

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
DANNY FREY

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
December 10, 2007

1 MR. TEASTER:

2 Danny, before we get started in with the questions, we'll
3 explain a little bit about what we're trying to accomplish and why we're here. As you're
4 probably aware, the assistant secretary administrator for coal was present during most
5 of the rescue effort at Crandall. And the agency, over the last few years, has
6 conducted an internal review following the events such as occurred at Crandall
7 Canyon. So the secretary decided she wanted to do an independent review of the
8 agency's actions both before the accident here on August 6th and following that during
9 the rescue effort.

10 And Joe and I have worked for the agency for a long time.
11 Joe worked up from a mine inspector up through the ranks of a district manager and
12 he retired about three and a half years ago. I worked and retired about five and a half
13 years ago. I worked at similar positions he had, and I transferred over into metal and
14 nonmetal in the last three years of my career. We both have a lot of background in
15 mine rescue.

16 So they called us and asked us if we'd come out of retirement
17 back in --- to head up this investigation, this review. And we agreed to do that.
18 Obviously, we couldn't do it by ourselves, so we've sought out some folks that have
19 good experience with internal reviews and certain areas of expertise, so we called
20 upon the folks that are behind me and asked if they would help us accomplish this
21 mission, and they all agreed to do so. They're all from MSHA except Ex. (b)(6) and Ex. (b)(7) and

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

23 We hope to interview a lot of people, gather information,
24 review a lot of data and then sit down and write the report of our findings and make
25 some recommendations that's going to make this agency hopefully to be better and

1 have better protection for the miners. Do you have any questions, any concerns?

2 A. No.

3 MR. TEASTER:

4 We are going to tape the interview unless you have a problem
5 with it, so we will have something to refer back to.

6 A. I'm okay with it.

7 MR. TEASTER:

8 We will try to get the report to the secretary's desk in about six
9 months. She asked for six months and we're going to try to do our best to meet that
10 date. Do you have any questions or concerns or anything before we get started?

11 A. No, I don't.

12 MR. TEASTER:

13 We'll keep it as informal as possible. And if you don't
14 understand a question, you just ask and we'll clarify it.

15 A. Okay.

16 MR. TEASTER:

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

1 information for this assignment.

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

6 BY MR. TEASTER:

7 Q. And Danny, you're not a bargaining unit employee, and therefore not entitled
8 to representation?

9 A. No, I'm not bargaining unit.

10 Q. Danny, would you state your full name?

11 A. It's Danny Alan Frey.

12 Q. And what is your current job title?

13 A. I'm supervisor in the Craig, Colorado Coal Field Office.

14 Q. And how long have you worked for MSHA?

15 A. Seventeen (17) years total.

16 Q. Who is your current supervisor?

17 A. Don Gibson's acting ADM in Denver District Nine. So I guess he's my current
18 supervisor.

19 Q. How long have you been a supervisor?

20 A. Let's see. I'm going to say eight years, probably about that.

21 Q. How long have you been in Craig as a supervisor?

22 A. Five.

23 Q. Five years?

24 A. There was a little short spell where I went to Delta, Colorado as an inspector
25 there for a few months, and then I returned to Craig as a supervisor.

1 Q. How about giving us a brief description of your mining history?

2 A. Well, in my early years, first mining was in the uranium mines in Jeffrey City,
3 Wyoming. I worked there about three years. Went into coal mining in '79. Worked at
4 Hawk's Nest Mine until it closed down. A construction job between that. I worked at
5 West Elk Coal Company until they had a layoff. I think that was in about '86. I worked
6 at Mid-Continent Resources for a few months. Worked for a little coal operator over
7 at East Side Coal out of Silt, Colorado for a few months. Went to work for MSHA '87,
8 metal/nonmetal in Fort Dodge, Iowa, electrical inspector there. I worked there for a
9 couple years. Decided I needed to get back home to Colorado, so I worked at
10 Twentymile Coal Company for a couple years. Went back to MSHA for a short period
11 in Vincenz, Indiana. And then again I went to work for Cyprus at Paonia at the
12 Orchard Valley Mine, coal mined there for a while. Then Sanborn Creek up at
13 Somerset for a little over a year and returned to MSHA in '93, and I've been with
14 MSHA ever since.

15 Q. It was so good, you couldn't stay away from MSHA; right?

16 A. Yeah. Couldn't stay away.

17 Q. Have you ever been responsible for any inspection activities at any of the
18 mines owned by Bob Murray?

19 A. No, I haven't.

20 Q. Had you ever been to the Crandall Canyon Mine prior to the accident on
21 August the 6th?

22 A. No.

23 Q. Danny, what involvement did you have as a supervisor in the plan approval
24 process?

25 A. It's fairly, I would say limited, you know. Pretty much that's handled in the

1 district. You know, we do our --- inspectors do their evaluation sheets usually once a
2 quarter of anything they see, you know, needs to be adjusted. But other than that, I
3 don't have a lot of involvement at all. When they send them out, I review them.

4 Q. So most of your involvement was with the plan after it's approved?

5 A. Yes.

6 Q. Can you recall any occasion where you reviewed a plan prior to it being
7 approved or were you just consulted by the district or ---?

8 A. No.

9 Q. What about your inspectors? Do you know if anyone questioned the
10 inspectors in that process?

11 A. Not to my knowledge. Not that they reported to me.

12 Q. When your inspectors went on their quarterly inspection, when they do a
13 review of --- fill out this form, 2004, whatever the number is, that they had reviewed
14 the plan, do you give them any comments when they checked the plan as being
15 inadequate or addressed them if they had issues with the plan?

16 A. Do I give any comments?

17 Q. No. Does your inspectors --- do you use that process frequently?

18 A. I mean, they use it and when they --- you know, usually it's in the course of
19 your inspection --- or their inspections they come across something, they definitely
20 address it with that form.

21 Q. Do they discuss it with you before it goes in?

22 A. Yes.

23 Q. What kind of response do you get from the district on those types of
24 comments?

25 A. Well, some of them are --- you know, they send out a letter occasionally to the

1 mine operator, you know, with the concerns if it's something they agree with. And
2 then, you know, the plan's usually improved or, you know, updated that ---.

3 Q. Do they get back to you and the inspector to consult, or do they just handle it
4 and then just send you a copy of any action taken?

5 A. They pretty much just handle it.

6 Q. Do you know of any specific cases where plans have been revised as a result
7 of a submittal by the inspector over concerns that they had raised?

8 A. I couldn't say any specific right now, you know, just right off.

9 Q. Do you think there's any hesitancy on the part of the inspectors to identify
10 issues because they don't feel like it might not be addressed by the district?

11 A. No, I don't think that's a problem.

12 Q. Do you have a feel for approximately how many, over a year's time, that the
13 inspectors might raise concerns or issues involving any type of improved plan?

14 A. I guess that varies, but there's, you know, usually at least one or two times,
15 you know, they'll come across something either to do with ventilation or ground
16 control.

17 Q. Is that one or two times per inspector or per field office?

18 A. Probably in the field office. It's not a frequent thing. Usually the plans are ---
19 you know, have been pretty thorough, I mean, as far as addressing the issues and,
20 you know, getting the operator to follow the plan is another story sometimes, but that's
21 really not --- with the mines I have, that's not really an issue.

22 Q. Have you had any concerns yourself with a plan that you went to --- called the
23 district about?

24 A. No, no.

25 Q. So you pretty much agree with everything the district has done in terms of

1 plan approval in the mines that's under your responsibility?

2 A. Well, yeah, I guess I do. They're really the engineers and the experts in the
3 field, so ---.

4 Q. And when the district sends out people in roof control, ventilation and other
5 areas that's going to come to one of your assigned mines, do they normally notify you
6 that they're going to be in the area?

7 A. Yes, they do.

8 Q. Have you had any occasions where they didn't?

9 A. Not that I recall.

10 Q. The district manager, is he usually --- has he been in your area?

11 A. Yes.

12 Q. Did he notify you prior to?

13 A. Yes.

14 Q. Did you accompany him to the mine?

15 A. Yes.

16 Q. The mines that you have down there in your area, do they have any floating
17 bleeder evaluation points where it says that they'll --- new route with ---?

18 A. No.

19 Q. You looked at the map over here at Crandall Canyon, the area they were
20 mining in when the bump occurred on August the 6th. What did you think when you
21 first saw them mining in that area where you had gob on both sides?

22 A. Honestly, I was surprised they were pulling pillars. I could see driving the
23 rooms, but I couldn't see --- my initial thought was, why were they pulling pillars in
24 there.

25 Q. Have you seen similar mining in any other areas of the country that you've

1 worked in or inspected in?

2 A. Not like that.

3 Q. How did it differ?

4 A. Well, I've seldom seen the gobs on both sides of the mains like that map
5 shows. And then basically pulling the main pillars, I've not seen that.

6 Q. Do you ever encounter any conflicts between the ventilation plan and the roof
7 control plan?

8 A. Not that I recall. They're usually generally pretty well coincided with each
9 other. The roof control group, they'll go out, and usually they might even do some
10 sampling, you know, to assist with the vent group.

11 MR. PAVLOVICH:

12 You probably wouldn't --- go ahead, Ernie.

13 MR. TEASTER:

14 No, you go ahead.

15 BY MR. PAVLOVICH:

16 Q. I was going to say, you wouldn't have seen these plans, obviously, before you
17 got to Crandall Canyon if you even saw them when you got there. But I just wanted to
18 show you something. This was a plan approved, the roof control plan --- this was the
19 vent plan, I'm sorry.

20 A. Right.

21 Q. I'm losing my mind. This is the roof plan that was approved showing the
22 bleeders to be --- or bleeder blocks to be left, and also the pillars to be mined. And
23 you can see between the three and four entry, those pillars were designed to be left to
24 protect the number four entry for a bleeder. And it shows mining the barrier to the left
25 side, or off the number one entry, plus the number one and two pillars, three, four, on

1 back. And then where this offset was, because of a sump over here in west mains, it
2 showed leaving eight pillars around that area, and not mining the barrier; okay?

3 A. Uh-huh (yes).

4 Q. In the vent plan, it shows the typical thing again, showing mining the barrier
5 and one and two pillars, leaving the third pillar, again, to protect the bleeder. But you
6 can see around the offset, there was only to be left five pillars, which is somewhat
7 different between these two plans.

8 A. Uh-huh (yes).

9 Q. If you had a mine --- one of your mines, and you saw a discrepancy in the plan
10 like this, what would you do? Or would you feel it's a discrepancy?

11 A. I might just think it was probably an error. I'd probably contact the district and
12 ask them, you know, if it was an error in the map or ---.

13 Q. Would that be something you'd look for as a supervisor, or your inspectors
14 would look for if you went in to see this mining and see that plan?

15 A. I guess just looking at it, they probably wouldn't --- you know, I'm guessing
16 unless they happened to catch it by glancing at it, they probably wouldn't see the
17 difference in the three blocks being left.

18 Q. Okay.

19 A. To be honest with you, I didn't. You know, I looked through the plans when I
20 was there at the M Hill and I didn't notice that.

21 Q. Okay.

22 A. I did notice some of the rock strata, you know, where they had the drill stuff. I
23 was kind of wondering about that.

24 Q. Uh-huh (yes). Okay. But if you saw something like this, you think you'd
25 probably pick up a phone and talk to somebody in Denver?

1 A. Oh, yeah.

2 Q. Who would you talk to?

3 A. Well, I'd probably call the ventilation supervisor, that'd be Ryan and Billy
4 Owens or both of them.

5 Q. Okay. Or Knepp?

6 A. Or Bill Knepp.

7 Q. Wouldn't you call Knepp? Okay.

8 A. Or at the time, Cornett.

9 Q. Okay.

10 MR. TEASTER:

11 This bleeder system that you see here, or this bleeder, what
12 kind of bleeder would you call that? Wraparound?

13 A. Well, yeah, I guess you'd call it a wraparound. That'd be --- you know, there's
14 no holes to the backside here, at least that I know of, or no ventilation, so yeah, I
15 guess you'd call that a wraparound bleeder or return.

16 MR. TEASTER:

17 What would you call it if it was connected in here?

18 A. Connected in there and it was going a different direction, I'd call it a
19 flow-through.

20 MR. TEASTER:

21 Do you have a lot of these type of bleeders in your area?

22 A. Well, actually, we don't have a --- in my area, we don't have any place that
23 they're actually pulling pillars, but you know, they try to maintain a bleeder or an intake
24 entry around the perimeter of the panels.

25 MR. TEASTER:

1 Most of yours are longwall?

2 A. Yeah.

3 BY MR. PAVLOVICH:

4 Q. How many underground mines do you have over there?

5 A. I have three: Foidel Creek, Deserado and then there's Bridger underground.

6 It's a relatively new operation.

7 Q. And how many underground inspectors do you have?

8 A. I have two. Three including myself, and then two trainees.

9 Q. And two trainees?

10 A. Uh-huh (yes). One's very close to getting an AR card and the other one's still
11 got several modules at the academy.

12 Q. Okay. Do you have many surface mines to inspect?

13 A. I've got, what is it, 10 or 11. There's a couple of highwall miners included in
14 that.

15 Q. Do you have some specifically-designated surface guys, surface inspectors?

16 A. I have one surface inspector. He just did receive his AR card.

17 Q. So you basically have three ARs working for you?

18 A. Yeah.

19 Q. With three pretty large underground mines? I mean, two of them are AR.

20 A. Actually, two ARs, you know, for the underground.

21 Q. Yeah, two ARs.

22 A. The surface guy, he can help on surface area. Yeah, that's what I've had now
23 for about four years.

24 Q. Your office recently burned down?

25 A. Yeah, burned down, what, two weeks ago.

1 Q. So where are you located at now?

2 A. Actually, we've got a room about like this in the Holiday Inn, kind of a central
3 point and place, you know, we've got our equipment and some laptops and stuff
4 replaced and they're wireless, so we're able to do a lot of our work.

5 Q. So you lost all your equipment and files and everything?

6 A. Yeah. Yeah. Like I said, they won't let us back in there because of the
7 concern of asbestos, and I think the Craig Police Department has it under
8 investigation. It was considered arson.

9 Q. Oh, really?

10 A. Yeah. Intentionally set.

11 Q. Was it a single standing building or were you just in another building?

12 A. It was a single --- it was an old grocery store is what it was originally, made
13 into like a strip mall.

14 Q. Okay. So there were several other businesses in that ---?

15 A. Several other businesses, yeah. Yeah, there was a couple other ---.

16 Q. It wasn't like somebody set you on fire?

17 A. No.

18 Q. Okay.

19 A. I think it originated in --- there was a veterinarian's office, and I can't say that
20 it's for sure, but I did see the CBI. They were over there and they concentrated in that
21 area of the building for quite some time, bagged up some stuff. I was trying to get our
22 GLDs moved because all the keys, for whatever reason, that weekend were left in the
23 office, so --- you know, usually somebody will have a set in their pocket, but
24 everybody did that right, you know, hung them up.

25 Q. So you lost the keys for them? They all burned up?

1 A. Yeah.

2 Q. Did it burn to the ground?

3 A. Yeah, pretty much. It was like a --- had cinderblock walls on the outside and it
4 was like a big fire pit, you know, like a big barbecue pit. I think the fire department
5 had done an evaluation on it and they considered it a high risk building, so I don't think
6 they spent a lot of time inside trying to fight a fire once it broke out, didn't want to get
7 anybody hurt.

8 BY MR. TEASTER:

9 Q. Ever any trouble making your mandated inspections?

10 A. Well, I have. Last year was really probably the worst for my completion rate,
11 and I can't even begin to tell you what it was, but it wasn't --- I probably didn't get 50
12 percent of the mines, you know, we needed to inspect. And in the prior years, you
13 know, they've managed to get some helping inspectors from other offices, and we've
14 struggled through most of it, but I think last year everybody was ---.

15 Q. Why do you think you were not able to complete your inspections?

16 A. Why do I think? I didn't have enough manpower.

17 Q. Did you ever consider how much time the inspectors would spend on special
18 emphasis type programs?

19 A. Well, to be honest with you, I prioritized there. We didn't spend a lot of time
20 on those, like the initiatives and stuff like that. Probably shouldn't say that, but ---.

21 Q. You just didn't do it?

22 A. We just --- you know, if we were there, we'd give them a few posters and stuff,
23 but we didn't --- you know, we didn't spend three shifts out there having meetings with
24 all the crews and everything because they --- you know, it just absorbs a lot of time
25 and we haven't got the time. I kind of thought the inspections were priority over that

1 stuff. You know, we've done that for years now and you take the same posters and
2 the same material out there and people kind of ---.

3 Q. You're talking about the Winter Alert now?

4 A. Yeah, Winter Alert and --- you know, we have been working on that, just
5 coinciding with our inspections when we're there, but we didn't do like we did at first
6 where we just basically went to all the mines and got all that information out there.
7 Most of my mines are --- they're a fair distance from the office. I got a couple --- three
8 locals that --- some of them in Wyoming. We got travel time to go out there. So I just
9 --- I kind of made that secondary.

10 Q. How can you not do those initiatives when they tell you to go out and check all
11 your seals and do all this? Do you just turn it in to Denver?

12 A. Well, we got the seals checked, you know, as far as the initial --- we haven't
13 went back. We haven't had the time to --- of course, we didn't have the case for the
14 meter to carry it, you know, for that 100-percent meter. We hadn't had that for a
15 while. Now we got the case we ain't got a meter, torched it in the fire. Anyway, you
16 know, we've been really making a concerted effort to check the seals. You know, that
17 first initiative where we had to go around and look at every seal and document all of
18 them and stuff like that ---.

19 Q. How about belt initiatives? You ever had to do any belt initiatives?

20 A. Now, Don Gibson, he was assigned that job and he had a group of people that
21 went around ---.

22 Q. None of your people --- they didn't take ---?

23 A. No, no, I didn't. No. My people really haven't been, you know, assigned any
24 of those special assignments. You just don't have enough people to do that with, so
25 --- I'm kind of glad they didn't. But Twentymile is one of the mines, my mines they

1 looked at. I think they went to Deserado one year, too. So two of my mines have
2 been --- the belt initiative groups went out there inspecting.

3 Q. But you didn't have to expend any resources? Someone else came from
4 somewhere else?

5 A. Following up on the paper they left behind, you know.

6 MR. PAVLOVICH:

7 Okay.

8 BY MR. TEASTER:

9 Q. You ever voice any concerns to the district about some of this initiatives,
10 some of this work outside of your normal scope of duties?

11 A. Yeah. You know, I mean, I'm probably like everybody. I kind of voice my
12 opinion a little bit, say, hey, you know, gosh, when we going to get the help to do it all,
13 you know.

14 Q. Do you ever figure that you know a little bit more about what's going on out
15 there than headquarters in Arlington?

16 A. Do I ever figure that? Well, I ought to know a little more. I'm there, you know.

17 Q. I mean about whether or not they need this information or they need to
18 conduct these investigations.

19 A. Well, I don't know if I know any more than Arlington does, but you know, after
20 a while, after a while when you get the materials and it's the same thing over and over
21 again and the bulletin board's just covered by the same --- you know, one poster after
22 --- this year to the next poster and --- you know, I don't know ---.

23 Q. Do you think it's lost some of its impact?

24 A. I do.

25 MR. PAVLOVICH:

1 Do you think spending time on a lot of these initiatives and
2 stuff takes away from the inspectors' ability to do what they really need to be doing or
3 what you feel they need to be doing?

4 A. Yes, I do.

5 MR. PAVLOVICH:

6 How do the inspectors feel about it? Do they get frustrated
7 with having to do these things as opposed to inspecting sections and where people are
8 working?

9 A. Yeah, they do. Yes.

10 MR. PAVLOVICH:

11 What do they tell you about it?

12 A. It's just, well, like they voice --- you know, we go up there for these meetings
13 and it's just like, oh, you're back here to do this again, you know. Even the miners are
14 getting ---.

15 BY MR. TEASTER:

16 Q. Even the miners are getting frustrated with it?

17 A. Yeah. They recognize that it's redundancy and ---.

18 Q. So our time could be better served doing something else, doing inspection
19 work?

20 A. Mandated work. I think that's what we need to prioritize on. And all that other
21 stuff could be fine and great if you had the people to do it with.

22 Q. What experience do you have, Danny, with mine bounces, bumps?

23 A. Well, most of the mines I worked in, you know, around the Somerset/Paonia
24 area there, a bounce wasn't uncommon, you know, to have a bump. Of course, there
25 at Hawk's Nest, some of that 1,500 to 2,000 foot of cover there and, you know, there

1 was nothing real drastic like the pillars exploding or anything, but it'd bounce hard
2 enough to hurt your feet.

3 Q. Do you get many bumps/bounces reported in the course of Part 50?

4 A. No.

5 Q. Have you ever investigated one that was reportable under Part 50?

6 A. Not out of the Craig office.

7 Q. Have you ever seen one anywhere in your mining career?

8 A. Well, now, the trona mines up there, I guess --- I don't know if you'd call that a
9 bounce or a catastrophic failure of the pillars, but yeah, I was involved in two incidents
10 there.

11 Q. How about describing that with us?

12 A. Well, the first one was --- they had an area there at the Solvay Mine they
13 mined that was about a mile and a half long and a mile wide that failed
14 catastrophically all at once. I believe it was six something on the Richter scale.

15 Q. The one they thought was an earthquake?

16 A. Yeah, they thought it was an earthquake. It actually shook --- we were 25
17 miles away, in Green River, I was sitting in the office and I felt something and the
18 plants were shaking in the building there. That was basically a catastrophic failure of
19 pillars. I guess, you know, now that you mention that, they mined that somewhat
20 similar to this Crandall Canyon, although it was trona. They had mined both sides of
21 the main entries, but they left good barriers. And of course, they never pulled any
22 pillars in the main entries. You know, even that failure, it just came right to these, I
23 guess you'd call them barriers.

24 MR. PAVLOVICH:

25 Did they overload the barriers?

1 A. A little bit, but not much. You know, I mean, they took some weight. They
2 took some pressure.

3 MR. PAVLOVICH:

4 Did the main entries cave and then ---?

5 A. No, no. They stayed up. In fact, they're using those mains still today.

6 MR. PAVLOVICH:

7 Okay. Was anybody injured in that?

8 A. One guy died and he was basically overcome with ammonia.

9 MR. PAVLOVICH:

10 Oh, okay. Not from the result of the ---

11 A. No.

12 MR. PAVLOVICH:

13 --- failure of the pillars?

14 A. No. Ammonia's naturally occurring in trona mines, and that would have been
15 an area, after all that activity, that the ammonia would've been pretty strong.

16 BY MR. TEASTER:

17 Q. Danny, how were you notified of the accident at Crandall Canyon?

18 A. Well, I was --- you know, the days kind of run together, but I think the first day
19 I was coming --- I came to Craig early Monday morning to start to work, and Bob
20 Cornett had originally requested that I go to Utah to the mine, Crandall Canyon Mine.
21 And by the time I got things organized, he called and said he had enough people
22 there. So that was my, you know, first ---.

23 Q. So that would have been on the day of the accident, that Monday, August the
24 6th?

25 A. Yes. It must have been. It would have been then. And then he says, well,

1 you know, don't worry, we'll probably need you later, you know. And then the following
2 week, I believe it was Monday afternoon of the following week that he --- I was in
3 Wyoming inspecting, traveling with a trainee and he contacted me and said, you
4 know, to head down that way. It was the following Tuesday that I arrived at the mine
5 the first time.

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

7 A. It was late in the afternoon, because I'd never been there, and the directions I
8 had said to go to Castle Dale and take a right at the power plant. Well, it was a little
9 off, but I went to Castle Dale. There was no right at the power plant. Then I asked
10 somebody where it was, so I backtracked back up and took a right at the right power
11 plant before you got there. It was Huntington area or something, right in Huntington.

12 Q. I'm not familiar with that way.

13 A. Anyway, where you took off to go to the mine. And then of course, after that it
14 wasn't a problem finding where the mine is, because there was media everywhere.

15 Q. And who did you report to?

16 A. I reported to Bob Cornett at the command center. He was working the swing
17 shift. And that's why he had me come down. He was going to have me there for a
18 couple --- three days with him and he was going to take a couple days off. He had
19 some other things he needed to do, so I was just basically going to spell him out at the
20 command center.

21 Q. Who was in charge of the rescue effort when you were down there?

22 A. Well, I would guess it was Mr. Stickler and Kevin.

23 Q. You say you would guess?

24 A. Well, they were the senior MSHA officials there and that's --- you know,
25 everything I did was based on what they basically told us to do, so ---.

1 Q. So it wasn't just because they were there in their titles, it was because of their
2 actions?

3 A. Right. Yes.

4 Q. What specific instructions did you get from Cornett?

5 A. Well, basically to, you know, man the command center. They had the map
6 like this at --- well, similar to this. We were, you know, marking in the progress every
7 hour. We'd get a call out from underground. And then the drill hole, we had some
8 inspectors that traveled to the drill holes and we'd get that information and just keep
9 everything logged. And then the Conspect or the --- we call them the trackers, you
10 know, that keep track of people underground. Every hour we'd check to see who and
11 how many people were underground, make sure they were monitoring that. Really,
12 that's about the extent of what ---.

13 Q. What information was you getting from underground?

14 A. Well, they were taking air readings at the face area and measurements, you
15 know, as the mining progressed. They'd call that out every hour. Then we had --- oh,
16 shoot. It was another point over here somewhere. I can't remember. We were
17 getting some air readings at a pump set up back in there that pumped out, you know,
18 just the CO and oxygen, I think from the behind the seal. I really don't --- I don't know
19 why we were doing that, but it seemed like ---.

20 Q. Did Bob tell you what information that he wanted?

21 A. Uh-huh (yes). He did. Yeah. And then actually, Bill Taylor was there. I
22 guess I was kind of taking Bill's place, too, because he'd been there quite a while.

23 Q. You was taking two people's place?

24 A. Yeah. I guess pretty much that's how it would work, because Bill went to
25 dayshift or --- you know, he was going to change shifts anyway or take a little time off.

1 And then Bob was going to leave for a while. I had Dewayne Brown. He was pretty
2 much --- you know, we called him the scribe, but he was on the mine phone most of
3 the time keeping an eye on the activity underground as things were called in and out.

4 Q. What information was you --- was it just those readings? Was that all that you
5 was taking from underground, the advancements?

6 A. Advancement and the drill hole progress as they were drilling the holes. We'd
7 get that called down to us. And basically, the first --- you know, I'd get there about
8 3:00 or maybe a little earlier, you know, for a debriefing as the days went by.

9 Q. Who would debrief you?

10 A. Just who was in the command center, you know, what the progress had been.

11 Q. So you basically talked to the person you was relieving?

12 A. Uh-huh (yes). And then Bob was there and then --- for a couple days. Well,
13 Bob was there. I guess he never really got to leave, so he was there, you know, until I
14 left.

15 Q. Did Taylor ever leave?

16 A. Yeah. He left then he went to the --- I think he went to dayshift after a couple -
17 --now I can't --- you know, I can't really remember that for sure, but he did leave. He
18 wasn't out there with me.

19 Q. So your duties was primarily in the MEO van?

20 A. Uh-huh (yes). Yes.

21 Q. And what was being done with this information once it was called out?

22 A. Well, we would call it --- you know, of course, we'd log it down and then we
23 would call the family center down there, relay it to the liaison with them and, you know,
24 we'd give them that information so they could update the family, and we'd report the
25 same information to Arlington.

1 Q. What about mine bumps? Was they calling out mine bumps?

2 A. Yeah. The time I was there, there was only maybe one or two occasions. But
3 one of them was called out, basically they said it was just a minor --- you know, just a
4 minor bump. And you know, on my shift, it wasn't a regular occurrence.

5 Q. You worked basically from 3:00 to like midnight or 3:00 to 11:00?

6 A. Yeah, to 11:00, yeah. Then somebody else would come in a little early. We'd
7 debrief them on what was going on.

8 Q. Who was in charge of briefing the inspectors before they went underground?

9 A. Well, now, to be honest with you, I don't know who did that for sure. I never
10 really observed that. Because when I come in at the start of shift --- of course, we
11 were getting some fan pressure readings, too. I forgot about that. But I'd get them
12 from the Conspect. I used to walk over there, give them a call, get that. But my first
13 duty was basically I'd go through the logbook, because Mr. Stickler had a meeting with
14 the family at 5:00, whenever it was, but he wanted an update, the most current
15 information or anything that was in the log that was, you know, relevant or of interest, I
16 guess, that he could report to the families when he had that meeting. That was kind of
17 my first official duty when I got there. I'd go through that and make sure I made some
18 notes so he'd have that when he went down there.

19 Q. And what did this information primarily consist of?

20 A. It'd be the advancement, where they were at, how far the drill holes were, the
21 most current information ---.

22 Q. Did you track the rock props, how far they'd been installed?

23 A. Right. Yeah, all the rock props, installation of the props, where they were at
24 and distance of mining.

25 Q. Did Mr. Stickler ever tell you what he wanted?

1 A. Well, no. I think those instructions were relayed to me through Bob that that's
2 what he wants. Actually, I had very little interaction with Mr. Stickler. I don't even
3 think he said hi to me.

4 Q. Was Mr. Brown the recorder on your shift?

5 A. Dewayne, yes, he was. Now, we had a couple other people come up, and I'm
6 bad with names, so --- Tim Curtis came up, spent a little time there, you know,
7 watching what was going on, because he was going to be one of the scribes. And then
8 they had a new guy that they hired there in Price. He hadn't been there very long. I
9 can't remember his name. He spent some time with us there, too, you know, to see
10 what went on as far as the callouts and logging the information, keeping the map up.

11 Q. Did you ever observe Mr. Stickler having a discussion with Dewayne Brown?

12 A. I didn't. Now, there was some hearsay stuff there that he wasn't happy with a
13 few people before I got there. I don't know anything about it, so I'm not going to, you
14 know, elaborate on that. It was kind of a, I don't know if you want to call it a jest.
15 Everybody got fired there at least once.

16 Q. By whom?

17 A. Mr. Stickler.

18 Q. Do you know why ---?

19 MR. PAVLOVICH:

20 Everybody got fired at least once?

21 A. I guess what I understand, he just didn't feel they were following these orders
22 to the letter, so that's --- you know.

23 BY MR. TEASTER:

24 Q. Was it --- do you think ---?

25 A. I didn't get fired over my notes. I thought I was doing good.

1 Q. What do you think his biggest concern was in relation to what you just said?

2 A. I don't know. What I think, you know, it seemed like it was something about
3 the map and he'd give instructions on how to keep that marked up and up to date.
4 And there was some differences of opinion on where they were measuring from and
5 things like that. You know, it's been a while. I can't ---.

6 MR. PAVLOVICH:

7 Mostly was it related to the footage of advancement?

8 A. Yeah. Yeah, it was --- you know, I think they were measuring from the center
9 of the --- I don't know.

10 MR. PAVLOVICH:

11 Okay.

12 A. I kind of forgot about how --- you know, I don't remember now myself whether
13 we were measuring from the edge of the crosscut or the center of the intersection.
14 There was some ---.

15 MR. PAVLOVICH:

16 So when he came in to get his briefing, who gave him that
17 information? You? Did you brief him?

18 A. I usually just handed him the note.

19 MR. PAVLOVICH:

20 Okay.

21 A. He looked at it.

22 MR. PAVLOVICH:

23 Never said anything to you?

24 A. Never said anything.

25 BY MR. TEASTER:

1 Q. What about Kevin?

2 A. Kevin was --- you know, he interacted with us more kind of --- you know, we
3 could talk about things, you know, not that we had a lot to talk about, but he'd come in
4 and check, see where we was at, if we had anything.

5 Q. Did you ever overhear any discussion or get any inquiries as to the number of
6 bounces that were occurring underground?

7 A. Yeah. They would come in, you know, and we'd look back through the
8 logbook to see what had been logged ---.

9 Q. Who's we?

10 A. Well, whoever was in the command center. It'd be myself or Dewayne.

11 Q. What would you do with that information if you'd seen that there had been
12 some bumps that occurred overnight? How would you respond to that information?

13 A. We just logged it, logged it in the logbook.

14 MR. PAVLOVICH:

15 Did anybody ever ask you for that?

16 A. Yeah, there was a couple times they'd come in and ask about that.

17 MR. PAVLOVICH:

18 Who's they?

19 A. Well, Kevin.

20 MR. PAVLOVICH:

21 Kevin?

22 A. Yeah. And then Bob Cornett, he was concerned with that. You know, of
23 course, we were there together, but we'd look through the book. And it seemed like ---
24 you know, I don't know if there was a pattern starting on that or not, but it seemed like
25 the bounces that occurred, they occurred kind of at the same time, you know, on

1 dayshift, and we might get a report at the same time on the afternoon shift. But you
2 know, the bounces that were reported to me, one time, one of them, I guess they felt
3 was insignificant. They forgot to tell us about it. And then of course, they called back
4 out and said, oh, yeah, we did have a bounce at such-and-such a time when they
5 called out an air reading, and we caught that up in the book in the log.

6 BY MR. TEASTER:

7 Q. When you got your briefing upon arrival, you said it was like a Tuesday, which
8 would have probably been August the 14th?

9 A. Yeah. Like I said, I'd have to have a calendar to look at it. But it was
10 Tuesday afternoon because I left Wyoming Tuesday morning, went to Craig, got most
11 of my stuff ---.

12 Q. Yeah, that would've been on Tuesday the 14th.

13 A. Because Bob said, you know, I may need to go underground. And I was
14 traveling with the surface inspectors, so I got my belt and light and coveralls and all
15 that stuff, took it with me.

16 Q. Okay. When you got your briefing from Bob Cornett when you arrived at the
17 mine, was there any discussion about the number of bounces that had occurred or
18 what had transpired from the time the recovery started to the time you arrived?

19 A. No, there wasn't. In fact, I found out later that they had a significant bounce, I
20 guess, early on that actually knocked some people down. But I had no --- that was
21 after I left here, actually, to be honest with you.

22 Q. Well, what was the briefing? Was it about what you was to do more than a
23 briefing as to what had transpired?

24 A. Uh-huh (yes).

25 Q. It was an explanation of your duties?

1 A. Right. I was there and I was told what to do, and that's what I did.

2 Q. Okay. And then when you made an exchange between shifts, you would tell
3 the person replacing you that this is what happened during your eight-hour shift or
4 whatever ---

5 A. Uh-huh (yes).

6 Q. --- hours you worked? And that would include bumps?

7 A. Uh-huh (yes).

8 Q. Or he would just review your logs?

9 A. Well, or both, you know. Usually they'd sit down and review the log, and if
10 they had any questions, they'd ask us, you know, myself and Dewayne.

11 Q. Do you know what the process was for debriefing the inspectors as they came
12 out from underground?

13 A. No, I don't.

14 Q. Did you observe any being debriefed?

15 A. No. I wasn't involved in that.

16 Q. Would they have been debriefed in the MEO van, do you think?

17 A. You know, I don't know where that transpired. You know, there was a little ---
18 they set up an awning, you know, a covered area outside of the MEOs. Actually, at
19 times, it was kind of warm in there. They had a table and some chairs outside. So
20 you know, if something transpired out there that I wasn't aware of --- I mean, they
21 could've done that a number of places, I guess. Things were kind of separated, you
22 know. I guess the mine operators, they were in the upper level above the shop, and I
23 think Murray had a camper there, a portable office, and then we had that place
24 outside. I guess one time I did --- who was that inspector? Just happened to be in the
25 MEO, you know, of course, they were talking to him and I wasn't really part of the

1 conversation, but they were just talking about the conditions and how the roof was
2 looking and things like that and just general stuff that was going on there. I don't recall
3 anything significant about a bounce or anything like that. It was just ---.

4 Q. Did you ever hear any discussion during your presence that this was --- should
5 be a recovery operation as opposed to a rescue?

6 A. No, not from --- you know, nobody ever --- I didn't hear anybody say that.

7 Q. Did you ever hear any discussion on the adequacy or inadequacy of the roof
8 support system that they were using?

9 A. No. There was one time, you know, they had the --- Kevin or Bob or Al or
10 whoever would meet with the company. Usually they had a meeting, I think one in the
11 afternoon, one in the morning, you know. And there was some --- something about
12 the separation on the props. You know, I think they were supposed to be on three-foot
13 centers, and they were getting a little wide, and that was brought up that we needed to
14 --- when they had that meeting, to bring that up. But as far as the roof support, no, I
15 really didn't hear anything about any inadequacy or ---.

16 Q. Did you ever get underground, Danny?

17 A. No, I didn't.

18 Q. Were you aware that they initially started cleaning up the number four entry?

19 A. Yeah. I'd heard, you know, that had been mentioned, that they'd started in the
20 number four. And I really didn't ever hear while I was there why they moved out of
21 there, but I heard later that they had some bouncing that was occurring when they
22 were over there in that area that caused them to change their strategy to the number
23 one entry.

24 Q. So you never heard about ---?

25 MR. PAVLOVICH:

1 Q. These are probably minor ones. This is shelling typo there.

2 A. Durrant. That's who I heard, you know, conversing with somebody about the
3 roof conditions and stuff.

4 Q. Here's one on that same day that occurred that was 1.7 on the Richter scale.
5 Two light bumps. I can't read this upside-down like Joe can. You see there's a big
6 bump here ---

7 A. Uh-huh (yes).

8 Q. --- on the 11th. But that's all through here.

9 BY MR. PAVLOVICH:

10 Q. Let's go over the --- you came in on the ---

11 MR. TEASTER:

12 14th.

13 A. 14th.

14 BY MR. PAVLOVICH:

15 Q. --- on the 14th, so --- let's see. You might be able to talk about some things.
16 At 1015 there was a bump. At 1145 there was a bump reported. And I realize you
17 came in on the evening shift. Here's one that's 1355. And I don't know --- Carla
18 Markum (phonetic) and Rodney Anderson had in the books there was a small bump at
19 the power center, 1755, two small bumps. I guess you would've noted those; right?
20 Of course, then on the ---.

21 A. I don't know that I was --- you know, I don't know that they were calling all
22 them out. I see that some of that's coming from the notes and ---.

23 Q. Well, some, you know, the ones where it doesn't specify notes would've come
24 out of the logbook.

25 A. Uh-huh (yes).

1 Q. And then on the 15th, they pretty much were occurring --- here's one that was
2 a 1.2 bounce occurred in the cleaning area, lots of dust, everyone accounted for,
3 bounce was significant, reported by Barry Grosely --- Grosely, not Groseby. Blew out
4 a couple of Kennedy panels and curtain across panels, stopped mining, sloughage
5 across the miner, atmosphere black with dust. This is from Grosely's notes. Broke
6 both cutter shaft --- motor shafts were sheared as a result. Remember hearing about
7 that?

8 A. I remember hearing about that, yeah.

9 Q. And then later on through the day, of course, there was a lot of bump, bump.
10 And I guess you would have been there maybe at 1845. It says, 1820 they had a
11 bump bigger than the last one, everyone okay, no damage to ventilation. Is that the
12 one they called in later at 1845 and said, ---

13 A. Yeah.

14 Q. --- we had one 20 minutes ago? And at 2100 they had a bump that damaged
15 the stopping at 125. Of course, you know, on the 16th there was a lot of bumps.
16 There was one at 1004 that was 1.5 magnitude that talks about, you know, covered
17 the body of the miner. They had to back the miner out. Plus a lot of other ones. Of
18 course, up to the time they had the big bump. Were you there on the 16th when they
19 had ---?

20 A. Yes, I was.

21 Q. You were in the command center then?

22 A. Yep.

23 Q. So these would have been some of the logs that Dewayne Brown ---?

24 A. Actually, Dewayne, when that happened, they called out they had a big
25 bounce, multiple fatals, you know, Dewayne and I just --- Bob went out and he says,

1 you two stay in there, keep track of what's going on. Of course, I kept --- Dewayne
2 was --- he was pretty fidgety. I tried to keep him --- I says, you need to, you know,
3 take some breaths. We've got to do this, you know. Keep writing everything you can
4 get down, everything you hear. And I was assigned to keep track of the people as
5 they brought them out.

6 Q. Okay.

7 A. And C.W., I don't remember his last name, of Tech Support, he got the head
8 count.

9 Q. C.W. Moore maybe?

10 A. He got the head count and the names as they brought the injured out. There
11 was actually nine, but one was treated there on site.

12 MR. TEASTER:

13 So you went over to the portal?

14 A. I didn't. I stayed at the command center per Bob Cornett's instructions. Bob
15 went out. Of course, they had --- you know, when that happened, a lot of people came
16 out of the woodwork to help and, you know, I --- me and Dewayne were assigned to
17 stay in the command center and keep the log as they --- you know, what they said on
18 the mine phone as best we could. And then I had to keep track of who they brought
19 out in order and ---.

20 MR. TEASTER:

21 So you were doing it over the phone. Where was C.W.?

22 Was he in the ---?

23 A. He was doing the gas readings for Tech Support. I had him basically go out
24 as they brought them out and identify, you know, the people so I could write them
25 down in order as I was instructed, so ---.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. TEASTER:

Based on Joe's explanation of all those bounces that were occurring over there, do you think we should have continued that operation with all those bounces occurring?

A. Well, I really didn't have a lot to say about it, but I was definitely worried, you know.

BY MR. PAVLOVICH:

Q. Did anybody ever ask you for your opinion?

A. No.

Q. You said you'd been in bounces before at Mid-Continent and Hawk's Nest and places. Have you ever experienced a bounce, been underground when the bounce --- you said it hurts your feet sometimes?

A. Oh, yeah. Out at Mid-Continent, it'd fill the entries occasionally.

Q. Okay. And had you ever seen a bump to this extent? I guess someone went over the map with you and told you about where they thought they were mining at and ---

A. Uh-huh (yes).

Q. --- where the materials were being cleaned. Had you ever seen anything like that?

A. The only thing close to anything like that would've been at the trona mine.

Q. Okay.

A. Catastrophic failure. It just filled --- it didn't fill the main entries, but it filled all the side entries and stuff.

Q. Did they tell you how these entries were pretty much filled up back to the top?

A. Yeah. Actually, I'd seen some pictures of that.

1 Q. Had you ever seen one like this cleaned up like this before?

2 A. No, I hadn't. Well, now again, in the trona mine operation, when they went
3 back in, you know, they had to recover some equipment and stuff there. They
4 cleaned that up. But you know, that was pretty much a done thing because it subsided
5 to the surface. Pretty much everything was ---.

6 Q. Already done with ---.

7 A. It was over with, yeah, you know. So the recovery of the equipment was ---.

8 Q. When you looked at that map and you saw the extent of that bounce, did
9 anybody ever tell you that when they drilled that number one borehole through, there
10 was only seven percent oxygen in the area?

11 A. You know, I don't recall that, but I did hear there was low oxygen. You know,
12 none of those boreholes really showed anything favorable.

13 Q. Did you ever think when you --- of course, you'd felt the forces of a bounce
14 before in your lifetime and you saw the extent of what had been bounced there, the
15 forces that were generated, and also that there was low oxygen there. Did you ever
16 think there was a chance those miners might not have survived?

17 A. Actually, I didn't think they survived the initial bounce.

18 Q. Okay. So you felt they probably were killed in the initial bounce?

19 A. Uh-huh (yes).

20 Q. Did anybody ever talk about that there at the mine, with you, with the other
21 guys, Dewayne or Bob or anybody?

22 A. No, not really.

23 Q. It was just kind of kept quiet?

24 A. It was kind of quiet. I think everybody was more --- you know, they were
25 hopeful, but I think everybody really knew what the ---

1 Q. Did you ever wonder why ---

2 A. --- result was.

3 Q. --- why are we exposing people to all these bumps up here when we're just
4 probably going after bodies?

5 A. Well, I personally, yeah, I did. I did. I had some reservations on it, anyway. I
6 thought, man, this is ---.

7 Q. But nobody ever asked your opinion about it; did they?

8 A. No.

9 Q. Nobody ever sat down as a group with MSHA and said, let's talk about this?

10 A. Uh-uh (no).

11 Q. It was just ---?

12 A. It's usually the, you know, Technical Support and then the upper officials are
13 the ones that ---

14 Q. Have you been involved ---?

15 A. --- call the shots, you know, make the decisions.

16 Q. Have you been involved with many mine fires, explosions, things like that in
17 your career with MSHA?

18 A. No, not too many mine fires. Some thermal events, if you want to call them,
19 at Deserado. In fact, we're messing with them one of them right now in the gob, but --
20 -.

21 Q. Okay. At those, do you usually establish a command center?

22 A. We got a command center there right now at Deserado.

23 Q. Is it usually a joint command center with MSHA and the company making
24 decisions and ---

25 A. That's how I like to ---.

- 1 Q. --- talking about ---?
- 2 A. That's how I like to do it. You know ---.
- 3 Q. Okay. Did it seem unusual for you at Crandall Canyon when MSHA was by
4 themselves and the company was by themselves?
- 5 A. Yeah, that was very awkward, I thought. You know, I mean, it was ---
- 6 Q. Okay. You think it goes better ---
- 7 A. --- no communication.
- 8 Q. --- if you're working together?
- 9 A. Yes, I do.
- 10 Q. And in those instances, is it usually Tech Support that makes the decisions of
11 what to do or is Tech Support more of an advisory role to the coal people?
- 12 A. Well, here of late, they've been more --- they call the shots.
- 13 Q. Tech Support actually calls the shots?
- 14 A. That's what --- like Deserado right now, we're not doing anything there unless
15 Mr. Urosek says we can do it, you know, or they can do it.
- 16 Q. Okay. So it wouldn't be ---?
- 17 A. I'm just there just to monitor what's going on and when they get the plan put
18 together that Mr. Urosek ---.
- 19 Q. So Urosek's actually calling the shots now out there? He says, yes, you can
20 do this, or no, you can't do it? And MSHA coal people really have no say in it?
- 21 A. It don't seem like they have a lot.
- 22 Q. Okay. Has that changed from previous thermal events?
- 23 A. I think the district had the ability to actually --- you know, they've got some
24 people there that have some fairly good expertise.
- 25 Q. So in the past then, the command center would be together and they would

1 discuss what was going on and kind of the plan for how to approach things, and the
2 company would submit a plan, and the district would either approve or reject that plan
3 based on advice from Tech Support?

4 A. Uh-huh (yes).

5 Q. Would you say that was the way it was?

6 A. Yeah.

7 Q. But now you're seeing it different? Urosek's basically overriding the district on
8 anything and calling the shots on what goes on?

9 A. That's what it appears to me, yes.

10 Q. Okay. I just wanted to clarify. So in the past, you would say that Tech
11 Support was more of an advisory role ---

12 A. Uh-huh (yes).

13 Q. --- to coal, to the coal managers or whoever ---?

14 A. Or any of them.

15 Q. Anybody.

16 A. Yeah.

17 Q. What did you perceive Al Davis' role to be here? I mean, you said that Mr.
18 Stickler and Kevin Strickland were in charge, they gave instructions, they were kind of
19 running the show. What was Al's responsibility? Did you see Al there?

20 A. Yeah, he was there a few times. You know, he kind of kept in contact with
21 Kevin and Mr. Stickler.

22 Q. Do you think when they came on site, Al was no longer in charge? Would he
23 have been in charge prior to them coming?

24 A. Well, yeah, he would have ---.

25 Q. But you wouldn't have been there, though?

1 A. But you know, our plan, you know, I don't know the whole plan for the, you
2 know, recovery, but it's the senior MSHA official onsite is the one it states in the plan
3 will take care of things, so I think Al was taking orders just like the rest of us.

4 MR. TEASTER:

5 Most of the time when Al was on the property that you
6 observed him, was also Mr. Stickler and Kevin onsite?

7 A. Not always. Not always. If they were there, they weren't visually, where I
8 could see them, anyway.

9 MR. TEASTER:

10 You say not always, but most of the time, part of the time?
11 How would you categorize it?

12 A. Well, I think Al was --- you know, he was definitely there during the dayshift,
13 and then, you know, in the evening there when Kevin and Mr. Stickler would go down
14 to the families, you know, Al didn't always go, and I don't know if he ever went, but you
15 know, occasionally Al would stay up there and --- you know.

16 BY MR. PAVLOVICH:

17 Q. Did it get overwhelming in there with these callouts every hour and then you
18 guys having to put the information together and report to headquarters and report to
19 Mr. Stickler and report to the families? I mean, every hour is --- how much change
20 was being done every hour?

21 A. Well, there wasn't a lot of change. You know, the progress was fairly slow.
22 But you know, with Dewayne and myself there, we could pretty much handle that. You
23 know, what got overwhelming was when they had the event. You know, that was
24 when ---.

25 Q. Who were you calling to headquarters and reporting to? Do you remember?

1 A. It was different people. I can't remember.

2 Q. Through the night they still had you calling every hour to somebody though?

3 A. Yeah. And then later on, I think they changed that. You know, after a certain
4 time of night, then we didn't start in until like 6:00 in the morning or something like
5 that. That kind of changed as we went along. Maybe it was like every two hours, too.
6 They might have changed that as it progressed.

7 Q. Okay.

8 A. To headquarters. I know there was some changes in there. At first it was
9 every hour, you know, down at the family center every hour, report the progress of the
10 drill and stuff.

11 Q. Would they ask you a lot of questions about what was going on or mostly
12 you'd just give a report and that's it?

13 A. Yeah, there wasn't --- yeah, just the drill depths and --- it wasn't elaborate
14 information.

15 BY MR. TEASTER:

16 Q. Did they ever call and ask you to get any information to them other than what
17 you put in the report?

18 A. No, not that I recall. You know, it was --- we pretty much had a set of
19 instructions that we followed.

20 Q. Did you have the occasion to meet Bob Murray while you were there?

21 A. One time.

22 Q. Describe that meeting, what took place and what was said.

23 A. Well, I can't remember if it was the night of the incident after it calmed down
24 or the next night. They had more water and stuff over there in the shop. And I'd went
25 over to get a water or Gatorade or something to drink there. I think it was me and

1 C.W. and I don't know if there was someone else there or not. But Bob came over
2 and introduced himself, you know, expressed his concern for the loss, you know, the
3 accident and the loss of the MSHA inspector, stuff like that. Other than that, I've
4 never said hi or personally seen the man.

5 Q. So it was a good conversation you had with him?

6 A. Yeah.

7 Q. It was him expressing condolences?

8 A. Yeah.

9 Q. Nothing about the mine activity, nothing derogatory about MSHA?

10 A. No.

11 Q. Was that the only occasion you had to talk to him?

12 A. Yeah.

13 MR. TEASTER:

14 Joe, do you have anything?

15 BY MR. PAVLOVICH:

16 Q. Do you know if there was an MSHA supervisor underground?

17 A. With the ---?

18 Q. Inspectors that were down there.

19 A. I don't believe there was a supervisor down there.

20 Q. Did you ever wonder why?

21 A. Well, I never questioned that. You know, I don't know what a supervisor
22 underground would have done other than what the inspectors were doing.

23 Q. So there wasn't ---?

24 A. To be honest with you, if I'd have been down there, I would have been right
25 down there taking air readings and getting the gas readings just like ---.

1 Q. So you don't think anybody was really evaluating anything, just gathering
2 information?

3 A. Uh-huh (yes).

4 Q. And those guys underground were pretty busy hustling to get these readings
5 and measurements on the hour?

6 A. Yeah.

7 Q. As opposed to sitting there really evaluating what's going on?

8 A. Yeah. I think that --- you know, you put a time limit on something like that,
9 you know, by the time you make --- I think Jim -- is it Jim Scott? But anyway, he was
10 back, you know, he took these readings a couple areas back here where they wanted
11 some readings, and he happened to be back there when this transpired.

12 MR. TEASTER:

13 Scott Johnson?

14 A. Scott Johnson, yeah. I'm bad with names. I got a Jim Scott at Deserado. I
15 guess that's what I was thinking about.

16 BY MR. PAVLOVICH:

17 Q. Oh, okay. So what did Scott Johnson say, though? I mean ---.

18 A. I just remember his --- you know, he come on the phone there and I remember
19 some of Murray's people, and I don't know who they are, was over the speaker, you
20 could hear that, he told Scott, now, you're going to have to take charge and help me
21 out here. You need to start getting these people out.

22 Q. Oh, this is after the bump occurred?

23 A. After the bounce, yeah, before they started transporting people out. And I
24 believe Scott did that.

25 Q. Okay.

1 A. You know, they asked him to do that and he took ---.

2 Q. So he took charge?

3 A. Uh-huh (yes).

4 MR. TEASTER:

5 Well, if you've got three inspectors under there, let's say
6 they're all GS-12s, who's in charge?

7 A. Well, I guess they would be --- you know, inspectors work independently
8 anyway the majority of the time. You know, they're kind of in charge of their own
9 work. They don't have a supervisor travel, you know, to every mine and every place
10 they go. So you know, I don't think they were ---.

11 MR. TEASTER:

12 Well, no. You know, if you got three areas of responsibility,
13 who decides who's going to do what and who's going to be in charge and that kind of
14 stuff? I mean, the inspector is out on inspection, that's his inspection. He does what
15 he deems appropriate.

16 A. Well, I would just --- this is my opinion. I would say those individuals kind of
17 got together and decided, hey, you know, like Scott says, well, I'll take care of these,
18 and Gary and Frank, they probably said, well, we'll get these other places, you know,
19 in order to divide the work up and get it done, you know. And inspectors are generally
20 pretty resourceful as far as that kind of thing.

21 MR. TEASTER:

22 You mean you don't need a supervisor?

23 A. Well, I don't think they need a supervisor for every single thing they do. I'm
24 not saying they don't need a supervisor.

25 MR. TEASTER:

1 I was hoping you wasn't talking yourself out of a job.

2 MR. PAVLOVICH:

3 Ex. (b)(6) and Ex. (b)(7)(C)
you got any questions?

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

5 I don't.

6 MR. TEASTER:

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

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

9 I got a couple.

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

11 Q. And this is just to clarify something. You said that Bob was concerned about
12 the bumps that was going on and he even asked for it one time, the information on the
13 bumps. What did he do with that? I didn't hear the answer that you gave.

14 A. Basically, anybody, when they asked about the bumps, they took the logbook
15 and looked it over. And to be honest with you, I don't know if they wrote it down. You
16 know, I didn't sit there and just watch what they did with the information. You know, it
17 was kind of like the looked, saw what they wanted to see, and then they went
18 somewhere else. Whether they were using or getting the information or taking it
19 somewhere and discussing it, I don't know.

20 Q. Okay.

21 A. You know, people would come through there frequently and look at the
22 logbook, see how things were going, you know, the depth and what the gases were.
23 That was just a common thing. You know, whether they were taking the information
24 somewhere else, I don't know.

25 Q. Okay. It actually seemed like, just listening to you and to some of the people,

1 that sometimes opinions or voicing concerns wasn't readily encouraged. What do you
2 think would have happened if you had said, well, there's no way these guys had
3 survived, you or anybody, or said, these roof props, there's just no way they're going
4 to hold if something happens?

5 A. Oh, I don't know if there'd been anything happen. You know, we probably
6 would've got a dirty look. I don't know if there'd have been any repercussion or
7 anything like that, you know.

8 Q. Why didn't people say things like that? What was holding people back from
9 expressing their concerns if they had them?

10 A. Well, you know, I think --- like where we were talking where everybody said
11 they'd got fired once, I think the environment was set. You know, I wasn't privileged to
12 the first week of activities and what happened, but you know, when people are
13 threatened like that, pretty quick, you --- and everybody values their job, you know,
14 and they value their opinions, too, but sometimes they won't express their opinions to
15 keep other people happy. You know, I haven't been always that way. You know, I'm
16 more reserved now than I used to be. When I was younger, I'd have probably said
17 what I wanted to say and went on, but you know, that hadn't really gotten me
18 anywhere, either, so ---. I've kind of learned to bite my tongue, you know.

19 MR. PAVLOVICH:

20 Okay.

21 A. And I think everybody else that worked in the industry or anywhere else is kind
22 of that way, too. You know what I mean? Everybody knows ---.

23 MR. PAVLOVICH:

24 So the tone was set already that this is what I'm going to do or
25 what we're going to do by Mr. Stickler and nobody was going to question any of that?

1 A. Nobody was going to challenge it.

2 MR. PAVLOVICH:

3 Okay. Is that it, ^{Ex. (b)(6) and Ex. (b)(7)(C)}

4 ^{Ex. (b)(6) and Ex. (b)(7)(C)}

5 Yes.

6 MR. PAVLOVICH:

7 ^{Ex. (b)(6) and Ex. (b)(7)(C)} you got any?

8 UNIDENTIFIED SPEAKER:

9 Yeah.

10 BY UNIDENTIFIED SPEAKER:

11 Q. I guess just to follow up on that a little bit more, Danny, you mentioned a
12 conversation, an inspector that you kind of recalled with Donny Durrant. Was that
13 about rock props?

14 A. No. I think it was about the roof conditions, you know, how he was saying the
15 roofs are really, really good shape, which, you know, everything I saw, pictures and
16 stuff, the roof wasn't the problem at all.

17 Q. Uh-huh (yes).

18 A. You know, it was good and I don't even think they'd have had to put any bolts
19 in, to be honest with you, but as far as ---.

20 Q. So this wasn't him recalling or stating any concerns he had? He was just
21 stating something about the conditions?

22 A. Yeah. Just said, yeah, you know, the roof condition looked real good. And
23 this was an overheard conversation, but I did hear him say that, you know.

24 Q. So it wasn't anything that he came to the command center about?

25 A. No, nothing --- you know, nothing that ---. And talked about how he was going

1 to have to --- there was a crosscut they were at there and there was quite a bit of
2 material in it. You know, they were going to have to clean some of that out. You
3 know, just general advancing activity discussion mainly.

4 Q. I guess my only other one was you kind of mentioned that you weren't aware
5 of some of these bumps that were happening prior to you arriving there. Did you ever
6 look back at the log?

7 A. Well, you know, I did, but I don't recall --- you know, when we look at this, it
8 looks like there's a number of them, but I don't recall all of them being noted in there,
9 you know. Personally, I remember, you know, writing a couple down. You know, like I
10 say, one was called out late. I think I even wrote in the log that it was being called out
11 late.

12 Q. So if somebody came in and wanted to look back at the log, you don't think
13 they would have got the sense that we're presenting to you here that the bumps were
14 occurring pretty frequently?

15 A. I don't think the significance of it, you know, the magnitude of them I don't
16 think was being relayed. You know, that's the sense I got when they called one out. It
17 was more like just a bump, you know, something might have been --- a little bit of rock
18 dust might have fell off the roof or something and that was the extent of that.

19 BY MR. PAVLOVICH:

20 Q. Apparently they were given very specific instructions on measuring the
21 footage of advance.

22 A. Oh, yeah, yeah.

23 Q. And also measuring the extent of the rock props.

24 A. Props, yeah.

25 Q. They were given very specific information about the air readings, where they

1 wanted them taken and how often reported.

2 A. Uh-huh (yes).

3 Q. And the air quality readings, how often they wanted those reported. And all
4 that was very --- anybody give any specific instructions on reporting bumps?

5 A. Not to me.

6 Q. You never heard that ---

7 A. Yeah, not to me.

8 Q. --- we've told these guys --- you never saw it in writing, but you know, here's
9 the instructions for the inspectors on what you report and how to report when you
10 report bumps?

11 A. I never saw that. If I did, I don't remember.

12 Q. Okay. But you did see things on ---

13 A. Uh-huh (yes).

14 Q. --- reporting footage and stuff like that? That was pretty critical; right?

15 A. Right. Well, like I say, when I arrived there, that was emphasized. You know,
16 apparently there had been some, you know ---.

17 Q. You were the only one that wasn't fired multiple times?

18 A. Yeah. Yeah.

19 Q. So somebody told you ---?

20 A. They kind of gave me a heads up on this stuff, see.

21 Q. That was nice of them.

22 A. Yeah.

23 MR. TEASTER:

24 That's information you need.

25 BY MR. PAVLOVICH:

1 Q. So how about when the guys come out in the evening, the inspectors that
2 were underground? Did anybody sit down with them in the command center and say,
3 let me debrief you guys, tell us everything that happened today, tell us what you
4 experienced, was there any concerns, was there any problems, was there --- or did
5 they basically just come out and swap out and go home?

6 A. Well, now, you know, I can't --- like I say, it didn't occur in the command
7 center.

8 Q. So you never saw it in the command center?

9 A. I never saw it in the command center.

10 Q. Okay.

11 A. You know, the inspectors would come out. Of course, a lot of them had their
12 lights and stuff. They would get their lights, their belts and stuff, get suited up to go
13 underground and stuff. And whether they --- and there ain't a lot of room in that Blue
14 Goose, so ---.

15 Q. Right.

16 A. And like I say, the air conditioner and stuff in there wasn't working for a while,
17 so during the day, it was kind of hot and cruddy in there, and then, you know, they had
18 this little awning. And I think if the debriefing took place, it was probably out under the
19 canopy.

20 Q. You never saw that happen?

21 A. No.

22 MR. PAVLOVICH:

23 Ex. (b)(6) and Ex. (b)(7)(C) do you have anything else?

24 UNIDENTIFIED SPEAKER:

25 No.

1 MR. PAVLOVICH:

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

3 BY UNIDENTIFIED SPEAKER:

4 Q. Danny, did you ever wonder or anybody tell you why there wasn't any District
5 Nine roofing coal people there? Billy Owens and any specialists?

6 A. I believe Billy --- if I remember right, they had some incident at another mine
7 that he was taking care of, you know. I did hear, you know, one of the other mines
8 there in Utah, I believe, and I don't know what mine it was, but that's where he was.
9 Some other ground control issues or something. And then of course, Gary Jensen
10 was in Roof Control. He had just recently went to --- I think he just recently got an SI
11 position. But you know, prior to that, that's what Gary's job was. He was a roof control
12 specialist. And Kathleen, of course, she's in Delta. I believe that's the extent of the
13 Roof Control Group in Denver, were those three individuals, you know, Billy and then
14 Kathleen and Gary. In fact, I know they've been in the process of trying to get an
15 engineer, get somebody onboard for Roof Control. It's like hiring anybody, you know.
16 It's difficult. I think the job fairs have scared some people off, you know. The first
17 ones we had, there was a lot of people showed up. And then after that, it seemed like
18 they got the word out. Shoot, you know, half a dozen people at our job fairs, that's a
19 lot. You know, they know. The ones I've been in, you know.

20 Q. But Billy was at another operation for some other roof control issues?

21 A. And I don't remember what one it was.

22 BY MR. PAVLOVICH:

23 Q. Danny, do you feel that you and your inspectors received a lot of training or
24 adequate training on the requirements of the MINER Act?

25 A. On the new one, on the revised one? No. I think we could all use some ---

1 you know, there's so much stuff came out there and --- you know, Kevin put out I don't
2 know how many memos, instructional memos.

3 Q. Yeah.

4 A. And to be honest with you, it's just kind of been overwhelming, especially ---.

5 Q. Do you think everybody feels --- has got a different opinion of what the
6 requirements are? Do you have trouble with your guys and they ---?

7 A. Yeah. Sometimes you just --- you know, it's just so much to try and remember
8 all at once, you know.

9 Q. Okay. Did you get any specific training on it? Did they ever call you out to
10 Denver or anywhere to ---?

11 A. No. Formal training like ---? No.

12 Q. They just sent it out ---?

13 A. Not for everybody, you know. The supervisors --- of course, we went to
14 Beckley for, you know, going over those reports and stuff and then ---.

15 Q. But it was on the internal review?

16 A. Yeah, internal reviews and what was coming up.

17 Q. As far as the requirements for the ---

18 A. No.

19 Q. --- you know, seal requirements and ERPs and breathable air and SCSRs
20 and ---?

21 A. No. That was pretty limited, you know. Like I say, I think everybody is short
22 of people and it's hard to get all that done.

23 Q. Okay. And it's also, you think, probably being applied inconsistent if
24 nobody's ---?

25 A. Yeah. I don't know about the consistency. You know, I mean, Denver's been

1 --- you know, we've got the spreadsheets and stuff and we've been around --- most of
2 the mines in my area have --- you know, all that's on --- they got a PO for some refuse
3 chambers or whatever they're going to use in different areas, you know, just ---
4 everything's a PO right now. Self-rescuers are hard to get ahold of.

5 Q. So they still don't have those?

6 A. Yeah. A lot of mines don't.

7 Q. Okay.

8 A. In fact, you know, our self-rescuers burned up there in Green River and I think
9 that's going to be a problem replacing those since there's such a big demand for them,
10 and these companies got --- some of them got like a couple thousand of them on
11 order, you know. So they're backordered. I mean, we've been trying to keep on top of
12 that pretty good. The seal, you know, as far as the sampling protocol, I don't suppose
13 --- you know, I'm just guessing that's kind of been --- you know, not everybody's taken
14 the initiative to go out and get all that done, you know, as far as sampling around the
15 seals and stuff. Been checking the operators' records and things. There's a lot there
16 to do. In fact, like I say, we got that meter. And of course, it's not permissible unless
17 you carry it in the pouch on your belt. We finally get a pouch. They bring it to me at
18 Deserado after the fire in the office. Now I got the pouch and don't have a meter. But
19 anyway, you know --- I don't know. That's just some things that --- sometimes we get
20 the cart in front of the horse. But I think that happens with everyone.

21 MR. PAVLOVICH:

22 Ex. (b)(6) and Ex. (b)(7)(C) you have any questions?

23 UNIDENTIFIED SPEAKER:

24 No. You asked the questions that I wanted to know the
25 answer to.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PAVLOVICH:

Okay. Do you have any more?

BY UNIDENTIFIED SPEAKER:

Q. On your ERPs, does your plans out here have provisions for maintenance of the mine, like food and water?

A. Uh-huh (yes).

Q. Okay. How do you guys enforce that? Does everybody have to have it in and out or wait until you get to breathable air?

A. Well, it looks to me like it's going to be until they get --- you know, wait until they get the breathable air as far as the provisions. That's kind of when --- you know, some of them are looking at MREs and different things like that for provisions. Of course, some of them don't work out, either, because they've got that --- I think they come with a little stove or something, you know, where you can heat them, and it's a chemical ---.

Q. Some pouches have different things in them.

A. Yeah. And there's been some discussion on whether those are going to be okay or not.

MR. PAVLOVICH:

Permissible stove.

A. I don't think it's a good idea.

MR. PAVLOVICH:

Can you have a permissible open flame in there to heat?

A. I've never used it.

MR. TEASTER:

Chemical heat.

1 A. I've never used one of them that way, so I don't know what they really are.

2 BY UNIDENTIFIED SPEAKER:

3 Q. Well, it would be better to get the food and water in there --- it could be
4 months, on getting all the air and stuff and refuse chambers. You know, was that part
5 it I mean, would it be good to have all that stuff right in there? Why wait on that?

6 A. Well, I don't know. As far as the food, you know, most of the miner sections
7 I'm in, they've got water in there for a good while, you know, as far as the water, but
8 rations, you know, I don't know if there's been any talk on that. I really haven't been
9 privileged to it. Really never thought about it, to be honest with you, myself.

10 MR. TEASTER:

11 Well, Danny, that's all the questions we have. Is there
12 anything that you'd like to share with us that we haven't asked you?

13 A. No. I think you guys asked me a lot of stuff. A lot of stuff I didn't have any
14 information on. You know, I was just --- like I say, I was pretty much there and told
15 what to do and that's what I did, so ---.

16 MR. TEASTER:

17 Okay. Well, if you think of something you'd like to share with
18 us, get ahold of us and let us know. And likewise, if we come up with something we
19 need to get back to you, we'll get ahold of you.

20 A. Okay.

21 MR. TEASTER:

22 Again, we'd ask you not to share this interview with anyone
23 until we get all of them completed so we can get unbiased information.

24 A. Oh, I won't say anything.

25 MR. TEASTER:

Wish you the best of luck and appreciate all your efforts.

1
2
3
4
5
6
7

A. Thanks.