

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
RODNEY ADAMSON

INTERVIEWERS:  
JOE PAVLOVICH, ERNEST TEASTER

DATE:  
OCTOBER 31, 2007

1 BY MR. PAVLOVICH:

2 Q. Okay. Rodney, are we ready to start?

3 A. Whenever you guys are.

4 Q. Well, let me explain. I don't know how much you know about Ernie or I. I  
5 don't know if I met you before. I think maybe I had met you.

6 A. Other than the little bit we had here couple weeks --- three weeks ago.

7 Q. Maybe that was the first time.

8 A. That was the first time ---

9 Q. Okay.

10 A. --- I was introduced to you.

11 Q. But we both are former MSHA employees. I was the district manager in  
12 Barboursville when I retired. Ernie was the administrator for metal when he retired  
13 about five years ago, but he was district manager at Mount Hope for several years and  
14 both of us traveled around a lot. And I've done these internal reviews before, so they  
15 hired us back on a contract out of the secretary's office to do an independent review  
16 because basically anybody who's anybody in MSHA was out there. So they didn't take  
17 people who were working for Kevin or Stickler to give the team up. They asked us to  
18 come in independently. Of course our team here is made up of MSHA people  
19 because we need that knowledge and expertise and help to do it. So we know you  
20 were present during the rescue effort at Crandall Canyon and we've got several  
21 questions that we'd like to ask you about that and, you know, there's --- just give us  
22 your honest opinions and views and feelings about it and facts, you know, about things  
23 you did, and saw and what happened. Let me start out reading this statement to you.  
24 The secretary has assigned this group the task of evaluating MSHA's performance  
25 during the period preceding the August 6th, 2007 coal bounce at Crandall Canyon and

1 the subsequent rescue effort. We will also be evaluating issues that were raised  
2 during this time period regarding Bob Murray and his interaction with MSHA. This is  
3 not an investigation and review of any individual person. It's an administrative review  
4 of MSHA's actions as an agency. This evaluation will be presented to the secretary in  
5 the near future and is intended that the results of the evaluation will be made public.  
6 The interview is being conducted to gather information for this assignment. We also  
7 intend to interview a number of other MSHA employees. So that we may obtain  
8 unbiased information from all persons to be interviewed we ask that you not discuss  
9 this interview with anyone until all the interviews are completed. Okay? Now, are you  
10 a bargaining unit employee or are you management?

11 A. Bargaining unit.

12 Q. Bargaining unit?

13 A. Uh-huh (yes).

14 Q. You were notified that you had the right to a union rep if you wanted one;  
15 right?

16 A. Uh-huh (yes).

17 Q. You don't have one, so I assume you elected not to?

18 A. Yeah.

19 Q. Okay.

20 MR. TEASTER:

21 Rodney, just to advise you that we are taping our  
22 conversation so that we have that for our notes.

23 A. Sure. I thought that's what that was for.

24 BY MR. PAVLOVICH:

25 Q. Okay. Could you state your full name for me, Rodney?

- 1 A. Rodney Adamson.
- 2 Q. Okay. And what is your present job title?
- 3 A. Electrical engineer.
- 4 Q. Electrical engineer?
- 5 A. Uh-huh (yes).
- 6 Q. What office do you work out of?
- 7 A. Out of District Ten in Madisonville, Kentucky.
- 8 Q. You work in the district office?
- 9 A. Yes, I do.
- 10 Q. How long have you been with the agency?
- 11 A. Eight years today.
- 12 Q. Eight years today. All right. And you were serving in the capacity and the  
13 reason you went to Crandall Canyon was as an MEO team member, so how long have  
14 you been on the MEO team?
- 15 A. Since around October of last year.
- 16 Q. Okay. How were you first notified of the accident at Crandall Canyon?
- 17 A. I was actually underground at the time, got a call and I actually made a call  
18 from a landline underground back to my district office. And find out what would be  
19 expected, and I was just informed to get back. I needed to fly out. I wasn't told  
20 anywhere, what, when or how, and I assumed somewhere out west because anywhere  
21 else would be a drivable distance.
- 22 Q. Okay.
- 23 A. So I got back to the district office and I was informed about the details when I  
24 arrived.
- 25 Q. Okay. Did someone brief you, did you talk to anybody in the MEO unit or ---?

1 A. No, I actually was just given updated information that was received through  
2 supervisors at ---.

3 Q. Okay. So your supervisor?

4 A. Yes.

5 Q. Who is your supervisor?

6 A. Ted Smith.

7 Q. Okay. And so Ted kind of called you and briefed you and told you to come  
8 back from the mine ---

9 A. Uh-huh (yes).

10 Q. --- and be prepared to go to a mine emergency somewhere?

11 A. Right.

12 Q. Okay. So how did you get to Crandall Canyon?

13 A. It was a little chaotic there, about E Travel, but nonetheless I finally booked a  
14 flight and flew out of Nashville directly into Utah and then once I landed there, drove  
15 down into Price.

16 Q. So did you travel yourself or was there another team member with you?

17 A. No, I traveled by myself.

18 Q. Self. Is there any other MEO members in District Ten?

19 A. Not at the present.

20 Q. You're the only one. Okay. Now, when you say you had some trouble with E  
21 Travel did that delay you at all? Be honest. If it did, it did.

22 A. Maybe, but possibly. I don't know for a fact, but it possibly.

23 MR. TEASTER:

24 What time did you leave after you were notified?

25 A. Left where?

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MR. TEASTER:

Left --- after you first got notified at the mine, what time did you leave for the plane, leave the office?

A. What time I leave the office? Around noon. Around noon to make it to Nashville to catch the flight on time.

BY MR. PAVLOVICH:

Q. So you flew out of Nashville?

A. Uh-huh (yes).

Q. Were you able to catch that flight?

A. Yeah.

Q. But what time was it you were first notified?

A. Around seven o'clock.

Q. Okay. So you were able to get back to the office, get your gear ---

A. Uh-huh (yes).

Q. --- get everything packed and you were still able to leave the office by noon?

A. Uh-huh (yes).

Q. Would they have had an earlier flight you could have caught?

A. Possibly.

Q. Okay. You really don't know? It was ---

A. Really don't know.

Q. --- chaotic trying to get the work done; right?

A. I think there was an earlier flight available to leave Nashville. I don't know the details as far as its arrival time. I didn't directly take care of that, so ---.

Q. Okay. Okay. So when did you --- you had to fly into Price?

A. Uh-huh (yes).

1 Q. And then rent a car and drive to --- or fly into Salt Lake. I'm sorry. Rent a car  
2 and then drive to Price I think you said?

3 A. Uh-huh (yes). Right.

4 Q. And then what was your first --- when did you first go to the mine?

5 A. I made a call when I first got in the vehicle to Virgil Brown and told him that  
6 unless he told me otherwise I'd be at the mine, and he said to report to the mine in the  
7 morning, so ---.

8 Q. Okay. So that would have been morning of what day? Do you remember?  
9 And here's your notes.

10 A. Do you have a calendar?

11 Q. <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> has a calendar. The accident occurred on the 6th. Did you actually fly  
12 out on the 6th?

13 A. Yeah, I flew out on the 6th and I guess I reported to work on the 7th.

14 Q. <sup>Ex. (b)(6) and Ex. (b)(7)(C)</sup> got a calendar right here.

15 A. 7th on the a.m. I think we probably arrived there probably 6:30, probably  
16 6:30, 7:00. That would be correct.

17 Q. On the 7th. Okay.

18 A. Yes, sir.

19 Q. All right. And who did you report to when you got there on the 7th? You  
20 reported for the dayshift; right?

21 A. Uh-huh (yes).

22 Q. Okay.

23 A. Went to command center and our work was disbursed directly through the  
24 command center.

25 Q. Okay. So was it Virgil, was it Al Davis? Who was ---?

1 A. Whoever was on dayshift. It's been a while ago. I don't know if it's --- I don't  
2 know if it was actually Al Davis that was on dayshift at the present time, but I would  
3 suppose it would be a supervisor at the command center at the time.

4 Q. Okay. So the command center was set up where?

5 A. I don't know. Probably ---.

6 Q. Was it an office, was it a vehicle, what was it?

7 A. A vehicle.

8 Q. So it was the ---?

9 A. Probably just 500 to 1,000 feet from the mine portal, I guess.

10 Q. Was it Western Blue Goose ---

11 A. Uh-huh (yes).

12 Q. --- as far as you know now?

13 A. Yes.

14 Q. Okay. All right. So were there several MSHA people ---

15 A. Yes.

16 Q. --- in the command center when you got there?

17 A. Yes.

18 Q. You and other team members also?

19 A. Yes.

20 Q. Were there any company people in there that you know of?

21 A. No.

22 Q. So it was all MSHA people and they --- someone whoever was --- you  
23 assumed that was in charge of the command center assigned you your duties ---

24 A. Yeah.

25 Q. --- for that day? Did there seem to be a pretty well organized command or

1 was the structure outlined to you as far as the organizational structure in that  
2 command center?

3 A. This was my first event as far as mine rescue on the MEO unit, so as far as  
4 getting a good comparison from past events to this event I wouldn't have that  
5 comparison for you.

6 Q. It's not even a comparison, just your personal opinion.

7 A. Fairly organized and ---.

8 Q. Fairly well organized?

9 A. Fairly well organized.

10 Q. So basically you're talking to me almost as an outsider since you don't have  
11 the comparison. If you had walked ---

12 A. Yes.

13 Q. --- in and there's a stranger ---

14 A. Basically that would ---.

15 Q. --- would you have said this is a well organized, well oiled machine going on  
16 here or is there things lacking that I would do differently?

17 A. There probably could have been some things that --- from the start to finish  
18 that could have been done differently or organized better, but as far as my first  
19 impression I had nothing to comment on as far as making a change or what should  
20 have been, could have been.

21 Q. Okay. So what was your first assignment that first day there?

22 A. I believe we got organized and started trying to map out where things were at,  
23 where we needed to go, what we needed to do as far as procedures and how we  
24 needed to conduct our business on a regular daily basis.

25 Q. Now, when you say we who --- was that the MEO ---?

1 A. MEO unit and MSHA in general, you know, what our focus should be, you  
2 know. Even though it may have been directed from the command center, you know,  
3 that direction may have been given through, you know, somebody under Al Davis to  
4 make certain directions.

5 Q. So was it the people in the command center that were like briefing you on a  
6 map and ---

7 A. Yes, we were reviewing ---.

8 Q. --- outlining?

9 A. We reviewed the map, we went to the facilities there to see who was doing  
10 what, where and just to give us ---

11 Q. So the command center told you?

12 A. --- just a little bit of orientation if you may about what all was there, and I  
13 actually think it was --- if my mind serves me correctly I think I actually ---. I didn't  
14 take good notes for the 7th apparently, but I believe I ended up going there for a  
15 couple of hours and getting orientated. And I think I actually came back on the second  
16 shift if my mind serves me correctly. I didn't stay there for the entire dayshift.

17 Q. So the first day you think you --- that's okay. I mean, I understand.

18 A. I'm just trying to remember.

19 Q. Don't worry about it. Just tell us what you can remember and do the best you  
20 can. So the first day you think you went there and you got briefed ---

21 A. Got briefed.

22 Q. --- of what was happening and ---

23 A. Yeah.

24 Q. --- what happened? And I guess you understood there were six men missing?

25 A. Yes.

1 Q. They had a major bounce that occurred?

2 A. Yes.

3 Q. Were you familiar with a bounce? Did you understand what that might have  
4 been?

5 A. I understood the definition and what --- how it was defined and what it  
6 encompassed, but as far as ---. I don't think anyone here knows what a bounce is  
7 unless they've been through it. I mean, being underground opened my eyes  
8 drastically and it redefined a bounce for me.

9 Q. That's well stated. Okay. So you think probably after you were briefed and  
10 everything they didn't need you for that shift and they needed you to come back on  
11 the evening shift?

12 A. I believe that's correct. I believe that's correct.

13 Q. And so you went back to the hotel and came back out on the evening, that  
14 same day of the 7th?

15 A. Yeah. And I believe the first part of my assignments were to go on top of the  
16 hill, the mountain and actually just be with those guys because we wanted MSHA  
17 personnel with --- you know, with the men that were working and doing their jobs and  
18 making sure ---. Even though it was being done as quickly and expediently as it could,  
19 it was done in a safe manner that those guys were.

20 Q. Now, when you say going on top of the hill, where was that at?

21 A. Where the crow flied it was about a mile and a half or ---.

22 Q. What work was going on there?

23 A. The drilling.

24 Q. So you went to the drilling operation?

25 A. Drilling operation, drilling site.

1 Q. So that afternoon shift then you went up to the drilling operation?

2 A. Uh-huh (yes).

3 Q. And what was your assignment at the drilling operation? I ---.

4 A. Seeing my notes drilling started at 8:45 a.m. They had to --- of course you  
5 guys know, they actually went through and got some roads to get up there and actually  
6 had a chopper drop some of the drilling equipment off. But ---.

7 MR. PAVLOVICH:

8 Can you guys hear Rodney okay or are you having ---?

9 A. I was actually just to go up there to monitor their progress and to document,  
10 you know, what all was going on.

11 BY MR. PAVLOVICH:

12 Q. So when you monitored their progress then you would ask the driller how deep  
13 is the hole now?

14 A. That sort of thing.

15 Q. And then you would report that?

16 A. Report.

17 Q. To who?

18 A. The command center.

19 Q. Do you remember who you might had called directly when you reported those  
20 in?

21 A. Whoever was recordkeeping at the time. There was people for each shift.

22 Q. So someone just had a phone. Were you on the cell phone or how were you  
23 communicating with him?

24 A. I don't know as far as the time frames are concerned, but we went from using  
25 a cell phone. The cell phone worked on the very tip top part of the hill versus down in

1 the drilling site itself, but the cell phone did work as long as you had the --- I forget  
2 who's phone we had. We had one of the supervisor's phones out west, and used it for  
3 first couple of days. I think we were there 'til we got some more information.  
4 Suggestions were made, ended up getting --- ultimately getting a satellite telephone  
5 and ultimately that was used for our communication.

6 Q. Okay.

7 MR. TEATERS:

8 Were they actually drilling on the 7th?

9 A. May have been --- no, this is the 8th. I'm sorry. This was the 8th.  
10 Approximately three hours, drilling started at 8:45 a.m. and this was on the 8th. We  
11 actually went up and put the --- set the geophone sensors in the array configuration.

12 BY MR. PAVLOVICH:

13 Q. What day was that?

14 A. I think that was on the 8th. We may have done that --- I feel like I'm not as  
15 prepared as I should be, but 8th, possibly ---.

16 Q. The 7th or the 8th maybe?

17 A. Okay. On the 8th I must have stayed there on the dayshift. All right. Let me  
18 clarify that. On the 8th I stayed there for the dayshift and that's when we went to the  
19 top of the hill and put the geophone sensors in the array, in the double diamond array  
20 set. And then I came back on the 9th on second shift.

21 Q. So on the 8th ---?

22 A. At four o'clock p.m.

23 Q. So on the 8th you set up the geophone system?

24 A. Yes, sir.

25 Q. Who did you help do that? Who was with you?

1 A. It was a team of about three or four of us. It was Virgil and myself and Otis. I  
2 don't know Otis' full name.

3 UNIDENTIFIED SPEAKER:

4 Otis Matthews.

5 A. Otis Matthews. On the MEO unit. And we actually went with ---.

6 BY MR. PAVLOVICH:

7 Q. Was Jeff Kravitz with you by any chance?

8 A. No.

9 Q. No. Okay.

10 A. No. Two actually, I guess, contractors for the mine company they had an  
11 engineer.

12 Q. So they were surveying the sites?

13 A. Yeah, they were surveying the sites and we were ---.

14 Q. And someone told you ---?

15 A. Where to put them.

16 Q. Where to put them?

17 A. Yeah.

18 Q. Do you know who that was?

19 A. I probably got their names somewhere in there, but I ---.

20 MR. TEASTER:

21 John Gibson?

22 A. Yes, yes. He had a ---.

23 BY MR. PAVLOVICH:

24 Q. Don Gibson. He was a supervisor out west.

25 A. No.

1 UNIDENTIFIED SPEAKER:

2 John.

3 MR. PAVLOVICH:

4 Oh, John Gibson. I'm sorry.

5 UNIDENTIFIED SPEAKER:

6 Yeah, he worked for ---

7 MR. PAVLOVICH:

8 I'm sorry. John Gibson.

9 UNIDENTIFIED SPEAKER:

10 --- Kravitz.

11 BY MR. PAVLOVICH:

12 Q. Okay. So John Gibson was with you?

13 A. No, no. No, it wasn't John Gibson. This was --- the engineer that was there  
14 was a contract for the company, and we went up there with them and they were  
15 actually doing the survey site. They were actually doing the surveying.

16 Q. So someone had already told them you put them at a certain ---

17 A. Yes.

18 Q. --- configuration and you survey these sites and put them out there?

19 A. They surveyed the sites.

20 Q. They surveyed.

21 A. We put them where they surveyed at.

22 Q. So you guys ---?

23 A. It's kind of a team effort there.

24 Q. Okay. So you set the geophones in place and that was, you think, on the  
25 dayshift on the 8th?

1 A. That was on the dayshift on the 8th, yes.

2 Q. Okay. Okay. And so then on the 9th you were monitoring the drill holes?

3 A. Yes. We did it on ---?

4 Q. Do you remember when you set those geophones did you all try them? Did  
5 they do a test for them?

6 A. We were just --- I did as I was told. We just simply set them up and they were  
7 taken care of as far as I know from there. We ---.

8 Q. Was there ever a time when they said, okay, let's stop all the activity and  
9 listen or anything like that that you know of?

10 A. That I know of, no.

11 Q. No, not that you know of?

12 A. No.

13 Q. Okay. Okay. When you were in the command center, I mean, did you get a  
14 real clear image here's the guy that's in charge?

15 A. At my level of --- no, no.

16 Q. That's fair enough. Okay. So what did you do --- you set up the geophones  
17 your first real shift there at the mine and then on the next day what did you do?

18 A. On the --- yeah, we set them up on the 8th. On the 9th we came in on the  
19 second shift, and that's when I was informed to be with the drilling operations. Steve  
20 Dillman and Dave Canning and Mike Glass, and these are some of the guys that were  
21 from the company that I actually made personal contact with and communicated very  
22 well with. And ---.

23 Q. This was at the drill sites?

24 A. These were at the drill site.

25 Q. Okay.

1 A. Dave Canning was one of the --- I think he was a geologist and Mike Glass  
2 was one of their main engineers. And I think me and Otis actually were working 12  
3 hour shifts up there. I'd start at 4:00 and work until 4:00, and he'd be up there shortly  
4 after that.

5 Q. So did someone give you clear and concise directions concerning you go to  
6 the drill site and ---

7 A. Yes.

8 Q. --- what they wanted you to report?

9 A. Yes. Like I said, I wasn't --- very few times I was given direct orders from one  
10 of the main supervisors in the command vehicle. I think Virgil Brown --- a lot was told  
11 what to do with his guys and I was told directly through Virgil.

12 Q. So Virgil told you what to do?

13 A. Yes.

14 Q. What was the instructions he gave you concerning monitoring of the drill site?

15 A. Well, he told us to go up and monitor, and then the parameters of how often  
16 and what we were monitoring actually came from the command vehicle.

17 Q. What was that?

18 A. At this time it changed almost on a daily basis or even an hourly basis, but I  
19 think it was every hour on the hour I believe.

20 Q. To report the ---

21 A. To report ---

22 Q. --- depth?

23 A. --- the status, what was going on, if they were down, if they were running, if  
24 they were down what for, you know. Just status.

25 MR. TEASTER:

1 Did Al Davis give you some specific instructions on the 9th?

2 A. On this night, no.

3 MR. TEASTER:

4 On the 9th.

5 A. On the 9th. That would be this night that we're speaking of, and I --- those  
6 orders were probably given from someone in the command vehicle, but actually  
7 directly to me it was given from ---.

8 MR. TEASTER:

9 Did you accompany the press underground?

10 A. No, I didn't.

11 BY MR. PAVLOVICH:

12 Q. Okay. So how many days did you monitor the bore hole?

13 A. I'm trying to get my notes here. The 9th, it looks like possibly the 10th, the  
14 11th. The 11th is when --- sometime during the 11th. I don't know if I got a time here  
15 or not. We actually --- we started actually the video on the 11th, the down hole  
16 camera and my notes shows we have some information provided through the video.

17 Q. You lowered the video camera down on the 11th?

18 A. On the 11th.

19 Q. Were you there when any samples were drawn out of the first bore hole?

20 A. Yes, I was.

21 Q. Were you there when the first set of samples were drawn?

22 A. No, that was on --- I think that occurred just before I had got there. I was  
23 working 4:00 a.m., and I think that actually holed through sometime during earlier that  
24 night.

25 Q. Okay. So they were already drawing samples when you first got there?

1 A. Yes.

2 Q. And the other holes were in the process of being drilled or Number Two hole  
3 was being drilled?

4 A. Yes.

5 Q. So did you have any knowledge of the gas analysis of those samples coming  
6 out of the Number One hole?

7 A. Other than through verbal communication between when I actually got briefed  
8 once I got there from Otis.

9 Q. So Otis told you what the samples were they were getting out of those bore  
10 holes?

11 A. Yeah.

12 Q. What were those, do you remember?

13 A. If I didn't write it down I'd be guesstimating.

14 Q. Were they respirable or irrespirable to the best of your memory?

15 A. To the best of my knowledge they were irrespirable.

16 Q. Irrespirable. So some were in the range of seven or eight percent oxygen?

17 A. Yes. Later that day we ended up taking --- I believe it was that day, took more  
18 samples, purged the lines more, had later delay times when we actually started taking  
19 samples.

20 Q. Did you ever see anywhere on the map where it was suspected that the  
21 miners were when they briefed you?

22 A. I had a lot of communication with the engineers that were on top of the  
23 mountain, and they had done some guesstimating or trying to guesstimate or  
24 speculate where they might have gone.

25 Q. About where they might have been?

1 A. About where they might have been.

2 Q. Okay. And then did you ever see the relation of that hole that went in in  
3 regard to where they guessed the miners would be?

4 A. By the time I got there and the time I left.

5 Q. Well, I mean, just give me ---

6 A. One, two ---.

7 Q. --- in general.

8 A. One and two got drilled and was down, and I can't remember exactly where  
9 the other hole was in the process when I left.

10 Q. Okay. Well, as far as the --- I mean, that shows you the holes on it.

11 A. Yeah.

12 Q. Someone showed you or discussed with you here's where we're drilling these  
13 holes ---

14 A. Yeah.

15 Q. --- and you can see where they're drilling in close proximity on the surface?

16 A. Yes.

17 Q. And they also said to your knowledge and listening to other people that these  
18 holes are going in close to where we think the miners ---

19 A. Yes.

20 Q. --- were? Okay. And what ---?

21 A. That was the whole idea.

22 Q. That was the idea. So what did you think or did you formulate any kind of  
23 opinion concerning the fact of when that hole went through when there was seven  
24 percent oxygen as to the possibility of life remaining in there?

25 A. My possibility was still there.

1 Q. You felt they're still possibly ---?

2 A. Yeah. I don't think I could have worked as astringent and as hard in this and  
3 as diligently as I did if I thought there wasn't any hope.

4 Q. Okay. Did you think that --- where did you think that low oxygen could have  
5 been coming from? Did you ever give any consideration?

6 A. Yeah. Communication between the worked out areas.

7 Q. So between the sealed area, the gob area and the active area ---

8 A. Yes.

9 Q. --- or what would have been an active area?

10 A. Yes.

11 Q. Okay.

12 MR. TEASTER:

13 Let me back up to the 9th.

14 MR. PAVLOVICH:

15 Okay. Go ahead.

16 MR. TEASTER:

17 Are these your notes?

18 A. It looks like my writing.

19 MR. TEASTER:

20 Okay. I mean, we have ---.

21 MR. PAVLOVICH:

22 It should have been the same as that. I mean, it's ---.

23 MR. TEASTER:

24 Yeah, I just ---.

25 MR. PAVLOVICH:

1 He's highlighted some ---.

2 MR. TEASTER:

3 Read that highlighted and see if that refreshes your memory.

4 A. Yes, I remember writing this down and this was something that was instructed  
5 to me directly, and that's why I wrote it down because ---.

6 MR. TEASTER:

7 So Al Davis directly?

8 A. I guess this was the only time that I was directed directly from him over the  
9 phone to ---.

10 MR. TEASTER:

11 You escorted the media around where?

12 A. This was on top of the hill.

13 MR. TEASTER:

14 Around the drill site?

15 A. Around the drill site. We were given --- there's another page in here of notes,  
16 and he gives me parameters. It says, Al Davis --- I'll read it. You asked me to read it.

17 Al Davis informed me to escort news media around, answer questions they may have  
18 but don't speculate, answer location of drill two inch, miners hard at work, what MSHA  
19 is doing and I put everything we can to help. Richard Stickler wants stage four  
20 readings when the number two drill stops and ---.

21 MR. TEASTER:

22 And you go back to that, how many of the media were there?

23 A. I was given --- could I possibly grab my notes that I have?

24 BY MR. PAVLOVICH:

25 Q. You got other notes?

1 A. Well, it's the same notes. They're just ---.

2 Q. Different order. Okay.

3 A. They're just more organized. There were some parameters that he gave me  
4 directly about what should take place and how long, and that was on the 9th.

5 Q. You mean for the news media?

6 A. Yes. Bill Taylor and Don Gibson are some of those guys I reported to on  
7 dayshift for the MEO unit command center. I've got in my notes page eight that same  
8 day just before the highlight area. Had there --- it says, Al Davis said answer  
9 questions. At 1:30 the interview --- the media wasn't to get any closer than 100 feet of  
10 the drilling operation, was not to have any interruption, for a total time from the time  
11 they arrived to the time they left of 45 minutes. So ---.

12 UNIDENTIFIED SPEAKER:

13 We want to know how many ---.

14 A. So they arrived at 1:30, the media was gone at 2:15. You have to realize as  
15 far as getting the chopper in and them actually being over --- get down, and start and  
16 be out of there.

17 BY MR. PAVLOVICH:

18 Q. Did they fly in on a helicopter?

19 A. Fly on helicopters, two, there was two guys. There was with the video camera  
20 and one with the microphone, one answering questions, the other one doing the  
21 videotape.

22 Q. So did they interview you?

23 A. Yes, they interviewed me and actually interviewed one of the guys that  
24 actually worked --- I think he was one of the safety guys for the drilling operation.

25 MR. TEASTER:

1 Did he interfere in any way with the operation?

2 A. No, didn't allow that. Matter of fact, I told them up front, they knew the  
3 parameters. I reinforced the parameters and told them if there's a problem I'd happily  
4 escort them back to the helicopter.

5 BY MR. PAVLOVICH:

6 Q. Okay. So when did you go underground? I guess I'm making the assumption  
7 you did go underground?

8 A. I did go underground. You're exactly right. You can assume enough I'm  
9 going underground, I'm just trying to answer correctly.

10 Q. Okay.

11 A. It looks like I was underground the 13th. I may have been down on the 12th,  
12 but I don't have notes to prove that.

13 UNIDENTIFIED SPEAKER:

14 Hey, Joe.

15 MR. PAVLOVICH:

16 Yes.

17 UNIDENTIFIED SPEAKER:

18 I'm sorry. Can you clarify something, Rodney?

19 A. Yes.

20 UNIDENTIFIED SPEAKER:

21 Was the media at the drill site on the 9th? I didn't hear that.

22 UNIDENTIFIED SPEAKER:

23 Yes.

24 A. That was on the 9th.

25 UNIDENTIFIED SPEAKER:

1 I just wanted to make sure.

2 A. That was on the 9th around 1:30 to whatever.

3 UNIDENTIFIED SPEAKER:

4 2:15.

5 A. Yeah.

6 BY MR. PAVLOVICH:

7 Q. In the afternoon?

8 A. Yes.

9 Q. Okay. So you went underground on the 13th. Do you ---?

10 A. For sure on the 13th. I may have been on apparatus on the 12th.

11 Q. What was your first excursion underground, what was your assignment at that  
12 time? It should be a memorable experience.

13 A. I've said all these dates and times run together, but I would think since I didn't  
14 take notes on the 12th, if I went underground on the 12th, that would have been times  
15 where we actually went in and breached the seals in this area.

16 Q. So you were on the team that went to breach the seals?

17 A. Yes.

18 Q. And who was in that group? I mean, you don't have to give me all names.

19 A. The company miner rescue team, that was their present and ---.

20 Q. One of the Murray Energy teams?

21 A. Yes. And the MSHA team.

22 Q. And the MSHA team. How many members of the MSHA team were along?

23 Do you remember?

24 A. Three or four.

25 Q. How did you go about breaching the seal?

1 A. We had a plan and it came through the command center to do so and the  
2 whole idea was to start monitoring that area.

3 Q. But did you do it with sledgehammers? Did you use a scoop?

4 A. Well, I guess --- this was not the first group that went through the sealed area.  
5 It was breached prior to.

6 Q. So the seal had already been breached prior by someone else?

7 A. Yes.

8 Q. There was just a curtain or some ---

9 A. Brattice cloth ---.

10 Q. --- some resealing mechanism?

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

12 Q. Okay. And then your assignment was to do what?

13 A. Go back in and set up some type of monitoring device to monitor behind the  
14 seals.

15 Q. So it was to extend Tygon tubing or something through the seal into the  
16 sealed area?

17 A. Uh-huh (yes).

18 Q. What was your understanding of the purpose of that activity?

19 A. Well, we mentioned earlier about the communication --- the possibility of  
20 communication between the two sides, so we wanted to see if any of the readings  
21 were similar of that what we were getting through the ---.

22 Q. So if someone had discussed that with you as far as this is --- the purpose for  
23 this is to determine ---

24 A. Yes.

25 Q. --- communication from the ---

- 1 A. Possibility.
- 2 Q. --- possibility? From the bump area to the seals ---
- 3 A. Yes.
- 4 Q. --- or into that sealed area?
- 5 A. Yes.
- 6 Q. Okay. And what was the atmosphere like when you went into --- did you  
7 actually go into the sealed area with the ---?
- 8 A. Just directly inby.
- 9 Q. Just directly inby?
- 10 A. Yes.
- 11 Q. What was the conditions in there?
- 12 A. The roof in the entire area was good. That wasn't the problem. It was ---.
- 13 Q. So the roof was good?
- 14 A. Yeah.
- 15 Q. Was there a problem?
- 16 A. No, not in that location.
- 17 Q. When you say the roof was good that wasn't the problem. What was the  
18 problem?
- 19 A. Well, we went up there to simply monitor them. I mean, as far as the  
20 condition of the mine, that area that wasn't a major concern as far as the roof or the  
21 ribs. The concern ---.
- 22 Q. You're talking about the atmosphere?
- 23 A. Yeah.
- 24 Q. You went under apparatus?
- 25 A. Yes.

1 Q. You were under apparatus when you went in?

2 A. Yes.

3 Q. Okay. And did you observe any kind of bumping or bouncing at that time?

4 A. Through the course of the entire every day that --- every day ---. All the time  
5 underground events were occurring. I say all the time, not every second basis or  
6 every minute basis but periodically throughout my entire shift it did.

7 Q. You would feel bumps or bounces or ---

8 A. Yes.

9 Q. --- breakage in the roof somewhere?

10 A. Yeah.

11 Q. Did you ever experience coal coming off the ribs?

12 A. Very little.

13 Q. Was it mostly just noises up in the overburden somewhere?

14 A. Yes.

15 Q. So a lot of cracking and breaking and banging and that sort of thing?

16 A. Yeah.

17 Q. How about any shaking?

18 A. I mean, you did feel the vibration not only from the roof, but you felt it three  
19 feet. I mean, there was noticeable vibration from the top of the mine to the bottom of  
20 the mine.

21 Q. So you could actually feel shaking even on the floor?

22 A. Right.

23 Q. Could you feel the air kind of stop sometime and start back?

24 A. That occurred more --- less frequently than the bumping activity.

25 Q. But it did occur occasionally?

1 A. Yes.

2 Q. So after you guys installed the Tygon tubing what was your next excursion into  
3 the mine? Was it that day or was it on subsequent days?

4 A. I think after the initial part of setting up a monitoring device behind the seal it  
5 was simply just to go up and start doing some more monitoring on the unit itself.

6 Q. So this is --- you actually now went into the Number One entry where the coal  
7 was being ---

8 A. Yes.

9 Q. --- cleaned out to try and access to where the missing miners were thought to  
10 be?

11 A. Yes.

12 Q. Okay. And so you went up into the Number One entry your first time?

13 A. Yes.

14 Q. Did you go up to the face where the coal was being cleaned out?

15 A. I actually had to go up --- you know, we actually went up to this area to cross  
16 cut. I forget exactly what it was. I ended up going to the face where the coal was  
17 being extracted just to get a feel for what was going on and ---.

18 Q. What did it look like to you?

19 A. Looked like the face of coal.

20 Q. So it was just a solid ---?

21 A. I mean, it looked like a solid piece of coal pretty much except for every now  
22 and then you'd get variances of small gaps to the right or to the left.

23 Q. So primarily the face is full like a solid face?

24 A. Yes.

25 Q. Had you ever seen anything like that before?

1 A. No.

2 Q. What was the procedure while you were up there as far as monitoring? What  
3 were you monitoring?

4 A. We were monitoring the air direction and air quantity and the quality ---

5 Q. So you were ---

6 A. --- as far as ---?

7 Q. --- taking gas readings, too?

8 A. Yeah.

9 Q. Where were you taking those?

10 A. We had three different stations set up. We had --- number one was 80 feet  
11 inby Crosscut 120. Number two reading was taking place at outby the regulator and  
12 Crosscut 120, and number three and number four was at crosscuts --- it was in the  
13 return entries, crosscut ---. About 50 feet inby 119.

14 Q. So you were taking at least gas readings in those areas. Did you ever find  
15 any signs of low oxygen or poor air quality in there?

16 A. No, the ---.

17 Q. It was always basically fresh air?

18 A. CO fluctuated with the use of equipment as far as where they were located,  
19 but nothing to be alarmed about?

20 Q. So you might find some CO from the diesel equipment, ---

21 A. Yeah.

22 Q. --- but as far as the oxygen it was in the normal range?

23 A. Yes.

24 Q. So what was the procedure at the face? Can you tell me as far as, you know,  
25 how they were loading the coal and then what they would do?

1 A. Definitely limited number of people, only those required to extract the coal  
2 were up there, try to minimize on the exposure. It was just simply, you know, mine. I  
3 don't know exactly what the footage was on the advance, but they mined just enough  
4 to get, you know, more props set.

5 Q. So someone briefed you on the plan?

6 A. Yes.

7 Q. The mining plan or the plan that had been approved to clean that entry up?

8 A. Yes.

9 Q. And you were familiar with it?

10 A. And made sure that all the miners were familiar with it as well.

11 Q. So you had a copy of it?

12 A. Yes.

13 Q. Do you remember who gave you that or who briefed you on it?

14 A. Our briefings --- as soon as we got there we got prepared to go under ground,  
15 and if there was anything new there wasn't any particular person, but a lot of our  
16 information was done directly from the other shift. We'd get briefed from the other  
17 shift about what had gone on.

18 Q. So when you arrived at the mine every day was this on dayshift usually, you  
19 were underground?

20 A. When I --- yes. When I did go underground it was on dayshift.

21 Q. So you were on dayshift. You'd be briefed by someone from the command  
22 center or just from the team that was ---?

23 A. From the command center.

24 Q. From the command center. Okay. It would tell ---

25 A. And bring us up to ---.

1 Q. --- you progress so far?

2 A. And bring us up to date about what's been going on and the plan that was in  
3 place, and if there's any plan change we got a copy of the new plan and was able to  
4 review it, went underground and we were actually doing a lot of bumping out at the  
5 area because we wanted someone down there all the time. I say bumping out as far  
6 as what some coal companies call hot seating. We were going down and meeting our  
7 other MSHA employees that were working the shift before, and we would also speak  
8 with them as well.

9 Q. So you would change out at the face?

10 A. Yes.

11 Q. Or at the section?

12 A. At that --- yeah, at the piece.

13 Q. Then as the guys were coming off the shift they would brief you on what had  
14 happened during their shift?

15 A. Yes.

16 Q. So you were getting firsthand knowledge from the team members?

17 A. Yes. Given direction from the command center about what was going on, and  
18 then we would have small conversations about ---.

19 Q. About briefing of where they were?

20 A. About brief --- yeah.

21 Q. What was said?

22 A. Yeah.

23 Q. So while you were there you say you felt many bumps?

24 A. I learned a lot. I learned a lot. This whole event was very educational. I  
25 learned a lot from some of the MSHA inspectors that were used to that that had

1 worked out west. There were times when if it wasn't for, I guess, maybe some of their  
2 guidance or some of their suggestions I may not have stayed underground as long as I  
3 did.

4 Q. I mean, it's scary; right?

5 A. Yeah, it was very nerve racking at times. It was.

6 MR. TEASTER:

7 What did they tell you about the bumps that were going on?

8 A. Things change from day to day. We had had a lot of activity around this  
9 immediate area. When I say this immediate area I'm talking about Crosscut 119, 118,  
10 120 and this was where, you know, our power center, our feeder, you know, a lot of  
11 the men that were outby that's where we were located. And there started to be a  
12 concern about the stability in that area. And just even outby but even, I think, all the  
13 way back to Crosscut 114 where the top had started to show signs of deterioration.

14 BY MR. PAVLOVICH:

15 Q. So the top was starting to deteriorate?

16 A. Not deteriorate but just show signs of cracks.

17 Q. Show cracks?

18 A. Cracks.

19 Q. Did you ever see wedges like put up into a crack?

20 A. Yes. We tried to at some point in time start to monitor that to see the  
21 movement there.

22 Q. So you were even being concerned that even though you're loading ---

23 A. Even though we're inby ---

24 Q. --- in that area?

25 A. --- for a certain amount of --- you know, ---

1 Q. The outby area ---?

2 A. --- for a number of crosscuts the outby area was a concern.

3 Q. It was bumping, the ribs were bumping off?

4 A. And the day of the event that happened later on that night. I was --- I started  
5 to be concerned about the face area because of the event we had and I think I  
6 document in my notes. We ended up having a pretty seismic event happen around 11  
7 o'clock.

8 Q. On the morning of the 16th?

9 A. On the morning of the 16th. That I thought was pretty significant and it had  
10 affected ---.

11 Q. Could you read it for us in your notes if you can find it there?

12 A. 10:07 is actually what I documented. 10:07 covered right side of miner  
13 effective ventilation controls.

14 Q. So when you covered the right side of the miner that means the rib actually  
15 bumped off?

16 A. This particular time I told you earlier that those events were --- didn't happen  
17 very often, but when they did, you know, they definitely showed itself as far as the rib  
18 sloughage and the rib actually, you know, bouncing out.

19 Q. So did you ever see it when it actually came out anywhere?

20 A. No, I wasn't there.

21 Q. You didn't visually see it, ---

22 A. No.

23 Q. --- but you were there at the time?

24 A. I was actually coming out of the return or I think I was in the return, because  
25 they ended up having another inspector, Peter Saint, come in to check to see if I was

1           okay because the event was such that it affected the life controls. Dust was in the air  
2           and I was actually in the process of reporting my findings on that hour about what we  
3           were monitoring.

4           Q.       So someone actually came to look to make sure you were okay?

5           A.       Yeah.

6           Q.       It was that severe?

7           A.       Peter Saint, yeah.

8           Q.       And when you went up and saw the miner basically what did you see?

9           A.       I didn't.

10          Q.       Okay. You didn't see it?

11          A.       No.

12          Q.       Someone told you that the whole left side of the mine was covered with coal?

13          A.       Yeah.

14          Q.       By the left side you mean that coal would have come off the barrier?

15          A.       Right side.

16          Q.       Oh, the right side. I'm sorry. The right side of the miner, so the coal had  
17          come off the pillar?

18          A.       Had come off the pillar, yes, sir.

19          Q.       Did they say anything about it knocking down any of the props or ---

20          A.       No.

21          Q.       --- the mesh?

22          A.       No. And you can see throughout these entire entries even though it may not  
23          have taken the seismic activity such that happened later that evening. You could see  
24          the mesh and doing its job as far as holding the coal back to keep the entries clear.

25          Q.       So behind the mesh was a lot of coal piled up ---

- 1 A. Yeah, a lot of rubble, a lot of rubble.
- 2 Q. --- where it had come off the ribs already?
- 3 A. Yeah.
- 4 Q. Do you know at the time that this bump happened at 10:07 do you know was it  
5 a miner in the progress of --- process of loading at that time or were there props being  
6 set? What was the activity?
- 7 A. Process of mining.
- 8 Q. Process. So actually it was in the face mining?
- 9 A. Uh-huh (yes).
- 10 Q. Well, what would have been the face ---
- 11 A. Yes.
- 12 Q. --- mining coal when it bumped?
- 13 A. Yeah.
- 14 Q. That pretty much --- would that bump and that material have been inby the  
15 last props or did it take out a prop?
- 16 A. No, it had been inby the prop.
- 17 Q. How far usually were the props from the face?
- 18 A. If my memory serves me correctly I think they just mined to have that prop at  
19 the bumper of the miner.
- 20 Q. So the bumper of the miner?
- 21 A. And then they'd come back and proceed to put some more up.
- 22 Q. So ---
- 23 A. That's roughly about right I think.
- 24 Q. --- they would mine up and then set another prop?
- 25 A. Uh-huh (yes).

1 Q. But basically the supports were to the bumper of the miner?

2 A. Uh-huh (yes).

3 Q. Not up along the side?

4 A. Correct.

5 MR. TEASTER:

6 Rodney, you got --- on the morning you talked about the roof  
7 being deteriorated outby 119, 118.

8 A. Uh-huh (yes).

9 MR. TEASTER:

10 In your notes you got a bump at 8:30, at Crosscut 119 and at  
11 8:31 there was a thump at 119. And 8:45 there's a bump between 118 and 119, and  
12 then a bump at 8:50 between 116 and 117. Did those bumps dislodge any coal from  
13 the ribs?

14 A. When it happened, it happened. If you weren't there at the particular site you  
15 didn't see it, and it was hard to monitor that as far as which --- it was hard to monitor  
16 which events caused sloughage or coal bursts and what didn't. Several times you'd go  
17 at the top of the hour to go get your air readings in return and see sloughage that  
18 occurred but you don't know which event caused what because they happen so ---.

19 BY MR. PAVLOVICH:

20 Q. How were you locating the area though, Rodney? I mean, how did you say it  
21 happened at 119, 118?

22 A. Peter Saint said I did a pretty good job. As far as being there and  
23 guesstimating, starting ---.

24 Q. I mean, what --- was it just by sound, was it by ---

25 A. Sound.

1 Q. --- visibility?

2 A. Sound, by feeling. They were all guesstimates, they were all guesstimates.

3 Q. But you could actually feel that it was over in that pillar?

4 A. Yes.

5 Q. Or it was in this pillar?

6 A. In that direction for --- you know, you would guess about how close it would be  
7 because of how it hit, how strong the vent was or ---.

8 Q. So when you actually hear that pillar breaking is that what it was or was it in  
9 the roof that you were hearing it?

10 A. A lot of it was in the roof.

11 Q. But you could locate it? You feel you could locate it by the sound ---

12 A. Yes.

13 Q. --- of where it was breaking?

14 A. Sound and feel and ---.

15 MR. TEASTER:

16 The bump --- how did you differentiate between a bump and a  
17 thump?

18 A. Thumps --- a lot of the guys that work got a lot of experience. They have ---  
19 worked underground for several period --- numerous amounts of times and got a feel  
20 for --- kind of got a feel for where those were at. And when I first started doing it I had  
21 tried to confirm with someone else that had been there, say, did that happen about?  
22 They'd say, you're getting pretty good at --- you're about right. But the thumps would  
23 occur ---. I wanted to try to differentiate between the two. The thumps would actually  
24 --- I defined them as thumps because they actually occurred more in ---. It was more  
25 the immediate roof, it was ---

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UNIDENTIFIED SPEAKER:

Higher.

A. --- 50 to 100 feet higher. You know, it was ---.

BY MR. PAVLOVICH:

Q. You could tell that and feel that by sound?

A. Yeah.

Q. You got used to hearing this?

A. Yeah, it was a different sound, you know, you didn't necessarily feel it.

MR. TEASTER:

Did you feel any vibration with the thump?

A. With a thump, no.

MR. TEASTER:

When you have a bump listed here did you feel vibrations ---

A. Yeah.

MR. TEASTER:

--- on the bottom?

A. Yes, yes.

BY MR. PAVLOVICH:

Q. Now, did anybody ever instruct you in the command center to report those bumps or call those bumps out?

A. Yes.

Q. Who did?

A. We were told to report any activity, any that was relevant and I think it's relevant.

Q. So you felt those were relevant?

1 A. Well, ---.

2 Q. Okay. That's fair enough. I mean, ---.

3 A. I wasn't familiar with the mining and maybe some other MSHA employee or  
4 even miner may not think those were significant.

5 Q. So do you think everybody got the same instructions though to report those?

6 A. Any significant bumps were told to be reported.

7 Q. Oh, they told you to report them?

8 A. Any significant bumps we were told to be --- were told to be communicated.

9 Q. Okay. Okay. So you had those instruction, the significant bump that  
10 communicated to the command center?

11 A. Definition of significant may vary from person to person.

12 Q. I understand. Okay.

13 MR. TEASTER:

14 You had the large thump at 10:07 I think you said, and then at  
15 11:00 --- got to 11:00 and then you got some times listed under the --- on the 16th.  
16 You got a small bump outby 112, small bump outby 112, small bump, small bump at  
17 10:33, and a barrier at 120, and then a small thump and a barrier at 119. Then there's  
18 another large bump 11:08 Crosscut 120. How does that large bump relate to the one  
19 that you identified at 10:07?

20 A. What page are you on? Can I get on the same page you are? Okay. I mean,  
21 I --- can you repeat the question?

22 MR. TEASTER:

23 The 11:00, 11:08 or whatever time ---.

24 A. 11:08.

25 MR. TEASTER:

1 11:08.

2 A. It says two ---.

3 MR. TEASTER:

4 How did that bump compare to the ones you had at 10:02?

5 A. I tried to compare them just like you would compare a small, medium and a  
6 large drink at a store, I guess. I mean, ---.

7 MR. TEASTER:

8 These were both large then?

9 A. At 11:08?

10 MR. TEASTER:

11 Yeah.

12 A. Two small bumps. I got SM, short for small.

13 MR. TEASTER:

14 Okay. Sorry. My mistake.

15 A. That's all right.

16 BY MR. PAVLOVICH:

17 Q. So basically what you do is you were feeling these bumps and in your own  
18 opinion they were in different strengths?

19 A. Yes.

20 Q. Sometimes, yeah, they'd be --- that was a small one, sometime you'd feel  
21 that's a large one based on the sound, the feeling?

22 A. And probably went up --- and that differentiated between my first day  
23 underground and my last day underground.

24 Q. They sure didn't seem as bad anymore as they did the first day?

25 A. Exactly. Probably the first small bump I heard I was ready to come out of



1 the depth of coverage of the increased seismic activity on 16th?

2 A. I didn't hear any specific talk about the importance of the cover versus how  
3 big the bounces were.

4 UNIDENTIFIED SPEAKER:

5 You didn't hear any --- didn't know if there was any talk about  
6 it? I mean, they didn't say to you --- was there any talk about it, anybody said  
7 something about we're in the highest part of the mountain here?

8 A. We discussed cover probably on a daily basis. I mean, as far as a supervisor  
9 directing us about it specifically, no. I mean, we talked about it all the time. We  
10 talked about the cover, the pillar sizes, the --- you know, the roof supports.

11 BY MR. PAVLOVICH:

12 Q. So you talked among yourselves about all that?

13 A. Yeah, yeah.

14 UNIDENTIFIED SPEAKER:

15 Rodney, when you said --- did you say there were four guys  
16 on the ground, four, one at the face, two outby?

17 A. One face, two outby.

18 UNIDENTIFIED SPEAKER:

19 Where was the other one?

20 UNIDENTIFIED SPEAKER:

21 There was three.

22 UNIDENTIFIED SPEAKER:

23 I thought you said four, trying to figure out ---.

24 A. Did I say four?

25 BY MR. PAVLOVICH:

1 Q. I think so, but ---.

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

3 You said three or four. That's what I wrote down.

4 UNIDENTIFIED SPEAKER:

5 Okay. Three or four.

6 UNIDENTIFIED SPEAKER:

7 One at the face?

8 A. I remember a question earlier he asked me about the MEO unit. That would  
9 be different activity.

10 UNIDENTIFIED SPEAKER:

11 That was three or four at the time.

12 A. With the different activity we would have three or four doing a specific activity  
13 doing --- checking our seals and putting in Tygon tubing or whatever back.

14 BY MR. PAVLOVICH:

15 Q. But normally when you were ---?

16 A. Three people on a shift.

17 Q. Three people. Okay.

18 UNIDENTIFIED SPEAKER:

19 And those three --- I mean, did you always have one of the  
20 guys from the west? There was never a case where you had, say, three MSHA guys  
21 that weren't familiar with bumps? Did you always have someone ---?

22 A. Yeah, there was always somebody that was familiar, either had inspected that  
23 mine or ---.

24 UNIDENTIFIED SPEAKER:

25 Somebody from that area.

1 A. From that area was underground with you for good reason.

2 BY MR. PAVLOVICH:

3 Q. Okay. Talking a little bit you said --- go back to that morning when you said  
4 that bump occurred at 10:07 it covered up the right side of the miner and you started  
5 to get concerned about that face area; correct?

6 A. Yes.

7 Q. Can you tell me a little bit, Rodney, about your concerns about the safety for  
8 the rescue workers?

9 A. I was concerned. I was concerned from day one because we had not only  
10 their other physical safety but I mean, all of them guys had personalities, I guess,  
11 about not wanting to be there because of several different reasons. I mean, it was not  
12 only --- I don't think it was strictly based on their fear of safety. I think a lot of it was  
13 they didn't want to be there --- to be there when a body was uncovered or be there  
14 when ---. You know, there was a lot of personal things that were going on.

15 Q. So the miners themselves were concerned about being there for many  
16 reasons?

17 A. For many reasons, not --- I don't think it was just safety.

18 Q. Not just safety?

19 A. Yeah.

20 Q. But safety was one of their issues?

21 A. Safety was one of them. Sure. And several people got transferred, got  
22 moved around to meet those ---.

23 Q. So you did know of miners getting moved to other work?

24 A. Yes.

25 Q. And was that mostly at their request or ---?

1 A. Yes.

2 Q. It was?

3 A. Yeah. And the company respected that and as a matter of fact I think towards  
4 the end of --- by the time I got underground I think mine foremans for the company  
5 were actually operating the equipment.

6 Q. Actually the management people ---

7 A. Management.

8 Q. --- were now operating the equipment because most of the miners now were  
9 not doing it?

10 A. I'm not going to --- but I'm not going to say --- I know the miner operator, for  
11 instance, you know, he was with the company. He was the company person.

12 Q. So the person running the miner was a company person when you got there?

13 A. Uh-huh (yes).

14 MR. TEASTER:

15 Did you hear anything from the MSHA people about the  
16 concerns or safety?

17 A. This was my first event. I did as I was told and had a lot of respect and, I  
18 guess, confidence in the guys that were making decisions.

19 BY MR. PAVLOVICH:

20 Q. Did you ever voice any concerns about, you know, maybe we're going too far  
21 here or maybe I'm concerned that this is going to happen behind this or there's going  
22 to be a problem?

23 A. The concern was there. To be quite honest when I looked at the map I was  
24 concerned. Before I went underground I was concerned.

25 Q. Can you explain that to me? Why? You can look at this map if you want to.

1 A. I actually --- there was a map underground that was similar to this, and I think I  
2 even wrote in my notes just a rough diagram. Of course you'd be forever trying to  
3 map this in your notes.

4 Q. Right.

5 A. But I quickly, I think, in my notes I show on one of the pages where I show this  
6 panel being mined and then the ones to the north and to the south I wrote in. Let me  
7 take some time to look at that. Then I wrote in the footages between the areas, and it  
8 may not be exactly correct. But July '07 when they actually ---

9 Q. Started pillaring there?

10 A. --- had this pillaring here. We got 40 feet to the south of us, and then 121 ---  
11 approximately 121 feet, to the south of that we got a panel which is the first number on  
12 13. Then I've got dates below this that, you know, tell me when this area was mined  
13 previous to. And then the areas to the north and the footages between, you know, the  
14 barrier pillars that were laid. Yeah, I was concerned when I looked at the map.

15 Q. So when you looked at this with all these panels and all these panels were  
16 already being extracted, this panel being out, this being mined earlier and then pulling  
17 pillars here you were concerned about it?

18 A. I was concerned, and not only that, but the size of the pillars that were left in  
19 this immediate area versus the burden that we had on that area.

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

21 Joe?

22 MR. PAVLOVICH:

23 Yes.

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

25 That area that you were just talking about can you just for the

1 record ---?

2 MR. PAVLOVICH:

3 Okay.

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

5 He said he was concerned about the pillars in this immediate  
6 area. Where was that?

7 MR. PAVLOVICH:

8 Yeah. Rodney was basically talking about the mining in the  
9 south barrier and the barrier width between the number 13 long wall panel, the barrier  
10 width that was left between the west mains. And he knew also of the retreat mining in  
11 the north barrier and the barrier width between the fourth barrier and panel 12 in the  
12 north barrier of the west main. And he also expressed concern in the area, it looks  
13 like, from Crosscut 108.

14 A. 108.

15 MR. PAVLOVICH:

16 108 ---

17 A. To about 116.

18 MR. PAVLOVICH:

19 --- to about 116 where mining development had occurred to  
20 start both the north and south barriers that there was very little coal left in that area  
21 because of the development of the pillars and the pillar sizes in that area.

22 BY MR. PAVLOVICH:

23 Q. Rodney, had anybody ever discussed with you knowledge of a bump that had  
24 occurred in the north barrier that stopped mining in that area?

25 A. I believe that I heard a communication.

1 Q. Someone had told you that?

2 A. During that period of time.

3 Q. During this time underground ---

4 A. During that time.

5 Q. --- someone had told you we got bumped out of the north barrier or something  
6 to that effect?

7 A. And with that it was also stated their pillar size, what they had in this area and  
8 that's what they --- I was informed they went to a small --- or actually a larger pillar  
9 size for the areas that they were in.

10 Q. So they went --- that was the reason that someone told you they went through  
11 a longer pillar size in the south barrier because they had been ---

12 A. Yes.

13 Q. --- bumped in the north barrier? Okay.

14 MR. PAVLOVICH:

15 You look like you have a question.

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

17 I do. Before we move on, Joe. I had a question, Rodney, to  
18 clarify something. You said earlier that some of the miners may have had concerns  
19 that were actually working underground, and when you came underground one of the  
20 foremen was running the mine?

21 A. If they did have concerns those concerns were addressed with them being  
22 transported to another mine.

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

24 Did anyone underground actually give you any specific  
25 concerns or was that a general feeling?

1 A. General --- just having knowledge that people had been moved around based  
2 on their concerns, their personal concerns.

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

4 But no one --- you never overhead anyone have specific  
5 concerns?

6 A. Never heard anybody --- never overheard a conversation nor had anyone ---  
7 any miner say, hey, I don't feel safe here.

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

9 Okay.

10 BY MR. PAVLOVICH:

11 Q. Rodney, on the ---?

12 A. I would have taken immediate action.

13 UNIDENTIFIED SPEAKER:

14 Thank you.

15 BY MR. PAVLOVICH:

16 Q. On the morning of the 16th we talked about a lot of bumps that you had  
17 recorded in your notes that had occurred that morning. There's also one in your notes  
18 at 12:52 in the afternoon. Were these bumps reported to the command center?

19 A. As to my knowledge they were.

20 Q. Well, I mean, did you call them out yourself?

21 A. Yeah.

22 UNIDENTIFIED SPEAKER:

23 Okay. You called them out?

24 A. Yeah.

25 BY MR. PAVLOVICH:

1 Q. And did you get any feedback ---?

2 A. If I didn't, one of us did.

3 UNIDENTIFIED SPEAKER:

4 Okay.

5 A. I mean, there's --- you know, there's two of us outby and a lot of them may  
6 have been ---. We tried to get our heads together before we called up to the  
7 command center to make sure we were ---.

8 UNIDENTIFIED SPEAKER:

9 Maybe you don't recall specifically that day, but there seems  
10 to be a lot of focus on that day obviously. But do you remember who you were with as  
11 far as the local guy and who the other ---?

12 A. Peter Saint was with me throughout most of my time underground.

13 UNIDENTIFIED SPEAKER:

14 So more than likely Peter was the guy that day from that local  
15 area?

16 A. Yes.

17 BY MR. PAVLOVICH:

18 Q. Did you get any feedback or concern of all these bumps occurring  
19 underground when you reported them to the command center?

20 A. No, not as far as an immediate let's retreat and get out of here. I think  
21 everyone to a certain point just because the vent was on a heightened level of the  
22 problem but we were trying to monitor as close as we could.

23 UNIDENTIFIED SPEAKER:

24 Can I clarify one thing and follow up on what Ex. (b)(6) and Ex. (b) said? You  
25 were talking about reasons that they didn't want to be up there or so Ex. (b)(6) and Ex. (b) and you

1 said they didn't want to be there when they found the bodies. Was that a prevailing  
2 thought that they're bodies, that they're dead and we're still doing this?

3 A. The possibility is always there. I mean, when you get miners that are missing  
4 and you don't know where they're at you don't know where they're going to be next  
5 and how you're going to find them. Like <sup>Ex. (b)(6) and E</sup> asked me, did anyone directly give you  
6 this information? No, it was just the talk <sup>Ex. (b)(6) and E</sup> w the men were trying to become  
7 forward and remove from that area if they felt unsafe.

8 BY MR. PAVLOVICH:

9 Q. But I guess with the entries being full of coal, as you saw, with the extent of  
10 the damage that was in that area with your knowledge of there being possibly low  
11 oxygen? Did you feel there's a good possibility that we are looking for bodies as  
12 opposed to live people?

13 A. The possibility was there, yeah. Yeah, that's in your head.

14 Q. I understand. I mean, ---.

15 A. But as far as the --- I mentioned earlier about, you know, the hope.

16 Q. We're always wanting to believe that.

17 A. Yeah, exactly.

18 Q. But in reality you understand the situations, too, and the seriousness of your  
19 knowledge of mine rescue gasses, other things?

20 A. Yes.

21 Q. You understood that?

22 A. Yes.

23 Q. And apparently some of the other people because they felt like I don't want to  
24 be here when I'm operating the miner and I might cut into one; is that true?

25 A. Yes.

1 Q. I mean, you're nodding yes for the tape.

2 A. Yes, yes.

3 UNIDENTIFIED SPEAKER:

4 And, Rodney, when you was looking at the map a while ago  
5 and you said you was concerned about the pillars in between the dots on the north and  
6 the south, you added some footages. Did anybody tell you anything that made you  
7 feel a little bit better about that or any different about that?

8 A. We're all different. We all come from different mining backgrounds and, like I  
9 said, again this is my first event and what I had picked up on is from my knowledge in  
10 Kentucky. But I thought this was a concern whether someone told me it was and it  
11 was.

12 BY MR. PAVLOVICH:

13 Q. In addition to that you probably thought the bumping was a concern even  
14 though the guys were --- the local guys were telling you, well, that's okay, Rodney, and  
15 that's not so bad, don't run yet?

16 A. The statement was made even --- don't run, exactly. And the sad part about it  
17 is whenever it occurred it found you where you was at. I mean, you know, there was --  
18 - you talking about running, by that time it's too late, you know.

19 Q. Right.

20 A. It was ---.

21 Q. So even though people were saying that you also were aware of the fact that  
22 miners were --- who were just as familiar with that were saying, I don't want to be here  
23 anymore, I want transferred to another mine?

24 A. Uh-huh (yes).

25 Q. So how did that make you feel with some people telling you, don't worry about

1 these, they're okay and other guys that worked there that had the same knowledge  
2 said, I'm out of here?

3 A. Indifferent. There was a lot of communication. I tried to get as much  
4 knowledge from other people that had been there prior to me and at the same time as  
5 me trying to get their feel for things as well. And the statement was made --- you  
6 asked about comfort. Well, one of the guys made a statement to me that as long as  
7 there's activity everything's good because, you know, everything's settling in an  
8 intermediate fashion. It's doing it periodically and it's not building up pressure. This is  
9 a good thing, so with a number of events maybe that took place, maybe that's why I  
10 was so adamant about making sure I documented it all.

11 Q. Documented how many?

12 A. Yeah.

13 Q. Okay.

14 UNIDENTIFIED SPEAKER:

15 Did you ever talk to the roof control guys from tech support,  
16 Mike Gauna and Joe Zelanko? Were they ever around to ---

17 A. Yes.

18 UNIDENTIFIED SPEAKER:

19 --- answer any questions on the bumps and ---?

20 A. Yes, I did speak with Joe. Matter of fact, we were with them in between the  
21 time frame that I was doing my reporting to help them set up a couple of survey points  
22 outby. I wanted to get the feel for what ---

23 UNIDENTIFIED SPEAKER:

24 Their thoughts were?

25 A. --- what their plans were and what they thought would work, and I feel like they

1 did what they feel like was the most expedient and the most safest way to do it.

2 BY MR. PAVLOVICH:

3 Q. Did you see any mining of barriers similar to what you saw out west there?

4 A. No, that would never happen in our district. I don't know if the barrier pillars  
5 were narrow. A lot of mine has been taken, a lot of coal's been taken out of this mine.  
6 We've got some mines now --- and I asked the question this past week, I said, what  
7 about all this free coal you guys got? They're like, well, this is next to an old worked  
8 out area and we just don't want to go there. So ---.

9 Q. That's your own local district?

10 A. At my own district. So different places have different things. We have never  
11 --- that I recall, we've never ---. Since I've been there we've never recovered a pillar.  
12 We never recovered a barrier. I mean, none of that's been done.

13 MR. TEASTER:

14 You do have retreat mining though?

15 A. No.

16 MR. TEASTER:

17 No retreat mining on the rescue team?

18 A. No.

19 BY MR. PAVLOVICH:

20 Q. Okay. You were there on the 16th. Were you still there when the accident  
21 occurred?

22 A. I probably missed that accident. I guesstimated about an hour and 39  
23 minutes.

24 Q. Were you already outside?

25 A. I had just --- matter of fact, I shook hands with Gary, the shift that he started.

- 1 Q. Underground?
- 2 A. Underground. When he started and I was leaving, because we ---.
- 3 Q. Did you brief him on what had happened that shift?
- 4 A. I had some communication there.
- 5 Q. Did you talk to him about the bumps that had occurred? Did he say anything
- 6 about it?
- 7 A. Yes, I did. Gary was a happy go lucky go, and shook hands with him. Told
- 8 him, I said, be careful up here. Not only watch out for yourself, but watch these
- 9 miners. I said, we had a pretty significant bump up here today around noon, so
- 10 covered up the right hand side of the miner, this and that so just be careful.
- 11 Q. What did he say?
- 12 A. And he laughingly said, oh, man, we'll be all right. Just a happy, go lucky guy.
- 13 Q. Yeah, I knew Gary well. So you then came outside?
- 14 A. Then came outside.
- 15 Q. Okay.
- 16 A. Quickly changed clothes and went to the hotel.
- 17 Q. So you were already gone when the bump occurred that evening?
- 18 A. And just as soon as we pretty much pulled in the parking lot I tried to call my
- 19 wife as soon as we got --- soon as I got phone service to let her know that I had made
- 20 it through that shift okay. And when I was talking to her I got a beep from Virgil Brown
- 21 informed me to get my stuff together, we had to go.
- 22 Q. Did you go back to the mine?
- 23 A. Yes.
- 24 Q. What did you do there?
- 25 A. When we got there, quickly got back into mining clothes and took off. And

1 when we were there helicopters were landing, ambulances were coming out, and ---.

2 Q. Did you get back into the mine?

3 A. Met Gary and Virgil Brown had put oxygen on him to help with his breathing,  
4 and our concern was the other guys that are underground. After we did what we could  
5 do there, the paramedics are already there. We wanted to get to those people that  
6 didn't have extra help.

7 Q. So there was still some people not brought out yet?

8 A. Yeah.

9 Q. Was Gary one of the first ones brought out or in the first group that was  
10 brought out?

11 A. It seemed like there was just almost in a line. I don't know exactly where he  
12 fell at, but he was one of the first. I don't know if he was the first or the second, but he  
13 was one of the first that was out.

14 Q. That was actually on the surface where you ---

15 A. That was on the surface ---

16 Q. --- where you saw him?

17 A. --- when we arrived. As soon as we got our clothes on and we have some  
18 oxygen masks and bottles that we have as far as rescue kits. And we took two of  
19 those underground and got to the section as quickly as we could to aid in any help we  
20 could. And once we got there we passed some vehicles that were coming out, and by  
21 the time we got there they were finishing up. Scott and --- we met Scott, the mine  
22 foreman that was up there on the section, and they were one of the last ones to leave.

23 Q. So all nine of the men had been recovered by then?

24 A. Uh-huh (yes).

25 Q. So there was no work for you guys to do once you got in there?

1 A. Right.

2 Q. Did you hear any bumping or anything at that time?

3 A. No.

4 Q. Nothing?

5 A. Didn't stay there long enough to really ---.

6 Q. Okay. You just --- as soon as you got there Scott told you we're done?

7 A. Yeah.

8 Q. And then you guys headed back outside?

9 A. Mine foreman when we got there was upset about us being there, but we were  
10 told to be there to help in any way we could.

11 Q. Oh, okay. Okay.

12 UNIDENTIFIED SPEAKER:

13 What was he upset about?

14 A. He probably just got the call prior to us getting there about everyone was  
15 supposed to evacuate.

16 BY MR. PAVLOVICH:

17 Q. Oh. And you guys just came in?

18 A. And then we showed up, yeah.

19 Q. Okay. Let's switch a little bit here. Did you ever meet Bob Murray?

20 A. Yes.

21 Q. Do you want to take a break for five minutes or something?

22 A. I wouldn't care --- to get up and stretch my legs. Is that okay?

23 Q. We can do that.

24 SHORT BREAK TAKEN

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



1 Q. Have you ever done any inspection work in any of those mines?

2 A. I have and heard of some inspection work that's going on prior to --- during the  
3 course of me being there.

4 Q. You say you heard of some inspection work. What does that mean?

5 A. Just as far as some of the history that has happened and occurred. I'm not  
6 exactly for sure what the date is on it, but he owns KenAmerica down at District Ten.

7 Q. What did that relate to?

8 A. The negative effects from that was unlawful activity that was occurring. They  
9 was actually mining against their ventilation plan, had two miners running at the same  
10 time on the same sort of air, had a huge court case about it.

11 Q. So you heard about that history prior to that. What is the company's name  
12 there?

13 A. It's Paradise Number Nine, KenAmerica.

14 Q. KenAmerica?

15 A. KenAmerica.

16 Q. Is it just one mine?

17 A. Yes.

18 Q. How were those people to deal with? Were they difficult to deal with, was it a  
19 mine that you had problems with?

20 A. Had during that specific time frame had problems with and that specific  
21 activity, the reason they got caught red handed the way they were was because they  
22 had mined into an old works and had flooded that particular area. So it was something  
23 that had come up by surprise and all of this ended up coming out during the  
24 investigation.

25 Q. Had you ever heard anything or any communication there about that particular

1 company asking to move inspectors or ---?

2 A. No.

3 Q. Or any complaints that MSHA was heavy handed or over enforcing at their  
4 mine?

5 A. No.

6 Q. No. Any pressures from Mr. Murray or his management there about plans?

7 A. No.

8 Q. Asking for plan approvals or anything in that regard?

9 A. The only conversation that I remember having about the mining of coal in that  
10 particular area and how there was an agency, and I'm going to say it's some type of  
11 energy agency out west, that possibly put some political pressure on the agency.

12 Q. On MSHA?

13 A. On the agency to have mining continue here, but I don't ---.

14 Q. At Crandall Canyon you're saying?

15 A. But all that was just during conversation and it was not through any particular  
16 agency, director, supervisor. Actually that conversation took place with the geologist  
17 that worked for the --- whatever their wildlife ---.

18 Q. U.S. Forest Service maybe?

19 A. Yes.

20 Q. Some geologist from the U.S. Forest Service kind of alleged to you then that  
21 they had maybe put pressure on MSHA to ---?

22 A. The particular agency was talking about it, and I'm not familiar with that  
23 agency. UCL or some type of ---.

24 UNIDENTIFIED SPEAKER:

25 BLM.

1 BY MR. PAVLOVICH:

2 Q. BLM?

3 A. BLM.

4 Q. Bureau of Land Management, would that have been it?

5 A. Yeah, that was the only thing that would have vaguely ---.

6 Q. Nothing --- you never heard anything about ---

7 A. No.

8 Q. --- Murray putting any pressure?

9 A. No, no.

10 Q. So what did you think of Mr. Murray's attitude at the mine?

11 A. From the conversations that --- from the knowledge that I had prior to and put  
12 together with the information that I had gathered from MSHA personnel and the  
13 miners that worked there, there wasn't a whole lot of positive things to say about Bob  
14 Murray.

15 Q. So that was even from the miners that were there?

16 A. Yeah.

17 Q. Did they specify why?

18 A. No, but I'd heard things prior to that event back in KenAmerica the way he  
19 would address some of his employees weren't the most professional way to address  
20 them.

21 Q. So you even heard that in Kentucky ---

22 A. Yeah.

23 Q. --- with KenAmerica? How were the mine management at Crandall Canyon to  
24 work with, the other people, mine foreman, shift foreman, people?

25 A. No problems whatsoever.

1 Q. They were agreeable, amenable to do the things you needed done?

2 A. Oh, yeah.

3 Q. I think we already talked about you did have some dealings with the press,  
4 was the time you took them to the bore hole site the only dealing you had with them or  
5 did you meet with them ---?

6 A. Directly, yes.

7 Q. Directly?

8 A. Yeah.

9 Q. Did you have some other indirect meetings with ---?

10 A. (Indicates no.)

11 Q. Okay. How about the family members, did you ever communicate with any  
12 family members or ---?

13 A. I'm glad that wasn't my job.

14 Q. Do you think that --- how do I want to say it? Do you think there was a lot of  
15 pressure? Now, you saw the news while you were out there; right?

16 A. Uh-huh (yes).

17 Q. Plus what you knew was going on underground, plus talking to miners, plus ---  
18 do you think there was a lot of pressure exerted or outside pressures from the news  
19 media, from families to maybe continue with this rescue operation when it shouldn't  
20 have been continued? Did you ever get that feeling?

21 A. I never personally got that feeling. This was my first event, and I myself  
22 wanted to do everything that I could to try to get some type of closure whether it be  
23 finding a human alive or finding a body for a family to know.

24 Q. So that was your personal motivation?

25 A. That was my personal motivation.

1 Q. Do you feel like --- and I realize you've been on the team a year and you said  
2 this is your first event, but you've received monthly training ---

3 A. Yes, sir.

4 Q. --- in that team?

5 A. Yes, sir.

6 Q. Do you think that the training you've had in the past with the MEU and I  
7 realize not specific to a bump, but that you've had enough adequate training to help  
8 you through this operation?

9 A. Yes. And I think it's getting better by every training, it's getting better.

10 Q. Did anyone ever sit down and talk to you about why the rescue effort was  
11 stopped after the second accident or did you feel it was just because of the accident?

12 A. During Mr. Murray's conversation that he had with us and the big meeting with  
13 everyone outside following the event and the accidents he stated he was done. All  
14 activity underground was ceasing, and after that day the following day I got some  
15 feeling that from conversation with John Urosek and --- that he was done drilling as  
16 well. I felt like more drilling took place because we had wanted more drilling done.

17 Q. Now, you had told me earlier about your personal motivation wanting to  
18 continue here because you wanted to see closure for ---

19 A. Sure.

20 Q. --- people and maybe rescue someone? How did you feel when Murray stood  
21 up in that meeting and said, we're done?

22 A. It was a --- personally it was tough, to feel like you've --- you know, you've  
23 worked and you really haven't accomplished anything. You know when you try and  
24 you try harder and you don't get an accomplishment, a person tends to get  
25 discouraged about the whole event, but as we're trained in the MEO unit when you ---

1 you look after your safety first and that's important.

2 Q. With your training in the MEO unit had anybody ever talked to you about the  
3 amount of risk you're willing to assume based on the value of the operation? Had you  
4 ever heard any concept like that? Like if you know I have people alive I'm going to  
5 assume more risk, I don't know I'm willing to assume less risk, have you ever seen ---?

6 A. That was actually --- that was discussed at our last meeting we had, and in  
7 depth we talked ---.

8 Q. Your last meeting prior to the accident or after the accident?

9 A. After the accident.

10 Q. So the last meeting that ---?

11 A. We actually had discussed about trying to establish some type of protocol,  
12 some type of written assessment that could be guidelines, but it's difficult because ---.

13 Q. Everyone's different.

14 A. Every accident ---.

15 Q. But you never had really had that or been trained in that concept prior to  
16 Crandall Canyon?

17 A. Other than ---.

18 Q. Other than common sense?

19 A. Other than common sense and knowing what you are willing to do is what  
20 you're willing to do. You know, it's based on your experience and what you feel safe  
21 for you.

22 Q. Did you ever know of any tracer gas that was going to be released in those  
23 bore holes?

24 A. Yes, we had ---.

25 Q. Is that why you set up the Tygon tubing? Did they ever release the pressure

1 gas that you know of or find any traces of it?

2 A. I know the tracer gas was released.

3 Q. It was?

4 A. I know the tracer gas was released here.

5 Q. How do you know that? Someone told you or were you there when it was ---?

6 A. Jeff Waggett actually worked for tech support.

7 Q. So Jeff told you it was?

8 A. Yeah, Jeff told me it was released and as far as actually their direct finding I  
9 don't know exactly what the percentage was that they ---.

10 Q. You think they may have picked up some tracer gas at the seals?

11 A. Yes.

12 Q. Obviously, while you were down there you observed the roof support that was  
13 being installed with the water props and the wire rope, chain link fence. In your own  
14 opinion did you feel that was adequate? Did you feel that was safe?

15 A. I don't know if my opinion is ---.

16 Q. Well, it's your opinion.

17 A. I don't know if my opinion can stand at all really because I've never been  
18 around these water props. I don't know their capabilities. I've never seen them used,  
19 I've never seen what their capabilities are or their incapacibilities.

20 Q. Did you feel comfortable standing there with that --- all of them next to you?

21 A. I felt more comfortable there than I did ---

22 Q. Where they weren't?

23 A. --- outby the area.

24 Q. Did you ever know of them having any trouble with the water props like failure  
25 where they leak on installation, couldn't use them or did pretty much every one they

1 had work when they pressurized them?

2 A. I didn't hear of any problem.

3 Q. Okay. You didn't hear of any problem.

4 A. We never used those in our minds, in our area.

5 UNIDENTIFIED SPEAKER:

6 Rodney, I don't know if you were getting ready to say  
7 something. Do you think maybe something different should have been used or  
8 something that you were more familiar with?

9 A. What I'm familiar with and from what I thought may have been good, I mean,  
10 but I only know what I'm familiar with, you know.

11 BY MR. PAVLOVICH:

12 Q. What would that have been?

13 A. Arches.

14 Q. Arches? Okay.

15 A. Because I'm not a roof support engineer or geologist or anything directly  
16 involved with roof support. We weren't concerned about the roof itself. We were  
17 concerned about the effects from the rib and from the ---.

18 UNIDENTIFIED SPEAKER:

19 Were you thinking about the arches in terms of supporting the  
20 roof and providing lateral protection?

21 A. Providing lateral protection, not a roof support deal, but just the lateral  
22 protection.

23 UNIDENTIFIED SPEAKER:

24 Did you hear any conversations about who decided to use the  
25 system that was used?

1 A. Ask that again.

2 UNIDENTIFIED SPEAKER:

3 Did you hear any conversation or do you know who decided to  
4 use the system that was used, or was others discussed?

5 A. No.

6 UNIDENTIFIED SPEAKER:

7 That's just what was being ---?

8 A. Yeah. I don't know who made the decision or who was involved in making the  
9 decision. I just know that's what was being used and that was in the plan.

10 MR. TEASTER:

11 Rodney, since you've taken that risk versus value training that  
12 you guys had last meeting you had did you ever think about what was going on at the  
13 mine, gas readings, bumps and stuff and apply that and see what kind of conclusion  
14 you might have come up with?

15 A. As far as --- can you elaborate on the question?

16 MR. TEASTER:

17 Well, the risk versus value that you basically make the  
18 determination whether or not the risk is worth going after the value, in other words.

19 UNIDENTIFIED SPEAKER:

20 With continuing; right?

21 MR. TEASTER:

22 Right. With continuing with it.

23 A. With continuing with the operation?

24 MR. TEASTER:

25 In other words, you've got the miners up there. Now, you've

1 seen what's happened, you know the readings we've got, we got some low O2  
2 readings, you're having a lot of bumps. So if you applied what you've learned in  
3 applying this risk versus value did you ever think about what the conclusion may have  
4 been if you plugged in what you later learned as far as continuing with the operation  
5 as it was being ---?

6 A. I can answer that question with what I know now and that would be with  
7 hindsight which is 20/20. You know, one of the first principles that we learned as an  
8 MEO unit team member is you don't risk your safety for the safety of someone else.

9 MR. TEASTER:

10 Well, I think that's the part of value. I mean, that's right. The  
11 most important is safety of the person doing the rescue work.

12 A. Exactly.

13 MR. TEASTER:

14 I totally agree with that. And that's where you apply this risk  
15 versus value is how much risk you're willing to apply to go after what you're trying to  
16 get?

17 A. With that statement having the hindsight that we do, it wasn't worth --- all the  
18 events that took place during that time frame wasn't worth one, much less three, that  
19 was lost in the secondary. And if we knew at the time that would occur I don't think  
20 anybody ---.

21 MR. TEASTER:

22 It's easy to make the call now.

23 A. It's easy to make the call.

24 MR. TEASTER:

25 I'm trying to get to prior to the accident on the 16th where you

1 might have ended up with.

2 BY MR. PAVLOVICH:

3 Q. Do you think with what all that you saw go on there, Rodney --- I'm talking  
4 about in the command center as far as your directions, your plans, your briefings,  
5 everything. Do you feel that MSHA managers are properly trained to coordinate an  
6 emergency response?

7 A. I want to answer that with a statement ---

8 Q. Okay.

9 A. --- that says I feel like MSHA as a whole could probably have more  
10 emergency response training.

11 MR. PAVLOVICH:

12 Okay. Very good. You guys got anything else for Rodney?

13 A. I think the events that take place --- that took place in Eastern Kentucky, I've  
14 heard so many compliments about it, and I think more of that should happen.

15 MR. TEASTER:

16 Rodney, when you finished up there was a process that you  
17 would mine and you would cease mining and advance to roof supports. Based on  
18 where you --- what they were doing when you were there on the 16th when you left  
19 what do you think the process they would have been in about the time of that accident  
20 on the 16th?

21 A. What do I know they were --- what do I know what was taking place at the  
22 time?

23 MR. TEASTER:

24 Based on the process where were you at when you left?

25 Were you mining or were you setting supports?

1 A. I did a lot of the outby readings and kept up on the monitoring that was  
2 happening outby the face area. And at times I would go to the face area just to check  
3 on things.

4 BY MR. PAVLOVICH:

5 Q. But I think what Ernie said ---.

6 MR. PAVLOVICH:

7 You're asking when the accident actually occurred ---

8 MR. TEASTER:

9 Right.

10 MR. PAVLOVICH:

11 --- when Gary Jensen and the other miners were injured and  
12 killed.

13 A. Yeah, I wasn't present.

14 BY MR. PAVLOVICH:

15 Q. What would have been the --- I realize that.

16 A. Right.

17 Q. But what do you think would have been the circumstances were nine of them  
18 would have been up in that place? They wouldn't have been loading at the time;  
19 right? Because you said that was very well controlled to only like two people.

20 A. Uh-huh (yes).

21 Q. So what activity do you think may have been going on? Do you have any  
22 notes of what Scott said or anything?

23 MR. PAVLOVICH:

24 Is that what you were ---?

25 MR. TEASTER:

1 Right. Uh-huh (yes).

2 A. I believe if I'm not mistaken the miner was actually located in the face area  
3 when the bump occurred.

4 BY MR. PAVLOVICH:

5 Q. So the miner was up there, and you think it was maybe loading at the time?

6 A. Took out several of the props that were set to the right rib of the miner.  
7 Actually, I think at this --- I got my notes somewhere as far as the conditions that was  
8 described by Scott when we had the large meeting outside, and Richard Stickler had  
9 asked about getting some information about where was what and what happened.

10 Q. Oh, okay.

11 A. About --- that was the information that I had.

12 Q. So that was the debriefing that was done then by Mr. Stickler?

13 A. Mr. Stickler was wanting all the information he could get, and since he had  
14 everybody together ---.

15 Q. This was as soon as you came outside?

16 A. Soon as we come outside and the rescue efforts as far as getting the people  
17 where they need to go was gone we had a meeting in the --- actually their shop area,  
18 which was used to store some of the food and have some of our miner's equipment  
19 there. We had a dry erase board or huge paper sheet and drew the entry, the  
20 continuous miner and had people fill in the blanks as far as how far back the bump  
21 actually came out of the entry and what props were taken out.

22 Q. So all that was discussed in the briefing?

23 A. All that was discussed.

24 Q. There was some sketches or drawings made?

25 A. Sketches drawn and some of the guys helped put what where that was down

1 there at the time it occurred.

2 Q. Rodney, you got in your notes there for the 23rd of August indicating that the  
3 bump occurred 30 feet outby the tail of the miner. How did you acquire that  
4 information?

5 A. This was the information that I shared with you that was stated and shown on  
6 the board at the shop area during the briefing.

7 Q. With Mr. Stickler?

8 A. With Mr. Stickler, yes, sir.

9 UNIDENTIFIED SPEAKER:

10 You got a question, Ex. (b)(6) and Ex. (b)(7)(C)

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

12 I do. Rodney, let me ask you just a couple of follow up  
13 questions. You was talking about seeing the command center for the very first --- you  
14 say it was a Blue Goose; right?

15 A. Yes, sir.

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

17 And the company was separate from that?

18 A. Yes.

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

20 You know who, obviously, Mr. Stickler and Mr. Stricklin are?

21 A. Yes.

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

23 Were they there the first time that you was there? When you  
24 first got there were they there?

25 A. I don't know.

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

2 I guess my question is, did --- when they got there did they  
3 become in charge? Did they call the shots? What's your take on that? This person  
4 that you first went to, do you have any proof of seeing anything about who was in  
5 charge?

6 A. I know the chain of command, and I wasn't sitting in on their briefings with the  
7 company and who actually approved those plans, what names were signed on what. I  
8 would think it would be just as, you know, just as it would be. I mean, the command  
9 center would have a supervisor in charge of that for that shift, and that was on the  
10 board displayed to everyone. So there was a supervisor in charge of that command  
11 center for that particular shift and from there whether it be the DM, an ADM, whoever  
12 it was in charge Al Davis or who --- the command went up in rank from there. I would  
13 think that Richard could supervise him and Kevin could supervise him and ---.

14 BY MR. PAVLOVICH:

15 Q. So probably --- it defers to the highest ranking MSHA official?

16 A. Nothing was done on my end or that I was told that either wasn't in the plan or  
17 didn't come from one of those persons.

18 Q. I guess you heard about the press going underground?

19 A. Yes.

20 Q. Were you there when they went underground?

21 A. I was not underground at the time.

22 Q. Were you at the mine when they were ---?

23 A. I would have seen them, but ---.

24 Q. Were you at the mine when they went underground?

25 A. It may have been when I was on the mountain. I'm not quite sure.

1 Q. So you weren't --- I mean, you weren't standing there watching them go in?

2 A. No, no.

3 Q. What was your opinion of the press going underground in light of the K Order?

4 A. I think it defies the K Order, but as far as the reason it may have been for  
5 simply just for the families, but I don't know.

6 Q. Did you ever hear any of the other MSHA people while you were working with  
7 them voice any disapproval or displeasure of that?

8 A. No.

9 Q. Never heard Gary say anything about it?

10 A. No.

11 UNIDENTIFIED SPEAKER:

12 If the press had come up when you were underground would  
13 you have been comfortable with him being there on your watch?

14 A. I would hope to think that if I was underground I'd be given --- just like I did  
15 before the press got there on the mountain, I would have been given direct orders  
16 from somebody telling me what was going on before it happens. And if I was given a  
17 direct order I would certainly follow them unless it interfered with my safety.

18 MR. PAVLOVICH:

19 Do you got a question?

20 UNIDENTIFIED SPEAKER:

21 I got a couple. Sorry, Rod. You said earlier that you hadn't  
22 had experience with bumps, you know, like a lot of us out east here. What kind of  
23 advice did the guys give you that you work with every day on the bumps and the  
24 bounces and ---?

25 BY MR. PAVLOVICH:

1 Q. Like Peter Saint.

2 UNIDENTIFIED SPEAKER:

3 I know you touched on it a little bit.

4 A. Really wasn't a whole lot advice to give. I mean, to be quite honest it is what  
5 it is. Peter mentioned a couple of times about helping me quote on quote locate  
6 where those were occurring, tried to help me define what was significant, what wasn't  
7 significant, but as far as him saying Rodney, if you --- you know, a lot of times it  
8 happens. I'm sorry, buddy, you're gone if there's nothing we can do. I don't know if  
9 that's advice. It's information.

10 UNIDENTIFIED SPEAKER:

11 Did anyone make any comments to you, Rodney, from MSHA  
12 or anyone about the thoughts of them actually --- where they were mining, about the  
13 plan or them being allowed to mine those barriers? Did any discussions like that ---  
14 you know, usually when you're underground there's some quiet time and you talk to  
15 each other. Anybody say any comments about the approval to mine the barrier or  
16 anything along those lines?

17 A. I tried to get as much information as I could because --- I mean, I feel like  
18 that's what we're --- they were there for, try to gather information just like you guys are  
19 trying to gather information today. Didn't ask a lot of questions. I just tried to take a  
20 lot in and there were several discussions about --- I overheard a mine foreman talking  
21 to one of his workers about where he thought maybe the guys may have been at the  
22 time and what activity was taking place at the time. But as far as my eyes as virgin  
23 eyes looking at this coal mine I mean --- yeah, I mean, I told you guys earlier it was a  
24 concern of mine as far as the barrier pillars that were left in between long wall panels  
25 and --- it's just not ---. It's uncommon to me.

1                                    MR. TEASTER:

2                                    But you never heard one of them, any of them say or one of  
3 them say, we never should have been mining these barriers?

4                    A.        No, not --- no.

5                                    MR. TEASTER:

6                                    Not in that many terms? Did you feel anybody was indicating  
7 anything like that?

8                    A.        No.

9                                    UNIDENTIFIED SPEAKER:

10                                  You made a couple of trips to the seals, I guess, while you  
11 were underground. Would the seals sometimes be in-gassing and sometimes be out-  
12 gassing? You said you had taken pressure differential readings.

13                    A.        Yeah.

14                                  UNIDENTIFIED SPEAKER:

15                                  So it did change direction?

16                    A.        It wasn't doing either. It wasn't doing much of both of them, if it was in-  
17 gassing, it wasn't in-gassing much. If it was out-gassing it wasn't out-gassing much.  
18 There wasn't a lot of pressure difference. I don't know --- having looked back at my  
19 map reading, but they weren't very significant as far as ---.

20                                  UNIDENTIFIED SPEAKER:

21                                  Did anyone keep a log of those readings, Rodney? Did you  
22 report those outside?

23                    A.        I would think they got those in the command center logbook.

24                                  UNIDENTIFIED SPEAKER:

25                                  When you learned that the ---?

1 A. And let me elaborate. The flexion was probably used in my terminology to the  
2 command center if I would have checked it because it was so minimal that it was just  
3 not much there.

4 UNIDENTIFIED SPEAKER:

5 Where do you think the low oxygen came from in the --- after  
6 the bore holes were put down? You know, we always speculate about what's causing  
7 certain things. What in your mind caused the oxygen to be that low through the bore  
8 holes?

9 A. No communication between the sealed area to the north.

10 UNIDENTIFIED SPEAKER:

11 That's all.

12 UNIDENTIFIED SPEAKER:

13 And I don't want to beat a dead horse, but your notes on  
14 August 15th refer to that the deepest cover was at Crosscut 127, which is inby. And  
15 I'm just trying to jog your memory.

16 A. Okay.

17 UNIDENTIFIED SPEAKER:

18 Why was that a concern? Why was that written down? Can  
19 you recall anything that people said? You know, watch out, it's going to get worse or  
20 anything?

21 A. Sure. And it was stated if we could get past this area, if we could get past this  
22 we can accomplish this task because this was --- this was it because this was like we  
23 stated, the maximum cover in that particular area.

24 UNIDENTIFIED SPEAKER:

25 That was the reference, if we can get past this. It wasn't that

1 it was going to be a much more dangerous place?

2 A. No.

3 UNIDENTIFIED SPEAKER:

4 Okay.

5 A. Concerns were always there because we knew what was there. We knew that  
6 was the maximum cover. The concern was there, but ---.

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

8 I have one question.

9 A. Okay.

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

11 You mentioned that you were happy that the family liaison  
12 was not your position. And I think certainly everybody here can appreciate that  
13 dealing with six or nine grief stricken families is never easy. Was there anything else  
14 that you observed or that would make you say that or was it because this is the first  
15 implementation of that provision, and you didn't think there was enough guidance or  
16 why did you say that?

17 A. I'm a very personable person, but --- and very social, but as far as dealing with  
18 that particular situation would be difficult for me. And afterwards, after getting back to  
19 the district and speaking with one of those liaisons that you guys are scheduled to hear  
20 from later I --- some of the professionalism that took place through Bob Murray to the  
21 family I thought after some of his conversating were subpar. Does that answer your  
22 question?

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

24 Yes.

25 UNIDENTIFIED SPEAKER:

1 Did you ever receive any information or did anyone  
2 communicate to you while you were up around that seal area of the north barrier why  
3 mining had been discontinued from that north barrier?

4 A. I heard of the event, but as far as going in depth about pillar sizes and what  
5 day it happened, what it all affected and what ventilation controls were displaced no  
6 details were discussed. I mean, simply knowing that event was brought to my  
7 attention.

8 UNIDENTIFIED SPEAKER:

9 What had you been told had happened?

10 A. What had I been told happened?

11 UNIDENTIFIED SPEAKER:

12 With the north barrier.

13 A. Just simply an event occurred such as a bounce that actually they were forced  
14 to move out of that area.

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

16 Rodney, just one follow up. Was it your impression from your  
17 discussion with --- I'm not sure which liaison you spoke to, but was it your impression  
18 that that person felt that Bob Murray served their role as the liaison?

19 A. Some of the guidance probably from Mr. Stickler that he provided for Mr.  
20 Murray wasn't adhered to, and Mr. Gray can elaborate on that because he was the one  
21 there. But that was just a conversation I picked up.

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

23 Okay. Thanks.

24 MR. PAVLOVICH:

25 Okay. Well, Rodney, I think this is probably all the questions

1 we have for you at this time. We certainly appreciate you coming in and talking to us  
2 and I think you did an excellent job and we thank you. And I will say this I know for  
3 Ernie, myself [REDACTED] and we've all been associated with mine rescue for a long time,  
4 been team members and other things, and I know for all these other people, too, we  
5 really have a great appreciation for what you guys do, for the efforts you put into it, for  
6 your compassion and the work that mine rescue and MSHA mine rescue people put in.  
7 So I commend you for that and for your willingness to join that team and become a  
8 team member and do the work that you're doing. And I kind of feel like you, and I  
9 certainly can respect your feeling it, you wanted to see closure for this event for those  
10 families or for those people. So, you know, that is an unfortunate circumstance, but  
11 things that we have to deal with in life I guess. But I respect you for that, certainly do.  
12 And I wish you good luck in your endeavors and your career with MSHA. If  
13 something comes up where we may need to ask you another question or so, we'll get  
14 in touch with you but we really appreciate your time. And let me say one more time,  
15 please don't discuss your interview or our questions with others so that everybody can  
16 give us an unbiased interview. Okay?

17 A. All right.

18 MR. PAVLOVICH:

19 All right. Thank you very much.  
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22  
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