

STATEMENT UNDER OATH

OF

LEONARD REID

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, September 27, 2007, beginning at 7:58 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 (continued)

THOMAS C. MEANS, ESQUIRE  
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ALSO PRESENT:

Kelly C. Kirkwood, Notary Public

I N D E X

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## P R O C E E D I N G S

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MR. MORLEY:

My name is Thomas Morley. I'm an accident investigator with the Mine Safety & Health Administration, or MSHA, an agency of the U.S. Department of Labor. With me is Derek Baxter from the Solicitor's Office and Sherrie Hayashi with the Utah Commission of Labor. We will be conducting the questioning today.

I, together with other government investigators 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

1           conducted by MSHA under  
2           Section 103(a) of the Federal  
3           Mine Safety & Health Act, and  
4           the Utah Commission of Labor.  
5           We appreciate your assistance  
6           in this matter.

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

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

1 Your statement is completely  
2 voluntary. You may refuse to  
3 answer any question and may  
4 terminate your interview at  
5 any time or request a break at  
6 any time. Since this is not  
7 an adversarial proceeding,  
8 formal Cross Examination will  
9 not be permitted. However,  
10 your personal representative  
11 may ask clarifying questions  
12 as appropriate.

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

23 I would like to thank  
24 you in advance for your  
25 appearance here. We

1 appreciate your assistance in  
2 this investigation. Your  
3 cooperation is critical in  
4 making the nation's mines  
5 safer.

6 After we have finished  
7 asking questions, you will  
8 have an opportunity to make a  
9 statement and provide us with  
10 any other information you  
11 believe is important. If at  
12 any time after the interview  
13 you recall any additional  
14 information that you believe  
15 might be useful, please  
16 contact Richard Gates at the  
17 telephone number or  
18 e-mail address on that card.

19 Ms. Kirkwood, would you  
20 swear in the witness?

21 -----

22 LEONARD REID, HAVING FIRST BEEN DULY  
23 SWORN, TESTIFIED AS FOLLOWS:

24 -----

25 MR. MORLEY:

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

4                   MS. KIRKWOOD:

5                   I am.

6                   MR. MORLEY:

7                   When does your  
8                   commission expire?

9                   MS. KIRKWOOD:

10                  August 15th, 2008.

11                  MR. MORLEY:

12                  Have you sworn in Mr.  
13                  Reid?

14                  MS. KIRKWOOD:

15                  I have.

16                  BY MR. MORLEY:

17                  Q.            Could you please state your  
18                  full name and address for the record?

19                  A.            Leonard Edgar Reid, **(b) (7)(C)**  
20                  **(b) (7)(C)**

21                  Q.            Do you have any questions  
22                  about the interview process as I've  
23                  described it?

24                  A.            No.

25                  Q.            Do you have a personal

1 representative with you today?

2 A. I do.

3 MR. MORLEY:

4 Would your personal  
5 representative identify  
6 himself by name and address  
7 for the record?

8 ATTORNEY MEANS:

9 I'm Thomas C. Means,  
10 Crowell & Morning, L.L.P.,  
11 Washington, D.C. And I'd just  
12 like to clarify that Mr. Reid  
13 and I have discussed I am the  
14 mine operator --- the  
15 company's attorney, not his  
16 personal attorney. However,  
17 he had the right to have  
18 anybody he wants here with  
19 him. And I'm here at his  
20 request this morning.

21 BY MR. MORLEY:

22 Q. Mr. Reid, are you aware that  
23 your representative may have a  
24 conflict of interest in representing  
25 you while being provided by someone

1 else, such as the company?

2 A. Yes.

3 MR. MORLEY:

4 Mr. Means, would you  
5 state for the record whether  
6 you also represent the mine  
7 operator in these matters?

8 ATTORNEY MEANS:

9 Yes. I represent the  
10 mine operator.

11 BY MR. MORLEY:

12 Q. With this understanding, do  
13 you still want this person as your  
14 representative?

15 A. Yes.

16 Q. Okay. Do you go by Leonard  
17 or ---?

18 A. Yes.

19 Q. I'm Tom. Are you appearing  
20 here today voluntarily?

21 A. Yes.

22 Q. How many mining --- years of  
23 mining experience do you have?

24 A. Thirty-four (34).

25 Q. Can you give me a brief

1 description of your mine employment  
2 history, like where you've worked,  
3 what mines?

4 A. I've worked at Deer Creek  
5 Mine. I've worked at Trail Mountain  
6 Mine ---.

7 Q. For how long?

8 A. I started in '73. Let's see.  
9 Deer Creek I worked probably four  
10 years there, and then I transferred  
11 to Cottonwood or Willberg Mine. I  
12 worked there for --- I don't know. I  
13 can't add them up, but I was there  
14 through the Willberg disaster. I  
15 went to Trail Mountain then. And I  
16 went to Des-Bee-Dove for probably a  
17 year and then went back to  
18 Cottonwood. And then I went back to  
19 Deer Creek. And then I went to  
20 Genwal. And right now I'm at Tower.

21 Q. That's quite a long career.  
22 How much of that time was spent at  
23 Crandall Canyon Mine?

24 A. Three years.

25 Q. And what is your present

1 position?

2 A. As a fireboss/laborer.

3 Q. Is that the same job position  
4 you held on August 6th?

5 A. Yes.

6 Q. And what other positions have  
7 you held at the mine?

8 A. That's the one only at  
9 Crandall.

10 Q. And you did that the entire  
11 approximately three years you were  
12 there?

13 A. Yes.

14 Q. Okay. Do you have any mining  
15 certifications?

16 A. Mine foreman, fireboss. I  
17 have Wyoming mine examiner  
18 certificate.

19 Q. Who was your immediate  
20 supervisor on August 6th?

21 A. Duane Gilbert.

22 Q. And what was your work  
23 schedule for that week, the week of  
24 the accident?

25 A. I was on graveyard, 6:00 to

1 6:00.

2 Q. Okay. And do you remember  
3 what days of the week you worked?

4 A. I was off at --- I went off on  
5 the 3rd, Friday the 3rd, and I wasn't  
6 to come back until Monday at six  
7 o'clock on the 6th.

8 ATTORNEY MEANS:

9 That'd be p.m.?

10 A. Yes.

11 BY MR. MORLEY:

12 Q. Okay. So the last shift you  
13 worked was August 3rd?

14 A. Yes.

15 Q. Can you describe what you did  
16 that shift, if you remember? Pretty  
17 much, you know, run me through your  
18 day if you can remember.

19 A. I know we worked on some  
20 violations that were in the books,  
21 and then we pre-shifted at pre-shift  
22 time. And we pre-shift the intakes,  
23 and we split it to pre-shift the  
24 belts. And so in the main west  
25 section, we usually pre-shift the

1 intake to the feeder breaker, and  
2 then one guy walks the belt back out  
3 and we split the belts up, so ---.

4 ATTORNEY MEANS:

5 Clarify your answer if  
6 you would, Mr. Reid. You said  
7 you usually pre-shifted main  
8 west that way. Is that what  
9 you did that day?

10 A. Yeah. Yeah, I did.

11 BY MR. MORLEY:

12 Q. Did you pre-shift the intake  
13 or the belt?

14 A. We both rode together, so I  
15 can't remember if I was driving or he  
16 was driving. So I can't remember  
17 that, who did the intake, who signed  
18 the books. I can't remember if I  
19 walked the belt out, so I don't know.

20 Q. Anything else that shift?

21 A. Once we pre-shift that,  
22 usually --- on that shift you have to  
23 pre-shift it twice. And so it's done  
24 twice, so I can't remember if we  
25 alternated or not. So that's why I

1 don't know which one I did.

2 Q. Okay. Do you remember who was  
3 with you?

4 A. Kraig Kofford.

5 Q. Did you remember anything  
6 unusual you'd remember about the  
7 pre-shift or the examinations?

8 A. No.

9 Q. Okay. When did you find out  
10 about the mine accident? How'd you  
11 find out? Who notified you?

12 A. My daughter on the cell phone.  
13 I was camping up in the Jones Valley  
14 area and had some messages on my cell  
15 phone. And so I answered that, and  
16 they was wondering if I was ---  
17 because they couldn't get ahold of  
18 me. So that's how I found out is  
19 through my daughter.

20 Q. Did you report to the mine?

21 A. Yes, I did.

22 Q. Do you know when you got  
23 there?

24 A. I got there at --- I just  
25 called Bodee and asked him what was

1 going on and if he needed my help.  
2 And he said, yeah, he could. I said,  
3 well, I'll be in tonight at six  
4 o'clock on my regular shift, unless  
5 he needed me earlier. And he said,  
6 that'd be fine.

7 Q. What was your --- when you got  
8 there at six o'clock, what was your  
9 duties? What did you do?

10 A. I was informed that some  
11 ventilation stoppings had been  
12 knocked down, and we were supposed to  
13 go in and tighten up some curtains  
14 and make sure they were tight.

15 Q. Can you remember what you ---  
16 can you kind of just detail your  
17 shift there, what you did when you  
18 went in, where you went?

19 A. Well, we went to main west.  
20 We started at crosscut 96 and checked  
21 all --- the curtains had been put up  
22 to I think 110. It was 110 as far as  
23 we made it. Putting them down and  
24 weighting them down because of the  
25 air that short-circuited ---.

1 Q. Those were temporary controls  
2 at the time?

3 A. Yeah, they were temporary  
4 curtains put up. They had already  
5 been installed, but a lot of them had  
6 been blown down. And we had to  
7 re-weight them down and --- I'm  
8 trying to think of what else we did.

9 Q. Let me ask you this. What was  
10 the furthest you made it into the  
11 mine that evening, if you remember?

12 A. 110.

13 Q. 110?

14 A. Yeah.

15 Q. Okay. And as far as you  
16 remember then, you just did that for  
17 the whole shift?

18 A. No. I think we did more than  
19 that, but I can't remember.

20 Q. Were they ---?

21 A. It's juggled right now. It's  
22 been a while. I can't remember what  
23 I did that day.

24 Q. Was there any other rescue  
25 activity going on at that time?

1 A. There was.

2 Q. What was going on?

3 A. There was a rescue team that  
4 was in there. I think they were  
5 breaching a seal at that time. And  
6 so we were just told not to go past  
7 110 ---

8 Q. Okay.

9 A. --- until they got the word  
10 back. And that's all I can remember  
11 about what we were doing that day.  
12 It was kind of waiting a lot.

13 Q. After that day, what was your  
14 involvement in the rest of the rescue  
15 operation? Did you go back in the  
16 next day?

17 A. Yes, I did. One day we had to  
18 go back in and rebuild stoppings, put  
19 in the permanent Kennedy stoppings  
20 and take out the curtains and rebuild  
21 them. So we did that. I can't  
22 remember if it took one day or two  
23 days to get them all done up to where  
24 they were proceeding to. And I can't  
25 remember how far they went in.

1 Q. Were you there when they ---  
2 do you know what entry they were  
3 working in when you were in there?

4 A. They were working in the  
5 beltline and number two entry and  
6 number three entry. They were  
7 mucking out some coal at that time at  
8 125.

9 Q. Okay. Do you think that would  
10 probably be the second shift you  
11 worked?

12 A. I think so.

13 Q. That would be the ---?

14 A. The 8th.

15 Q. The 8th. Did they muck the  
16 whole shift or --- do you know?

17 A. No, they didn't muck the whole  
18 shift. They shut down and then we  
19 had to do some more stopping work,  
20 stoppings on the return side going  
21 from 110 up towards 125.

22 Q. Do you remember why they  
23 stopped mucking?

24 A. Just the ventilation wasn't  
25 adequate that I know. I don't

1 remember, but that's just what I  
2 heard.

3 Q. Okay. So then you went to  
4 repair stoppings again?

5 A. Yeah.

6 Q. Okay. What about the rest of  
7 the week?

8 A. They started the belts up and  
9 they wanted to ship some coal. So  
10 they put me on number seven belt,  
11 which is the section feeder breaker  
12 where they had put at 125 --- or not  
13 125, but 119.

14 Q. Okay.

15 A. The feeder breaker was there,  
16 and I patrolled that belt and was  
17 cleaning up. The stoppings had been  
18 knocked over. They couldn't reuse  
19 them. They had to use other material  
20 to rebuild the one. So I was  
21 cleaning up the walkways and I kind  
22 of patrolled that belt.

23 Q. When you say the stoppings had  
24 been knocked over, do you mean the  
25 stoppings from the August 6th

1 accident?

2 A. Yes. They were in the  
3 walkways.

4 Q. Okay. During this time you  
5 were working down there, did you feel  
6 or hear or see any other bounces?

7 A. Oh, yes. Yeah, it was going  
8 on constantly. I was surprised. It  
9 was like they were mining.

10 Q. For the record --- everybody  
11 seems to have a little bit different  
12 definition of a bounce. Could you  
13 tell me what your definition of a  
14 bounce is?

15 A. I went through a blow out, so  
16 it's kind of hard. My definition is  
17 a bounce is like a heave from the  
18 floor heaving and the ribs blowing in  
19 from the sides.

20 Q. So when you say they had  
21 bounces, there was coal being  
22 displaced each time or ---?

23 A. No. They weren't bounces that  
24 hard. As you're mining, as you're  
25 extracting the coal, it's just the

1 boom, boom things. It's not nothing  
2 that's knocking the ribs or anything.  
3 It's just an extraction of the coal  
4 when you're doing that.

5 Q. Okay. So it's more of a ---  
6 you can hear the sounds and you  
7 can ---

8 A. Yeah.

9 Q. --- feel vibration?

10 A. Yeah.

11 Q. Okay.

12 A. But it's not enough to knock  
13 the ribs.

14 Q. Not necessarily enough to  
15 knock the ribs?

16 A. Yeah. Or heave the floor in.  
17 It's just typical mining. It just  
18 seemed like they were mining and  
19 extracting coal, and that's what it  
20 sounded like all the time.

21 Q. During the time when they were  
22 working over there, did you see any  
23 that did heave floor and move coal?

24 A. Before the accident, there was  
25 some floor heaving that was noted, I

1 think, at 130 to 131.

2 Q. Okay.

3 A. In the beltline. There wasn't  
4 any in the intake, just in the  
5 beltline, because we had wrote it in  
6 the books that floor heaved and was  
7 touching the bottom rollers. So we  
8 had to clear it from the bottom  
9 rollers.

10 Q. Okay. I guess we'll just go  
11 there since you brought it up. About  
12 how wide and how --- what were the  
13 dimensions of this floor heave? Do  
14 you remember?

15 A. It was rib to rib. I'd say 19  
16 foot wide for 80 feet.

17 Q. And how high had the bottom  
18 heaved in?

19 A. Two, two and a half feet.

20 Q. Okay. And in that area, were  
21 the rib conditions any different than  
22 the rest of the section?

23 A. No.

24 Q. So the only thing you saw  
25 really is the floor heave?

1       A.       The ribs were pretty  
2 pulverized, but had been that way for  
3 quite some time. I believe it was  
4 when we started mining --- or pulling  
5 the pillars back.

6       Q.       Okay. I'd like to go back to  
7 the rescue operation and finish your  
8 involvement in that. After the first  
9 couple of days you were working on  
10 stoppings, what did you do the rest  
11 of the time? Was it patrolling the  
12 belt the entire time?

13      A.       It was. I patrolled the belt.  
14 Occasionally, I'd walk up to the face  
15 where they were setting the rock  
16 props and they were cleaning out the  
17 coal and just to see the conditions  
18 while they were --- and what they  
19 were doing.

20      Q.       When they were --- did you  
21 spend much time observing them up at  
22 the face, what they were doing?

23      A.       No. I was probably there  
24 probably ten minutes two times that I  
25 went up there when it bounced and

1 broke the torque shafts on the miner.  
2 That was after, you know, the rescue  
3 operations.

4 Q. Were you there when that  
5 happened?

6 A. Yeah. Well, I was up there  
7 when they were repairing the torque  
8 shafts. It had already bounced and  
9 broke the torque shafts, and I did  
10 walk up to the face and looked  
11 around, looked at the conditions  
12 then.

13 Q. How big was that bounce or  
14 what were the conditions like?

15 A. I wasn't there at the initial  
16 bounce that broke the torque shafts.  
17 When I went in there, they were  
18 repairing the torque shafts, so ---.

19 Q. And was the miner covered in  
20 coal? Was it ---?

21 A. No. They had backed it back  
22 out.

23 Q. What did the face look like?  
24 Was it just a --- was it a small  
25 bounce or ---?

1       A.       No.    It was filled in, and the  
2       pillar bearing --- or the pillar side  
3       --- the barrier side which, when  
4       you're going in, would be your  
5       left-hand side, from the top and the  
6       ribs was all brown and reddish.  And  
7       I talked to some little Mexican that  
8       was running the miner.  I don't know  
9       his name.  A Mexican from West Ridge.  
10      And I asked him if he was sumping in  
11      on the bottom with the miner at the  
12      time it broke the torque shafts.  And  
13      he said he had it up off the floor  
14      about a foot when it broke --- when  
15      it bounced and broke the torque  
16      shafts.

17      Q.       Do you recall how far back  
18      from where he was mining this that  
19      the coal moved?

20      A.       From the rock props to where  
21      he was mining was probably about 25  
22      feet, I would estimate.

23      Q.       Okay.

24      A.       Twenty-five (25) feet.

25      Q.       From the head of the miner

1 back, how much --- how big was the  
2 bounce? I mean, how many feet of rib  
3 was displaced?

4 A. Twenty-five (25) feet.

5 Q. Okay. All the way back to  
6 the ---?

7 A. The boom of the miner. And  
8 that's as far as what I seen. The  
9 rest of it was filled in, so ---.

10 Q. Okay. In front of that was  
11 all filled in?

12 A. Yeah.

13 Q. Okay. Were there any other  
14 bounces while you were in there that  
15 you recall?

16 A. No. It was quiet. In fact,  
17 it quieted right down. I went back  
18 on the belt.

19 Q. What type of supports were  
20 they putting in when you were in  
21 there?

22 A. They were putting in rock  
23 props.

24 Q. The whole time?

25 A. They started with square ---

1 back at 115 I think it was with wood  
2 eight by eights. But then they went  
3 back and they started putting rock  
4 props ---

5 Q. Okay.

6 A. --- in between. And then they  
7 --- the cables --- they put in one  
8 cable at the time. And then they  
9 went --- after it broke the torque  
10 shafts, I remember them going back  
11 and putting one on the top cable and  
12 one on the bottom, plus the middle on  
13 both sides with the screen ---.

14 Q. Do you remember what day it  
15 was when it broke the torque shafts?

16 A. I don't.

17 Q. Okay.

18 A. I knew you was going to ask me  
19 that, but I don't know.

20 Q. Did you work the whole time up  
21 until the second accident on the  
22 16th?

23 A. No. The 16th, they gave us an  
24 option of working. We were going to  
25 work six on and two off. And they

1 gave us our option to work --- take  
2 the first two off or take the last  
3 two off. And I took the first two  
4 off, so I wasn't there.

5 Q. Okay. Let's see. Did you  
6 observe them setting the jacks ---

7 A. Yes.

8 Q. --- on the miner?

9 Approximately how many people were  
10 involved in that process?

11 A. When I seen them as they were  
12 setting up, six.

13 Q. Like three on a side or ---?

14 A. Yeah.

15 Q. Okay. And at the time you  
16 observed them, they had one cable or  
17 did they have the three?

18 A. The first time I noticed, they  
19 only had one. The second time they  
20 were --- when the torques --- they  
21 were doing the torques --- broke the  
22 torque shaft, then they put --- they  
23 were putting in three then.

24 Q. Did they anchor the cable to  
25 the last jack installed or did they

1 just run it up there? Do you know  
2 what they did with the cable?

3 A. I don't know.

4 Q. Okay. Do you have any notes  
5 or records of any of your activities  
6 during recovery?

7 A. I don't.

8 Q. Okay. I'm just getting into  
9 some more questions about the general  
10 mine conditions. How would you  
11 describe the roof, rib and the floor  
12 conditions at the Crandall Canyon  
13 Mine?

14 A. The roof was good. The ribs  
15 were bad. The floor, other than the  
16 place where it heaved, was fine,  
17 good.

18 Q. When you say that the ribs  
19 were bad, can you try to elaborate on  
20 that?

21 A. Just pulverized and --- you  
22 know, within five feet from the last  
23 bolt to the --- where it sloughed  
24 off.

25 Q. It would slough off during the

1 mining process or ---?

2 A. Yeah.

3 Q. When you said five feet from  
4 the last bolt ---.

5 A. Well, from five foot from the  
6 last bolt, they put six across on the  
7 ribs. From that last bolt to the  
8 rib, it was within five foot. If it  
9 was more than that, we would have had  
10 to set timbers for extra support. So  
11 we was kind of watching that really  
12 close, because it'd keep bouncing and  
13 it'd keep rolling out more and more  
14 and more, so ---.

15 Q. You seemed to have worked a  
16 lot of different mines. How would  
17 you compare the ribs in this mine to  
18 other mines you worked at?

19 A. I'd compare it good other than  
20 that section.

21 Q. Okay. Have you experienced  
22 any other bounces in the mine  
23 besides ---?

24 A. I have at Deer Creek.

25 Q. In this mine, did you

1 experience any other bounces?

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

3 Q. Okay. And within the last few  
4 months, have you reported any  
5 concerns about roof or rib conditions  
6 to management?

7 A. We did to Duane Gilbert about  
8 the sloughage. It was getting out in  
9 the roadway and we was a little  
10 concerned about it from 129 in.

11 Q. And that would be in the ---?

12 A. The intake entry, the number  
13 one entry, main west.

14 Q. At the main west south  
15 barrier?

16 A. Yes.

17 Q. And approximately when was  
18 that? Do you remember?

19 A. Probably two weeks before  
20 August 6th. I don't know when we  
21 reported the floor heave. I can't  
22 remember the date on that. But it  
23 was a lot more than that, a month  
24 before that.

25 Q. A month before that floor

1 heave. Did you work in the north  
2 barrier west mains when you were in  
3 the north barrier block?

4 A. Yes.

5 Q. What were conditions like  
6 there?

7 A. The roof was a little worse.  
8 They had a little worse cap rock  
9 conditions. The ribs were not as  
10 pulverized. And I never seen any  
11 floor heaving anywhere as we walked  
12 down the intakes and belts on pre-  
13 shifts.

14 Q. So the roof had the cap rock  
15 problem and the ribs were a little  
16 bit better than the south barrier?

17 A. They was.

18 Q. You worked there the whole  
19 time? Did you travel in there the  
20 whole time they developed it?

21 A. I firebossed each day that I  
22 worked.

23 Q. Okay. They seem to have cut  
24 that section short. Do you know why?

25 A. That was because of a weight

1       problem. I knew that it was --- they  
2       were under some heavy ---.

3       Q.       This was on development?

4       A.       Yeah, on development --- well,  
5       no. They were extracting, pillaring  
6       it out.

7       Q.       Well, on the way in, it seemed  
8       to have stopped short of the full  
9       barrier.

10      A.       I think it was because of the  
11      water.

12      Q.       Okay.

13      A.       They were running into a lot  
14      of water problems right there, and  
15      they decided to go ahead and pull it  
16      from there back instead and get rid  
17      of the water problem.

18      Q.       Did you observe any roof or  
19      rib conditions that were problematic  
20      on development on the way in other  
21      than the cap rock?

22      A.       The cap rock. And we set a  
23      lot of timbers in there, so ---.

24      Q.       Okay.

25      A.       The ribs were a lot better,

1       though.  They weren't pulverized as  
2       they were on the south side.

3       Q.       The water that was at the end  
4       of the west mains, do you know, was  
5       it coming out of the roof, the ribs  
6       or ---?

7       A.       It was coming out of the roof  
8       and the floor.

9       Q.       The roof and the floor?

10      A.       Yes.

11      Q.       Okay.  When you started to  
12      pillar north mains, did conditions  
13      change or did they stay the same  
14      or ---?

15      A.       They stayed the same as far as  
16      I noticed.

17      Q.       Okay.  And you consider the  
18      conditions were pretty good on the  
19      way out?  Or what were they like?

20      A.       I never noticed any  
21      differences when they started as when  
22      the accident happened.  I never  
23      noticed any difference.

24      Q.       Okay.  The pillaring, they cut  
25      it short in the north mains.  Do you

1 know why that was?

2 A. It was because of the --- the  
3 weight problem they had right there,  
4 and it was kind of overriding them a  
5 little bit. I know that the pins  
6 were breaking, and so they pulled out  
7 early on, because they --- it was  
8 just too heavy.

9 ATTORNEY MEANS:

10 Could we ask for a  
11 clarification? In response to  
12 the previous question, I  
13 understood you to say that  
14 when talking about the north  
15 and the pillaring, conditions  
16 had changed. Did I understand  
17 you to say that conditions had  
18 stayed the same pretty much  
19 when they pillared the north  
20 as on the advance? And then  
21 you said something about they  
22 were the same as at the  
23 accident, the time of the  
24 accident. Could you explain  
25 what you mean there? Or did I

1                   misunderstand you? Did you  
2                   misspeak?

3           BY MR. MORLEY:

4           Q.           When I asked you if the pillar  
5           conditions had changed, I was  
6           relating to ---.

7           A.           The north side?

8           Q.           Yeah, on the development. How  
9           they were when you developed at and  
10          then as you were pillaring out, did  
11          the ribs deteriorate or did they  
12          pretty much stay the same?

13          A.           No. The ribs stayed more like  
14          the same.

15          Q.           Okay.

16          A.           The top was giving them a  
17          problem.

18   ATTORNEY MEANS:

19   So when you were  
20   referring to the accident in  
21   your answer then, were  
22   you ---?

23          A.           I was referring to this other  
24          side.

25   ATTORNEY MEANS:

1                                   The south side?

2           A.           The south side.

3           BY MR. MORLEY:

4           Q.           Okay. Do you have any  
5           knowledge of a bump that occurred in  
6           the north barrier?

7           A.           No.

8           Q.           In the pillar section?

9           A.           I didn't.

10          Q.           Okay. Let's talk about the  
11          south barrier block then. What was  
12          it like on the development? You said  
13          --- compare it to the north block.

14          A.           Softer cutting. The roof was  
15          better.

16          Q.           When you say softer  
17          cutting ---?

18          A.           The coal was softer cutting.  
19          You could go a little faster. It was  
20          not as hard. The water problem  
21          wasn't there ---

22          Q.           Okay.

23          A.           --- as it was on the north.

24          Q.           What kind of roof support did  
25          you use there?

1 A. On the north side?

2 Q. On the south side.

3 A. Or the south side?

4 Q. Yeah.

5 A. Just bolts and timbers as  
6 needed.

7 Q. Was that the six bolt pattern?

8 A. Yes.

9 Q. And what condition were the  
10 ribs in in the south?

11 A. Pulverized from 129 in.

12 Q. Okay. And you had stated  
13 earlier that there was a floor heave,  
14 I think, at 131?

15 A. Right.

16 Q. Did that happen on  
17 development?

18 A. As they were developing, that  
19 heaved during development. And they  
20 were in the 40s --- 140s.

21 Q. Okay. When you say the ribs  
22 were pulverized, can you give me a  
23 little bit better description?

24 A. More pulverized than the north  
25 side, which I would say in chunks of

1        baseball size, compared to the north  
2        side, which were in slabs.

3        Q.            Okay. And when they --- I  
4        assume they were falling off the rib  
5        and such. What was the shape of the  
6        pillars that were in the south  
7        barrier? Was the sloughage just  
8        sloped off, or was it hourglass type  
9        pillar shape or ---?

10       A.            In the south?

11       Q.            Yeah.

12       A.            They were hourglass shaped.

13       Q.            So the middle of the pillar  
14       was --- the middle of the rib ---?

15       A.            Yeah, like this (indicating).

16       Q.            So it was curved inward  
17       towards the middle and it came back  
18       out at the top?

19       A.            No, no, no. They were more --  
20       I would say they were all sloughed  
21       off like this (indicating). What's  
22       that?

23       Q.            So it was just sloughed off at  
24       an angle from the top down to the  
25       floor?

1 A. Yes.

2 Q. Okay. And besides that one  
3 floor heave, were there any other  
4 floor heaves you recall?

5 A. No.

6 Q. Did they ever have to cut  
7 bottom or cut out floor heaves or do  
8 anything like that?

9 A. No. Not that I know of.

10 Q. Did they have any bounces on  
11 development in the south barrier  
12 section, west main south barrier?

13 ATTORNEY MEANS:

14 Could you clarify, Tom,  
15 when you say bounces, big  
16 bounces or ---?

17 MR. MORLEY:

18 Any bounces.

19 A. Small ones.

20 BY MR. MORLEY:

21 Q. And by small bounces, you mean  
22 they did not displace coal, or did  
23 they?

24 A. They did.

25 Q. And it resulted just in

1 sloughage or was ---?

2 A. Sloughage. Nothing drastic.

3 Q. Okay. What about when they  
4 started to pillar mine in the south  
5 barrier? Conditions stay the same,  
6 get worse? Was there any difference?

7 A. I remember one day that they  
8 --- the top got a little heavy on  
9 them, but I don't know what crosscut  
10 it was.

11 Q. Okay.

12 A. And we had to go in and it  
13 took about six hours to pull the MRSS  
14 out. I didn't go in and do it. I  
15 just know that that's what they did.  
16 And I don't know what day it was.

17 Q. Okay.

18 A. They used the miner to pull it  
19 out.

20 Q. Was that just a one-time  
21 occurrence that you're aware of?

22 A. Yeah.

23 Q. And the ribs --- the  
24 conditions of the pillars, did they  
25 get any worse as they came out, or

1 did they pretty much stay the same?

2 A. Stayed the same.

3 Q. Okay. You worked the ---  
4 about three days before --- I think  
5 your last shift was about three days  
6 before the accident, if I remember.

7 A. Yeah, it was the 3rd, Friday.

8 Q. Had they started to move back  
9 from crosscut 142 at that time?

10 A. No.

11 Q. Okay.

12 A. I think they were getting  
13 ready to move belt and power back for  
14 that weekend.

15 Q. Okay. Do you want a take a  
16 few minutes break and see if anybody  
17 else has any questions they'd like to  
18 ask?

19 SHORT BREAK TAKEN

20 BY MR. MORLEY:

21 Q. Okay. Just a few clarifying  
22 questions. During the recovery  
23 cleanup process when they had that  
24 bounce that broke the torque shafts,  
25 do you know, were any rock props

1 displaced by that bounce?

2 A. Not that I know of.

3 Q. Okay. And do you know, did  
4 the plan change in any way after  
5 that? I think you mentioned  
6 something about cables. Was there  
7 any ---?

8 A. They were changing it a lot of  
9 times. MSHA came in and made them  
10 back up to like 115 and redo it.

11 Q. Was that as a result of ---?

12 A. They put in mats and the  
13 cables. That's the only thing that I  
14 know changed.

15 Q. Did that change because of  
16 that bounce, do you know, or ---?  
17 Was it about the same time?

18 A. I don't know. I wasn't there.

19 Q. Okay. I'd like to get you a  
20 map, and if you can, the last time  
21 you were in the section, can you mark  
22 where the feeder in the section was  
23 at, if you remember?

24 Q. It's a long one.

25 A. It's a long one.

1                   ATTORNEY BAXTER:

2                   We'd like this marked  
3                   as Reid Exhibit One, please.

4                   (Reid Exhibit One  
5                   marked for  
6                   identification.)

7                   ATTORNEY MEANS:

8                   Tom, could you state  
9                   for the record the source of  
10                  this map?

11                  MR. MORLEY:

12                  This is a map printed  
13                  from --- printed by MSHA from  
14                  an AutoCAD file provided by  
15                  the mine.

16                  ATTORNEY MEANS:

17                  Thank you.

18                  BY MR. MORLEY:

19                  Q.           This would be the north  
20                  barrier section, the old west mains  
21                  and the south barrier section.

22                  A.           I'm lost.

23                  ATTORNEY MEANS:

24                  Here's where you turn  
25                  down and here's the sealed

1                   off ---.

2           BY MR. MORLEY:

3           Q.           Here's the crosscut numbers  
4           down here ---.

5           A.           This is number one. This is  
6           where we come in.

7           Q.           Right.

8           A.           Right here. And then we came  
9           up --- you got this arrow going out,  
10          and that's what confused me. I  
11          thought maybe this was returned air  
12          here or something.

13          Q.           I believe this is an escape  
14          way.

15                                   ATTORNEY MEANS:

16                                   The long arrow is  
17          the ---.

18                                   MR. MORLEY:

19                                   The air arrow.

20                                   ATTORNEY MEANS:

21                                   What is the short  
22          arrow?

23                                   MR. MORLEY:

24                                   I believe that's escape  
25          way.

1 A. The last time, I remember the  
2 feeder being ---.

3 BY MR. MORLEY:

4 Q. Do you remember this place  
5 where they had to drop the entry  
6 because of ---?

7 A. Yes, because we had to set  
8 cribs here and cribs here.

9 ATTORNEY MEANS:

10 And you're indicating  
11 140 and 141?

12 BY MR. MORLEY:

13 Q. Can you mark that on there  
14 where the cribs are? That would be  
15 at the diagonal walls in crosscut 140  
16 and 141.

17 A. Just with an X?

18 Q. Yeah, that's fine.

19 A. These are cribs. This is  
20 cribs.

21 WITNESS MARKS MAP

22 BY MR. MORLEY:

23 Q. That'd be in the number entry?

24 A. That's cribs. Three rows.

25 This is cribbed.

1 Q. Okay.

2 A. And they had one crib right  
3 here.

4 MR. MORLEY:

5 The X's that he's  
6 marking represent cribs.

7 BY MR. MORLEY:

8 Q. Do you remember where the  
9 feeder was? Or where they were  
10 mining?

11 A. I'd say 140 or 141 is where  
12 the feeder was. I can't remember  
13 which place.

14 Q. The number two entry at 140 or  
15 141?

16 A. Yes.

17 Q. Okay.

18 A. That's the last I remember.  
19 Then they were going to move back for  
20 the weekend, move it back, and they  
21 went two crosscuts back.

22 Q. Okay. Could you take one of  
23 these colored markers and mark where  
24 you observed the floor heave in the  
25 beltline?

1                                   MR. MORLEY:

2                                   He's marking between  
3                                   130 and 131, the number two  
4                                   entry.

5                                   BY MR. MORLEY:

6                                   Q.           And could you --- when you  
7                                   said that you noticed that the ribs  
8                                   had been, I think you said  
9                                   pulverized, could you mark what point  
10                                   inby you thought that condition  
11                                   occurred?

12                                   A.           129 in.

13                                   Q.           You can just circle the whole  
14                                   area you think the condition existed  
15                                   if you want to.

16                                   A.           It'd go clear up.

17                                   Q.           That's fine.

18                                   A.           Okay.

19                                   ATTORNEY BAXTER:

20                                   For the record, he's  
21                                   using a pink marker for the  
22                                   ribs and the orange for the  
23                                   floor heave.

24                                   BY MR. MORLEY:

25                                   Q.           Okay. Thank you. You said

1 that the cutting was easier in the  
2 south when you were mining. Did you  
3 fill in on the section, or you just  
4 talk to the miner operator? How  
5 would you know?

6 A. I was a fill-in for Brandon  
7 Kimber when he missed. I was a  
8 step-up boss.

9 Q. Step-up boss?

10 A. Yes.

11 Q. How often did that occur?

12 A. I probably stepped up for him  
13 in this section twice.

14 Q. Okay.

15 A. Developing pillars.

16 Q. And that last shift you  
17 worked, were you actually --- did you  
18 go in the section? Did you make it  
19 to the feeder? How far did you go  
20 into the section on that last day?

21 A. To the feeder breaker.

22 Q. Okay. Is that typically as  
23 far as you got?

24 A. Yeah. We usually run the  
25 intake card up to the --- where the

1 feeder break is in the two entry.  
2 And we'd just leave that card there  
3 and then we'd get out, sign that  
4 card. And then one guy walks out the  
5 beltline. The other guys goes down  
6 and we usually split it up.

7 ATTORNEY MEANS:

8 Can I ask for  
9 clarification, Leonard? In  
10 looking at the pink circled  
11 area where the ribs were  
12 pulverized from 129 on in, you  
13 did not include --- it looks  
14 like you did not include the  
15 number four entry, the  
16 bleeder, the return; is that  
17 correct?

18 A. That's correct. I didn't go  
19 down the return entry. That was done  
20 on a weekly basis.

21 BY MR. MORLEY:

22 Q. So you left it off basically  
23 because you have no knowledge of  
24 that?

25 A. Because I didn't go back

1       there.    I didn't walk back there.

2       Q.        Okay.    So you don't know the  
3       conditions in the number four entry?

4       A.        I don't.

5       Q.        Okay.    You had mentioned that  
6       you talked to Duane Gilbert about the  
7       sloughage.   Was that this same area?

8       A.        Yes.    The sloughage from 129  
9       in on the intake.

10      Q.        Okay.    And when you discussed  
11      that with him, what did he tell you,  
12      if anything?

13      A.        He told us to measure the  
14      distance between the bolts and the  
15      rib, and if it was too far, we needed  
16      to get timbers set in there, which we  
17      did.

18      Q.        Is that the extent of the  
19      conversation?

20      A.        That was --- that and the  
21      floor heaving between 130 and 131.

22      Q.        Okay.    Any comments on the  
23      floor heaving?

24      A.        He didn't have any comment for  
25      that, other than if it touched the

1       rollers, then we needed to clear it  
2       away.

3       Q.       Okay. Did you have any other  
4       conversations with management about  
5       those situations?

6       A.       We had safety meetings prior  
7       to that --- August 6th. And Gary  
8       Peacock said that we were coming into  
9       some heavy cover and he wanted some  
10      extra timbers set where they were for  
11      the miner operator. And we brought  
12      up the rib sloughage, because it was  
13      kind of obstructing the travel way  
14      for --- to be --- material being  
15      hailed in and for Isuzus to get in  
16      and get out of road for anybody  
17      coming out. You had to get into a  
18      crosscut because you couldn't pass.

19     Q.       Okay.

20     A.       There wasn't enough room to  
21     pass in the entry.

22     Q.       You were down to a single  
23     roadway then?

24     A.       Yes.

25     Q.       And what was the resolution on

1 that?

2 A. They came in and they took the  
3 scoop back 400 feet from --- before  
4 they pulled the pillars and they  
5 scooped that number one intake entry  
6 for 400 feet back and pushed it to  
7 the face and cleaned it up with the  
8 miner.

9 Q. Approximately what time period  
10 was that in relation to the accident?

11 A. I would say three weeks before  
12 the accident.

13 Q. Okay. Can we go off the  
14 record for one moment?

15 SHORT BREAK TAKEN

16 BY MR. MORLEY:

17 Q. If you remember, could you  
18 mark the area that was scooped for  
19 the --- to cleanup the roadway in the  
20 number one entry?

21 A. It was up here where this has  
22 already been shown pillared out.

23 Q. That's okay.

24 MR. MORLEY:

25 He's using a green

1 marker.

2 BY MR. MORLEY:

3 Q. Okay. When you noticed the  
4 pulverized ribs on the sections, did  
5 you consider that a hazard? Was it  
6 ever recorded as a hazard? Do you  
7 know? Or was it ---?

8 A. No, it was not.

9 Q. Okay. Did you perceive it as  
10 a hazard or was it ---?

11 A. I did not.

12 Q. When you were step-up boss,  
13 was that during development or ---

14 A. Both.

15 Q. --- pillaring? I'd like to  
16 ask you, if I could, a few questions  
17 just to get an idea of the pillaring  
18 process. Would you take bottom coal  
19 when you pillared or would ---?

20 A. Yes.

21 Q. And that would be in the  
22 barrier or the pillars or both?

23 A. Both.

24 Q. What was your normal pillar  
25 --- what was your pillar cycle? I

1 mean, how did you do it? What cuts  
2 did you take?

3 A. We'd work from number one  
4 entry --- let's see. We worked from  
5 number four entry to three to two to  
6 one and then back.

7 Q. And then back from one to  
8 four?

9 A. Yes.

10 Q. So you'd take one row going  
11 one way and then take the next row  
12 going the other way?

13 A. No. Go clear back across to  
14 four and then ---.

15 Q. And start at four again and  
16 move towards one?

17 A. Yes.

18 Q. Okay. When you took your  
19 cuts, what side would you start on  
20 first? Obviously, in the number  
21 three entry, you only have one block,  
22 but ---.

23 A. Yeah. Where would we take the  
24 first cut? I don't understand.

25 Q. Where would you --- how would

1 your --- say you were starting ---  
2 say you were pillaring here. How  
3 would you take the cuts?

4 A. MRSSs would be right here.

5 Q. Okay.

6 A. And we would cut this through  
7 like this. And then we moved the  
8 MRSSs down here.

9 Q. Okay.

10 A. And we'd take this through and  
11 slice as much as we could here as we  
12 were moving out, just kind of whack  
13 it off like that. As we move up,  
14 this would be your final.

15 Q. So you would take that --- you  
16 would only mine on one side of this  
17 entry after taking that block?

18 A. Yes.

19 Q. Okay.

20 A. We wouldn't take any of this  
21 out.

22 Q. So from number two entry,  
23 you'd take out the block from two to  
24 three all from the number two entry?

25 A. Yes.

1 Q. Okay. And then when you moved  
2 down here ---.

3 A. Then we'd move ---.

4 Q. Then you had the barrier.

5 A. Okay. When they'd take the  
6 barrier, they'd --- I wasn't in on  
7 that.

8 Q. Okay.

9 A. I didn't get to that point.

10 Q. Okay. You weren't working  
11 that shift?

12 A. Well, either that or I was  
13 working up on these ends for that  
14 shift, so ---.

15 Q. Okay.

16 A. Or we broke down or ---  
17 because I never did take anything off  
18 the barrier. So I don't know if they  
19 took this first as they took that. I  
20 don't know.

21 Q. Okay. When you did take these  
22 other blocks, can you remember about  
23 where that was approximately?

24 A. I don't.

25 Q. And how was the cave-in? Did

1       it bounce a lot or did it --- it  
2       broke off pretty cleanly or ---?

3       A.       It broke off clean as --- when  
4       I was there.

5       Q.       Okay.

6       A.       We didn't have any problems.

7       Q.       Okay.   Some follow-up  
8       questions.   Have you ever detected  
9       low oxygen or methane in this mine?

10      A.       At the seals, yes.   Low oxygen  
11      at the seals.

12      Q.       Okay.   Did you ever ---?

13      A.       No methane.

14      Q.       Was that just right up against  
15      the seal or right ---?

16      A.       Yes, right up against the  
17      seal.

18      Q.       Did you ever open up the seals  
19      --- the sample tube going through a  
20      seal and see what was inside?

21      A.       Yes.

22      Q.       What ---?

23      A.       Sometimes it'd blow.  
24      Sometimes it's suck.

25      Q.       When it was coming out, do you

1 ever recall what your meter said?

2 A. It didn't drop that much.  
3 It'd drop down to 19.

4 Q. Okay. When was your last  
5 annual retraining?

6 A. As soon as Bob Murray took  
7 over.

8 Q. That would have been like  
9 August of last year?

10 A. Yeah. He done the retraining  
11 as soon as he took over the company,  
12 and I don't remember the date. I got  
13 the paper, but I don't ---.

14 Q. Did you receive SCSR training?

15 A. Yes.

16 Q. Roof control plan?

17 A. Yes.

18 Q. Ventilation plan?

19 A. Yes.

20 Q. Is there any other training  
21 that you think should have been  
22 provided?

23 A. I don't feel that the  
24 operators are --- or the employees  
25 are trained enough on the roof

1 conditions of how to detect weight or  
2 the pressure on a pillar, because I  
3 noticed when I went up there and it  
4 was brown and reddish and it had  
5 broke the torque shaft, I thought it  
6 had relieved that pressure at that  
7 time, but it was still building  
8 pressure. It was still working. So  
9 a lot of guys says, well, how do you  
10 know that was --- that was going to  
11 blow? I said, because of the reddish  
12 brown color that squeezes from the  
13 rib and puts the pressure on it and  
14 turns that brown and reddish color.  
15 They said they'd never even heard of  
16 that before.

17 Q. Did you observe any of that  
18 before ---

19 A. No.

20 Q. --- that bump?

21 A. I did not.

22 Q. It was just after that bump  
23 you noticed it?

24 A. After the 6th and that. When  
25 they broke the torque shafts, that's

1 when I noticed it.

2 Q. Do you think that the --- in  
3 your opinion, was it a lack of  
4 training that they weren't aware of  
5 that or were they just inexperienced  
6 in pillar mining or ---?

7 A. I would say that they're just  
8 inexperienced.

9 Q. And you feel that they could  
10 have used more training in that?

11 A. In that --- right. In that  
12 --- yeah. I've been a longwall  
13 foreman for seven years, and you can  
14 tell when it's going to blow out by  
15 the color of the coal. When it puts  
16 that pressure on that face, when it  
17 blows out, we could detect it's  
18 either going be that pass or when it  
19 came back out. So we'd always send  
20 our operators down to turn the drum  
21 over and bring it back out. And 99  
22 out of 100 percent, it blew out.

23 Q. Did you ever observe that  
24 condition in this mine other than in  
25 that number one entry during your

1 recovery?

2 A. That's the only time I've  
3 noticed that in this mine ---

4 Q. Okay.

5 A. --- is when it broke the  
6 torque shafts on the miner, that day  
7 I walked up and talked to that little  
8 Mexican guy.

9 Q. Okay.

10 A. That's the only time I noticed  
11 it.

12 Q. Going back to some of that  
13 sloughage, you said that it --- you  
14 didn't consider the sloughage a  
15 hazard or the pulverized pillar ribs  
16 a hazard. Was that ever discussed  
17 amongst people at the --- whether it  
18 was a hazard or whether ---?

19 A. It was not.

20 Q. Okay.

21 A. It was not with me, and I  
22 don't know if it was with anybody  
23 else.

24 Q. Okay. Have you given a  
25 written statement or interview to any

1 management official outside of the  
2 organization before this interview  
3 regarding the accident?

4 A. No.

5 Q. And has anyone offered you  
6 anything or made any promise to you  
7 in exchange for you to appear or not  
8 to appear here today?

9 A. No.

10 Q. Do you have anything else that  
11 you would like to add that may be  
12 relevant?

13 A. I don't.

14 Q. Okay.

15 MR. MORLEY:

16 On behalf of MSHA, I  
17 want to thank you for  
18 appearing and answering  
19 questions today. Your  
20 cooperation is very important  
21 to the investigation as we  
22 work to determine the cause of  
23 the accident.

24 We ask that you not  
25 discuss your testimony with

1           any person who may already  
2           have been interviewed or who  
3           may be interviewed in the  
4           future. This will ensure that  
5           we have everybody's  
6           independent recollection of  
7           the events surrounding the  
8           accident.

9                         After questioning other  
10           witnesses, we may call you if  
11           we have any follow-up  
12           questions that we feel we need  
13           to ask you. If at any time  
14           you have any additional  
15           information regarding the  
16           accident that you would like  
17           to provide, please contact  
18           Richard Gates at --- it's on  
19           that card I gave you.

20                        The Mine Act provides  
21           certain protections to miners  
22           who provide information to  
23           MSHA, and as a result, are  
24           treated adversely. If at any  
25           time you feel that you have

1           been treated unfairly because  
2           of your cooperation with this  
3           investigation, you should  
4           notify MSHA immediately.

5                         If you wish, you may  
6           now go back over any answer  
7           you have given during this  
8           interview and you may also  
9           make any statement you'd like  
10          to make at this time. Is  
11          there anything you want to  
12          add?

13   A.       No, I don't.

14                                 MR. MORLEY:

15                         Again, I want to thank  
16          you for your cooperation in  
17          this matter.

18   A.       You're welcome.

19                                 \* \* \* \* \*

20                                 STATEMENT CONCLUDED AT 9:11 A.M.

21                                 \* \* \* \* \*

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