

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
JEFF FLESHMAN

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
January 24, 2008

1 BY MR. TEASTER:

2 Q. You had something to add?

3 A. Yeah. The one question that you asked, Ernie, yesterday, and I think I
4 answered too quickly, and I said absolutely not, was on the one about being told not to
5 issue paper.

6 Q. Uh-huh (yes).

7 A. Yeah. That occurred one time at Aberdeen mine, I'm going to say about two
8 to three years ago. I'll have to go get all my notes and figure out which inspection it
9 was. But that's during the time that Aberdeen was gassed off quite a bit and I was
10 underneath there with Ex. (b)(6) and Ex. (b)(7)(C) And he did tell me --- I was going to issue an order,
11 and he told me no that I couldn't do that, that somebody in headquarters would have
12 to make that decision.

13 MR. PAVLOVICH:

14 Ex. (b)(6) and Ex. (b)(7)(C) told you that?

15 A. Ex. (b)(6) and Ex. (b)(7)(C) told me that.

16 BY MR. TEASTER:

17 Q. What was the circumstances?

18 A. It was gassed off.

19 Q. I know, but what ---.

20 MR. PAVLOVICH:

21 In the section, the bleeder or ---?

22 A. No, back in the bleeders, the gob from the panel.

23 MR. PAVLOVICH:

24 Okay.

25 A. And, look, I've been over there so many times doing that bleeder system, it

1 was so fragile. At this one time and I would have to go get the specific time, date, you
2 know, but that did occur one time. And nothing ever occurred, that I remember.

3 MR. PAVLOVICH:

4 I guess what was the rationale? Did he explain about you
5 can't shut the mine down for gas in the bleeders, you have to call headquarters?

6 A. Yeah.

7 MR. PAVLOVICH:

8 What did that ---?

9 A. I don't know. I just followed orders. I didn't want to be insubordinate. And we
10 left ---.

11 MR. PAVLOVICH:

12 Did they correct it? Not while you were there?

13 A. No, not while I was there.

14 MR. PAVLOVICH:

15 Methane's nothing to play with, as we all know.

16 A. And the only other time that --- I mean, I've been adamant, fragile, walking the
17 borderline in insubordination is, I've been adamant that Aberdeen, a 107-B1 should be
18 issued there. And I've been told ---.

19 MR. PAVLOVICH:

20 107-B1?

21 A. Order, absolutely.

22 BY MR. TEASTER:

23 Q. Is that one, you can't fix, find a solution to fix it or something?

24 A. Right. The bounces are too severe. You know, when you put up --- when you
25 have to put one-inch belting and the miners have to wear gear. And MSHAs

1 precluded from going on the face at certain times because of their policies of not
2 wearing football uniforms. And depending on where the shear is on the face. Yeah,
3 you know, if it's that critical.

4 MR. PAVLOVICH:

5 Did they actually have that in the plan, Jeff, that MSHA can't
6 come on unless ---?

7 A. No, that's --- what they do, they shut the face down when we show up.

8 MR. PAVLOVICH:

9 So you never watch 'em cut?

10 A. Yeah, you can watch 'em cut, but it's just depending on where they are. If the
11 shear is from a distance from the headgate, they won't cut. We don't have ---. We
12 don't have the same gear that they have.

13 MR. PAVLOVICH:

14 Right.

15 A. They won't cut because we don't have the protective gear.

16 BY MR. TEASTER:

17 Q. Did anybody ever request protective gear for the MSHA people?

18 A. You know, I think that a couple of the inspectors have. I've had --- I know of
19 one inspector telling me he wanted the gear but didn't get it.

20 Q. Didn't get it?

21 A. Yeah, now who he asked --- you know, he was just complaining to me
22 because we know how fragile the bounces are at Aberdeen. That, you know, those
23 pillars basically yield on birth, yield during development. They're just basically
24 remnants. And when that wall is coming back out of there, everybody knows that it's
25 going to hammer when it's like 40 feet to the crosscut. Anywhere from 40 feet ---

1 about 40 feet to the crosscut before it gets to the next crosscut. I mean that's the time
2 that the stage loader is going to shift, that's when it's going to pop.

3 Q. Did you --- who did you discuss this possible action with, the B1?

4 A. Everybody here.

5 Q. All the way up to the district manager?

6 A. Oh, yeah. Yeah.

7 Q. And what response did you get?

8 A. Well, just we don't know that we can do that.

9 Q. They didn't know whether they could do it or didn't know whether conditions
10 justified doing it?

11 A. Right. That's why I said I'm the one that's borderline pushing it. Whether I
12 can't or not, but I mean that's just my --- that was my suggestion.

13 Q. How long ago did you bring that issue up?

14 A. Oh, it's been --- a bunch. I mean, they know that's my opinion on Aberdeen.
15 A matter of fact, when the last guy got killed there at Aberdeen, I said, now is the time.
16 You know, in meetings, I just said, well, this is my opinion. But, you know, they didn't
17 tell me, you can't issue it, that was something we discussed. The only time I've been
18 told was that one time at Aberdeen when Ex. (b)(6) and Ex. (b)(7)(C)
19 will have to make the decision.

20 Q. Well, I think you have to on that. I mean, I think ---.

21 A. No, this wasn't the 107-B1 at Aberdeen. It was a 334 ---.

22 Q. Okay. Yeah, that one I don't understand that one. I do understand where you
23 may get Arlington's ---?

24 A. Correct on the B1, but the issue with Ex. (b)(6) and Ex. (b)(7)(C)
25 or a methane imminent danger.

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MR. TEASTER:

Okay. Appreciate you sharing that with us, Jeff.

A. Okay.

MR. PAVLOVICH:

All right, buddy.

A. Thanks. I thought about that later, you know.

MR. TEASTER:

Okay.

MR. PAVLOVICH:

I appreciate it, appreciate you coming back and clarifying that.