

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
JOHN UROSEK

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
NOVEMBER 1, 2007

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MR. TEASTER:

We're here to conduct the internal review and we've asked you to come because we know you have a lot of good, pertinent information. And before we start the questioning, John, I'd like to read this statement into the record.

The Secretary has assigned this group the task of evaluating MSHA's performance during the period preceding the August 6th, 2007 coal bounce at the Crandall Canyon Mine and the subsequent rescue effort. We will also be evaluating issues that were raised during this time period regarding Bob Murray and his interactions with MSHA. This is not an investigation or review of an individual person. It is an administrative review of MSHA's actions as an agency. This evaluation will be presented to the Secretary in the near future. And it is intended that the results of the evaluation will be made public.

This interview is being conducted to gather information for this assignment. We also intend to interview a number of other MSHA employees. So that we may obtain unbiased information from all the persons to be interviewed, we ask that you do not discuss this interview with anyone until all the interviews have been completed.

A. Okay.

MR. TEASTER:

Do you have any questions about the process, sir?

A. No.

MR. PAVLOVICH:

You've done these before, haven't you?

A. Yes, I have.

BY MR. TEASTER:

1 Q. Would you state your full name, John?

2 A. John E. Urosek, U-R-O-S-E-K.

3 Q. And what is your job title, John?

4 A. Currently, I'm the mine emergency response coordinator. I work for technical
5 support.

6 Q. And who's your supervisor?

7 A. It would be Terry Hoch.

8 Q. And how long have you been in that position?

9 A. Since July. About six months.

10 Q. What was your job prior to this current position that you have?

11 A. I was chief of the ventilation division of tech support.

12 Q. And who was your supervisor in that?

13 A. It would have been Terry Hoch.

14 Q. Terry Hoch. Can you give us just a brief description of what your duties are in
15 your current position?

16 A. Well, this position is a new position, so it's really not cast yet. And it's
17 something that's kind of a work in progress as to what it will be covering. As of right
18 now, I'm the coordinator of MSHA's mine emergency unit as well as coordinating all
19 the activities of the technical support folks, the ventilation division, the physical and
20 toxic agents division, what was the old MEO group, the seismic group, once they
21 become onsite, coordinating all those efforts.

22 Q. Could you give us an estimate of how many mine emergencies that you've
23 gone through in your career within the agency?

24 A. It'd be over 30.

25 Q. And what role have you played at most of those mine emergencies in, say, the

1 last ten years?

2 A. In a lot of those, I would have been the senior technical support representative
3 there. And my job would have been to oversee the actions of the technical support
4 folks, provide the assistance that the district manager onsite in charge would have
5 needed.

6 Q. And at those sites, are you normally consulted by senior MSHA officials about
7 how to progress with the rescue effort, how to evaluate some of the data that's being
8 gathered?

9 A. Yes. Oftentimes I'm in the command center, where I would be cognizant and
10 working with the people as they travel underground and the plans that they have to
11 travel underground and coordinate those activities with what the gas readings would
12 be from the surface locations.

13 Q. What is your view --- when you say the command center, what is a command
14 center to you?

15 A. A command center would be the group of individuals that would be in charge
16 of the underground rescue effort. It is normally the senior officials from the mine
17 operator. If the UMWA is a party at that mine, it's usually their senior officials, it's
18 usually MSHA's senior officials as well as the State's.

19 Q. Do all the involved parties --- if it's just a company and MSHA, then that would
20 be the two? If it was state, non-union, it would be the three, and if it was a union, it
21 would be like four parties involved in the command center?

22 A. Yes.

23 Q. The senior officials from each of those?

24 A. The senior officials, I mean, because they'll rotate in and out and they'll have
25 different representatives there. For instance, the district manager or his counterpart

1 would be there. Generally, I would be there for MSHA. There would be some other
2 folks, usually from MSHA, a scribe, you know, writing down the activities.

3 Q. John, when were you notified of the accident in the Crandall Canyon Mine?

4 A. It would have been on the 6th, somewhere around 7:50 in the morning.

5 Q. And how did you respond to this notification?

6 A. As I recall, I think I received a call from Bill Crocco, I think it was. And you
7 know, of course, he --- that's normally how it works. When Kohl --- the district
8 manager calls headquarters and then Bill calls me, tells me what the situation is. We
9 talk about, you know, what it is and what he may need from tech support. As I recall
10 on this one, we talked about needing a full response with seismic, mine rescue. And
11 even though it was a bump, we decided the ventilation and the chromatograph group -
12 ---. So we were really responding with everything that we had.

13 Q. So then you made the notification of assignments and you proceeded to the
14 mine?

15 A. No. What I did is, I called in order of what I felt would be the most important.
16 My first call would go to Jeff Kravitz. And we're still in the process of changing how
17 we do business. Jeff used to be the one that called out the mine-rescue team. So I
18 called Jeff, both to notify the mine-rescue team and also to prepare the seismic
19 equipment to go. Then I would have called the ventilation division to tell them --- to
20 get their response. And then I would have called --- I'm sure I would have called the
21 physical and toxic agent group second, and then the ventilation division. Then I
22 believe I called Terry Hoch, who would have been my supervisor, and then I called
23 Mark Skiles. And I think after that I called the district to find out any new information
24 that had turned out also to let them know, you know, what we were coming with and
25 see if there was anything additional we needed to do.

1 I was leaving for vacation at the time that this occurred. And so I discussed
2 that with my boss, Mark Skiles, and also later talked to Kevin Stricklin. And because it
3 wasn't an explosion dealing with gases, it was more of a bump situation and the
4 seismic was probably going to be the key group that we would be sending, it was
5 decided at that point that I would continue on my vacation. Jeff would be in charge of
6 the situation, unless they needed me, of course, then they would call me.

7 Q. So when did you go to the mine?

8 A. I got back from vacation on Sunday and I left on Monday.

9 Q. That would have been the following Monday? I think the 6th of August was on
10 a Monday?

11 A. I believe it was.

12 Q. And you left the following Monday?

13 A. Yes.

14 Q. And do you remember what time you arrived at the mine?

15 A. I think it was in the afternoon, but I'm not positive.

16 Q. And who did you report to at the mine?

17 A. I didn't go to the mine. Now that I remember, I went to the motel and I met
18 with Kevin Stricklin. And that's who I talked to that night. And I think I met with Al
19 Davis that evening, too.

20 Q. At the motel?

21 A. Yeah. And I think I talked to them on the way out and they --- you know,
22 based on the circumstances at the mine, they said, just meet us at the hotel, we'll brief
23 you what's going on. And I think we planned on going out the next day. And I think
24 that's what I did.

25 MR. PAVLOVICH:

1 to go to the family briefing, which I did, with him and Mr. Stickler. And then we went to
2 the mine from there.

3 Q. And what transpired at the family briefing?

4 A. It was just an update. I guess they had been giving them every day as to what
5 was going on. And Mr. Stickler just gave them a briefing of what ---.

6 Q. Was there a company representative there also briefing the families?

7 A. I believe there was.

8 Q. Do you recall if it was Mr. Murray?

9 A. I'm not going to say for sure on that day, but I don't --- I don't know. I don't
10 know if he was there or not. I went to multiple meetings and I'm not sure which ones
11 he was at and which ones he ---.

12 Q. So you left the family center and went to the mine?

13 A. Yes.

14 Q. And what did you do when you arrived at the mine?

15 A. Well, I got to the command center and met with everybody that was there and
16 found out, you know, really what was transpiring for the day.

17 Q. And who was in charge of the command center?

18 A. I believe Al was there that day. Of course, Mr. Stickler came right after the
19 meeting.

20 Q. So you were in the family center briefing and you all came back together?

21 A. I don't think Al was at that family meeting. I think he was at the mine.

22 Q. Okay.

23 A. I think he was. I'm not positive, but I think he was.

24 Q. So you report to Al when you get to the mine?

25 A. Yeah.

1 Q. And what happened after that?

2 A. Well, specifically, I can't give you a day-by-day analysis of what happened
3 because they all kind of run together, but basically, I just assisted with anything that
4 needed to be done. I know one of the first days, and I'm not sure exactly which one it
5 was, I went underground with Mr. Stickler and Kevin, and we saw they had already
6 began the mining process in the Number One entry at that point and we saw where
7 they were going with that. And then I would go up ---.

8 MR. PAVLOVICH:

9 That would've been the 15th, John, the second day you were
10 there? Because the 16th was the day of the next big accident.

11 A. I was underground on that day, also, but this was when I went underground
12 with Kevin and Mr. Stickler.

13 MR. PAVLOVICH:

14 Okay.

15 A. And I'm not sure what day that was, Joe.

16 MR. PAVLOVICH:

17 Okay. Well, your first day at the mine was the 14th. And then
18 you would have had the 15th and the 16th, which is the day of the accident. And you
19 already said you were underground on the 16th, so ---

20 A. It might have been ---.

21 MR. PAVLOVICH:

22 --- it was either the 14th or 15th? It could have been the first
23 day you got there; right?

24 A. It might have been, because the second day --- it's starting to come back.

25 The second day is when one of the bore holes was going in. And I know that when I

1 was there, one of the jobs that I took over was any time a bore hole would go in, I
2 would be there and coordinate between the seismic and try to get the gas readings
3 and the pounding on the pipe and the listening. I would be there for each one of
4 those. And I know that it was very important especially to get the gas readings, a
5 good gas reading from that bore hole.

6 So before the night of the 16th, I know that on the --- it would have been 15th,
7 I would have worked all day, and that bore hole went in late at night. So I ended up
8 staying all night up on the mountain where the bore hole was to coordinate the
9 activities when that bore hole actually went into the mine. And forgive me for which
10 one it was --- and I don't remember which one it was at this time. I think it might
11 have been the third one.

12 MR. PAVLOVICH:

13 We have the date of when they went through.

14 A. It might have been the 3rd.

15 MR. PAVLOVICH:

16 Here's one that went through --- or started drilling the 16th.

17 MR. TEASTER:

18 Through the 18th.

19 MR. PAVLOVICH:

20 Right through the mine on the 15th, 8/15/07, breached mine --
21 - that would be number three hole?

22 A. Number three.

23 MR. PAVLOVICH:

24 And that was the one that was back ---

25 A. Yes.

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MR. PAVLOVICH:

--- kind of in the bleeder entry then?

A. Yes.

MR. PAVLOVICH:

Okay. So that's when they broke through that you stayed on the mountain all night assisting with --- making sure the analysis was going to be properly drawn and collected and what was going on out there?

A. Yeah. Once they hit the mine, of course, they have to pull the steel out. And I'm not sure if we cased that one or not, but it's a long process to get all that done, so it took us quite a while before we were able to get a sample out of that mine. And I remember it not being until very late that day. And then we sampled it for a period of time after that to make sure that the readings had stabilized before we actually were able to determine that the gas readings were --- we felt were accurate.

MR. PAVLOVICH:

Okay. Were they injecting any oxygen in any other holes at that time? Do you know? Do you remember?

A. I know they were injecting it underground. There was a pipe that was going from --- with a compressor running somewhere into the area. I'm not sure when they started injecting at number one and number two. They might have been injecting at number one at that time, but I'm not --- I just don't remember.

MR. PAVLOVICH:

Okay.

A. I'm sure there's a log of that somewhere. I just ---.

MR. PAVLOVICH:

Yeah, somewhere there is. I just thought maybe you'd know.

1 A. I don't. There was so many times that it changed as it progressed, but I ---.

2 MR. PAVLOVICH:

3 Do you remember if that hole was in-gassing or out-gassing
4 when it went through?

5 A. I'm trying to think, Joe. I didn't look at any notes or anything before I came.
6 Maybe I should have looked at the log that we had or that MSHA maintained.

7 MR. PAVLOVICH:

8 Would all those have been called in to the command
9 center ---?

10 A. Yes, yes.

11 MR. PAVLOVICH:

12 So your guys at the bore holes --- and I guess that was your
13 either vent guys, physical and toxic agent or somebody that --- and then they had a
14 direct link to the command center to call in?

15 A. Well, what we had was a satellite phone, because it was down over the hill
16 from where the command center was located. So communications was very tough.
17 So you couldn't use a --- the company had portable radios, but they were open
18 channel. And with the media there, you know, we just chose not to use those. And of
19 course, we didn't have anything at that time other than satellite phones. There would
20 have been an inspector up there the entire time, and I would have used his satellite
21 phone to make that communication down.

22 I just don't remember, Joe. It'll say in the log, because it would have been one
23 of the things that we reported on with that. And I know eventually, we put a sample
24 pipe down and we were able to sample that, but ---.

25 MR. PAVLOVICH:

1 Okay. Whether it was in out-gassing ---?

2 A. I don't remember at this time. Yeah. I'd be afraid to tell you something that'd
3 be different than what it said in the log. I just don't remember. There were so many
4 different holes.

5 MR. PAVLOVICH:

6 That's okay.

7 BY MR. TEASTER:

8 Q. How would you characterize the organizational structure there with MSHA?

9 A. Fairly typical. I mean, MSHA was located in the Blue Goose, the command
10 vehicle. Mr. Murray had a trailer located across the way from it. And on a few of the
11 meetings that I would have been involved with with Mr. Murray and Mr. Stickler and
12 Kevin Stricklin, usually we would have gone over to their trailer for those meetings.
13 Sometimes the meetings would be held --- there was also a little table area right in
14 front of the --- MSHA's command vehicle. And sometimes the meetings would be
15 held out in the open air, you know, in that location.

16 Q. And what generated those meetings? Were those regularly-scheduled
17 meetings that you attended?

18 A. Usually when I attended, they were on specific issues, where to drill the next
19 bore hole or what was going to happen next or what were the results of the last bore
20 hole and those types of issues.

21 Q. So it was all related --- you were involved in all of them related to bore holes?

22 A. Pretty much so. I think there was one discussion, and this might have been
23 on the 15th, about --- where we were talking about the air volume that they were
24 actually receiving in the face area, and I was involved in that.

25 Q. Were you informed of bumps that were occurring underground? Were you

1 aware of those bumps occurring?

2 A. Yes.

3 MR. PAVLOVICH:

4 Let me just ask you about the command center. Did you feel
5 that Stickler was in charge or Kevin was in charge or Al was in charge or jointly were
6 they all in charge? I mean, how kind of was that set up? With that many high-
7 powered people there, I mean, you know, they're ---.

8 A. Well ---.

9 MR. PAVLOVICH:

10 You just have to wonder.

11 A. Realizing that I'm in a new job that I don't really know exactly how the agency
12 wants me to handle at this point, it was --- in my opinion, when Mr. Stickler was there,
13 he was in charge. And if Mr. Stickler wasn't in there, then Kevin would have been in
14 charge. And if Kevin wasn't there, then Al would have been in charge.

15 MR. PAVLOVICH:

16 So your feeling then would be whoever is the highest ranking
17 MSHA person here at the time is the one that's in charge?

18 A. Well ---.

19 MR. PAVLOVICH:

20 I mean, if you say, well, if Stickler was there, he was in
21 charge, if Kevin --- if he's not, then Kevin would be ---.

22 A. It's ---.

23 MR. PAVLOVICH:

24 And then Al and then you; right?

25 A. Well, I mean, I don't know exactly the pecking order once it gets down to me.

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MR. PAVLOVICH:

Okay.

A. But I can tell you that in this situation, Mr. Stickler, because of his vast knowledge and experience, was able to assume that lead, where I've been on sites with previous, for example, Assistant Secretaries where they didn't play the role as the person in charge because they might not have been as knowledgeable with mine rescue as he was.

MR. PAVLOVICH:

So they sat back?

A. I've also been on site where an administrator stepped back or assistant administrator and the district manager. So each situation, it depends on the knowledge level of the person there. But in this case, because of Mr. Stickler's knowledge, he was --- had assumed that role.

BY MR. TEASTER:

Q. Do you think it was clear to the people around there who was in charge of the rescue efforts?

A. I was very clear that Mr. Stickler was ---.

Q. It was clear to you?

A. Yes, it was. Yeah. And I think it was clear to everyone else that Mr. Stickler would have been the senior person there.

Q. Okay. You said that the situation was fairly typical where MSHA would have their Blue Goose and the companies would have their separate ---?

A. It was typical for this type of an operation. Usually in a --- you know, we have an explosion, we have teams that are actually going underground and the

1 information's coming out on a minute-by-minute --- and decisions are being made,
2 everyone is in the same room, and the calls are coming out in that manner.

3 This was a little different because it wasn't an explosion. It wasn't that type of
4 atmosphere where the teams are moving, and I'm going to say relatively rapidly
5 compared to what we were moving here. This was a very slow, tedious process. It
6 took very long to move even a few feet. So you didn't have that group together all the
7 time, only when something would change that you would have the group together. So
8 I look at it from that perspective.

9 MR. PAVLOVICH:

10 When you went underground that first day, John, that you
11 talked about, I think you said you went with Kevin, where did you go, do you
12 remember?

13 A. I can tell you some of the areas we went to, Joe. We traveled into the mine
14 the normal travel route and came up the Number One entry. I'm not exactly sure how
15 far we came that day. I remember running into the roof-control folks that were there
16 from tech support, and we talked about the area. And I remember them discussing
17 that it was an area outby us that they had concern about.

18 MR. PAVLOVICH:

19 The area outby?

20 A. Yeah, that there was an area there that the roof was --- it had a few cracks in it
21 and it was just an area they were concerned about. And, in fact, I think that was the
22 day that we actually put --- or I saw them, we actually put wedges into these cracks to
23 see if there was any movement. And they were setting up stations to monitor the roof
24 in this area behind them. And that stuck in my mind because they --- I mean, actually,
25 to me, and I'm not a roof-control expert, the area where I was looked good. I mean, it

1 looked much better than most of the bleeder entries and the gobs that I get called in
2 to, and --- you know. So as far as the --- and I, you know, heard some of the bumps,
3 or what I would call a bump, and it was just a high rumble up in the roof. It would
4 shake a little bit, but it was --- according to everyone around me, that that was normal.
5 So I didn't think any more about it.

6 MR. PAVLOVICH:

7 Did it ---?

8 A. We also traveled --- I'm sorry, Joe. We traveled over into the Number Two
9 entry, and I'm not exactly sure where we were, because we had a sampling point that
10 was set up that we were pulling a sample from one of the seals. And I went over to
11 evaluate where our mine emergency unit guys, where they'd been traveling to. And it
12 actually had a tube. And I'm not sure where we had power. We had power
13 somewhere along this Number One entry that we had tubing. We had a pump and we
14 had tubing running back to the sample point. And we also had another seal back in
15 here that we were sampling from that location.

16 MR. PAVLOVICH:

17 So you were actually drawing the samples over near Number
18 One somewhere, ---

19 A. Yes, yes.

20 MR. PAVLOVICH:

21 --- from the sealed area ---

22 A. From the sealed area.

23 MR. PAVLOVICH:

24 --- and then sending those outside?

25 A. Yeah, sending the results outside. We came over and looked at some

1 curtains. There was a curtain, actually, in there that I think we ended up taking down
2 because they were --- one of the concerns was they weren't getting enough air to the
3 face. And we saw a curtain in the Number Two entry. And I believe I was there with
4 Kevin and one of the senior --- Laine Adair from the company. And we couldn't figure
5 out why that curtain was impeding air flow. And so we decided --- and we ended up
6 taking that down to get more air for the guys that were working. So we traveled a little
7 bit in that area around there to see the conditions.

8 MR. PAVLOVICH:

9 You say you actually heard rumbling in the roof and felt some
10 vibration. Did you see any coal coming off the ribs or anything when you --- when
11 those events occurred?

12 A. No, not that I remember.

13 MR. PAVLOVICH:

14 Okay.

15 BY MR. TEASTER:

16 Q. Do you know how the companies formulated plans and how they went through
17 the legal process by the senior official at MSHA?

18 A. The plan that we were working on at the time ---. The underground plan was
19 approved the week before I got there, so there was really not much going on for the
20 underground portion prior to the 16th, you know, the accident. That was already in
21 place and we were moving along with it. So I really don't know too much history about
22 that. The bore holes were --- they were discussed. On a couple of them, I believe I
23 was present, on some of them I wasn't. As to what would be the best location, I know
24 that Mr. Stickler and Kevin would always talk to me about, you know, what do you
25 think is the best location for the next bore hole. We would always have a discussion

1 about that. And then they would talk to Mr. Murray about that.

2 Q. Who made the decision as to where a bore hole was to be drilled?

3 A. Well, really, it would be the mine operator would be the one that would
4 ultimately make that decision, but he would do it, or at least, I know on some of those
5 he did it with --- in conjunction with what MSHA was asking or recommending. So a
6 lot of times, I would say it would be really a joint ---

7 Q. Was there ever any controversies ---

8 A. --- not joint decision ---.

9 Q. --- over where to drill the hole?

10 A. I wouldn't say controversies, but there were discussions as to what would be
11 the best location of the next hole.

12 Q. Were you involved in any at all of the meetings where they sat down to
13 evaluate --- are you familiar with the gas reading that was given at number one bore
14 hole where they had --- first they had 20-plus percent, and they found that that was not
15 an accurate reading, and it ultimately turned out to be 7 or 8-percent oxygen?

16 A. I mean, I'm familiar that it happened. And that was part of the reason why I
17 would be at each of the holes when I got there, to make sure that that didn't happen
18 again.

19 Q. Do you know what happened that caused that reading to be erroneous?

20 A. I really don't. I know that the atmosphere might not have been stabilized at
21 the point that the sample was taken. I'm not sure of the interaction back and forth at
22 that point. Jeff Kravitz or --- I'm not sure who we might have had at that hole at the
23 time. I'm not sure if maybe Kim Diederich was up at the hole at the time. I'm not
24 sure.

25 Q. If you got readings at the bottom of that number one bore hole and got

1 readings from behind those seals and they were very similar, what would that indicate
2 to you?

3 A. Well, I think early on it gave us an indication that somehow the atmosphere in
4 the area had breached through into those sealed area, whether it's through the strata
5 above it, as you would in a longwall gob, would occur, you know, between panels, or
6 actually, if there was a catastrophic failure of the pillar or --- again, it's a second mined
7 area. You know, could something have been mined through? I mean, you don't
8 know. But that seemed like that was some information that we had early on, that that
9 was a likelihood, that something, indeed, had breached.

10 I think we later got some information that when they've had these bumps in
11 the past, that after they've had a bump and there's no sealed area nearby, that they
12 would encounter low oxygen. I don't think we ever were able to run that down totally.
13 So that was another factor that later came in. So maybe it did breach in, or maybe it
14 breached through the strata in or maybe it didn't. Maybe it was a result of the bump
15 itself. And I'm sure that's something the investigation team will ---.

16 Q. Do you know if they put some SF6 down here at the seals?

17 A. There was some discussion about doing that, but I don't believe we ever did it.
18 And the reason for the discussion was to, indeed, see if it was breached, see if you
19 could see that it would actually come out at a certain location. I think later on, we
20 evaluated that we didn't have enough knowledge of the ventilation of the sealed area
21 to know what would be happening. And the problem with SF6, you only get a one-shot
22 deal. Once you put it in the mine, it's going to stay there and contaminate all the
23 locations.

24 So I think we decided that we wanted to wait, as these other bore holes came
25 in, to save that test for a later date in case we needed it, because we knew if we put it

1 in in this sealed area and it started showing up and we couldn't really tell, we didn't
2 have enough bore holes at that time to know what would --- where it would come out
3 at. It would contaminate the entire atmosphere and it would render any future test that
4 we could tell something from useless.

5 Q. I know you were not at the mine site when this occurred, but there was a
6 significant time lapse between the time they realized the true reading of seven to eight
7 percent low oxygen. From the time that got discovered by MSHA from the time that
8 got to the families was, I'm not sure, seven, maybe eight hours, certainly a significant
9 amount of time. Do you have any explanation as to why it would take so long to get
10 that information to the families?

11 A. No. In fact, I wasn't even aware that that had happened.

12 Q. Are you familiar with the use of the 103(k) orders?

13 A. In general, yes.

14 MR. PAVLOVICH:

15 With a K Order?

16 MR. TEASTER:

17 Okay.

18 A. I'm not familiar with the exact wording of the way this one was worded.

19 BY MR. TEASTER:

20 Q. I'm sorry. Do you know the basic difference between a K and a J Order?

21 A. The basic difference is the K Order still remains in --- the mine is at the --- still
22 remains under the operator's control, and he submits plans to us, of which we
23 approve, to allow him to continue the rescue operation, whereas the J Order, MSHA
24 assumes control of the situation.

25 Q. Have you known any situations where MSHA took control with the use of a J

1 Order?

2 A. I understand that we did that down in Scotia in 1976 or something, something
3 like that.

4 Q. Do you know --- while you were there, did you overhear any discussions of
5 MSHA issuing a J Order to take control of the situation?

6 A. I don't recall anyone seriously proposing that.

7 Q. You say seriously proposing that. Was it casual conversation that you'd hear
8 some discussions on it?

9 A. I think that's always the case in a situation where things might not be working
10 as you --- you know, as fast as you would like, or the bore holes aren't being located
11 where you'd like, that that option is there. But I don't think anyone, you know,
12 seriously considered actually implementing that option, at least in front of me, I don't
13 believe they did.

14 Q. John, in your experiences at previous emergency sites, have you ever known
15 of the press, media, being allowed to go underground to the site?

16 A. No. But this situation is much different than the situation where --- that we're
17 normally used to, because normally you're dealing with --- just mine-rescue team
18 personnel are the only ones allowed underground because of the atmospheres that
19 you're dealing with. It's a little bit different situation than normally we would be
20 operating under.

21 Q. Would the actual law of what the K Order is intended to do even allow for
22 press to go underground, John, in your opinion?

23 A. My understanding, to allow any photographs requires the approval of the
24 district manager or whoever is in charge of the situation, so ---.

25 Q. Normally, what does the K Order limit as far as who can go into the mine?

1 A. Whoever would be necessary to do whatever the work needed to be done,
2 whether it's mine-rescue teams, or in this case, people working to do that. I guess to
3 take pictures with a camera, there would probably be some discussion as to whether
4 the K Order would need to be modified to allow that to occur. I don't know whether it
5 was or not. I would think that it probably was, but I don't know that.

6 Q. And that was done before you ever got there, or was it ---?

7 A. No. I think the camera crew happened while --- I think that happened while I
8 was there.

9 Q. Okay. You think it happened between the 13th and the 16th?

10 A. I remember a lot of discussion about that and I remember seeing it on TV, and
11 I just don't remember when it was. So I apologize. Just too many things are running
12 together.

13 Q. That's all right.

14 A. I remember a lot of discussion about that.

15 Q. Okay.

16 MR. PAVLOVICH:

17 So your characterization then is that the press going
18 underground, the potential for something to happen was not as great because it was
19 not a mine explosion or a mine fire?

20 A. Well, I don't want to imply that. I mean, someone, whoever would have
21 permitted that, would have had to evaluate the situation and determine whether that's
22 in the best interest of the operation to allow that to happen. It's very unusual that that
23 would happen, in my mind. But I mean, again, it's whoever would be in charge would
24 make that decision based on the information that they had available to them. And if
25 they felt that was important, then I guess they would allow it to happen. I wasn't part

1 of that decision on doing that, so I don't know what information they had or why they
2 decided to do that.

3 BY MR. TEASTER:

4 Q. What was Bob Murray's involvement in the command center, to your
5 knowledge?

6 A. He was very --- I would say that he was very active in --- again, it wasn't a
7 command center as you traditionally think about, but he would have been very active
8 in the decisions, at least as far as I know it, and as far as the meetings that I would
9 have been present with, he would have --- he did ---. He listened to what MSHA had
10 to say. He listened to what his people had to say. But at the end of the day, he made
11 the decision.

12 Q. So he was basically over the company command center then? I guess you
13 almost had two here, an MSHA command center and a company command center?

14 A. Well, I guess you could say they operated separately, but when it came time
15 to make a decision, I mean, of course there would have been one --- they'd have been
16 together to do that, whether it had been a meeting ---.

17 Q. Or they would have formulated a plan at theirs and brought it over and said,
18 here's the plan we want to do, ---

19 A. Right.

20 Q. --- evaluate it and let us know?

21 A. Exactly. And then that would have --- then they would have been back and
22 forth on that. Again, it's a little different because everything was moving --- whether it
23 was a bore hole that took a long time to drill, or the underground operation, which took
24 a long time to move, it was just like everything in slow motion. You had a lot of time
25 in between, so you wouldn't have to necessarily sit across the table from each other

1 making decisions ---

2 Q. Then I guess ---

3 A. --- momentarily.

4 Q. --- you had dual communication from underground or from the bore holes to
5 both command centers?

6 A. Yes. I know the company, at least at the --- I could talk about the bore holes,
7 and I'm not going to tell you for sure for underground, but I would assume it's the
8 same. From the bore holes, the company would have used their walkie-talkies that
9 they had. They had a repeater system. And of course, MSHA would have used their
10 satellite phones.

11 Q. Okay.

12 A. And once you got to the top of the hill, then we could use normal cell phones,
13 not over the hill.

14 Q. John, going back to when you were underground, what did --- that Number
15 One entry, did you go up and look where they were mining and loading?

16 A. I was there twice. Once would have been, I guess, on the 14th or 15th when I
17 went underground with Kevin. And, yes, we went to where they were loading and
18 where they were working and where they were installing the support. And then we
19 traveled outby and did the work as mentioned in the Number Two entry and going to
20 see where our sampling was occurring, where our mine-rescue people were taking
21 their air readings. I wanted to see where our people were traveling just to make sure
22 that, you know, everything was okay where they were.

23 Q. Describe what you saw there. We'll call it the face. That seemed to be what
24 everyone called it where they were loading. What did it look like?

25 A. On the first time?

1 Q. Both times.

2 A. Well, I mean, they --- the first time, they weren't quite as organized as they
3 were the second time I was there. They got some additional people there the second
4 time I was there, and they had different people spotted along the entry to help speed
5 up the process, traffic tie-up, traffic jams and that. The conditions at the face area
6 were --- as I remember, there were small --- a small opening on the first day that we
7 were there. I can't remember the exact size. But you could see a little bit inby.

8 MR. PAVLOVICH:

9 In the middle, on the side, ribs?

10 A. I think it was more towards the right side as you're looking inby the first day I
11 was there. It almost looked as if the pillar itself, the solid pillar, which would have
12 been the pillar between the Number One entry and the gob on the left side looking
13 inby, looked almost as if that pillar moved over. And there was a lot of soft material
14 that they were mining out. I think the miner operator at that time indicated that it didn't
15 take much of an effort to move this material as he was going. And then of course, we
16 would have watched the cycle where once the shuttle car would have left and the
17 people would have came up and set the support.

18 MR. PAVLOVICH:

19 So it would actually look like the left side barrier pillar had
20 moved out somewhat into what had been the entry?

21 A. Yeah, to me, as a --- you know, again, I'm not a roof-control person or a bump
22 person. I mean, you could see where the pillars --- the other pillar between the
23 Number One and Number Two entry had also been compromised and partially filled
24 the entry. So, I mean --- and it seemed to be that the area was --- I mean, the roof
25 appeared to be in good condition. It was just that the entry was full of coal from the

1 pillars and the barrier on the first day that I was there.

2 MR. PAVLOVICH:

3 Now, how was it the second day? That would have been the
4 16th? That was your second time you'd been down?

5 A. The second --- yeah. It was the 16th. It would have been probably one or two
6 o'clock in the afternoon. I went in with the company folks, Laine Adair specifically. I
7 remember him being with us. They were having a problem getting air. In fact, the
8 reason I went --- there were a couple reasons I went in, but one of them was to see if I
9 could get any feel for why they weren't getting enough air at the face. They were
10 reporting that low oxygen was actually coming back through the opening in front of
11 them.

12 MR. PAVLOVICH:

13 In the Number One entry?

14 A. In the Number One entry.

15 MR. PAVLOVICH:

16 And when they say low oxygen, what range would it have
17 been in, John, do you remember?

18 A. I think I recall some 18 percent was the number that ---.

19 MR. PAVLOVICH:

20 About 18?

21 A. If they were right up in the hole before the air was actually, you know,
22 ventilated to them. What they were doing --- I don't know how to describe this --- is
23 they had a curtain that extended two crosscuts outby. And they were trying to take the
24 air ---.

25 MR. PAVLOVICH:

1 Like a line curtain?

2 A. Like a line curtain that extended past the most outby crosscut. It started two
3 crosscuts outby. It went to the outby and then continued on to the face area. And
4 their concern --- they felt they couldn't get enough air at that curtain. So what I did is
5 we went up to the face area and had some smoke and blew some smoke in that area
6 and saw that the curtain was, indeed, exhausting. Then we actually crawled through
7 the chain, through the support, through the crosscut into the Number Two entry. And
8 you could see that it was a pile of gob --- not gob --- coal in that crosscut, but the air
9 was going towards the Number Two entry, I mean, very rapidly. It was really pulling
10 hard. You could also see that it wasn't going down the Number Two. It was going
11 over towards the Number Three. We also crawled around to the back of that curtain,
12 the backside of the curtain so we'd be on the backside of the support, and there was
13 very little air going along the curtain to the next crosscut.

14 MR. PAVLOVICH:

15 The second one?

16 A. The second one. And we had been at the second one outby previously, and
17 there was quite a bit of air coming from behind the curtain going through into the
18 Number Two entry. So what we learned from that is all the air that was going outby
19 from the second outby crosscut was just leakage between the two crosscuts.

20 MR. PAVLOVICH:

21 Oh, okay.

22 A. Okay? And so Laine Adair was with me when we found that --- and he was
23 going to make a change later that shift to close that outby curtain so it would all pull to
24 the one that's closest to the ---

25 MR. PAVLOVICH:

1 First outby.

2 A. --- first outby and you'd get more air at the face. You wouldn't have all that
3 leakage that was going there. And so we found that. I also remember that the hole at
4 the face was smaller that day than it was the previous time I had saw. And I
5 remember the mine operator telling me that it was a little harder to cut. He had to put
6 more force on it than he had the last time. But everything, I mean, as far as the
7 support, I mean, they were doing, you know, everything that they had been in the past.
8 They had changed it so there were fewer people there. So what would happen ---
9 because I know we had to leave to go outby when the shuttle car came, because they
10 only wanted so many people up at the face. That had been changed from the first
11 time I was there, so there would be less people exposed. So we learned that.

12 The other thing I went in for that day is I had an idea that I wanted to see if I
13 could use our small robot that was out there in the Number Two entry and try to take it
14 over to the Number Two entry to see if I thought I could get it past some of the fall ---
15 some of the --- I keep calling them falls, but the material that was in the entry. And
16 based on what I had seen, I thought, you know, that's a possibility.

17 MR. PAVLOVICH:

18 Was there a void there, I mean, a gap ---

19 A. There happened to be ---.

20 MR. PAVLOVICH:

21 --- in the material in the roof?

22 A. There was. It wasn't very big. But it happened to be just at that particular
23 crosscut. When I was there previously, I'd looked for the same thing, but there was no
24 opening on that entry at that time. It was very tight in that belt entry. It was almost to
25 --- well, it was to the roof. But this time, there was an opening, and I was going to

1 propose the next day to the command center if they would permit me to try that,
2 knowing, I mean, there was a risk of losing the robot, I mean, because I might not get
3 very far with it, but I thought it would be worth a try. But that was the day of the 16th,
4 and of course, we never got to try that. But anyways, that was the second reason
5 then. Then I also wanted to check with our guys that were working in there just to see
6 what all they were doing and making sure everything was working out. And then I
7 came back out of the mine.

8 MR. PAVLOVICH:

9 John, were those crosscuts pretty much packed full of coal,
10 too, like that?

11 A. The ones that I remember were, Joe. They had to clean some of them up to
12 have a turnaround.

13 MR. PAVLOVICH:

14 And also for air, I guess?

15 A. Well, not so much for air, but for turnaround. For example, the last crosscut,
16 which would have been, I guess, at 126, that was --- I mean, it was full. I mean, when
17 we went through there, we're --- you know, it was only a few feet above it that was
18 open.

19 MR. PAVLOVICH:

20 Okay. So you could crawl over top?

21 A. You could crawl over top of it.

22 MR. PAVLOVICH:

23 It wasn't packed to the roof like the face area was ---

24 A. It wasn't, no.

25 MR. PAVLOVICH:

1 --- or like the entry was?

2 A. No.

3 MR. PAVLOVICH:

4 Okay. So there was enough of a void in the crosscuts to allow
5 the air to go through? They weren't having to clean up the crosscut for air flow?

6 A. No.

7 MR. PAVLOVICH:

8 And how about in two, three and four? I mean, where was the
9 air going there?

10 A. I don't know. I didn't proceed past --- we made it part way up on the pile into
11 the --- I'm sorry, into the Number --- towards the Number Two entry. We never
12 actually made it to the Number Two entry. And, you know, I supposed we could have,
13 but it just wasn't --- I didn't think it was a good idea to go any further than where we
14 were at that time.

15 MR. PAVLOVICH:

16 Was the curtain hanging on the props, the water props, the
17 line curtain?

18 A. Joe, I think it was. I think it was on the --- I think it was along --- it was along
19 the outside of that, because we had to go through the curtain and through the chain to
20 get --- the chain-link fence ---.

21 MR. PAVLOVICH:

22 Was it hanging on the outside of ---?

23 A. As I remember, I believe it was.

24 MR. PAVLOVICH:

25 How much area would there have been behind that?

1 A. They gave us a measurement of what it was. I don't remember it at this time.
2 I know that ---.

3 MR. PAVLOVICH:

4 Because we saw pictures with obviously a lot of coal piled up
5 against the chain-link fence.

6 A. There was coal behind it, too. I mean, so there wasn't a large, open area
7 there. And that concerned me with them trying to run it two crosscuts, because I knew
8 it was going to be very tight in there. But we also suspected that the area in the
9 Number Two, Three and Four entry, at that point, we felt was pretty tight. We didn't
10 know which was going to be the least tight.

11 BY MR. TEASTER:

12 Q. John, on the day that you went underground the last time, which is the 16th,
13 we have a note from MSHA personnel that was underground that day. And there was
14 several bumps. Some of them were categorized as significant bumps, at least one of
15 them. Ten o'clock or shortly after ten o'clock that morning that disrupted ventilations
16 and I think maybe there was some on the miner. But then there was four or five other
17 bumps. And they've categorized a bump as something that kind of vibrated the floor
18 and roof and sometimes there was coal ---. And a thump was something a little bit
19 higher up in the roof. But there was this significant one at ten o'clock, and there were
20 several others within a short time period after that, say between 10:00 and 11:00. And
21 then there was another one that was listed as somewhat significant around two o'clock
22 --- 12 o'clock, 12:52. And then there was two other smaller ones. Was you advised
23 that this type of bumps was occurring when you went underground? Was you aware
24 of them?

25 A. Yeah, I knew the bumps were occurring. I, you know, deferred to the --- we

1 had our roof-control people there. We had the people from the company that dealt
2 with bumps. And basically, if they felt comfortable, you know, I felt comfortable. And
3 I could tell you where I was. You know, I was right up to where the miner was on the
4 16th. And I mean, the support that we had in there, Ernie, was --- I mean, it was --- I
5 mean --- I felt very comfortable there. I mean, it was --- I've never seen so much
6 support in one area. And according to the roof-control people, I mean, that was the
7 best kind of support that you could have had there for that. So, you know, I guess that
8 realizing that these bumps occur, and that as long as the bumps were occurring,
9 things were moving rather than --- no bumps means that things are building up. And
10 that's just a layman version of it. But as long as they weren't concerned, I just was ---.

11 MR. PAVLOVICH:

12 So you relied basically on the expertise of the people there?

13 A. Yeah. I don't have any expertise in that area. I mean, I could just look at
14 what they were installing, and it looked very substantial to me. And they weren't
15 concerned about the bumps. They were more --- and I was really concerned about the
16 area behind us. In fact, one of the things that we ended up doing because of that was
17 move the SCSRs up closer so that in case something did happen behind us, you
18 know, that these guys would have enough SCSRs until we could, you know, get back
19 to get them. So I was really more worried about what was behind them. And I even
20 told our team members to watch that back behind us.

21 MR. PAVLOVICH:

22 Behind you, was you more concerned about bumps or the roof
23 caving in?

24 A. The roof, because of the --- you know, where they had saw the cracks and
25 where they had put in the sag stations. I was more worried about that than I was

1 where we were located there. And that was just based on the discussions I had with
2 the people that were there.

3 MR. PAVLOVICH:

4 Did you have --- overhear or participate in any discussions
5 when they was evaluating these bumps that was transpiring?

6 A. I'm sure I was there when they were talking about them, but it was --- I don't
7 recall anyone saying that, you know, this --- I guess it was even unexpected. I mean,
8 these types of things we were to expect, but that they felt that the support that we put
9 in there was adequate for what we were doing. So I didn't think any more about it.

10 BY MR. TEASTER:

11 Q. Had you ever been in a bump before, John?

12 A. No.

13 Q. You didn't actually really look at the area?

14 A. No. No. I just have to go with what people tell me on that.

15 Q. You were just kind of surprised to see what you saw?

16 A. Yeah. I've never seen that much material in an entry, like in the Number One
17 when I saw it on the 16th, and we just have the small hole. I mean, it was pretty
18 amazing. In the belt entry, the Number Two entry when we went and it wasn't even ---
19 air would not even go through it, I was --- it was kind of impressive.

20 Q. John, with the gas readings that they were getting, the oxygen, specifically,
21 and the amount of material that you saw, did you think that the miners had much
22 chance of survival?

23 A. At that point, I did. At that point, I did. We had --- these two holes that went
24 in, both went into an open entry. The one, I think we even had a camera showing that
25 you could see some of the belt, so you knew that some of the entry was open. The

1 low- oxygen readings that we had there, yes, that was of concern to me, but I didn't
2 know how long it had actually been there, because they had lost a lot of stoppings
3 outby and they had brought some stoppings, you know, back in with them early on.
4 So they would have brought some air with them to change that.

5 When the number three bore hole went in, which would have been on that
6 16th, and we had the 16-percent oxygen, that kind of gave me a little hope, because
7 the 16 was, of course, much higher than the 7 that we had that was more of an inby
8 location. It would also have been a location that, had the miners survived the first
9 blast that happened, the first fall or bump, I guess, and with the number of pillars that
10 were inby them that were supposed to be intact, the hope was they could have got to
11 this area and then they could have gone inby in the bleeder entry, because there were
12 still supposedly controls in here if they didn't get knocked down by the bump, that they
13 could have actually built some type of barricade in there.

14 So I mean, at that point in time, I had a lot of hope that, you know, maybe
15 these guys, if they could have gotten away from where they were, if they didn't get a
16 sudden inundation of gas --- and of course, there are a lot of ifs, but you always hold
17 hope that maybe they could have got their SCSRs on, maybe they could have got inby
18 where there would have been some fresh air, and they would still be there and we
19 could rescue them. So I guess at that point, I felt we had a good chance of trying to
20 get to these guys.

21 UNIDENTIFIED SPEAKER:

22 John, are you aware that on the very morning of the 6th, when
23 the accident happened, that they were in there, and somewhere around five o'clock,
24 they reported that there was 18-percent oxygen at break 121? Another inspector said
25 that when he got there, Barry Grosely, he made it to 126 and there was a small bump

1 and there was 15 to 16-percent oxygen coming out. Were you aware of that?

2 A. No.

3 UNIDENTIFIED SPEAKER:

4 What did that tell you? You just mentioned that you didn't
5 know how long the low O2 had been there. And also, earlier, you said you contributed
6 --- or somebody contributed that sometimes bumps cause low oxygen. Did anybody
7 at that time consider that there had been a breach ---?

8 A. There could have been a breach. At that point, the idea of this --- the bump
9 causing the low oxygen, I didn't learn about that until later. That was well after the
10 16th. So it was like, could the low oxygen have come from a breach to the sealed
11 area? And that's what we were thinking it was. So when you look at what could have
12 happened to the miners, you don't know where it breached, okay? So could it have
13 breached somewhere, maybe right in the general area where they were, they could
14 have got their SCSRs and gone inby that breach --- because this was dead-ended. So
15 it would have been tough to ventilate both with positive ventilation, but also to put bad
16 air in. So there would have been a shot that the area inby could have still had good
17 oxygen. I mean, so as with any rescue, I mean, you look at the positive. What's the
18 positive potential? What could have happened that the miners could have done that
19 they could still be alive? Even though --- the negatives, you weigh that, and you
20 weigh that in. What risk do you take as far as level of risk to your rescuers?

21 But at this point in time, I thought we had at least evidence that there could
22 have been an area inby that the oxygen would have been --- could have been okay, at
23 least if they could have gotten there, they could have survived. Because there a large
24 volume. I think we even did a calculation at one time. If some of this had stayed
25 open and the breach was outby, that there was plenty of oxygen to last, and I can't

1 remember, it was weeks, for the amount of men that were there.

2 The other factor we knew is the maximum cover where the mountain was was
3 outby us. So, you know, the potential --- the thought was, if we can get through that
4 mountain area where the higher cover was, that the conditions would be much better
5 inby, and that that was also a location where a breach was more likely, because it had
6 more weight sitting on it. Again, that's a layman thinking about it, not an expert. So I
7 mean, that's kind of the thought process that I had, that I thought we had a real shot at
8 these guys if they survived the initial ---.

9 BY MR. TEASTER:

10 Q. Was there discussion for that, John, on getting through the maximum cover?

11 A. We had talked about that a number of times, that the conditions we felt were
12 going to get worse as we progressed, as we came to the maximum cover area. And
13 then once we got on the other side of it, the conditions would improve. I think we ---
14 and I can't tell you when we learned this. I don't know if it was before the 16th or after
15 the 16th. But I think eventually our roof-control people found that the map was wrong.
16 It had the contour lines --- they weren't exactly as shown on the map that we were
17 using to make the decisions at the time, that they were in the wrong place.

18 Q. Would they have been further inby or further outby?

19 A. I think we were starting to get into it sooner than we had anticipated based on
20 the --- in other words, we were ---.

21 Q. So it would have been outby?

22 A. I think. I think that was it. I think we learned that after the 16th, but I'm not
23 sure. I don't remember knowing that before. But I don't ---.

24 Q. Did you hear any discussion to think that maybe you hadn't gone through
25 there?

1 A. No. I knew we weren't through it. I mean, we weren't through it. We were
2 either just approaching it or in it, and we had to go some more through the bad stuff
3 before we were going to get to the area where --- and we were all hoping that the area,
4 once we got by that, was going to be open. And based on the two holes that we had
5 that were open and the third hole that was open, that was where we were betting that
6 that's going to be positive. It made sense.

7 Q. Let's talk about seismic equipment for a little bit, John. Do you know what
8 seismic equipment was taken to the mine?

9 A. What we call our big seismic system. There was a decision early on when we
10 first deployed the seismic system, got it ready to go, about what we needed to do to
11 get it out there fast. I mean, our two options were to drive it or to fly it. But based on
12 the conditions that we had, I called Mark Skiles, and Mark gave me the approval to tell
13 Jeff to call the Air Force and make arrangements to fly ---. And so that's why we sent
14 both the mini seismic, which is easily transportable, but also the full seismic system.

15 Q. And what's the intended use of the seismic?

16 A. Well, the intended use is a locating tool, to hear from the miners. It's limited
17 in its application when you get over 1,500 feet. Less than 1,500 feet, you can use it to
18 try and triangulate and actually get a location of the miners. And I think once you get
19 past 1,500 feet, the best you can hope for is that you could possibly hear them if they
20 were pounding.

21 Q. Okay. You couldn't locate them any more than 1,500 feet?

22 A. Yeah. I don't think you can get the --- again, I'm not the expert on it, but that's
23 the way I understand it, that you couldn't really triangulate an exact location. But in
24 what we were doing here, we roughly knew the area where the miners were at. I
25 mean, they were obviously going to be somewhere inby where they were mining last,

1 which we thought, I think, was around crosscut 138 to 140, somewhere in that area.

2 And so if they were going to be there, you would have thought that they're somewhere
3 either outby a few crosscuts or --- we were hoping they were inby a few crosscuts.

4 Q. When ---?

5 MR. PAVLOVICH:

6 Would both of those systems pick up beyond 1,500 feet if
7 someone was pounding, either the mini or the big one?

8 A. The mini would not.

9 MR. PAVLOVICH:

10 The mini would not?

11 A. The mini's not designed to do that.

12 MR. PAVLOVICH:

13 You'd have to have the big one?

14 A. The mini, I think they actually took it --- I believe Virgil took it underground
15 and tried to use it underground at some point during that first week. The surface one,
16 again, would be to try and hopefully hear someone pounding on the surface. And
17 what we would do is when a hole went through, as soon as it went through, we would
18 begin tapping on the steel and we would start listening with the seismic. We would
19 pound three times or two times. We would vary it. And then they would listen as we
20 would do that. And then we would go through a sequence to lower the steel down
21 further into the mine and try it again and lower it further. We did it in two-foot
22 increments until it reached the mine floor. And then they would listen after each time.
23 And then when they pulled it out, then we would drop down a listening device where
24 we could actually broadcast. And we would yell into the mine, tell them to pound, and
25 then we would listen again with the seismic.

1 And I believe it was on this number three hole that I actually thought the
2 seismic system picked someone up. I mean, it showed the evidence of someone
3 pounding. It wasn't perfect. It wasn't like, pound ten times and you had ten
4 responses. It just got this long series of responses. And that was the reason that the
5 number four bore hole was actually located where it was, because at the end of the
6 day, I think Jeff evaluated the data and felt that it wasn't someone pounding, and it
7 was some type of noise or something in the system, because they had to have it
8 cranked up as far as they could because of the depth you were listening.

9 But looking at what we had --- and I actually took that information down to
10 Kevin and Mr. Stickler and Mr. Murray and showed them that data. They brought a
11 helicopter up for me to do that. And I went down and showed them that. And the only
12 thing I could tell them, I had practice with the seismic before in my younger days. I
13 was the guy that got to pound the roof bolt, and saw what that looked like. And this
14 looked just like what I remember seeing then. And of course, Jeff felt the same way at
15 that point in time. The only troubling thing is you couldn't correlate it. In other words,
16 we tried to tell them, like pound two times, and look for two of those, and then pound
17 ten times, and look for ten. It didn't happen that way. It just was a series of these
18 second, second-and-a-half spikes on the seismic system.

19 BY MR. TEASTER:

20 Q. Were you able to determine where that noise was coming from?

21 A. I believe Jeff felt the noise was coming from one of the other bore holes or
22 one of the other pipes or something. He has some reason for what he believes
23 happened other than someone pounding.

24 Q. How was the placement of the seismic unit in service?

25 A. I think they moved it from where they originally had it located. I think

1 originally they had it located more in an outby area, 137 outby. And then they would --
2 - as the bore holes came into play, they would move it closer. You try to keep the
3 arrays as close to the area that you're monitoring as you can. It just narrows the focus
4 of where you're at, and especially when you're looking at this depth. I mean, it's really
5 difficult to do that. And I know on this number three hole, I think we only received that
6 signal, strong signal on one of the various arrays. I think one of the other ones picked
7 up something very small, but not as big. But it was very, very sensitive, and we
8 learned that just, I mean, by somebody walking a few hundred feet away from where
9 the arrays were. Even though they were walking softly, it would pick that up as a
10 signal and it would look the same as someone pounding. So I mean, it could have
11 been somebody walking, could have been an animal on the surface somewhere. I
12 mean, very, very sensitive, because they had to have it turned up so high. So you
13 had to have it very quiet in order to use it.

14 MR. PAVLOVICH:

15 Did Mr. Murray have much confidence in the seismic system
16 that you're aware?

17 A. I really can't say. I don't know what his opinion of the seismic system was. I
18 know that he did move the bore hole four location to where it presently is. It was going
19 to be --- I think it was going to be where number five or number --- one of the other
20 bore holes was originally in line and it was moved to this location based on the
21 information we provided.

22 MR. PAVLOVICH:

23 Did you ever view the seismic logs relating to the bumps
24 underground?

25 A. I knew that the seismic system was picking up bumps underground, yeah, and

1 I'd seen them, yes.

2 BY MR. TEASTER:

3 Q. How about the one like the University of Utah has? Did you ever see that
4 one?

5 A. I think I did. I think they sent it down. I'm not exactly sure when that came up,
6 you know, what time in the operation. But I think I did see the information that they
7 had put down.

8 Q. And they were corresponding somewhat to the bumps that the underground
9 crews were reporting out to the command center? Or do you know if that was
10 correlated at all?

11 A. I don't know. I wouldn't have been ---.

12 Q. You just would have seen it?

13 A. Yeah, I remember seeing them and I remember them talking to Jeff about, do
14 you --- you know, are you picking up something similar to this on your seismic system.
15 And yes, there was. There was a lot of noise. There were a lot of times that you
16 would see spikes that had occurred. But I don't think we were able to correlate that
17 with the underground.

18 UNIDENTIFIED MALE Ex. (b)(6) and Ex. (b)(7)(C)

19 On that seismic that we maintain at MSHA, I've just got two
20 little questions. Maybe in your opinion, how reliable is it? I know I've kind of been
21 exposed to it a little bit myself, but I don't know anything about it, you know. But how
22 reliable is the system MSHA has and is there anything better out there that maybe
23 MSHA should acquire?

24 A. Right now, it's the best we got, I guess, in this operation as well as any. I
25 mean, if we were to have something occur today, I would send it, because it's the only

1 thing I have. It's the best I have. How reliable is it? I know that it works. I mean, you
2 were probably part of some of those tests that we had where we actually went
3 underground and pounded and it picked up. Now, I know that it can work in certain
4 situations. Whether it works at over 1,500 feet, I can't tell you. We weren't able to
5 test it there. Jeff could better explain that. But I know in like 700 feet, it has worked.

6 Is there something better out there? I know that we --- and I'm saying Jeff and
7 tech support. Jeff's new role is to look at new technology. And I know that we put out
8 a --- I don't know what you would call this. It's a request for bids or --- to try and get a
9 better seismic system. And we weren't able to get anyone that would come back and
10 guarantee that they could build something better than what we have.

11 MR. PAVLOVICH:

12 Is this still the same one from 30-some years ago?

13 A. Yeah.

14 MR. PAVLOVICH:

15 The Westinghouse?

16 A. Yes. I mean, it's very old. The computer system is old. The filters are old.
17 But, you know --- and we've talked about upgrading those, and I think that we're in the
18 process of looking to do that. But I guess this is kind of like one-of-a-kind stuff.

19 MR. PAVLOVICH:

20 Right.

21 A. And I don't know --- I don't know if you can just go get it and replace it.
22 Because our discussions currently are to have three stations, one in Denver, one in
23 Beckley, one in Pittsburgh, with three of everything, including three seismics. And I
24 said, Jeff, if you're going to buy a computer for it, buy three. Buy three of everything.
25 And he says, John, it's not that simple. So I know we're looking into it, but I don't know

1 if we can get --- but we do need to get there. If there is something better, I think we
2 need it. But right now, that's the best we got.

3 BY MR. TEASTER:

4 Q. Did you know Bob Murray prior to the accident at Crandall Canyon?

5 A. No, I didn't.

6 Q. You had no dealings with him that you're aware of?

7 A. I personally did not. I know that our --- the ventilation division had dealt with
8 him somewhat at the --- it was an old U.S. Steel mine in Pennsylvania. They were
9 having problems in the bleeder system. But I was not personally involved with it, so I
10 did not deal with him personally.

11 Q. Do you feel that his presence at the mine had an influence on the decisions
12 that were being made there to continue the operation and to do different things?

13 A. Yes. He was in charge for the company. There was no --- that was clear.

14 Q. Do you think he had any influence over MSHA's decisions?

15 A. I don't know what you mean by influence, Ernie. I mean, obviously, there's
16 going to be interaction between the hierarchy of MSHA and him in dealing with things.

17 Q. I'm talking about maybe where MSHA had an opinion of doing something one
18 way, and because of his influence, they decided to do it his way.

19 A. I really can't say that --- I really don't have an answer to that to know. I mean,
20 obviously, MSHA would have liked to have had more drills operating than just one.
21 And I believe that the hierarchy --- and I don't know that for certain, but I believe that
22 he was approached with that and that that didn't happen. And I say that because in
23 speaking to his engineer that was up on the hill, he told me that, you know, that had
24 been discussed and it wasn't happening. And I know that MSHA wanted that, but we
25 have no mechanism to make that happen.

1 Q. The roadways in the areas where the drills was working, did you feel that that
2 was a safe area of access for the workers who were drilling?

3 A. It was as safe as could be made safe considering the circumstances that we
4 were dealing with.

5 Q. You felt it was adequate enough to continue doing what you were doing,
6 based on the emergency situation?

7 A. Based on --- if it were a non-emergency situation, it wouldn't have been
8 adequate, but since this was an emergency situation and time was of the essence, it
9 was as safe as you could make it.

10 MR. PAVLOVICH:

11 Are you aware of any bore holes that were drilled that Mr.
12 Murray basically didn't want to drill?

13 A. Yes. I believe that the last series of bore holes would have been discussions
14 between higher-level MSHA and Mr. Murray to drill additional holes, because he ---
15 some of the later holes, he didn't want to drill.

16 MR. PAVLOVICH:

17 Didn't want to drill?

18 A. Right.

19 MR. PAVLOVICH:

20 Do you know what his reasoning for not drilling could have
21 been? Was you privy to those meetings?

22 A. No. I don't believe I would have been privy to any of them where the
23 negotiations were ongoing to get Mr. Murray to drill additional holes.

24 BY MR. TEASTER:

25 Q. How long did you stay there?

1 A. I was there ---.

2 Q. Were you there until the last hole was finished?

3 A. No.

4 Q. You left before that?

5 A. I left, I believe, right after number --- it was Labor Day, Labor Day weekend. It
6 was after the bore hole six went in, where we --- I'm sorry. I believe it was after the
7 sixth one, because when we got number five and number six, and they were tight, it
8 really --- it wasn't good news when they went in and we found that the entry ---.

9 MR. PAVLOVICH:

10 There was no void in the mine area?

11 A. There was no void. Yes.

12 MR. PAVLOVICH:

13 So you hit solid coal when you got there?

14 A. Yes.

15 MR. PAVLOVICH:

16 Were they able to tell that that wasn't drilled into a pillar, that
17 it was actually in the entry?

18 A. Yes. I was with them on both of those holes. And what they would do is, of
19 course, you know, they'd lose their air when they first enter the mine. They would
20 stop. And then they would put pressure, just straight downward pressure on the drill to
21 get it through the metal --- the mesh, because there was wire mesh there. So first
22 they would go through the mesh. And then once they'd go through the mesh, then it
23 would
24 --- if there was void, then it basically go very easily until you hit material. And in those
25 instances, they were --- as soon as they went through the mesh, they were on solid

1 material right away.

2 MR. PAVLOVICH:

3 So they could tell going through the mesh?

4 A. Yeah. And then what they would do is they would --- when they hit the solid
5 material, then they couldn't just push it any more, and they would turn the drill on and
6 just drill with very little pressure slowly. And they would drill down through the soft
7 material until they hit bottom. And then, of course, to drill to the bottom, they'd have
8 to put in additional pressure. So I was confident in watching them and listening to
9 them that what they were reporting and what they were doing was adequate.

10 MR. PAVLOVICH:

11 Those two holes were which ones?

12 A. Five and six.

13 MR. PAVLOVICH:

14 Five and six is where they drilled into solid material?

15 A. Yeah. And, in fact, it was to the point that once they pulled the drill out and
16 then they went back in with the camera, they were already filled with water. And so
17 the water had backed up --- I mean, there wasn't even enough void to even let the
18 water --- because each of the holes made water. And then it actually ---.

19 MR. PAVLOVICH:

20 But they was dry drilling, drilling with air; right? They weren't
21 drilling with water?

22 A. They were drilling with --- drilling mud, the normal ---.

23 MR. PAVLOVICH:

24 Oh, they were used to drilling mud?

25 A. Yeah, whatever they normally drill to do that.

1 MR. PAVLOVICH:

2 I didn't know if they were drilling with air.

3 A. But there was a lot of water coming in through the strata, because that
4 hampered our cameras going in.

5 MR. PAVLOVICH:

6 Did you ever hear that one of these holes, when they dropped
7 the camera, at about 400 feet, found a big void in the ---?

8 A. Well, I mean, I saw in some of those that you would see --- and I don't want to
9 say void, per se, but I mean, the hole wasn't --- you wouldn't just see the nice hole.
10 You would see an area of the hole with a big pot-out. I'll call it a pot-out. And you
11 would see cracks at different locations as they would go into the mine. So that was
12 normal in all the holes that I looked at. In fact, the one we tried to put the robot down,
13 it actually got stuck in one of those.

14 MR. PAVLOVICH:

15 You lost your robot?

16 A. Yeah, we lost the robot.

17 MR. PAVLOVICH:

18 Someone's robot.

19 A. Someone's --- well, no. It was ours. We bought it.

20 MR. PAVLOVICH:

21 Oh.

22 A. We lose it, we bought it.

23 BY MR. TEASTER:

24 Q. John, Governor Huntsman from Utah, at one of the hearings in Washington, I
25 think it was the Senate, but it could have been the House, but he characterized

1 MSHA's situation there as not under control, somewhat chaotic. Did you see anything
2 during your presence there that would support his ---?

3 A. I don't even know if the Governor ever came up to where MSHA was located.
4 We were on top of the --- up at the mine site. I thought that was an unfair statement.

5 Q. Did you see the hearings?

6 A. I saw --- I heard when he made that statement, yes, and I'm sitting there
7 thinking --- I didn't understand it, because it didn't fit --- I thought we were doing as
8 well as we could in the situation that was there.

9 Q. And based on your meetings and what you heard as it relates to Bob Murray,
10 how would you characterize his demeanor at the mine site?

11 A. I don't know the gentleman normally, so, I don't know ---. I don't know him
12 normally, so I don't know how to describe him. I mean, he was a very demanding
13 individual. I mean, you knew he was in charge of the company. You could see that
14 the company people were very loyal to him. I can say that after the accident on the
15 16th, I guess --- yeah, 16th, he was very disheartened, as everyone was.

16 Q. Did he seem to be professional when he dealt with MSHA people?

17 A. That's a tough question. I guess professional in dealing with --- the dealings
18 that I've had with him, I wouldn't say that he was not professional.

19 MR. PAVLOVICH:

20 So you wouldn't say he was not professional?

21 A. He wasn't a friendly person.

22 MR. PAVLOVICH:

23 He wasn't what?

24 A. I wouldn't call him a friendly person.

25 MR. PAVLOVICH:

1 Oh, he wasn't friendly?

2 A. But he was professional as far as my dealings with him.

3 MR. PAVLOVICH:

4 I mean, he didn't get angry in the meeting and holler and
5 scream or ---?

6 A. Well, I mean, yeah, his voice would raise and he would tell his people --- I was
7 there when he told his people, if you can't do it, I'll get somebody here that can. I
8 mean, he was a demanding individual, but I mean, as far as his treatment of me and
9 the MSHA people that would have been there when I was there, he was never rude
10 with us.

11 MR. PAVLOVICH:

12 He wasn't telling you that ---?

13 A. No, no, no.

14 MR. PAVLOVICH:

15 Okay.

16 BY MR. TEASTER:

17 Q. Did you observe any of his interactions with members of the families?

18 A. On TV I got to see his interaction. And I don't remember him being there on
19 the days that --- a couple times that I briefed them. And I wasn't sure on that first day
20 if he was there or not. But whatever he did, it wasn't anything that ever stuck in my
21 mind that he did anything that was unusual. There was only one time I can --- and
22 something came to mind on your last question there, Joe. We were bringing a trailer
23 that MSHA had rented to the top of the hill. And I was part of getting that rented and
24 getting it up there. And we were renting a generator to have up there. And I went
25 over to the office, and he wasn't there at his command center, to let them know we

1 were doing that, and to ask them if they would fill it with fuel while we had it up there,
2 you know. And the lady that was there was very nice and said, you know, she'd take
3 care of it, not a problem.

4 But within a few hours, she came back over and she said, why are you taking
5 that vehicle up there? And I said, well, I mean, I anticipate we're going to be up there
6 for an extended period of time and we want to have --- we want to improve our
7 communication, could we put a satellite up there so we could, you know, talk back and
8 forth and also have a phone that we could use rather than the satellite phone that was
9 in the vehicle. And she came back and Mr. Murray --- she told me that Mr. Murray
10 said that we can do --- he will not stop us from taking that trailer up there, he sees no
11 need for that trailer and he will not support it. But I can tell you that the people worked
12 up there that worked for him did support it without telling him that they did.

13 MR. PAVLOVICH:

14 So you did take the trailer anyway?

15 A. We took the trailer anyway, but that was a one --- that came to mind where he
16 didn't speak to me about it, but he spoke through his secretary that he didn't agree
17 with what we were doing and he wasn't going to support that function.

18 BY MR. TEASTER:

19 Q. John, recognizing that you were not there during the early stages of --- the first
20 week of the mine emergency, how would you characterize MSHA's handling of this
21 emergency compared to some others that you've --- where you've been present?

22 A. I think it was similar in a lot of respects, as you take the information that you
23 have, the best information, and you, you know, work to get the best plan from the
24 mine operator you feel is the safest. I think we were all dealing with something that
25 was a bit unusual to most people, you know, and what to expect as far as the bump

1 situation. So I mean, I think that the folks did the best they could with what they had
2 to work with and what knowledge they had. It was a little unusual having the Assistant
3 Secretary in such an active role, because that normally doesn't happen, but we don't
4 usually have an assistant secretary that's very knowledgeable in mining and mine
5 rescue as Mr. Stickler is, so I mean that was a little different.

6 Q. Would you say that that in any way interfered with the operation by his
7 presence?

8 A. Not interfere. I mean, he was in charge and he was knowledgeable of what
9 was going on.

10 MR. TEASTER:

11 Joe, do you have some questions?

12 MR. PAVLOVICH:

13 I'll just ask you a couple here, John. After the accident on the
14 16th, what is your understanding of why the rescue effort, the underground rescue
15 effort was stopped at that time?

16 A. Well, I thought, Joe, that we had put in a system that we felt was safe as
17 possible for the rescuers. And we learned on the 16th that even though that was the
18 only --- that was the best, and other experts had recommended to do, it wasn't good
19 enough. So the rescue effort was stopped until we could find something that --- if we
20 could go underground, if there was some way we could do it safely. And that's why
21 the experts were convened to evaluate what we'd done, and is there a way that we
22 can continue forward, I mean, because the evidence we still had hadn't changed. I
23 mean, we still had --- we had drilled enough holes to know that, you know, the
24 possibility of them surviving was not that good. We had information from the oxygen
25 levels at the back end that the possibility was there. So we were still looking at

1 something and what could be done, and what could be done safely. So it was stopped
2 because we were looking for a better option. It turned out that they --- even they felt
3 that there wasn't another option.

4 MR. PAVLOVICH:

5 And the experts I think unanimously refused to go in the
6 mine?

7 A. Yeah. They didn't go in the mine. They felt that it wasn't necessary. I don't
8 know their exact reasoning why, but they felt it wasn't necessary, which kind of struck
9 me as kind of odd. You'd think they'd want to see firsthand what the situation was.
10 But I guess they had enough information that was presented to them that they felt they
11 could make a decision without that.

12 MR. PAVLOVICH:

13 So primarily, you think the experts actually made the decision
14 you can't do any more, or did they just kind of confirm or agree with the decision that
15 had already been made, is we're not going to go?

16 A. No, I don't think there was a decision made that we weren't going to go. I
17 mean, the decision was made that we weren't going to go as we were going, because
18 we know that didn't work. We're not going to do that anymore. But is there some
19 other way to do this? And can it be done? Is it safe to go back in this mine knowing
20 that this happened with --- what could be done to prevent it? There was no --- any
21 clues that could tell us that this thing was going to happen, and it did.

22 MR. PAVLOVICH:

23 Okay. In your own opinion, John, and I know, you know, how
24 opinions are, and I'm not asking you for hindsight here, but as you were out there and
25 as you saw what was going on, did you ever think maybe this operation should be

1 stopped, that it's not safe to do as we're doing ---?

2 A. You mean the underground operation?

3 MR. PAVLOVICH:

4 Yes.

5 A. No. I mean, that's why I went underground when I did. I mean, I had been up
6 all night the night --- all day, all night, and this was the second day. And I went back
7 underground to make sure that everything that everyone was saying about the
8 situation, because we had our mine-rescue team in there, that it was okay. And I was
9 looking for the air and I was looking for the robot. But I mean, that was the reason for
10 going there, Joe. And like I say, I felt it looked good compared to most of the places I
11 go. I mean, I was very comfortable in there. I mean, I would not have crawled
12 through the chain-link fence and up on the pile of material if I thought the conditions
13 were --- I mean, I'm not suicidal. I mean, I felt comfortable with what I saw and what
14 was there.

15 MR. PAVLOVICH:

16 Okay. Do you feel that MSHA's emergency response
17 preparedness program or training for managers concerning emergency response is
18 adequate? Do you think we get enough?

19 SHORT BREAK TAKEN

20 MR. TEASTER:

21 Let's continue on with the interviews. Joe had some more
22 questions.

23 MR. PAVLOVICH:

24 John, did you have any --- I think you said you went to some
25 of the briefing meetings with the families. Did you have any interaction there with the

1 family liaisons or with any of that liaison program?

2 A. Well, I met them when I was there.

3 MR. PAVLOVICH:

4 Okay.

5 A. I mean, they were there when we went in to meet with them. Specifically, I
6 think I was there the one time at the beginning, and then I went one time to describe to
7 the families what we do at the bore holes each time one goes through so that they had
8 an idea of what was going on.

9 MR. PAVLOVICH:

10 So you were involved in some of the briefings then as far as
11 providing information to the families?

12 A. Yes.

13 MR. PAVLOVICH:

14 And did you ever meet with the press at all, provide any
15 information to the press or with the primary communicator?

16 A. One time I was asked to go with Mr. Kuzar when he was in charge in case
17 they asked a technical question. He asked if I would go with him. And I stood with
18 him at a press briefing, but I didn't say a word.

19 MR. PAVLOVICH:

20 Okay. Good for you. I'm not sure we asked this before, but I
21 think maybe we did. There was some consideration given to using the rescue
22 capsule. Were you involved in the decision not to use the --- or not to drill a hole for
23 the rescue capsule?

24 A. Yes.

25 MR. PAVLOVICH:

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And what was your reasoning for that?

A. Well, the decision to use the rescue capsule, it would only be used if signs of life were found. And the rescue capsule wasn't discussed early on --- I shouldn't say that. It was discussed early on, but it was going to take approximately 30 days to drill a hole big enough to use it. And I believe Virgil had even looked into what size crane, you know. It was going to be more than a crane. It was going to be an entire setup that you'd have to put in place, complete with concrete and everything, to go that depth. So there was some preliminary work to do that, but it was going to take a long time. And of course, at that point, we were still going underground. And then after the decision --- after the accident underground on the 16th, the experts said it was too unsafe to even be in the area. So the idea of using a rescue capsule, to put somebody in it was just as unsafe going down in the capsule as it would be coming from another direction. So it was ruled out unless there were signs of life. And we had ---.

MR. PAVLOVICH:

And --- well, go ahead.

A. We had gathered one other piece of evidence after the 16th. I did a test with the bore holes. You had asked me earlier about if there was air going down various bore holes, if they were intaking and exhausting. I did a test by turning off the compressors and turning them back on. And what I learned was the area between crosscut 137 and 127 was so tight, if you turned off all the compressors to all the holes that were in by that location, the holes would intake slightly, all of them. If you started up to two of them, the other ones would still intake slightly. But if you started a third one, which put out a total of like 2,000 CFM, they would begin to exhaust. So what that told us, it was easier for the air to come out the eight-and-a-half-inch bore hole

1 than it was to go down the entries to where we were at. Now, we learned that from the
2 test that I did after the 16th.

3 MR. PAVLOVICH:

4 And that was only 2,000 cubic feet of air, which indicated to
5 you these entries were extremely tight?

6 A. Extremely tight.

7 MR. PAVLOVICH:

8 Okay.

9 UNIDENTIFIED SPEAKER:

10 John, you say after the 16th, but do you know when after the
11 16th?

12 A. There's a log of it. I mean, I know it's recorded at the command center. I
13 don't want to venture a guess on the date, but I mean, that would be in the log.

14 MR. PAVLOVICH:

15 I think you mentioned earlier, early on there was a
16 consideration to use the capsule. The capsule is under your jurisdiction; right?

17 A. Yes.

18 MR. PAVLOVICH:

19 And it was sent to you guys?

20 A. Yes, it was.

21 MR. PAVLOVICH:

22 Okay. Did you have any dealings with Agapito at all?

23 A. No.

24 MR. PAVLOVICH:

25 Were they ever onsite that you know of, at Crandall Canyon?

1 A. Not that I --- I necessarily --- they could have been, Joe, but I didn't ---.

2 MR. PAVLOVICH:

3 Okay.

4 A. I didn't talk to them or hear anybody talk about them.

5 MR. PAVLOVICH:

6 Okay.

7 MR. PAVLOVICH:

8 Ex. (b)(6) and Ex. (b)(7)(C) you got some?

9 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

10 Yeah, I got a couple questions, John. You know, we've heard
11 in kind of a roundabout way of some people having some concerns about the rescue
12 effort. You know, there's risks involved in any emergency you go to. Did anybody at
13 the mine site, whether it be MSHA, the company, anyone ever voice any concerns to
14 you about what was going on underground that stand out to you?

15 A. The only thing I remember, Ex. (b)(6) and Ex. (b)(7)(C) and they didn't speak it to me, I just
16 remember discussions, but it came (7)(D) this came via the television, that some of
17 the miners were concerned to be working in there and chose not to do that. Of course,
18 we heard that information. But I mean, I know Mr. Stickler and Kevin and I went
19 underground one time to look at the conditions, and I was back underground on the
20 16th looking at the conditions. And to me, it looked as good as it --- a lot better than
21 most places I've been.

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

23 So you did hear of some guys refusing to work underground
24 during the events?

25 A. Yes. Yeah. I mean, it was on the television.

1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 Okay. These experts that were brought in after the accident
3 on the 16th, I guess, do you know who had those brought in or who made the contacts
4 or maybe who they were?

5 A. I believe Mr. Stickler was the one that organized that to start happening. I
6 believe that the contacts were actually made by the roof-control folks because they
7 knew these experts or they knew of them. I believe they made the contacts, but I can't
8 say they made all the contacts, because I think they even asked the company if they
9 knew of certain experts that could be brought in. So it was done on that behalf. But --
10 - you asked me a third part of that question. I can't remember what it was.

11 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

12 Do you know who they were?

13 A. There's a list of names.

14 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

15 Okay. We can get that from someone else.

16 A. Yeah.

17 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

18 Did you ever hear any discussions --- I guess they said they
19 didn't feel that it was safe for anyone to go back underground, number one. Number
20 two, that they didn't know of any other options that could be used underground. Did
21 they make any comments about the type of roof support that was being used from the
22 6th to the 16th?

23 A. I guess they put together an entire report, Ex. (b)(6) and Ex. (b)(7)(C) And I don't really know what
24 was in the entire report. I just know that, you know, Ex. (b)(7)(C) was one sheet that they
25 gave us an overview that basically said they didn't feel that it was safe to proceed

1 anywhere in by a certain crosscut. I can't remember even the number right now, but a
2 certain crosscut. I'm sure that the report contained other data for that, but it'll have to
3 speak for itself. I don't remember too much about them commenting on what could be
4 done. And I really don't remember anything negative about specifically what had been
5 done, but the report will have to speak for itself.

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

7 Okay. There was one thing that caught our attention. We
8 were looking through the family-liaison log. They kept kind of a logbook of what went
9 on at the family briefings. And this statement was made on the 13th, which you
10 weren't there yet, but I thought you may be able to shed some light on it. They were
11 doing a family briefing and Murray got up. It seemed like he always spoke first. So he
12 got up and did his little thing. And then Mr. Stickler came up and it's recorded in the
13 book that he talked a little bit about using tracer gas. And then he said that the air in
14 the seal is going into the sealed area and because of this, we don't feel the sealed
15 area is communicating with the active area. That's written down in the logbook. And
16 do you have any reason why he would think because the air's gone into the sealed
17 area, that you wouldn't have communication between the active and the sealed area?
18 I guess it didn't make sense to me, so that's why I was asking if you heard anything
19 about that.

20 A. That piece of information I don't know about, and you're right, it doesn't make
21 sense to me, either. I mean, the seals --- one set of seals, and I don't believe this set
22 that we're talking in the west mains --- there was another set of seals down below that
23 that is connected to an area that's connected closer to the fan. So I could believe that
24 they were intaking all the time because of where the fan was located. On these
25 particular seals, I don't --- I mean, it's difficult to guess because of the way the thing's

1 all interconnected, how the pressures would be, to determine what's going on here.

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

3 Yeah. And we weren't sure (b) (6) we thought maybe --- you
4 know, I know you weren't there that day, but maybe somebody made a comment or
5 maybe there was some discussions on how to make that connection.

6 A. Well, I know that early on, the only way we figured the low oxygen could have
7 gotten to where the miners were was through some breach into the sealed area. And
8 that still may be the fact. I mean, the second idea that it comes in after a bump itself
9 came later, but there was no substantiation of that. So I don't know to this day if
10 something breached or what ultimately did happen.

11 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C).

12 Okay.

13 MR. PAVLOVICH:

14 John, would you look at his larger map with me and --- you
15 had mentioned earlier that there was a sampling tube running from this set of seals,
16 and I'm pointing across the main west panel, looks like five seals, and the sampling
17 tube was running over here somewhere, like 120 or 119, where they were collecting
18 the sample from --- through a pump; correct, from the pump?

19 A. That's correct. I believe it was in this Number One seal of main west.

20 MR. PAVLOVICH:

21 And then you mentioned there was another outby seal, which
22 could not be seen on that map?

23 A. Yes.

24 MR. PAVLOVICH:

25 Would this be the one that is ---?

1 A. Yes. It's near --- I'm trying to look for a spad number. They're too small to
2 see. It's right towards the elevation mark at 8260.

3 MR. PAVLOVICH:

4 Okay. And it's kind of just outby --- it's a single entry that
5 connects over into the panel 13 ---

6 A. Yes.

7 MR. PAVLOVICH:

8 --- that is just outby where the south barrier mining began?

9 A. Yes.

10 MR. PAVLOVICH:

11 Okay. And what was the sample analysis coming out of that
12 seal, do you remember?

13 A. Well, I believe the seal was intaking, and I think it was intaking all the time.
14 So I don't think the sample, we felt, was very good, because the reason we thought it
15 was intaking is the south mains was pillared.

16 MR. PAVLOVICH:

17 Okay.

18 A. And there were seals that separate the south mains from the 8th, 9th, 10th,
19 11th to 14th west area. But you were unable to travel to those seals. So we don't
20 know the conditions of those seals. But yet the south main was still ventilated back to
21 the fan. So if any of the seals between the south mains and the 10th or 9th or 14th
22 west were compromised, then this seal that we were speaking about near 8260 would
23 intake. And there's no way to know that. And based on the mining, it's very possible
24 that they could have ---.

25 MR. PAVLOVICH:

1 So the south mains entries in themselves are not sealed?

2 A. They are not sealed.

3 MR. PAVLOVICH:

4 And air is traveling into them and returning to the fans through
5 it looks like a channel area that was left because of a creek channel or something, and
6 several pillars were left?

7 A. I'm not sure exactly why the pillars were left, but I know that there was an
8 opening and part of that area was still ventilating.

9 MR. PAVLOVICH:

10 But yet all the panels, 13 through 18, were sealed, but those
11 seals could not be examined?

12 A. That's correct.

13 MR. PAVLOVICH:

14 So the company was not doing weekly exams of those seals?

15 A. They could not. The area was pillared.

16 MR. PAVLOVICH:

17 Would there have been a possibility if this one single seal,
18 this single entry, was in-gassing, and there was also seven-percent oxygen in this
19 area, as we knew there was here, that perhaps this was a communication through the
20 barrier in the south --- the south barrier between the mining area and panel 13? Was
21 that a possibility?

22 A. Yes, that's a possibility.

23 MR. PAVLOVICH:

24 So it doesn't necessarily have to be bumped through the right-
25 hand barrier from the south barrier mining in the west mains? It could have been

1 even on the left barrier? Either side could have bumped?

2 A. Either side could have bumped.

3 MR. PAVLOVICH:

4 They communicated with the ---?

5 A. And we know that they had permission to mine the barrier on the eighth west
6 side.

7 MR. PAVLOVICH:

8 Yes.

9 A. Now, to what extent they actually did mine that barrier is --- I don't know. So I
10 don't know --- and I don't know the accuracy of the map, either, to say that there was,
11 indeed, there an 80-foot barrier left there. I don't know that.

12 MR. PAVLOVICH:

13 But it was assumed by everyone that this barrier was being
14 mined?

15 A. Yes.

16 MR. PAVLOVICH:

17 And shortening the width of the barrier while, on the other
18 side, to the north side of the south barrier, there was a pillar being left --- rows of
19 pillars being left along with the barrier between that mining and the main west?

20 A. That's correct. That would not have been mined at that time.

21 MR. PAVLOVICH:

22 Okay.

23 UNIDENTIFIED SPEAKER:

24 Were there any samples taken behind the sealed area --- or
25 the pillared out sealed area and paneled-out area to the south?

1 MR. PAVLOVICH:

2 Like in that Number 13 panel, were there any holes there,
3 John, that a sample could be drawn out of?

4 A. You know, I don't know. I just don't know ---.

5 UNIDENTIFIED SPEAKER:

6 John, did you see the evaluation system for this gob down
7 here in this south mains column, what they call the --- the set of seals right here? I
8 don't know if you had a chance to look at air that was actually coming through here,
9 coming back and coming out this part right here. Did you look at that at all?

10 A. I knew that that was occurring, yes.

11 UNIDENTIFIED SPEAKER:

12 Is that common out west? I mean, I know out west, they do a
13 lot of things different than they do in the east. Is that kind of evaluation common?

14 A. I don't know.

15 UNIDENTIFIED SPEAKER:

16 How about the single entry, were they examined, on the south
17 mains barrier?

18 A. I mean, I know the single entries do exist and we do have occasions where
19 they're approved, and it's based on a mine-by-mine basis. And that's, you know, not
20 something I think anyone wants to do, but I know that they do exist.

21 UNIDENTIFIED SPEAKER:

22 Okay.

23 MR. PAVLOVICH:

24 Do you know there was --- when the north barrier was mined
25 --- and you guys correct me if I'm mistaken --- that the area was intended to fill with

1 water, and so there was basically a floating evaluation approved in this entry as
2 mining was clear back ---. And I'm speaking of the, looks like the Number Four entry
3 of the north barrier works.

4 A. I didn't know that.

5 MR. PAVLOVICH:

6 What would you think about that?

7 A. Well, I mean, again, I'm sure that the district evaluated that particular system
8 and made sure that it is appropriate for the operation for that ---. You would have to
9 evaluate that to know whether that was appropriate.

10 MR. PAVLOVICH:

11 Were you aware that --- when you got briefed at the mine,
12 that in the main west, they had previously ---?

13 A. March?

14 MR. PAVLOVICH:

15 No. Several years ago. 2004.

16 MR. TEASTER:

17 It was sealed in 2004.

18 MR. PAVLOVICH:

19 And they had stopped mining in the main west because of
20 severe roof conditions in the main west. And the prior company that owned this, I
21 think Andalex, refused to do any more mining in this area because they felt it was too
22 unsafe.

23 A. No, I didn't ---.

24 MR. PAVLOVICH:

25 That was accepted by the U.S. Forest Service, who had

1 leases on the property, so it would have been the recipient of any royalties paid.

2 A. No, I wasn't aware of that.

3 MR. PAVLOVICH:

4 Okay. Did you know that when Murray Energy elected to
5 mine the north barrier, and that mining was approved, that at a point somewhere
6 between 134 and 135 pillars, on the retreat, that they had a bump there, a major bump
7 that stopped mining and this is the reason that was sealed?

8 A. I'm not sure if I knew there was a bump there, Joe. I just knew that the
9 conditions were bad and they had to stop mining. I don't know ---.

10 MR. PAVLOVICH:

11 So no one briefed you that that's why they stopped here,
12 because of a bump, that this was very bad, also?

13 A. I remember us talking that the reason they stopped mining here is because of
14 bad conditions. They may have said it was a bump, but I just remember the bad
15 conditions in this area. I don't remember --- in fact, you're telling me that someone
16 started a second mine in main west?

17 MR. PAVLOVICH:

18 No. Never did. The company that --- prior ownership of this
19 mine refused to do it because of their --- deterioration of this area and the fact that
20 they felt it was unsafe, which was later verified by a mining engineer from the U.S.
21 Forest Service.

22 MR. PAVLOVICH:

23 Was that the Forest Service?

24 MR. TEASTER:

25 BLA.

1 MR. PAVLOVICH:

2 BLA.

3 A. I didn't know about the main west.

4 MR. PAVLOVICH:

5 Okay. So you weren't ---?

6 A. I don't remember anybody even talking about that.

7 MR. PAVLOVICH:

8 So you weren't briefed on any of that when you arrived at the
9 mine?

10 A. No.

11 MR. PAVLOVICH:

12 And never heard anybody talking about any of that?

13 A. Not in the main west. I was briefed on the --- is this the north?

14 MR. PAVLOVICH:

15 That would be the north barrier section.

16 A. That the reason they came out of there was because of bad conditions.

17 MR. PAVLOVICH:

18 Okay. But nobody ever told you what the conditions were?

19 A. If they did, I didn't --- it was enough for me to tell me there was bad conditions.

20 MR. PAVLOVICH:

21 It wasn't specific enough to say a bump ---

22 A. That's all I needed to know. Yeah.

23 MR. PAVLOVICH:

24 --- or a bounce?

25 A. No. I don't recall that. Just saying bad conditions was enough --- all I needed

1 to know for that.

2 MR. PAVLOVICH:

3 Okay.

4 A. That wasn't going to be --- because I'm looking at it from a rescue perspective
5 about getting back in there. And if it's bad conditions, I know that's not going to be an
6 avenue we're going to be able to back into after even a longer period of time.

7 MR. PAVLOVICH:

8 Okay. You got anything else, Ex. (b)(6) and Ex. (b)(7)(C)

9 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

10 No.

11 BY MR. TEASTER:

12 Q. Hey, John, in the south barrier that they were driving --- the one that the
13 accident happened in, they had a wraparound bleeder with a floating-evaluation point,
14 just like Joe said they had in the north. And the reason, supposedly, for a floating
15 evaluation point was any time they got near Joe's Fault or --- I think that's what they
16 call it, that they expected water. Was there any discussion or concern that the back
17 end of that panel was filling up with water?

18 A. I didn't realize it even had a floating-bleeder point. I mean ---.

19 Q. Well, they had the provision ---.

20 A. We knew that they were traveling in it. The information I had gotten was that
21 they had been traveling to the end of that prior to the accident, right prior to the
22 accident, so we made the assumption that, again, you can travel to that.

23 Q. They just had a provision in their plan that ---

24 A. They could do ---.

25 Q. --- to take it to the back end, then the evaluation point would move out with

1 the water. So they anticipated that there was going to be water. So there was no
2 discussion about that being full of water or filling up or anything like that?

3 A. I don't remember any discussion that they were worried about it's going to fill
4 up with water and might flood the bleeder entry and that might be a reason you don't
5 want to put a bore hole in there or something, so ---.

6 MR. PAVLOVICH:

7 Okay. But the couple bore holes that you mentioned earlier
8 that when you tried to lower something in later or whatever were full of water, that
9 wasn't from water that may have been in the mine. I think you said you thought the
10 hole was making it?

11 A. Oh, the holes were making water. You could see ---. I mean, you could
12 actually see it squirting on the camera as it was going on. In fact, that hampered our
13 ability to look because not only was the water coming in, but it flushed the dirt and you
14 had mud that would come on your camera. So these holes were --- yeah, they were
15 all making water.

16 MR. PAVLOVICH:

17 Okay.

18 A. I don't know how much. It wasn't a, you know, tremendous amount, but it was
19 enough that it screwed up the camera. And the holes that we could see the bottom of
20 were dry. I mean, you know, you didn't see water in the mine, water accumulating.
21 And that would have been particularly number three I remember there was --- water
22 was ---.

23 MR. PAVLOVICH:

24 Okay. The number three hole was dry?

25 A. There was no water.

1 MR. PAVLOVICH:

2 There was no water?

3 A. No, there was no accumulations.

4 MR. PAVLOVICH:

5 Okay.

6 A. Not that I remember.

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

8 You said at one point that Murray didn't agree with drilling the
9 later holes. Do you remember, what numbers were those later holes?

10 A. Well, somewhere after bore hole number three, Mr. Murray wasn't agreeing
11 that we needed more bore holes. And I'm not sure if it was Mr. Stickler, but I
12 suspected that it was, that had talked to him and convinced him that additional bore
13 holes were needed. And there was at one point that I think he even announced on
14 television that there would be no more bore holes, at which point somebody got him to
15 change his mind and he did put in additional holes after that.

16 MR. PAVLOVICH:

17 Was bore hole four --- it says, drilling started 8/16 at 12:00
18 noon, 12:00 p.m. And then it's in parentheses, noon. So that bore hole four was
19 actually started before the second accident ---

20 A. Had occurred.

21 MR. PAVLOVICH:

22 --- had occurred, yes. So sometime between, you say, the
23 completion of bore hole three, which would have been a day earlier, ---

24 A. Uh-huh (yes)

25 MR. PAVLOVICH:

1 to get forward underground.

2 MR. PAVLOVICH:

3 Was there any consideration in trying to lower any provisions
4 down those holes?

5 A. We had a camera down at the bottom. If there would have been any
6 response, we would have done that. I mean, yes, we had a backup. If we saw
7 someone down there, we knew --- you know, the plan would have been ---.

8 MR. PAVLOVICH:

9 You actually left the camera in the hole?

10 A. No, not continuously, but they would drop the camera, they would look through
11 the hole, we would go through the sequence of pounding and listening, and then they
12 would come back later on and re-camera. So some of these holes were re-cameraed
13 two or three times.

14 MR. PAVLOVICH:

15 Okay. And did you find some closed off since the last time?

16 A. No, actually ---.

17 MR. PAVLOVICH:

18 Or you weren't able to get the camera in anymore?

19 A. Actually, I think they all stayed open except for the one --- we tried one with
20 the robot, and it --- because the robot was eight inches across, and the holes were
21 eight and five-eighths, you don't have much to work with. So we got it all the way to
22 the bottom of one of the holes, and I think it was number --- I forget which one it
23 actually is now, but it was one of the holes. And then we went back and did it at a
24 second hole. And the discussion before we put it in was at high level because we
25 knew that it was about a 50-percent chance if we got it in, we weren't get it back, I

1 mean, because it's just such a tight tolerance and if the hole moved. And indeed, it
2 did move that little bit, which was enough that it ended up it wouldn't come back out.

3 UNIDENTIFIED SPEAKER:

4 After they did the last hole, which I think was number seven;
5 right, ---

6 A. Yes.

7 UNIDENTIFIED SPEAKER:

8 --- was there any thought of putting in tracer gas at that point
9 to see if they could pick it up at the seals?

10 A. There wasn't any discussion to that effect, no. The flows were so small. And
11 what we had done, the determination, it was so tight in between the two areas it would
12 have been difficult to actually see if it were to show up at that location. You wouldn't
13 know where it was coming from. I mean, it would have taken so long, because that
14 test that we did to show how tight it was --- I mean, there was very little flow, even with
15 our compressors in that area. And once those compressors went off, there would
16 have been very little movement.

17 MR. PAVLOVICH:

18 John, where were you at when the second accident occurred
19 on the 16th?

20 A. I was --- I just got back to the motel. Like I said, I'd been up for 36 hours. And
21 I just got back to the motel when they called.

22 MR. PAVLOVICH:

23 And they called you?

24 A. And they called and I came back.

25 MR. PAVLOVICH:

1 And you came back to the mine?

2 A. Yeah. I got there in time for them --- they had already brought out two of the
3 miners when I got there, and I was there for the rest of them as they brought them out.

4 MR. PAVLOVICH:

5 Okay. And where were you at when you went back? Where
6 were you positioned at when you got back, at the portals or the command center or ---
7 ?

8 A. Actually, we were all right there on the road right across from the command
9 center.

10 MR. PAVLOVICH:

11 Across from the command center. Were you close to the
12 portal entries where the trucks were coming out?

13 A. No. What they did is as they came out of the portals, they came down to a
14 staging area. The sheriff really kind of coordinated that part of it with the ambulance
15 and the helicopters, did an excellent job. But basically, they'd bring the trucks down
16 and they would triage the people as to what they were going to do with them. And
17 that's really all.

18 UNIDENTIFIED SPEAKER:

19 How would you characterize the way the operation was going
20 at that time?

21 A. Actually, I thought it was going very well. Communications underground I felt
22 was very good. You know, they were corresponding with the people that were onsite,
23 getting the victims basically uncovered. Once they got to the surface, yeah, there was
24 the normal confusion, did we get everybody, where's everybody at. And then they had
25 people counting where the people were. The healthcare that they got I thought was

1 very good considering, you know, what had happened.

2 UNIDENTIFIED SPEAKER:

3 One more. The map that had the wrong contours, ---

4 A. Yeah.

5 UNIDENTIFIED SPEAKER:

6 --- what happened there?

7 A. I think it was the original map that the mine operator was using. I'm not
8 exactly sure what happened with that. I don't know why that happened. I just know
9 that the roof-control guys were --- they did something with the computer and they were
10 able to determine somehow that they were off. And they came back later on and told
11 us that it was wrong, and they corrected it. And I don't know why. I mean, they could
12 tell you exactly what they did and what was wrong.

13 UNIDENTIFIED SPEAKER:

14 A couple, John. Going back to the first notification from Bill
15 Crocco, that first phone call, first of all, is this part of the new protocol, notifying tech
16 support? Is Judeikis still involved in this or does it go straight to you no matter what?

17 A. Joe never was involved. I mean, we really hadn't put in a formalized how to
18 do it yet. Up until this point --- up until that point and even today, typically, Bill Crocco
19 calls me. Even when I was chief of the ventilation division, I would be the first one he
20 would call in tech support and then I would call the other folks that we needed to. And
21 so that was pretty normal.

22 UNIDENTIFIED SPEAKER:

23 That first phone call that he made to you, did he use the word
24 bump? Was that mentioned from the get-go or did that come later?

25 A. I don't remember if he said it was a bump or something --- I knew it wasn't an

1 explosion, that we had miners missing.

2 BY MR. TEASTER:

3 Q. And my follow-up to that is when you mentioned who all you called, you didn't
4 mention roof control. Were you relying on Hoch to do that or did you do that and just
5 not tell us that? You mentioned ventilation ---.

6 A. I didn't call the roof-control people at that point. I'm trying to think. That came
7 later, and I don't know exactly when. I think that might have come after I talked to Al
8 Davis. And I think that's when that came up. And I can't remember --- I probably
9 called Terry to have Terry call the roof control. But I don't think the request came
10 originally from Bill because we were not --- we were thinking about the fact that these
11 guys were trapped and missing. It wasn't until I talked to Al Davis that he asked for
12 the roof- control people.

13 UNIDENTIFIED SPEAKER:

14 Okay. My second area, I guess, is on your trip underground
15 there on the afternoon of the 16th.

16 A. Uh-huh (yes).

17 UNIDENTIFIED SPEAKER:

18 You were what, only a crosscut outby the face at that time
19 when you went behind the screen; ---

20 A. Yeah.

21 UNIDENTIFIED SPEAKER:

22 --- is that right? When you did that, were the roof-control guys
23 around? Did you consult with them?

24 A. They were outby. They were working on their sag stations.

25 UNIDENTIFIED SPEAKER:

1 Right. Okay. Did they know that you were kind of going over
2 there?

3 A. No.

4 UNIDENTIFIED SPEAKER:

5 Okay. Who did know you were going over there? I mean,
6 you and Laine Adair went over there? Is that who it was?

7 A. I went and Laine Adair stayed at the cross.

8 MR. PAVLOVICH:

9 You went by yourself?

10 A. Well, he was right behind me, but he was with the props.

11 UNIDENTIFIED SPEAKER:

12 Okay. And you went almost over to Number Two, not quite to
13 the Two entry and just ---?

14 A. I went far enough on the pile that I could tell which way the air was going.

15 UNIDENTIFIED SPEAKER:

16 And you knew about all the bumps that were going on before
17 that?

18 A. I knew the hazards associated with what I was doing. Well, I guess I didn't
19 realize they were as bad as it turned out that they were. I really did feel comfortable
20 where I was at.

21 UNIDENTIFIED SPEAKER:

22 Well, going to that, though, I mean, you heard about the
23 bumps, obviously. That much we've established. But did you know, you know, how
24 the bump broke the miner and the shafts and the motor and, you know, moved the
25 miner at times and different things like that? I mean, you heard about the severity of

1 the bumps?

2 A. Yes.

3 UNIDENTIFIED SPEAKER:

4 That's all I have.

5 A. I did not feel that a bump --- based on what I saw, I felt very secure, maybe
6 naïvely, where I was. I mean, I really had confidence in the supports that were just
7 behind me.

8 UNIDENTIFIED SPEAKER:

9 Okay. But those supports, when you crossed over the chain
10 link, the supports didn't wrap the crosscut, really; correct?

11 A. They went into the crosscut a few feet, yes.

12 UNIDENTIFIED SPEAKER:

13 But you crossed those; right? I mean, you ---.

14 A. Yes, I did.

15 UNIDENTIFIED SPEAKER:

16 Okay. All right.

17 A. I didn't go into a very good place.

18 UNIDENTIFIED SPEAKER:

19 I'm not trying to beat that to death. I just wanted to make sure
20 I understood where you traveled.

21 A. Sometimes you have to go where you have to go to do what you do and you
22 go --- I take that on myself, and I went myself to do it. I wouldn't ask somebody to do
23 what I did, but I --- it needed to be done.

24 MR. PAVLOVICH:

25 It wasn't a place where the MSHA guys were going to

1 monitor ---?

2 A. Oh, absolutely, no, no. No one else ---.

3 MR. PAVLOVICH:

4 They were doing that outby?

5 A. They were doing it outby, yes.

6 MR. PAVLOVICH:

7 Ex. (b)(6) and Ex. (b)(7)(C) you got a question?

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

9 Yeah, I got a couple questions for you. On the very first night
10 they tried to go up entry number four, I know that's before you got there, and they got
11 to crosscut 126 and they had a bump and it just filled in everything that they'd
12 advanced that night. Was there any correlation given either before or after any
13 discussions, whatever, either before or after the bump on the 16th? That's when you
14 got to crosscut 126 or just a little bit by it in number one. You had another bump that
15 filled in the whole area. If you draw a line straight across from 126, you're right at that
16 peak of the cover of ---. Was there any talk or anything about that and the correlation
17 of it?

18 A. No. Like I say, the big concern the roof-control guys had was what was outby.
19 And they were going up to that face, I know, after I left, and they did. They went up
20 and they looked at it and they felt --- I mean, what they saw was what they expected.
21 There wasn't no --- nothing there that was out of the ordinary.

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

23 I was just curious if there was any talk, you know, people
24 would say, you know, we cleaned up 126 and we removed that material and that might
25 have caused a bump. And here you're doing the same thing at number one in the

1 same area. So that wasn't ---?

2 A. Well, after the fact, I'm sure that that probably was discussed, but before the
3 fact, that wasn't a consideration. I mean, we really thought that what was in there was
4 adequate to protect us from anything that would happen.

5 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

6 The we is you and who?

7 A. Well, I say we, but that's what I thought, and I'm assuming that's what Al Davis
8 and Kevin and Mr. Stickler thought, that it was the best that we could do, and the roof-
9 control people, with what was there. And like I say, I wasn't concerned at all where
10 they were mining. I was concerned with this area that's going outby. By the way, we
11 had them set posts up, so they put support in.

12 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

13 We've been getting some different conversation from different
14 people about they were worried about the roof outby, too. Getting back over here on
15 that, and this might be --- I know it's an aftereffect thing now, but to help determine
16 maybe what did happen, you know, because something Joe said there, could it have
17 been the south barrier that breached instead of the --- or the south barrier pillar
18 between panel 13. Do you think it would be good to know what the gas readings
19 would be in panel 13 and that south area, to know ---? Could you determine which
20 area actually breached if you knew those readings?

21 A. You know, I thought that we had the readings from the north barrier. And I
22 think they had some old readings from those sealed areas down in there. But the
23 numbers were both such that the low oxygen could have come from either place. I
24 mean, there was no characteristic like one had CO and one didn't. There was no
25 characteristic about either one that you could say, well, it came from here or it came

1 from there. I think the north barrier we had the real time, because we did get some
2 samples there, but the south one, I think it was --- I think I remember someone had
3 samples from down in that area from behind seals that we had seen. I think. I
4 remember some numbers coming from somewhere. I think it was from seals, but I
5 don't ---.

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

7 I mean, I'm just curious because, you know, if it's a designed
8 plan and it breached to the north, you know, if it took to the north, that's one thing, but
9 what if they went down and they actually put it too far over --- not following the plan?
10 That could be a big difference. I mean, that's just some curiosity on my part.

11 A. And I could say, at least from my perspective, I mean, because I've seen
12 some mines that had some ventilation systems, a particular split-design system that's
13 used in some of our districts where it depends on the barrier for the bleeder system to
14 function. And just in by one crosscut into a ten-panel --- or ten-crosscut area, they cut
15 through and it makes everything ineffective. So at least in my mind, I'm thinking that
16 they cut through a barrier somewhere. Whether they did or not, I don't know.

17 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

18 And I was just wondering if we could tell if we knew what the
19 gas readings behind them were.

20 A. Yeah, I don't think we'd have been able to do that.

21 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

22 Just one last question, because you've been to a lot of places
23 where there's command centers put up. It was set up as two separate command
24 centers. Why was that? Did it have anything to do with Murray didn't want to be with
25 MSHA or MSHA didn't want to be with Murray or ---?

1 A. No. I just think the particular layout --- the mine is kind of unusual in that part
2 of the mine office is actually underground. It's right near the portal. I mean, there's a
3 building down there where they have the CO system and that set up. But it seemed
4 like that Murray brought this trailer in where he had his group set up and MSHA was in
5 the Blue Goose. And, again, because I guess there's a lot of internal discussions, and
6 everything was going so slowly, it was set up differently. I really don't have a problem
7 with the setup that we had because of the way the thing proceeded. I mean, if you
8 were going into a fire situation where you have to make decisions every minute, then
9 you definitely want to have those folks together I mean all the time. But this was a
10 little different.

11 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

12 Thanks.

13 MR. TEASTER:

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

15 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

16 I don't have anything.

17 MR. PAVLOVICH:

18 What do you think, John, was the primary purpose of that
19 roof- support system that they had installed there in Number One entry when they
20 were loading?

21 A. I thought it was there in case there was a bump, that this would ---

22 MR. PAVLOVICH:

23 Provide for lateral protection?

24 A. --- provide the protection we needed to keep it from getting to the people.
25 Because the roof was good.

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MR. PAVLOVICH:

And it had been previously supported?

A. Well, except where the --- they had to bolt every once in a while because the forces from the bump itself had actually tore some of the bolts out and they had to rebolt them. But in general, the roof was still good, I mean, but you had to replace the bolts in some places.

MR. PAVLOVICH:

Looking at those bolts that were bent. I mean, that's a pretty thick piece of steel with a short span to be bent that violently and rip the plates through, which were pretty thick plates. And also with the fact that you knew they had a bump that had broken the driveshaft of the head motors, which had to be a pretty good shock to do that, I mean, those are pretty stout pieces. And I know when --- I can look on those pictures and see those water jacks standing there, and it looks pretty substantial. But knowing those are the things that happened, did you still think that a bump wouldn't blow those out?

A. Yes. I mean, again, I'm not a --- in my mind, when I was there, between that, the chain-link fence, the cabling, everything that was there, I could see a bump, you know, would --- obviously, it would cause some damage, but it would not refill the entries as it did. I just thought what happened would not happen.

MR. TEASTER:

John, that's all the questions we have at this time. Is there anything that you would like to share with us that we haven't asked?

A. No. You guys were pretty thorough. I can't think of anything.

MR. TEASTER:

If we think of any other questions we'd like to ask you, we'll

1 get back in touch with you and set up another interview.

2 A. Okay.

3 MR. TEASTER:

4 Likewise, if you think of something you'd like to share with us,
5 why we'd appreciate you getting ahold of us and sharing that with us. And, again, we
6 would ask you not to share this information with anyone else until we've completed all
7 of our interviews so that we can get unbiased information.

8 A. Okay.

9 MR. TEASTER:

10 Also, I want to share with you, John, I think you've done a
11 good job with this agency. I know I've been around you and you've been a credit to
12 this agency with your compassion and concern for the miners. It's very evident in
13 every one of your jobs that I've been with and all the ones that I know about. And I'm
14 just proud that the agency's got people like you in it. If the miners just was aware of
15 the expertise and compassion that you have, how they'd feel about that ---.

16 A. Thanks. I worry about those guys. It's the first time we've ever lost one.

17 MR. PAVLOVICH:

18 That's right. And congratulations on your new job.

19 A. Thanks.

20 MR. PAVLOVICH:

21 I know you'll do a good job with that, John.

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