go and help
14 or, you know, the procedure if we had
15 to get anything in there.

16 Q. Do you remember who you talked
17 to?

18 A. Talked to Bodee Allred and my
19 boss, Duane Gilbert.

20 Q. Okay. Do you remember what
21 they told you?

22 A. No, sir, I can't.

23 Q. So you got there and you
24 talked to Bodee and Duane. Did they
25 give you any assignment for that day?

1 A. Just --- we had to put some
2 --- finish putting some temporary
3 stoppings up that they thought blew
4 out ---

5 Q. Okay.

6 A. --- and then do a preshift.

7 Q. Do you remember where those
8 stoppings were at?

9 A. Yeah. Right here, at the
10 start of the section, down to 93.

11 Q. Okay. You're referring to
12 Crosscut 118. Is that where you
13 were ---?

14 A. 110, I think that's where it
15 come across. Yeah.

16 Q. Okay.

17 A. 110, where it come across.

18 ATTORNEY MEANS:

19 So from 110 outby?

20 A. To 93.

21 BY MR. WATKINS:

22 Q. Ninety-three (93). Were all
23 the stoppings damaged or ---?

24 A. Just pretty close to every one
25 of them. There was a couple down

1 this belt line, I can't remember the
2 exact ones, that was solid block
3 stoppings. There was only like two
4 or three of them.

5 Q. Who was working with you, do
6 you remember?

7 A. Leonard Reid.

8 Q. Leonard Reid. Do you remember
9 if he was --- did you start from 93
10 and work your way in or ---?

11 A. We went --- we went clear in
12 as far as --- I think it was 121 and
13 122, where it caved to, and we
14 started there and just went down the
15 belt line to see where the stoppings
16 was out, if we needed, so we could
17 get the ventilation back up in there.

18 Q. Okay.

19 A. Dayshift, you got quite a few
20 of them down. This belt line here,
21 we just started in the middle
22 somewhere.

23 Q. And a lot of other activities
24 that was taking place in the time
25 that you was in there?

1 A. They was just trying to get
2 machinery in there to clean it out,
3 you know, get their belt line, you
4 know, cleared off at the end of the
5 belt so they could start that belt up
6 and start it.

7 Q. There was no cleanup taking
8 place while you were underground,
9 that you know of?

10 A. Not that I know of, just
11 cleaning to get the machinery up
12 there, you know.

13 Q. Do you know where they was
14 going to put the machinery, which
15 entry they was going to put the
16 machinery in?

17 A. No, sir.

18 Q. Other than going --- you went
19 to the face to start putting the
20 stoppings back up?

21 A. Yes.

22 Q. And that was at --- which
23 entry were you in?

24 A. Number One.

25 Q. Number One entry. And what

1 crosscut did you make it to?

2 A. Seems like I remember 120 or
3 121.

4 Q. Okay. When you got to ---
5 what did you see when you got there?
6 At 120, 121, when you got there, what
7 did you see?

8 A. Well, first I seen MSHA. Then
9 they had some timbered off there
10 where it caved right there. And
11 that's a fresh air base. That's what
12 they called it. And then we just
13 went across to the belt line from
14 there.

15 Q. Okay. So you crossed over
16 into the belt at ---?

17 A. 120, 121.

18 Q. 121, somewhere in that area?

19 A. Yeah.

20 Q. What was the condition like in
21 the belt entry?

22 A. Well, I don't know. I
23 couldn't see what was beyond that.
24 Other than that, it was nothing out
25 of the ordinary.

1 Q. In the belt entry, was it
2 sloughed off or ---?

3 A. Nothing, you know, different
4 from any other time, you know, from
5 what I could see.

6 Q. The entry was wide open, no
7 debris or anything in the entry?

8 A. Down there, there wasn't, no.

9 Q. Did you go over to Three and
10 Four also?

11 A. No, sir.

12 Q. Okay. So after you went on
13 the belt entry, you just finished the
14 shift off putting up stoppings?

15 A. Yeah, and then preshifted.

16 Q. Okay. What areas did you
17 preshift?

18 A. Well, we preshifted the
19 intakes from out --- from the portal
20 into the section.

21 Q. Anything out of ordinary that
22 you were seeing at that time?

23 A. No, other than where them
24 stoppings ---?

25 Q. Other than the stoppings. Did

1 you work from the 6th --- I thought
2 you said you worked the 6th through
3 to the 16th. The 16th was the date
4 of the second accident.

5 A. Yes, sir.

6 Q. You worked every day from ---.
7 And do you recall what you done on
8 those days?

9 A. Preshifted.

10 Q. Preshifted.

11 A. And worked on, you know,
12 helping get --- once we got the belts
13 established, you know, where they
14 could run the belts and making sure
15 they stayed running.

16 Q. Did you work up where they
17 placed the feeder?

18 A. I was just preshifting, that's
19 all.

20 Q. Do you know where the feeder
21 was located?

22 A. I'm not positive.

23 Q. You preshifted every day
24 between the 6th and the 16th?

25 A. Yes, sir.

1 Q. You would have went up where
2 they was actually doing any of the
3 work at the cleanup part in the face
4 area?

5 A. Just went up to the feeder,
6 where the feeder was at the time, and
7 went down on the belt line, that's
8 all.

9 Q. We've been following the
10 accident on the 6th. Do you know
11 where cleanup began, which entry they
12 started cleaning up in?

13 A. No, sir, I don't.

14 Q. Okay. Did you work the day of
15 the 16th?

16 A. Yes, sir.

17 Q. What time were you working?

18 A. Six o'clock at night until
19 6:00 in the morning.

20 Q. Were you underground at the
21 time of the second accident?

22 A. Yes, sir.

23 Q. Do you recall where you were
24 at?

25 A. I was in South Crandall on

1 preshift.

2 Q. Oh, you're in South Crandall.
3 Now, on the 16th, did you go in
4 Crandall and help ---?

5 A. I went in. I kept running
6 preshift --- going into Crandall
7 until they pulled us out.

8 Q. You never made it to the face
9 area?

10 A. And helped them extract them
11 guys, no.

12 MR. WATKINS:

13 Let's take about a
14 five-minute break to catch
15 your breath. I want to see if
16 these guys have any questions.
17 Okay?

18 A. Okay.

19 SHORT BREAK TAKEN

20 BY MR. WATKINS:

21 Q. I've got a couple clarifying
22 questions here, Kraig, for you. I
23 know you mentioned that you done the
24 preshift. Did you ever do a weekly?

25 A. Yeah.

1 Q. What areas did you ---?

2 A. I helped Foster McCarther
3 every once in a while.

4 Q. Okay. Do you remember the
5 last time that you helped do the
6 weekly?

7 A. Prior to when?

8 Q. The last time you did a weekly
9 at Crandall.

10 A. The week before they kicked us
11 out.

12 Q. The week before they kicked
13 you out. What do you mean by kicked
14 you out?

15 A. When they kicked us out last
16 week, made us go to Tower.

17 ATTORNEY MEANS:

18 That was after the
19 accident?

20 A. Yeah. This is after.

21 BY MR. WATKINS:

22 Q. Okay. Did you conduct a
23 preshift prior to the August the 6th
24 --- I'm sorry, a weekly prior to
25 August 6th?

1 A. I can't remember, sir.

2 ATTORNEY MEANS:

3 Preshift or a weekly?

4 MR. WATKINS:

5 Weekly.

6 BY MR. WATKINS:

7 Q. Do you remember the area that
8 you may have done a weekly in?

9 A. Prior to when or ---?

10 Q. Prior to August 6th in
11 Crandall.

12 A. On the belts. Did weeklies on
13 the belts.

14 Q. Weeklies on the belts.

15 A. Yeah.

16 Q. Do you ever recall entering
17 anything into the weekly book as a
18 hazard?

19 A. No, sir.

20 Q. Do you ever recall entering
21 anything into the preshift book as a
22 hazard?

23 A. No, sir.

24 Q. I know it's kind of hard to
25 remember, but with 18 years, you've

1 probably entered something into the
2 books.

3 A. In that length of time, yeah.

4 Q. But you don't ever remember
5 putting anything into the books?

6 A. I can't remember.

7 ATTORNEY MEANS:

8 Can I clarify on that,
9 Kraig? Is it you don't recall
10 a specific thing you put into
11 the books as a hazard, is that
12 what you're saying?

13 A. Yeah.

14 ATTORNEY MEANS:

15 You're not saying that
16 you don't recall ever putting
17 anything in the books?

18 A. No. I don't know exactly
19 what.

20 BY MR. WATKINS:

21 Q. What type of things --- what
22 types of hazards would you put in the
23 book?

24 A. Would I put in the book?

25 Q. Yeah. What type of

1 hazard ---? What is a hazard to you,
2 I guess? I mean, what would you put
3 into the book? This is a two-part
4 question.

5 A. Something that jeopardizes my
6 health or the health and safety of my
7 other workers. And what I would put
8 in the books?

9 Q. Yeah.

10 A. I'd put hot rollers or rib ---
11 or roof conditions ---

12 Q. Okay.

13 A. --- that, you know, I couldn't
14 immediately fix on preshift or
15 something. I'd put that in the
16 books, made sure they got fixed so it
17 wouldn't jeopardize anybody's safety.

18 Q. So you don't remember putting
19 any of those items into the books?

20 A. Well, I don't recall putting
21 them. I'm sure --- I know I have,
22 but I'm not sure why and when.

23 Q. Were you preshifting in pairs?
24 I mean, are there usually two of you
25 that does the preshifting?

1 A. Yes, sir.

2 Q. Who's your partner?

3 A. Leonard Reid.

4 Q. Leonard Reid. I think you
5 mentioned the name earlier. Did you
6 and Leonard ever have any discussions
7 about the conditions of the mine or
8 things that you might have
9 encountered there on your
10 examinations?

11 A. Just hot rollers or something
12 that we need to take care of after
13 the preshift was over. We flagged
14 bad rollers and we'd have to --- we
15 just talked about what we'd have to
16 do when we was done preshifting.

17 Q. Were you given any guidance or
18 instruction when filling out the
19 preshift book, you know, what to put
20 in, what not to put in?

21 A. From who?

22 Q. From anyone.

23 A. Just when I went and got my
24 fireboss papers, what they taught us
25 in there, what we deemed, you know,

1 imminent danger. That's ---
2 everybody's got their own opinion on
3 what imminent danger is, I suppose.

4 Q. And what is it to you?

5 A. What's imminent danger?

6 Q. Yeah.

7 A. Something that could cause,
8 you know, hazard to the safety of
9 people that's in the mine.

10 Q. And how would an imminent
11 danger be different than say a
12 regular safety hazard?

13 A. Well, imminent danger, I
14 believe, would be something that
15 could cause, you know, accident or
16 harm to somebody or a safety issue,
17 if it wasn't taken care of
18 immediately. You know, you wouldn't
19 want it to hurt somebody.

20 Q. Okay. As far as putting
21 hazards into the preshift book, were
22 you only listing imminent dangers
23 or ---?

24 A. Well, we'd put, you know, what
25 was a hazard, and then we kept --- if

1 A. What?

2 MR. BAXTER:

3 Did you answer him?

4 A. Yeah, I did.

5 OFF RECORD DISCUSSION

6 ATTORNEY MEANS:

7 Could I ask a
8 clarifying question, Tim?

9 MR. WATKINS:

10 Sure.

11 BY ATTORNEY MEANS:

12 Q. Kraig, when you're talking
13 about what you put in the books, in
14 the examination books, the weekly
15 exam books and the preshift books,
16 you're talking about an imminent
17 danger and you're talking about a
18 hazard. Did you distinguish between
19 the two and only put imminent dangers
20 in the books or did you put in all
21 hazards?

22 A. I put in all hazards.

23 Q. Okay.

24 A. I didn't put in violations.

25 Q. You didn't put in violations

1 if they weren't hazards?

2 A. Yeah. If they wasn't a
3 hazard, I didn't put it in.

4 Q. Okay. And let's talk about
5 what might be --- give us an example
6 of the kinds of conditions that you
7 would view as a hazard that needs to
8 go in the preshift book. Give us
9 some examples. You mentioned bad
10 rollers before.

11 A. Bad rollers or lack of rock
12 dust or deep water or bad top or
13 something.

14 Q. Coal accumulations?

15 A. Yeah, accumulations in the
16 tail piece or walkways.

17 Q. Okay.

18 ATTORNEY MEANS:

19 Can I ask one more?

20 MR. WATKINS:

21 Yes.

22 BY ATTORNEY MEANS:

23 Q. At the beginning --- early on
24 in your testimony here today, Kraig,
25 you were asked about where you went

1 on the last day you were in the
2 section before the accident. And you
3 told us that you'd gone as far as the
4 feeder, which you marked at around
5 Crosscut 139; correct?

6 A. Yes.

7 Q. And I believe you stated you
8 thought, based upon what the buggy
9 driver told you, that they were
10 mining up around --- and you marked
11 on the map in orange on the pillar
12 that runs between the Number One
13 entry and the Number Two entry on the
14 inby northern corner at 142 --- the
15 pillar between 142 and 141. Do you
16 know for a fact that that's where
17 they were mining?

18 A. No, sir, I don't. I'm just
19 going on what the buggy driver said,
20 he was down there a couple breaks.

21 Q. Could it have been the pillar
22 further inby that that they were
23 mining?

24 A. Could have been that.

25 Q. Okay.

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ATTORNEY MEANS:

Thank you.

BY MR. WATKINS:

Q. Just a couple more points that Mr. Means brought up. This was on the 2nd --- it would be Thursday, Friday, second and third shift?

A. Yeah.

Q. The shift prior to that, which would have been, I guess, going back to the 1st, do you know where the section was at then? Where were they at then?

A. I'm not sure.

Q. Okay. You made, I guess, an interesting comment a while ago that you put the hazards in the book, not necessarily things that were citations.

A. Yes, sir.

Q. Can you think of something that might be a citation that necessarily wouldn't be a hazard?

A. Well, rock dust, you know, or some places it wouldn't be as wide as

1 some people would like versus what
2 --- I know it's something I have to
3 address and take care of, but like
4 doing it as far as immediately, you
5 know, to prevent an accident ---.

6 Q. Okay. I just wanted some
7 clarification. Going back to the
8 issue of imminent danger conditions,
9 I take it that the imminent danger
10 condition would be a little bit more
11 severe than just a regular hazard
12 condition?

13 A. Yeah.

14 Q. Do you ever recall putting
15 anything in the books that was ---
16 that you would consider to be an
17 imminent danger condition?

18 A. Hot rollers or hot bearings on
19 a tail piece or head roller.

20 Q. Okay. You also mentioned
21 during the retreat mining that you'd
22 have bounces and you would have caves
23 in the pillared area. Could you tell
24 the difference between the two, when
25 it bounced or when you just had a

1 cave-in behind in the pillared area?

2 A. No, I couldn't.

3 Q. Was the sound any different
4 or ---?

5 A. Well, unless I was there, I
6 really --- you know, I couldn't
7 really say.

8 Q. Let's go back to the north
9 barrier just for a second, the area
10 where they skipped the two blocks
11 there in the middle. Did you ever
12 hear any discussions or have any
13 discussions with anyone concerning
14 why they was moving back?

15 A. No, sir.

16 Q. Do you know if that was
17 following any bounces that occurred
18 in the area?

19 A. I don't know.

20 Q. How about the --- did you hear
21 anything about equipment getting
22 covered up or coal thrown against the
23 equipment and blocking equipment or
24 anything like that?

25 A. No, sir.

1 Q. Any stoppings knocked down?

2 A. Not to my knowledge, no.

3 Q. In the south barrier, between
4 the two orange dots you have, if you
5 look in the north you'll see the
6 entry driven into the barrier from
7 the top, right here. I think that
8 was an old sump area or something
9 that was in the north. What was
10 that, do you know?

11 A. I don't know.

12 Q. So in your preshift, you don't
13 recall --- I know it's been a while,
14 but you don't recall doing a preshift
15 on the pump or anything that was in
16 that sump or anything?

17 A. No, sir.

18 Q. Okay. In the south barrier,
19 just south of that sump was some
20 blocks. Do you know if they were
21 planning on skipping any of those
22 blocks?

23 A. I know I had heard that they
24 was supposed to skip some, but I
25 don't know what ones or ---.

1 Q. Okay. Were they also supposed
2 to skip the barrier?

3 A. The other barrier.

4 MR. WATKINS:

5 Okay. Just go off the
6 record just for a moment,
7 please.

8 OFF RECORD DISCUSSION

9 MR. WATKINS:

10 I'm glad you brought
11 that back up. There was a
12 question I was going to ask
13 him on that floor heave.

14 BY MR. WATKINS:

15 Q. I think I asked you if you
16 recall that floor heave interfered
17 with the belt line. I think you
18 replied, not that time. Do you
19 recall any other time that the floor
20 heave interfered with the belt line
21 or was encountering the belt line?

22 A. In that area or other places?

23 Q. Let's just start with this
24 area first.

25 A. Not while I was there, no.

1 Q. Was there any discussion about
2 floor heave?

3 A. Not that I know of.

4 Q. Okay. How about any other
5 area?

6 A. Not to my knowledge.

7 Q. Okay. Do you remember any
8 mining in the south mains?

9 A. Where at?

10 Q. Just between the longwall
11 panels, in that panels 13, 14 ---

12 A. Down here ---?

13 Q. --- 13 through 18 --- yes, you
14 got on the left side. And on the
15 right side you got, what, four
16 through six.

17 A. On Fourth East?

18 Q. Yes. There's a set of mains
19 between those two longwalls.

20 A. Yeah.

21 Q. Do you remember mining that
22 area?

23 A. Yeah.

24 Q. What were the conditions like
25 in that area?

1 A. Nothing out of the norm that I
2 encountered.

3 Q. Nothing different with the
4 ribs or roof condition that you ---?

5 A. No, sir.

6 MR. WATKINS:

7 I'll look over
8 something here real quick.

9 MR. WATKINS REVIEWS NOTES

10 BY MR. WATKINS:

11 Q. Do you remember when your last
12 annual refresher training was, when
13 you had that?

14 A. For Crandall?

15 Q. Yeah.

16 A. I believe that was January or
17 February.

18 Q. Okay. Where was that at, do
19 you remember?

20 A. At the college.

21 Q. The college. Do you remember
22 what was discussed in your
23 retraining?

24 A. No. No, sir.

25 Q. As part of your preshift exam,

1 do you ever recall encountering
2 methane or low oxygen anywhere on any
3 of your preshifts?

4 A. No.

5 Q. What about on your weekly,
6 when you helped do the weeklies, did
7 you run into ---?

8 A. No, I can't remember any.

9 Q. When you done weeklies, did
10 you do any of the bleeder entries?

11 A. Not for a long time. Well, I
12 done them a long --- five, ten years
13 ago.

14 Q. Okay. Do you remember any
15 methane or low oxygen or anything at
16 that time?

17 A. No, sir.

18 Q. Did you ever have the occasion
19 to check the seals?

20 A. Yeah.

21 Q. Did you ever have a problem
22 with low oxygen or methane at or
23 behind those seals?

24 A. Not to my knowledge, no.

25 Q. You checked the seals on the

1 intake, I guess?

2 A. Yeah, the north seals and then
3 the west main seals, a couple in
4 there.

5 Q. And when you checked those
6 seals, you took gas readings?

7 A. Yeah, walking around the
8 perimeter of it.

9 Q. And did you encounter any low
10 oxygen or methane?

11 A. No.

12 Q. Each of those seals has got a
13 test pack in it --- each set of
14 seals, not each individual seal. Did
15 you ever have the occasion to open
16 that seal particularly to see what
17 you had ---?

18 A. If it was blowing or sucking?

19 Q. Blowing or ---.

20 A. Sucking.

21 Q. Yes.

22 A. Yeah.

23 Q. What were they doing most of
24 the time?

25 A. It all depended on the

1 weather.

2 Q. Yeah. Most of the time when
3 you went there, were they ---?

4 A. Sucking most of the time, you
5 know.

6 Q. But there was occasion when it
7 was ---?

8 A. It would blow out a little
9 bit. But then it depended on what
10 weather --- whether it was storming
11 or what.

12 Q. When it would blow out or
13 outgas, would you put your meter up
14 to see, you know, just stick your
15 meter up in front of it to see what
16 was behind there?

17 A. Yeah. It dropped a couple
18 points on the oxygen, but that would
19 be about it. It wouldn't --- I don't
20 recall any more than that.

21 Q. A couple points, you mean ---?

22 A. 20.2 or 20.1, something like
23 that.

24 Q. You're not talking about a
25 whole percent?

1 A. Oh, no. No, sir.

2 Q. CO, methane, do you remember
3 anything ---?

4 A. No, sir, I don't.

5 Q. Your SCSR training, when was
6 the last time you had SCSR training?

7 A. Last week.

8 Q. Last week.

9 A. At Tower.

10 Q. At Tower?

11 A. Yeah.

12 Q. When was the last time you had
13 it at Crandall?

14 A. It was --- I can't remember
15 the exact time.

16 Q. Do you remember traveling the
17 escapeways or anything like that?

18 A. Yeah.

19 Q. Who would you travel with when
20 you traveled, which section? Would
21 you travel with the section crew or
22 travel by yourself or ---?

23 A. Well, generally, it would be
24 me and one guy --- outby guy, a belt
25 man, wherever we have to travel, you

1 know, 2,000 feet from the tail ---
2 from the section out.

3 Q. Did you ever travel from the
4 section all the way to the --- outby?

5 A. To the portal?

6 Q. To the portal.

7 A. Yeah.

8 Q. Okay. And would that be with
9 the same group, same crew?

10 A. It would change each time we
11 had to do it. Nobody wanted to walk
12 in that low coal.

13 Q. Which foreman did you travel
14 with?

15 A. Duane Gilbert.

16 Q. Duane. Kraig, do you have
17 anything that you'd like to add?

18 A. No, sir.

19 MR. WATKINS:

20 Is there anything I
21 forgot to ask?

22 MR. BAXTER:

23 I'd just like to add,
24 if you do find your notes, I
25 think you have the contact

1 information for Richard Gates,
2 and we'd appreciate it if you
3 could provide that.

4 A. Okay.

5 BY MR. WATKINS:

6 Q. Just give Mr. Gates the
7 personal notes that you usually keep.

8 A. Okay.

9 Q. You wasn't quite sure where
10 they was at, but we'd appreciate it
11 if you run across those if you'd give
12 them to us. Okay?

13 A. Okay.

14 Q. Kraig, have you given a
15 written statement or interview to any
16 management official or outside
17 organization before this interview
18 regarding the accident?

19 A. No.

20 Q. Has anyone offered you
21 anything or made any promise to you
22 in exchange for you to appear or not
23 to appear here today?

24 A. No, sir.

25 MR. WATKINS:

1 Kraig, on behalf of
2 MSHA, I want to thank you for
3 appearing and answering
4 questions today. Your
5 cooperation is very important
6 to the investigation as we
7 work to determine the cause of
8 the accident.

9 We do ask that you not
10 discuss your testimony with
11 any person who may have
12 already been interviewed or
13 may be interviewed in the
14 future. This will ensure that
15 we obtain everyone's
16 independent recollection of
17 events surrounding the
18 accident.

19 After questioning other
20 witnesses, we may call you if
21 we have any follow-up
22 questions that we feel need to
23 be asked of you. If at any
24 time you have additional
25 information regarding the

1 accident that you would like
2 to provide us, please contact
3 Richard Gates at the
4 information on the card
5 provided to you.

6 The Mine Act provides
7 certain protection to miners
8 who provide information to
9 MSHA and, as a result, are
10 treated adversely. If at any
11 time you believe that you have
12 been treated unfairly because
13 of your cooperation in this
14 investigation, you should
15 immediately notify MSHA.

16 If you wish, you may
17 now go back over any answer
18 that you've given or make any
19 statement that you'd like to
20 make. Anything you'd like to
21 add?

22 A. Nothing.

23 MR. WATKINS:

24 Kraig, I'd like to
25 thank you for your cooperation

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and for coming in today.

Appreciate it.

A. Okay.

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STATEMENT CONCLUDED AT 9:21 A.M.

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