

STATEMENT UNDER OATH  
OF  
RANDY GUNDERSON

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 Tuesday, October 9, 2007, at 8:02 a.m.

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ALSO PRESENT:

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P R O C E E D I N G S

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MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the United States Department of Labor. With me is Tim Williams from the Solicitor's Office and Sherrie Hayashi from 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 of 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 investigation.

7                         After the investigation  
8           is complete, MSHA will issue a  
9           public record 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 you  
4 may terminate your interview  
5 at any time or request a break  
6 at any time.

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

17 Thank you in advance  
18 for your appearance here. We  
19 appreciate your assistance in  
20 this investigation. Your  
21 cooperation is critical in  
22 making the nation's mines  
23 safer.

24 After we have finished  
25 asking questions, you will

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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 additional information that you believe might be useful, please contact Richard Gates at the telephone number or e-mail address that we will provide you.

Ms. Kirkwood, would you swear in the witness?

MS. KIRKWOOD:

Please raise your right hand.

-----  
RANDY GUNDERSON, HAVING FIRST BEEN  
DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

MR. O'DONNELL:

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

1                   MS. KIRKWOOD:

2                   I am.

3                   MR. O'DONNELL:

4                   And when does your  
5                   commission expire?

6                   MS. KIRKWOOD:

7                   August 15th, 2008.

8                   MR. O'DONNELL:

9                   Have you sworn in Mr.  
10                  Gunderson?

11                  MS. KIRKWOOD:

12                  I have.

13                  BY MR. O'DONNELL:

14                  Q.           Please state your full name  
15                  and address for the record.

16                  A.           Randy Owen Gunderson, (b) (7)(C)  
17                  (b) (7)(C)

18                  Q.           Mr. Gunderson, do you have any  
19                  questions about the interview process  
20                  as I've described it?

21                  A.           No, sir.

22                  Q.           And do you have a personal  
23                  representative with you today?

24                  A.           No, sir.

25                  Q.           Are you here today

1 voluntarily?

2 A. Yes, sir.

3 Q. And how long have you worked  
4 with MSHA?

5 A. Seven-and-a-half years.

6 Q. And what's your current duty  
7 station?

8 A. Price, Utah, 02 Group.

9 Q. And have you worked at that  
10 location your entire MSHA career?

11 A. Yes.

12 Q. What's your present position?

13 A. Coal mine inspector.

14 Q. And have you been a coal mine  
15 inspector the whole time you've been  
16 there?

17 A. Yes, sir.

18 Q. Okay. Who is your current  
19 supervisor?

20 A. Will Taylor.

21 Q. And tell us a little bit about  
22 your mining history, your experience,  
23 prior to MSHA.

24 A. I started in 1972, I believe.  
25 And I worked at five coal mines, and

1 they all shut down, unfortunately.  
2 So I worked in --- eight years in  
3 safety for Cypress Minerals and later  
4 on R-A-G, RAG, at Willow Creek Mine.  
5 That's an abbreviated history there.

6 Q. How did you get notified of  
7 the August 6th accident?

8 A. As I was coming to work prior  
9 to six o'clock Monday, I believe it  
10 was Monday, I was notified by some of  
11 the other inspectors in the parking  
12 lot.

13 Q. Okay. So it wasn't any kind  
14 of official notification?

15 A. No. It was like I got to work  
16 and they were just saying, did you  
17 hear what happened.

18 Q. What was your role in the  
19 rescue operation, starting from the  
20 time you found out about it, all the  
21 way up to and through August 16th?

22 A. I was an MSHA mine rescue  
23 representative.

24 Q. Okay.

25 A. That's --- for the most part I

1 was that. Then, later on, I was just  
2 a coal mine inspector out of the 02  
3 Group, had to supervise.

4 Q. Just go through the whole  
5 story.

6 A. Well, I found out in the  
7 parking lot. So I went in my office  
8 and the phone rang, it was about six  
9 o'clock, and it was Al Davis. He was  
10 calling from Denver. And he asked if  
11 I would go up there and be a  
12 representative from the mine rescue  
13 --- for MSHA's mine rescue team. And  
14 so ---. Actually, I wrote some of  
15 this down because I have a good  
16 memory, except for remembering  
17 things ---.

18 And I arrived at the mine  
19 about approximately 7:45 that  
20 morning. And they had a little  
21 meeting. And Bill Taylor informed me  
22 to --- he asked if I'd go underground  
23 with the Utah Energy Mine Rescue  
24 Team, which would be accompanied by  
25 Gary Christensen, who was a captain

1 from the Energy West Mine Rescue  
2 Team.

3 And I was traveling with him.  
4 We wanted to see how many entries we  
5 could get into and how many were  
6 open. And I was to keep that  
7 communication open with what he  
8 found. That's what Bill Taylor  
9 wanted me to do. So I did that. And  
10 at approximately 122 crosscut the  
11 travel became limited. It was below  
12 three-feet clearance, so we were  
13 crawling on our backs or stomachs,  
14 whatever we preferred.

15 And inby 125 to 126 crosscut,  
16 the O2 level became too dangerous to  
17 travel any further, so we put up some  
18 ventilation curtain and ran some air  
19 by 125. Then it dropped --- well, it  
20 was down to about 16-and-a-half  
21 percent. So that raised it up to a  
22 little over 19 percent.

23 But we were stuck. We  
24 couldn't go any further. Clearance  
25 was blocked off --- or the entries

1 were blocked off. And that was in by  
2 123 crosscut. It was too dangerous,  
3 so we came out. Then meetings were  
4 held, and they decided a further plan  
5 of attack. And how much more do you  
6 want to know?

7 Q. All of it.

8 A. All of it?

9 Q. Tell your story all the way up  
10 through the 16th.

11 A. Okay.

12 Q. What you did each day, what  
13 was your job, what you saw.

14 A. Well, the remainder of that  
15 day, they made the decision to breach  
16 the Number One seal. And was it Main  
17 West or North Block? I don't know  
18 exactly what the name of the section  
19 is.

20 So I was in there until about  
21 three o'clock, when I was relieved by  
22 Gary Jensen, the other MSHA mine  
23 rescue representative. So I was told  
24 to go home, come back that evening  
25 --- or that morning, one o'clock in

1 the morning. So I went home and took  
2 my little nap and was called about  
3 quarter 'til 11:00 and was told by  
4 Larry Ramey not to come out that  
5 night, that they had too many mine  
6 rescue people and they wanted to  
7 utilize them first.

8 So I went back home, tried to  
9 sleep. The next morning I went ---  
10 let's see. I went to --- I went and  
11 did an EO-1 at the Aberdeen Mine that  
12 day because I didn't want to lay  
13 around, sit around all day. I did  
14 the EO-1.

15 And that evening, at 11  
16 o'clock, I went back up to the mine,  
17 at Crandall Mine, and I stayed  
18 outside that evening. And there was  
19 other mine rescue people from the  
20 office in Beckley, I guess that's  
21 where it's at, Ron Hixson and Mike  
22 Shumate. So one of those went in  
23 the mine. I stayed outside. We were  
24 going to rotate, take turns.

25 And then from then on --- up

1 to the 16th we were rotating. One  
2 would stay outside, the other two  
3 would go underground. And our duties  
4 were to take air readings and to  
5 measure how far rock props were put  
6 in, how far they had mined, how many  
7 roof bolts they had set, just to make  
8 sure that people were doing what the  
9 plan had called for, not getting out  
10 of the realm of what they were  
11 supposed to do.

12 And I did that until the 16th.  
13 And that night there was another  
14 outburst, which injured nine people,  
15 killing three. Was it ---? Okay.  
16 That night I didn't go in. After we  
17 got word that Gary had died, I went  
18 home and the next day did some work  
19 at the office. In fact, I should say  
20 what I did that day. It was the 16th  
21 when that happened?

22 Q. Yes.

23 A. I got my car inspected and  
24 went back up that night at 9:30 and  
25 stayed on the surface. Nobody was

1 allowed underground at that point.  
2 And all I did was man the MEO and the  
3 surface operation, make sure nobody  
4 went underground.

5 Q. Okay. So when you initially  
6 went in, was anyone else underground  
7 when you got to the mine at seven  
8 o'clock or 7:45, whatever time it  
9 was? Was anyone else --- were people  
10 underground?

11 A. I cannot remember if the mine  
12 rescue team had just --- oh, they  
13 were outside. I believe they were  
14 outside and they were reporting what  
15 they had found. So we made the  
16 decision to go back in to make sure  
17 --- evidently, to make sure that they  
18 knew what they were talking about.

19 Q. Who did you go in with, Randy?

20 A. There was Ernie Martinez, who  
21 was a member of the Utah Energy Mine  
22 Rescue, Gary Christensen, a member of  
23 the Energy West Mine Rescue, Barry  
24 Grosley, who's another coal mine  
25 inspector out of our office, and

1       myself.   And we met up with Jeff  
2       Palmer.   He, after the last crosscut  
3       or so, was crawling with me.   Those  
4       were the four.   We were going to  
5       check all four entries, see how far  
6       we could get in, make sure there  
7       wasn't another route, if we missed  
8       something.

9       Q.       I guess --- were the other  
10       people already taken out of the mine?

11       A.       They were out of the mine.

12       Q.       Oh, they were out?   So no one  
13       was underground.   You went back in to  
14       check the --- so how far did you  
15       drive in before you got out of the  
16       truck?

17       A.       There was no crosscut number,  
18       so it was kind of guesswork.   They'd  
19       say this and that.   But let's see  
20       here.   We drove in quite a ways, and  
21       we started --- 122 crosscut we  
22       started.   And that's when --- that  
23       actually was outby.   That's where we  
24       started crawling, was 122 crosscut.

25       Q.       So they had already

1 established some of the ventilation?

2 A. Yeah, they had ventilated.

3 Q. And at 122 is when you noticed  
4 that the --- what entry was that?

5 A. That we noticed that the  
6 oxygen was getting bad?

7 Q. No. You said you started at  
8 122. What entry did you start in,  
9 was it One?

10 A. It seems like we were crawling  
11 on the belt line, which would have  
12 been the Number Two entry, ---

13 Q. Uh-huh (yes).

14 A. --- then we went down to One.  
15 It could have been One. I don't  
16 know. It was kind of a fog anyway.

17 Q. How far do you think you got  
18 up on top of the stuff? Were you a  
19 hundred feet?

20 A. On top of the ---?

21 Q. The ---

22 A. Debris?

23 Q. --- debris, yeah, rubble.

24 A. How far did we get up on top  
25 of it?

1 Q. No. You got up on top. You  
2 say you started crawling.

3 A. How far did we crawl?

4 Q. Yes.

5 A. Two crosscuts, approximately.  
6 It seemed like a lot farther, but I  
7 think it might have been just two  
8 crosscuts. We went into 125, past  
9 125.

10 Q. Past 125?

11 A. Yeah, just --- you couldn't  
12 get in --- that's where the oxygen  
13 got bad, so we quit.

14 Q. Was anybody wearing an  
15 apparatus or carrying an apparatus?

16 A. No. We was bare-faced.

17 Q. Were you carrying apparatuses  
18 or anything?

19 A. No.

20 Q. And did you check all four  
21 entries?

22 A. We did. Now that I think  
23 about it, I think we started in  
24 Number Three entry ---

25 Q. Okay.

1       A.       --- and then we worked down,  
2       crawled through the belt, which was  
3       quite a task in itself. We tried to  
4       make ---.

5       Q.       Was it still making any noise  
6       when you were in there?

7       A.       Just a little bit. It wasn't  
8       much.

9       Q.       It settled down?

10      A.       Yeah. Cracking, but ---.

11      Q.       About how long were you  
12      underground?

13      A.       I don't know. It was probably  
14      an hour-and-a-half, I'm guessing.

15      Q.       And you came out and did ---  
16      were you debriefed by anyone?

17      A.       We told them what we found.

18      Q.       Who did you tell?

19      A.       I don't know.

20      Q.       Okay.

21      A.       I don't even know if I  
22      debriefed. I was kind of exhausted.  
23      As I've said before, fat boys sweat  
24      and I was sweating pretty bad.

25      Q.       During the rescue operation,

1 were you or any team members required  
2 to go under oxygen?

3 A. No.

4 Q. Nobody went under oxygen?

5 A. Not while I was in there, no,  
6 sir.

7 Q. Okay. But someone did when  
8 they went into the seal; is that  
9 right?

10 A. That's correct.

11 Q. Okay.

12 A. We took apparatuses when we  
13 went in to breach the seal.  
14 Everybody had an apparatus.

15 Q. Okay. Was that the first time  
16 that somebody brought apparatuses in?

17 A. When I was present, yes.

18 Q. And what day was that? Was  
19 that the second day?

20 A. No, that was Monday.

21 Q. Monday?

22 A. Uh-huh (yes). That was the  
23 6th.

24 Q. What was the plan for  
25 breaching the seal, do you know?

1 A. The plan was to explore in by  
2 that seal to see if they could get in  
3 there where the last-known occupants  
4 were, 140 --- where it was, 148.

5 Q. Do you know how they breached  
6 the seal? Were you there?

7 A. I was there when they probably  
8 had three-quarters of it breached.

9 Q. What kind of seal was it?

10 A. I believe it was a  
11 Mitchell-Barrett.

12 Q. Well, how did they do it, with  
13 sledgehammers?

14 A. Sledgehammers and axes, beat  
15 on it for a good probably three hours  
16 that I was there.

17 Q. When you were there, did you  
18 get a hole in it?

19 A. No. I don't believe they had  
20 a hole quite. They may have, but I  
21 don't know.

22 Q. Now, how was it set up to  
23 breach the seal? Did you have an  
24 airlock set up?

25 A. Yes.

1 Q. So what was the air? Was it  
2 framed and foam packed and all that?

3 A. No. It was --- they had it  
4 rolled up, so they thought when they  
5 breached it they would just drop the  
6 airlock down.

7 Q. So it wasn't airlocked while  
8 you were working on it; is that  
9 right?

10 A. No. They had to ventilate  
11 into it. They winged curtain so that  
12 there was ---.

13 Q. Winged curtain into it. So  
14 you say you had apparatuses there.  
15 Were they ---?

16 A. Ready to be put on.

17 Q. Ready to be put on. How many  
18 people?

19 A. It was two teams.

20 Q. Were both teams working  
21 together or was one team at a fresh  
22 air base?

23 A. There was another team outby.

24 Q. Outby where?

25 A. I don't know where the fresh

1 air base was.

2 Q. Okay. But you did have a  
3 backup team?

4 A. Yeah.

5 Q. And you had another backup  
6 team on the surface?

7 A. As far as I know.

8 Q. Okay. So what was the breach  
9 plan? I mean, did they tell you ---?  
10 I mean, so there was no actual  
11 airlock, it was rolled up while you  
12 were working on it?

13 A. Uh-huh (yes). We weren't  
14 going to get in it very easy. It  
15 took quite a while. So I think that  
16 would have just ---.

17 Q. But you weren't there when  
18 they breached it?

19 A. No.

20 Q. Do you know if they dropped  
21 it, airlocked, put the apparatuses on  
22 and then breached it?

23 A. I don't know.

24 Q. Was that what the plan was?  
25 Do you know what the plan was?

1 A. The plan was to breach it.  
2 Now, when they put the apparatuses  
3 on, they had people with instruments  
4 to check the air, so ---.

5 Q. But I mean, usually there's  
6 some type of plan that says you will  
7 airlock, put the apparatus on and  
8 then breach it.

9 A. I didn't see a written plan.

10 Q. Okay. There was no written  
11 plan for that?

12 A. No. There was four mine  
13 rescue teams there, two from Utah  
14 Energy and two from Energy West.

15 Q. So the work was done bare-  
16 faced, without the apparatuses on?

17 A. That's right.

18 Q. Okay. Did you ever see the  
19 plan for the limits of travel once  
20 they did breach?

21 A. No, sir.

22 Q. Was there?

23 A. Don't know.

24 Q. Do you know if they mapped  
25 when they went in?

1 A. I do not know that.

2 Q. Okay.

3 A. I was not at the mine site.

4 Q. So you don't know anything  
5 about the seals, what was behind the  
6 seals?

7 A. Only hearsay.

8 Q. Okay. Now, you said you had  
9 two MEU guys with you underground all  
10 the time and one MEU guy outside?

11 A. Actually, there was a CMI  
12 usually, coal mine inspector, and two  
13 mine rescue representatives, and one  
14 would stay outside. So there was  
15 three mine rescue representatives,  
16 and a coal mine inspector.

17 Q. Okay. So you had one fresh  
18 air --- one MEU guy outside?

19 A. Right.

20 Q. And who was that?

21 A. We rotated from ---.

22 Q. When you were at the seal, who  
23 was the guy outside?

24 A. Oh, I don't know who was  
25 outside then. On this first day, I

1 don't know about that.

2 Q. Who was your other MEU guy  
3 that you were with?

4 A. I was the only one.

5 Q. So ---.

6 A. This was, let's hurry in  
7 there. This is the first day.

8 Q. Who was your backup, your MEU  
9 backup with an apparatus at the fresh  
10 air base?

11 A. I don't know if we had one.  
12 That I don't know.

13 Q. Who was directing the  
14 operation? Who was --- how was it  
15 set up?

16 A. Bill Taylor was directing me  
17 at the beginning.

18 Q. Okay. So who was in charge of  
19 the MEU operation?

20 A. Okay. So Larry Ramey showed  
21 up, and he's the one that had Gary  
22 Jensen come replace me.

23 Q. Uh-huh (yes).

24 A. So I don't know exactly when  
25 they got there, but I was called

1 about three o'clock.

2 Q. Where did you guys bench your  
3 apparatuses at?

4 A. In the shop area.

5 Q. In the shop? So your own  
6 bench area for MEU guys?

7 A. Uh-huh (yes).

8 Q. And did you do your own  
9 apparatus?

10 A. I did not do mine. They had  
11 people there to do that for us.

12 Q. MSHA people?

13 A. Yes, MSHA people. I only took  
14 my apparatus in that one ---.

15 Q. And your apparatus is a BG4?

16 A. Yes. And it was benched by  
17 Energy West.

18 Q. They benched your apparatus?

19 A. They benched my apparatus  
20 because I was underground at the  
21 time. When I got out, they had my  
22 apparatus benched and then I took it  
23 in with me. I wasn't outside very  
24 long.

25 Q. So you didn't check your

1 apparatus, they had it done for you?

2 A. They had it done for me.

3 Q. Okay.

4 A. They was, let's get going, you  
5 know.

6 Q. I understand. So part of the  
7 seal was already --- it was already  
8 starting --- they worked on some of  
9 the seal?

10 A. They probably had a hole this  
11 big, but it wasn't all the way  
12 through. It wasn't breached.

13 Q. Okay. And then you worked a  
14 shift and still didn't have it  
15 through?

16 A. By the time I left, it wasn't  
17 through, on that same day. When I  
18 left, Gary Jensen replaced me, and  
19 then they breached it after I had  
20 left.

21 Q. Okay.

22 A. And the time I did it, I don't  
23 know.

24 Q. So before you went underground  
25 each day did you --- who gave you

1 your briefing?

2 A. We would stop at the blue  
3 goose and ask if there was any  
4 changes in the plan, what plans we  
5 had. They'd give us a copy of it.  
6 And then generally we would get our  
7 best information from our  
8 cross-shifter, who was still  
9 underground.

10 Q. But I mean --- and who gave  
11 you this ---?

12 A. Don Gibson or Bob Cornett.

13 Q. That's who briefed you?

14 A. Uh-huh (yes).

15 Q. And do you know if the group  
16 was given a briefing before they went  
17 underground, the whole shift?

18 A. I've been told they had, but  
19 I've never --- the way our schedules  
20 were, we did not get to the briefing  
21 or debriefing, any of it.

22 Q. You never sat through one of  
23 their briefings?

24 A. No, sir.

25 Q. Okay. And what about your

1 debriefing each time you'd come out  
2 of the mine?

3 A. If we thought there was  
4 something pertinent, we would tell  
5 usually Bill Taylor on the shift I  
6 was on.

7 Q. Okay.

8 A. He was there in the morning.

9 Q. What about the communications  
10 now? Was there --- you said there  
11 was a fresh air base?

12 A. Yes.

13 Q. And was there someone at the  
14 fresh air base all the time?

15 A. Is this during the rescue  
16 operations you're talking about ---

17 Q. Yes.

18 A. --- or after this first day?

19 Q. The entire time.

20 A. The entire time? What they  
21 called the fresh air base was the  
22 transformer at 119.

23 Q. That's the fresh air base?

24 A. That would be the fresh air.  
25 That's where the phones were.

1 Q. And there was someone manned  
2 all the time there?

3 A. All the time? I couldn't tell  
4 you if there was somebody there all  
5 the time.

6 Q. Well, let me ask you this.  
7 When you were at the seal, when you  
8 guys were working on it, did you have  
9 any communication with the fresh air  
10 base?

11 A. We had a phone right there  
12 when we were breaching the seal.

13 Q. So you had ---?

14 A. So we were --- in essence, our  
15 fresh air base.

16 Q. Okay. So after that happened,  
17 then you were out of the mine, you  
18 came in, you took the day off and you  
19 come back the next day or, no, you  
20 worked --- did EO-1 work, come back.  
21 What was it like in there when you  
22 went back in? What shift did you  
23 work?

24 A. Regular.

25 Q. So you were ---?

1 A. That would be from 11 o'clock  
2 until eight o'clock in the morning.  
3 That's how much time we was  
4 underground.

5 Q. And who were the other people  
6 that you were working with?

7 A. MSHA people?

8 Q. Yes.

9 A. Ron Paletta was one of the  
10 first. Then he was replaced by Barry  
11 Grosley. I can't remember what day  
12 that was. Those were the two CMIs.

13 Q. Okay. What about MEU guys?

14 A. Ron Hixson and Mike --- what  
15 was his last name?

16 Q. Shumate.

17 A. Shumate. Mike Shumate. We  
18 rotated two underground, one outside.

19 Q. And when you went into the  
20 section that first time, was the  
21 loading operation already under way?

22 A. Yes.

23 Q. And tell me about that. What  
24 entry were you in?

25 A. We were in Number One entry.

1       What can I say? They would load ---  
2       there was so many feet they could  
3       load, ---

4       A.       Uh-huh (yes).

5       Q.       --- then they'd pull out and  
6       set the rock props. They could never  
7       be past I think the boom of the miner  
8       past the rock props that were set.

9       Q.       And what was your  
10       responsibility in the operation, the  
11       MEU people?

12       A.       We were just there to make  
13       sure that there wasn't unnecessary  
14       people at the miner while they were  
15       mining, ---

16       Q.       Uh-huh (yes).

17       A.       --- that the work flowed  
18       smoothly, they adhered to the plan,  
19       communication. So ---.

20       Q.       Check for 02 and ---?

21       A.       Yeah, check for gases. And  
22       actually, we kind of determined,  
23       along with the foreman that was in  
24       there, what needed to be supported,  
25       say, hey, I think we need support

1 here, stuff like that.

2 Q. But there was a company  
3 representative there?

4 A. Yes, sir. Yes, there was.

5 Q. He was in charge of the  
6 operation?

7 A. At least one, two, three guys.  
8 There was a shift foreman and  
9 probably one or two foremen, then  
10 they had their lead foreman, step-up  
11 foremen that were in charge of  
12 certain --- different aspects.

13 Q. So there were other mine  
14 rescue people there, but they were  
15 company mine rescue people; is that  
16 right?

17 A. You know, I'm not sure if they  
18 were mine rescue or not. A lot of  
19 those --- they didn't have a lot of  
20 people at that mine that were on mine  
21 rescue. They had them from West  
22 Ridge. I was trying to think of the  
23 guys I could --- associated with, if  
24 they were on mine rescue or not.

25 Q. Well, how many apparatuses did

1       you have in there all the time?

2       A.       We did not have any  
3       apparatuses in there.

4       Q.       There were no BG4s at the  
5       fresh air base?

6       A.       I did not have mine in there,  
7       no.

8       Q.       Is there any reason why there  
9       weren't?

10      A.       Not that I know of. We were  
11      moving ventilation up as we went, as  
12      we advanced.

13      Q.       Did anyone recommend or  
14      suggest that the mine rescue teams  
15      have their apparatuses with them?

16      A.       No, not that I'm aware of, not  
17      even myself.

18      Q.       Any time after that first day,  
19      were your BG4s ever brought in with  
20      you, other than the breaching of the  
21      seal?

22      A.       Not that I can remember.

23      Q.       Okay. Were the apparatuses  
24      benched outside and ready to go?

25      A.       Yes.

1 Q. Did team members, MEU team  
2 members, check or were they doing the  
3 benching? Did you do it yourself?

4 A. They were done for me.

5 Q. By whom?

6 A. Otis was one of them.

7 Q. Okay.

8 A. And Virgil Brown. I know  
9 after the 16th they were benched  
10 again by Ron Hixson. He had  
11 initialed that he had done mine.

12 Q. Okay. Were they benched  
13 daily?

14 A. I do not know that.

15 Q. So you said that you could  
16 clean up so far each time. What was  
17 it? Tell me about the miner now.  
18 They would go in --- how many shuttle  
19 cars were they using?

20 A. They had a couple electric  
21 initially, and then they brought in  
22 some from back east, Balacia  
23 (phonetic). They were diesel cars.

24 Q. Okay.

25 A. Three of them, I believe. Had

1 three of them.

2 Q. Okay. How much material would  
3 they load up before you would stop  
4 and set your rock props?

5 A. I think 30 feet.

6 Q. Thirty-feet?

7 A. Yeah. I think 30 feet  
8 was the ---.

9 Q. And what was the number of  
10 people --- tell me, whenever you were  
11 loading the material, what was the  
12 number of people that was allowed  
13 inby the fresh air base when you were  
14 doing your loading?

15 A. The ones allowed at the miner  
16 were the miner operator and a helper,  
17 shuttle car operator. And  
18 occasionally the foreman would go up  
19 there just to see how things were  
20 going. They're experienced in ---.

21 Q. So there was a limit to the  
22 number of people that were  
23 allowed ---?

24 A. Yes.

25 Q. And that was one of your

1       responsibilities, to make sure that  
2       nobody else went up there?

3       A.       That's right.

4       Q.       So whenever it was time to set  
5       rock props, what number of people was  
6       allowed to go up there to set the  
7       rock props?

8       A.       I don't believe there was a  
9       limit.

10      Q.       About how many people did go  
11      up to set the rock props?

12      A.       It varied, but most generally  
13      there would be 10 people, at least,  
14      upwards of 15, 16.

15      Q.       About how many guys does it  
16      take to set one rock prop?

17      A.       Well, you had one guy digging  
18      a hole, two guys holding the rock  
19      prop and one guy holding the cap  
20      piece, so there's four guys on one.  
21      Plus you had a few others that were  
22      bringing material back and forth.

23      Q.       And the rock props are pretty  
24      heavy, aren't they? How many pounds  
25      are they?

1 A. Couldn't tell you. I know  
2 that there's a lot of those  
3 youngsters that packed one by  
4 themselves. But yeah, they're pretty  
5 heavy.

6 Q. So you'd have four guys on one  
7 side ---.

8 A. And usually four guys on the  
9 other.

10 Q. So that's eight.

11 A. And they'd alternate.  
12 Alternate putting pressure to the  
13 rock prop.

14 Q. About how long would it take  
15 to --- and you would set --- how many  
16 foot centers were they on?

17 A. I believe they were  
18 two-and-a-half-foot centers.

19 Q. So in 30 feet you'd have, what  
20 --- how many on each side, five, six?

21 A. You do the math. I don't  
22 know.

23 Q. That's more than six.

24 A. Quite a few. And then when  
25 you'd come to the crosscuts you'd

1       have to put more. So it took ---  
2       there was some time involved setting  
3       the --- what, ten on each side?

4       A.       Let's say ten.

5       Q.       Okay. About how long did it  
6       take for that operation to take place  
7       from the time you quit loading until  
8       the time you had your ten on each  
9       side set and whatever other work you  
10      needed to do?

11     A.       I would only fathom a guess.  
12     An hour. I don't know. They'd  
13     probably know that in that  
14     logbook ---

15     Q.       Yes.

16     A.       --- because it would say we'd  
17     start doing this and ---.

18     Q.       I'm just curious because it's  
19     --- you know, there's quite a bit of  
20     work involved. An hour is pretty  
21     good time to set that many rock  
22     props. You would think it might take  
23     even longer.

24     A.       It could. But ---.

25     Q.       So not only did they set rock

1 props, what else did they do after  
2 the rock prop was set?

3 A. They put mesh behind it,  
4 chain-link fence, and they put wire  
5 rope to connect each rock prop.

6 Q. And how well did you think  
7 that that worked, I mean, with the  
8 fencing and the wire rope? Was it  
9 holding back material from the rib?

10 A. Yes, it was working, ---

11 Q. Okay.

12 A. --- as far as that goes, in  
13 that respect.

14 Q. About how long did it take to  
15 load the material up, let's say the  
16 30 feet of material? Were you taking  
17 single passes or were you taking ---  
18 was it just one ---

19 A. No.

20 Q. --- shot up the middle or ---?

21 A. No. He was taking one on each  
22 side.

23 Q. One on each side. So he was  
24 taking a regular miner cut width?

25 A. As far as I know. I didn't go

1 up there.

2 Q. Yes.

3 A. But you couldn't just take one  
4 pass. You'd have to take two.

5 Q. Is it because the stuff kept  
6 rolling in?

7 A. Stuff kept rolling in. Plus  
8 you had --- those shuttle cars were  
9 awfully large. And I believe the  
10 entry was 16-feet wide, if I  
11 remember. Sixteen (16) feet wide  
12 where no material was, and that's  
13 where the rock props --- from rock  
14 prop to rock prop.

15 Q. And I take it you had to hand  
16 shovel out where the rock props were  
17 going to go?

18 A. Yes. Tried to get down to the  
19 solid. That's correct.

20 Q. How long did you say it took  
21 to load the material out, or did you?

22 A. I didn't. A couple hours.

23 Q. So you would say that it was  
24 pretty slow going?

25 A. Uh-huh (yes).

1 Q. What about the bounces as you  
2 were cleaning up? Did you notice  
3 that it increased in activity or ---  
4 you know, what was it like when you  
5 were loading the material?

6 A. I don't believe it increased  
7 that much. It was routine. Every so  
8 often you would have a little bounce,  
9 a little activity.

10 Q. So you would hear it?

11 A. You'd hear it.

12 Q. How many times during a shift?

13 A. Small ones, not enough to ---  
14 there was a couple big ones, but the  
15 small ones, one or two times a shift.  
16 It wasn't a lot.

17 Q. What about the big ones? What  
18 would happen?

19 A. The ribs would roll. There  
20 would be dust. A big one to me is a  
21 big one. A little one to --- a big  
22 one to somebody else who's not used  
23 to it might be a little one.

24 Q. What do you call a little  
25 bounce?

1 A. A little bounce goes (makes  
2 sound effect) like that. And a big  
3 one, ---

4 Q. What's a big one?

5 A. --- me jumping on this table.  
6 That would be --- just little thumps  
7 are little ones.

8 Q. The little thumps, do they  
9 cause the bottom to --- do you feel  
10 vibration in the bottom or is it just  
11 a sound thing?

12 A. The little ones are just a  
13 sound thing. You can't feel those.

14 Q. Well, what about the big ones?

15 A. The big ones, you can feel  
16 them. Ribs roll. I mean, the whole  
17 place ---.

18 Q. Was there an occasion whenever  
19 you would load material out during  
20 the rescue operation where the miner  
21 got buried and ventilation was  
22 disrupted, that you had to go back  
23 and rehang curtains, reventilate,  
24 back up and clean up again and ---?

25 A. Not during my shift.

1 Q. Were there occasions when that  
2 happened?

3 A. Yes. I had reports that that  
4 did happen.

5 Q. Did it happen often?

6 A. Well, let's see. The cutter  
7 edge shaft broke one day three or  
8 four times.

9 Q. Were you in there when the  
10 cutter head shaft broke?

11 A. You know, I can't remember if  
12 I was in there or not. I don't  
13 remember ---

14 Q. Okay.

15 A. --- if I was there --- if I  
16 was in there when they were repairing  
17 it, or when we come in, I don't  
18 remember.

19 Q. Okay. Is there some reason  
20 why the cutter head shaft wouldn't  
21 break? Did they hit some kind of  
22 solid material?

23 A. No. I believe it bounced when  
24 the cutter head was in the down  
25 position.

1 Q. So when the cutter head was on  
2 the bottom, it bounced, ---

3 A. Bounced.

4 Q. --- caused the head to stop  
5 turning ---?

6 A. Stop turning, therefore break  
7 the shaft.

8 Q. Okay.

9 A. Yes. That would be a good  
10 bounce.

11 Q. And that's what caused the  
12 cutter head to ---

13 A. I would think so.

14 Q. --- the shaft to break?

15 A. Yes.

16 Q. Okay.

17 A. There were other delays, too.  
18 You know, when you get caught up in  
19 high-voltage cable, which is still in  
20 this entry, ---

21 Q. Uh-huh (yes).

22 A. --- tangled around that cutter  
23 head, so you have to take time and  
24 clean that off.

25 Q. So that ---?

1 A. Added to the two or plus hours  
2 to load the place out.

3 MR. O'DONNELL:

4 Let's take a short  
5 break before we get into the  
6 inspection part.

7 SHORT BREAK TAKEN

8 BY MR. O'DONNELL:

9 Q. Randy, let's go back, and I  
10 have a couple questions about the ---  
11 when you breached the seal. We  
12 talked about a hole that you had in  
13 it. Could you describe how big the  
14 hole was?

15 A. The hole wasn't breached.  
16 They had this much of the blocks out.

17 Q. This much is?

18 A. And it's this thick, so they  
19 were probably in this far.

20 Q. This thick is how thick?

21 A. Sixteen (16) inches.

22 Q. Okay.

23 A. I would just say 16 inches.

24 Q. All right.

25 A. And they had not gone the 16

1 inches, but they had made a round  
2 hole --- they started a hole, but it  
3 wasn't breached when I ---.

4 Q. It did not go through to the  
5 seal area?

6 A. Did not go through, that's  
7 right.

8 Q. Okay.

9 A. When I meant hole, they had  
10 started breaking away part of the  
11 seals.

12 Q. So some of the block material,  
13 say what, two feet by three feet, ---

14 A. Sure.

15 Q. --- three feet by three,  
16 something like that?

17 A. Plus there were some they  
18 could crawl through.

19 Q. And maybe seven, eight inches  
20 of the material was removed from the  
21 cement?

22 A. Oh, at least.

23 Q. Okay. But no hole to ---

24 A. That's right.

25 Q. --- and through?

1 A. It was not breached.

2 Q. One other question. What type  
3 of tools did you use?

4 A. They used --- you mean brass?

5 Q. Yes.

6 A. They used brass tools. I  
7 believe they were using brass tools.  
8 It didn't --- if they weren't, it  
9 didn't occur to me at the time. But  
10 I think they were using brass. And  
11 there were axes and --- and I'm not  
12 sure if they were brass or not.

13 Q. You don't know for sure?

14 A. No, I don't know for sure.  
15 I'm thinking back.

16 Q. Did you use any equipment to  
17 try to breach it?

18 A. No.

19 Q. So it was all hand tools?

20 A. Hand tools.

21 Q. All right. Is there anything  
22 else you'd like to add about the ---  
23 before we go on, about the rescue  
24 operation and recovery operation you  
25 did?

1                                    ATTORNEY O'DONNELL:

2                                    Go off the record.

3                                    OFF RECORD DISCUSSION

4                                    BY MR. O'DONNELL:

5                                    Q.            Randy, we talked earlier about  
6                                    the number of people that were used  
7                                    to install the rock props. And we  
8                                    talked about four people on the left  
9                                    side and four people on the right to  
10                                   set this up. But earlier you  
11                                   mentioned 15 to 16. What were the  
12                                   other people doing?

13                                   A.            And I'm making reference to  
14                                   the 16th, the last time --- when the  
15                                   three people got killed. Okay.  
16                                   There was more people in there on  
17                                   that shift because, I guess the upper  
18                                   management from Bob Murray's mines  
19                                   come out, those that knew supposedly  
20                                   what they were doing. And they had a  
21                                   whole bunch of people. They had more  
22                                   people that night than they ever ---.

23                                   Q.            Randy, was that before the  
24                                   accident?

25                                   A.            I left at seven o'clock that

1 morning and this happened about 7:30  
2 that night. Okay. These people come  
3 out on this day shift to, I guess,  
4 speed up operations, the ones from  
5 back east, as we say. And there was  
6 more people that night than there had  
7 ever been at the face.

8 Q. But you didn't go in that  
9 night?

10 A. I was in that morning. I was  
11 leaving. I got replaced. The  
12 dayshift came in that morning. We  
13 hot seat changed, so I left. And  
14 these people are working 12-hour  
15 shifts, so that whole bunch were  
16 still there that night when this  
17 accident happened.

18 Q. Okay.

19 A. The whole bunch meaning the  
20 upper management that Bob Murray sent  
21 out.

22 Q. So in other words, there would  
23 be more people ---

24 A. Oh, there was a lot more  
25 people.

1 Q. --- inby --- in the area that  
2 was exposed, that was unsupported?

3 A. No. They were in there  
4 working, putting in rock props. They  
5 just had more people.

6 Q. And what were those people  
7 doing? Were they just gawking? Were  
8 they ---?

9 A. No. They were helping out.  
10 Some were supervising. They had  
11 somebody back that was going to try  
12 to help the shuttle car operators,  
13 make them faster. They just wanted  
14 to speed this operation up. That's  
15 what they were brought out for.

16 Q. You mentioned that there were  
17 higher management people?

18 A. Upper management. That's what  
19 Bob Murray described them as.

20 Q. But there was never a limit  
21 set on the number of people that were  
22 going to be in there doing this work?

23 A. No, there was not a limit.  
24 But I don't know if these fellers,  
25 upper management, knew what they were

1       doing either. Just before I left I  
2       mentioned to Brandon Kimber, who was  
3       one of the bosses, I says, you're  
4       going to have to get with these guys  
5       because they were standing against  
6       the rib. They had the rock prop  
7       between them and the rib, and they  
8       were working. They had no idea what  
9       they were in for.

10      Q.       So you made an attempt to try  
11      to control how this was being done,  
12      as far as safety goes, ---

13      A.       That's right.

14      Q.       --- and did they give you ---  
15      were they opposed to what you were  
16      recommending?

17      A.       Oh, Brandon said he'd take  
18      care of it. He says, I'll get with  
19      them. And then my relief came in.

20      Q.       Did you have trouble  
21      controlling people from the company?  
22      Were they difficult?

23      A.       Not really difficult. Some of  
24      them thought that they should be up  
25      there because they had more knowledge

1 of what may happen. It's one of  
2 those things where if they were up  
3 there, their people wouldn't be too  
4 nervous or scared. So they like to  
5 be up there every so often. Kind of  
6 keep a limit on the --- they couldn't  
7 be up there all the time, we told  
8 them, once in a while, but ---.

9 Q. Okay. You said that people  
10 were nervous. Were they scared? I  
11 mean, did people say that they were  
12 scared to --- with the work?

13 A. They didn't say they were  
14 scared, but there were some --- they  
15 showed some --- some of them showed  
16 reluctance.

17 Q. Do you think they were pushed  
18 into a situation they didn't want to  
19 be in, I mean, that they were told  
20 that they had to do this work, that  
21 it wasn't an option?

22 A. No, I don't believe they were  
23 told that. In fact, they were given  
24 the option if they didn't want to be  
25 there, they didn't have to be.

1 Q. Do you know if some people  
2 took themselves from the area that  
3 said, no, I don't want to do this?

4 A. I have heard that they did  
5 because they thought that it was a  
6 recovery operation and not a rescue,  
7 and they didn't want to risk their  
8 life for a recovery operation.

9 Q. Do you know how many people  
10 chose that option?

11 A. I was told one of the  
12 operators, miner operators, had  
13 expressed that, about the recovery  
14 and rescue.

15 Q. Okay. Do you know how many  
16 people ---?

17 A. I don't know how many did, but  
18 I know there were some reluctance on  
19 some of them's part.

20 ATTORNEY WILLIAMS:

21 Can I ask one question?

22 Randy, do you feel like the  
23 number of people that were up  
24 there, all these management  
25 people, or do you have any

1 information that that may have  
2 contributed in any way to the  
3 number of people that were  
4 injured or killed on the 16th?

5 A. The ones that were injured  
6 were not the upper management people,  
7 except the two bosses and the MSHA  
8 inspector. So I don't know what was  
9 going on when they got injured. But  
10 if it would have happened when I was  
11 in there, yeah, there would have been  
12 a heck of a lot more people got  
13 injured.

14 ATTORNEY WILLIAMS:

15 Because of where they  
16 were?

17 A. So maybe they took care of it  
18 after I left the section. Evidently  
19 they did. There was only nine people  
20 there. When I left, there was 15,  
21 not counting myself.

22 Does that answer your  
23 question? I don't think that  
24 contributed.

25 BY MR. O'DONNELL:

1 Q. Were you ever assigned to  
2 inspect Crandall Canyon Mine?

3 A. No, sir.

4 Q. And if so, when did you  
5 inspect it and how long did it take  
6 you to inspect the mine?

7 A. Let me refer ---. I started  
8 the 13th. It looks like that was my  
9 first day. I finished at the Bear  
10 Canyon Mine, which was just down the  
11 canyon a ways. I had to close out  
12 there. And since Crandall was so  
13 close, I just went up to start my  
14 inspection.

15 Q. The 13th of what month?

16 A. March, excuse me, 2007. How  
17 long did it take me? I think it took  
18 me two weeks. I closed out on the  
19 28th of March.

20 Q. Okay. And during your  
21 inspection there --- and I take it  
22 that you inspected the whole mine?

23 A. Yes.

24 Q. And ---.

25 A. Well, excuse me. This

1 inspection was started the 29th of  
2 December, 2006, by Price Office  
3 Number One. They got some kind of  
4 complaint, not an official complaint.  
5 It was somebody whispering in  
6 somebody's ear, you should check  
7 this, so they went up and checked it  
8 on the 29th of December and started  
9 an EO-1 inspection.

10 Q. They opened the event?

11 A. They opened the event.

12 Q. Do you know what the complaint  
13 was or ---?

14 A. No, I don't. Specifically, I  
15 do not know.

16 Q. Okay. Just tell me about some  
17 of your observations while you did  
18 your inspection at the mine as far as  
19 rock dusting goes, methane, oxygen.

20 A. I didn't have --- they didn't  
21 have no methane. And I'm not sure  
22 exactly what I wrote --- what  
23 citations I wrote, but the mine  
24 looked good. I didn't go in to ---  
25 they just pulled out of the North

1       Block. I think they called it the  
2       North Block. Did they? Is that what  
3       you ---?

4       Q.       The north barrier.

5       A.       North barrier?

6       Q.       Uh-huh (yes).

7       A.       So they had all their  
8       equipment outby 118 Crosscut.

9       Q.       Okay. Did they ---?

10      A.       They had started their seals.  
11      There was no reason for me to go in  
12      there, so I didn't go in.

13      Q.       Okay. Did you observe them  
14      putting the seals in?

15      A.       I did not observe them put the  
16      seals in.

17      Q.       Do you know what seals were  
18      installed?

19      A.       I do not.

20      Q.       Okay.

21      A.       I don't recall.

22      Q.       Why did they pull out of the  
23      north barrier?

24      A.       They said the country was  
25      getting rough.

1 Q. Any events that they told you  
2 about?

3 A. No.

4 Q. They never reported to you,  
5 never told you ---?

6 A. I asked them why they pulled  
7 out, and they said the country just  
8 got rough.

9 Q. They didn't say they had a big  
10 bounce?

11 A. No.

12 Q. Hear anything from the men  
13 while you were doing the inspection?  
14 Did any guys come to you and tell  
15 you, hey, this place really got hairy  
16 or ---?

17 A. No. I did not hear that from  
18 anybody that I recall.

19 Q. Okay.

20 A. No.

21 ATTORNEY WILLIAMS:

22 What did you take that  
23 to mean, the country got  
24 rough?

25 A. That it probably bounced a lot

1 and they were having --- they'd have  
2 trouble mining it safely, is what I  
3 took it as. Smart move is what I  
4 thought.

5 BY ATTORNEY O'DONNELL:

6 Q. While you were at the mine,  
7 did they make the move to the south  
8 barrier?

9 A. No, they did not.

10 Q. Where did they begin mining?

11 A. They were mining in the Third  
12 North section.

13 Q. Okay.

14 A. Just to bide time, I guess,  
15 until they had a plan for the other  
16 section, the Main West.

17 Q. Whenever you do your --- you  
18 complete your inspection and you ---  
19 I know you fill out a sheet that you  
20 evaluated the roof control plan and  
21 the vent plan.

22 A. Uh-huh (yes).

23 Q. When you made that evaluation,  
24 did you have any comments?

25 A. No.

1 Q. So it was based on your  
2 observations and inspection that the  
3 roof control plan and ventilation  
4 plan were adequate at that time?

5 A. Yes, sir.

6 Q. Okay. Did you inspect the  
7 mine at other times prior to this  
8 inspection?

9 A. Yes, three years ago or so. I  
10 don't remember what year it was.

11 Q. Was that just one other time  
12 then?

13 A. One other time.

14 Q. And do you remember what area  
15 they were mining in?

16 A. It was the last longwall  
17 block. Actually, I do remember when  
18 it was. It was --- let's see. I  
19 believe it was 2003, in May.

20 Q. May 2003. And that would be  
21 in the Number 12 panel? Is that the  
22 one closest to west mains?

23 A. I am not sure.

24 Q. So during that inspection, you  
25 probably then had an opportunity to

1 travel into the west mains?

2 A. I don't recall if I did.

3 Q. What I'm trying to find out is  
4 I know that they had a pump in the  
5 inby-most portion of the west mains  
6 section and they were pumping water  
7 out of that area, but I'm interested  
8 in the condition of the rib, bottom  
9 going into the area, what the pillars  
10 looked like. Do you recall?

11 A. I don't recall.

12 Q. Do you remember driving all  
13 the way into the back?

14 A. I don't.

15 Q. Okay.

16 A. It must not have been that bad  
17 or I would remember.

18 Q. Yeah. Is there anything you  
19 can tell me about the west mains that  
20 you were in there that you may  
21 recall?

22 A. The area prior to the ---?

23 Q. When you were on your first  
24 inspection of the mine?

25 A. This area in here?

1 Q. Yes.

2 A. I did not go all the way in,  
3 for one thing.

4 MR. O'DONNELL:

5 He's referring to the  
6 west mains.

7 A. I was out here at --- outby  
8 118. They had all their equipment  
9 parked at 118 --- outby 118. It was  
10 out of service.

11 BY MR. O'DONNELL:

12 Q. But the area wasn't sealed  
13 yet, was it?

14 A. The area wasn't sealed.

15 Q. Did they still have the pump  
16 in the face area?

17 A. I do not know.

18 Q. Okay.

19 A. I didn't go past ---.

20 Q. Well, they said they were  
21 driving to it. That's why I'm  
22 asking.

23 A. They were driving to it?

24 Q. Yes. That's what they said.  
25 Because it was on --- this was on a

1 routine split. Okay. Anything else  
2 you can tell me about your inspection  
3 that may be --- that was unusual  
4 or ---?

5 A. No. I don't believe there was  
6 anything out of the ordinary that  
7 raised any suspicion.

8 Q. Did you have any conversations  
9 with any of the mine workers or mine  
10 management concerning the mining of  
11 the barriers in the north or the  
12 south?

13 A. No.

14 Q. Did you have any conversations  
15 with any MSHA management concerning  
16 roof or ventilation plan approvals  
17 for Crandall Canyon Mine?

18 A. No.

19 Q. Any miners approach you during  
20 the inspection at all with any  
21 complaints, issues or concerns?

22 A. No, sir.

23 MR. O'DONNELL:

24 We'll go off the  
25 record.

1 OFF RECORD DISCUSSION

2 BY MR. O'DONNELL:

3 Q. Do you have anything you'd  
4 like to add that may be relevant to  
5 the investigation?

6 A. Mine rescue, the whole bit?

7 Q. Anything.

8 A. Anything?

9 Q. Anything you want to talk  
10 about.

11 A. I believe communication could  
12 have been much better during the mine  
13 rescue.

14 Q. In what way?

15 A. Communication between whoever  
16 is making the plans up, if we agreed  
17 with them, if we had any questions.  
18 But of course you're working on a  
19 different mode of thought when you're  
20 trying to rescue somebody. You kind  
21 of go with what somebody is telling  
22 you to do. But now, in hindsight, it  
23 didn't seem like the best thing to  
24 do.

25 ATTORNEY WILLIAMS:

1                   Are you saying you  
2                   think the team should have had  
3                   more input into the plans?

4           A.           Possibly. I don't know what  
5           other alternative we had, what plans  
6           we could have gone with. I don't  
7           know.

8           BY MR. O'DONNELL:

9           Q.           Are you saying that you felt  
10           that you needed more information  
11           before you went underground?

12          A.           Yes.

13          Q.           Is that what ---?

14          A.           The best information we got  
15           was from our cross-shifter, but  
16           communication is always better ---  
17           much better to have better  
18           communications.

19          Q.           Did you have any opportunity  
20           to go into the command center at all?

21          A.           Just for a few minutes to  
22           check in that you're here and you're  
23           headed underground, and when you come  
24           out if you had anything to say. But,  
25           you know, when you're on graveyard,

1 it's kind of tough to sit around and  
2 talk about things. It's hard enough  
3 to drive home after nine, ten hours.

4 Q. Anything else?

5 A. No.

6 MR. O'DONNELL:

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

15 We ask that you not  
16 discuss your testimony with  
17 any person who may have  
18 already been interviewed or  
19 who may be interviewed in the  
20 future. This will ensure that  
21 we obtain everyone's  
22 independent recollection of  
23 the events surrounding the  
24 accident.

25 After questioning other

1 witnesses, we may call you if  
2 we have any follow-up  
3 questions that we feel we may  
4 need to ask you. If at any  
5 time you have any additional  
6 information, just contact us.

7 The Mine Act provides  
8 certain protections for miners  
9 if at any time you felt like  
10 you were treated unfairly.

11 A. Sure.

12 MR. O'DONNELL:

13 If you wish, you may  
14 now go back over any answer  
15 that you have given us during  
16 the interview and make a  
17 statement.

18 A. No.

19 MR. O'DONNELL:

20 Again, Randy, thank you  
21 for your cooperation in this  
22 matter. We appreciate it.

23 OFF RECORD DISCUSSION

24 BY MR. O'DONNELL:

25 Q. Randy, you said that you

1 recall some things that you would  
2 like to say?

3 A. Yes, I do.

4 Q. Go right ahead.

5 A. There was some episodes with  
6 Bob Murray and his entourage coming  
7 into the mine which --- it was  
8 communication on his part. That's  
9 what he was trying to convey. He was  
10 going to communicate with the  
11 families. But all it did was stop  
12 production, stop our rescue effort,  
13 every time they come in. It was  
14 twice that he come in on my shift.

15 And he was always pushing the  
16 envelope. The last time he was in  
17 there he wanted to take pictures  
18 while they were mining. Of course,  
19 that was against the plan. Nobody  
20 could be in there while they were  
21 mining except those that were  
22 necessary.

23 And he prodded me to let him  
24 do that, and I told him no. And  
25 finally, Laine Adair, who was

1 accompanying him, said, that's right,  
2 Bob, it's against the plan. You  
3 cannot go in there while they're  
4 mining coal or cleaning the debris  
5 up. So I just thought that was ---  
6 this was not a place for Bob Murray  
7 to show off, is what I thought.

8 Q. Who did he have along with  
9 him, other than himself? I mean, who  
10 was with him?

11 A. There was a member from the  
12 Sanchez family and a member from the  
13 Erickson family, plus the first  
14 time ---. Those two guys came in  
15 both times, but then he had Laine  
16 Adair and ---. I can't remember the  
17 first time, but the last time he had  
18 Laine Adair, Bodee Allred, who was  
19 taking pictures, Jerry Taylor, who  
20 had a great big camera on his  
21 shoulder.

22 Q. You mean a video camera?

23 A. It looked like one of the  
24 cameras from TV, it was that big. It  
25 was quite big. So we had to stop our

1 recovery operation while he would  
2 explain how they were putting rock  
3 props in and ---. He did say that  
4 --- when I told him he couldn't go in  
5 there and film while they were  
6 mining, he says, yeah, but Richard  
7 knows I'm in here. I guess he meant  
8 Richard Stickler. I don't know. But  
9 I told him I didn't care who knew he  
10 was in there, he's not going in.

11 Q. So this happened on two  
12 separate occasions?

13 A. Two separate occasions.

14 Q. And it served absolutely no  
15 purpose in the recovery operation,  
16 did it?

17 A. I could see no purpose, unless  
18 it was to make the families feel  
19 better. But how could you feel  
20 better? It was unnecessary.

21 Q. So it was a hindrance to the  
22 operation?

23 A. Yes, it was. And actually he  
24 made us think that --- the first time  
25 he came in they were mining. They

1        were cleaning up debris. So  
2        everybody was back at 119, the fresh  
3        air base. And he sees these 10, 12  
4        people sitting around, and that's all  
5        they could do until they were  
6        finished cleaning up debris, before  
7        we went and put rock props in.

8        Q.        And it was because they were  
9        keeping themselves in a safe area?

10       A.        Keeping themselves in a safe  
11       area. And he wanted to know what was  
12       everybody doing back here, and that  
13       had to be explained to him. And I  
14       don't know, I think maybe things  
15       weren't moving as fast as he ---.  
16       They were moving as fast as they  
17       could go, but he didn't --- he's in  
18       that production mode, I guess.

19                He thought that things should  
20       be moving quicker. We should all be  
21       up at the miner, watching them mine.  
22       I don't know what he thought. But it  
23       wasn't soon after that he had his  
24       upper management shipped out to hurry  
25       things up, at least that was our

1 impression, that they were there to  
2 speed the operation up, speed the  
3 recovery, rescue.

4 Q. You mean he had other people  
5 brought in from other areas to ---?

6 A. Other areas of his operations  
7 in the east. I believe there was 14,  
8 15. I don't know how many people he  
9 brought out.

10 Q. So after that happened, you  
11 were back in the mine again. Did it  
12 seem like things were more confusing  
13 with ---?

14 A. You mean after he left?

15 Q. After he left and brought in  
16 these other people to spearhead the  
17 operation, did it seem like that  
18 hindered it?

19 A. Well, they were only in there  
20 for a short time because it was on  
21 the 16th when the last three people  
22 --- nine people were injured. And  
23 that was the first time I had seen  
24 him come in. And I believe that  
25 probably added to a little confusion.

1 There wasn't a lot of room in there  
2 to move, and they didn't need more  
3 people.

4 There was a lot of things on  
5 our side that night. One was when  
6 they had the shift change --- if they  
7 hadn't have had that shift change,  
8 they wouldn't have had those extra  
9 people to help with all the injured.  
10 It would have been chaotic if that  
11 happened, other than the shift  
12 change, in my opinion. So it was  
13 just confined space to work in, too  
14 many people and too many people who  
15 didn't know the conditions we were  
16 working in, trying to give everybody  
17 a spark to work harder. But they  
18 didn't need a spark. Those people  
19 are darn good workers.

20 Q. Are you saying that they did  
21 not understand the danger that they  
22 were exposed to?

23 A. Exactly. They didn't  
24 understand the danger. And it was a  
25 hindrance for them to be in there, I

1 thought. And I expressed that to one  
2 of the foremen just before I left the  
3 section. That's it.

4 MR. O'DONNELL:

5 Again, thank you very  
6 much.

7 A. Uh-huh (yes).

8 \* \* \* \* \*

9 STATEMENT UNDER OATH

10 CONCLUDED AT 9:19 A.M.

11 \* \* \* \* \*

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