

STATEMENT UNDER OATH

OF

PETER SAINT

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Wednesday, October 24, 2007, at 1:00 p.m.

Any reproduction of this transcript is prohibited without authorization by the certifying agency.

1 A P P E A R A N C E S

2

3 JOSEPH O'DONNELL, JR.

4 Mine, Safety & Health Administration

5 Suite 2231

6 1100 Wilson Boulevard

7 Arlington, VA 22209

8

9 DEREK BAXTER

10 U.S. Department of Labor

11 Office of Solicitor

12 Suite 2231

13 1100 Wilson Boulevard

14 Arlington, VA 22209

15

16 GARY SMITH

17 Mine, Safety & Health Administration

18 619 Paintersville Road

19 Hunker, PA 15639

20

21 TIMOTHY WATKINS

22 Mine, Safety & Health Administration

23 100 Fae Ramsey Lane

24 Pikeville, KY 41501

25

1 A P P E A R A N C E S (continued)

2

3 THOMAS MORLEY

4 Mine Safety & Health Administration

5 Industrial Park Drive

6 Triadelphia, WV 26059

7

8 MICHAEL GAUNA

9 Mine Safety and Health Administration

10 Industrial Park Drive

11 Triadelphia, WV 26059

12

13 RICHARD A. GATES

14 U.S. Department of Labor

15 District Manager, District 11

16 135 Gemini Circle

17 Suite 213

18 Birmingham, AL 35209

19

20 ALSO PRESENT:

21 Kelly C. Kirkwood, Notary Public

22

23

24

25

INDEX

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

OPENING REMARKS	6 - 10
<u>WITNESS:</u> PETER SAINT	
QUESTIONS	
By Mr. O'Donnell	10 - 116
CONCLUDING REMARKS	116 - 118
CERTIFICATE	119

EXHIBIT PAGE

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

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE IDENTIFIED</u>
One	Map	30

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

P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Derek Baxter from the Solicitor's Office. And we'll be conducting the questioning today.

I, together with other government investigators and specialists, have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August 2007. The investigation is being conducted by MSHA under

1 Section 103(a) of the Federal
2 Mine Safety & Health Act and
3 the Utah Commission of Labor.
4 We appreciate your assistance
5 in this investigation.

6 After the investigation
7 is complete, MSHA will issue a
8 public report detailing the
9 nature and causes of the
10 fatalities in the hope that
11 greater awareness about the
12 causes of accidents can reduce
13 their occurrence in the
14 future. Information obtained
15 through witness interviews is
16 frequently included in these
17 reports. Your statement may
18 also be used in other
19 proceedings.

20 You may have a personal
21 representative present during
22 the taking of this statement
23 and may consult with the
24 representative at any time.
25 Your statement is completely

1 voluntary. You may refuse to
2 answer any question and you
3 may terminate your interview
4 at any time or request a
5 break.

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

16 I'd like to thank you
17 in advance for your appearance
18 here today. We appreciate
19 your assistance in this
20 investigation, and your
21 cooperation is critical in
22 making the nation's mines
23 safer.

24 After we've finished
25 asking questions, you will

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

have an opportunity to make a statement and provide us with any other information that you believe to be important. If at any time after the interview you recall any additional information that you believe might be useful, please contact Mr. Richard Gates at the phone number and e-mail address that I gave you on this card there.

Ms. Kirkwood, would you swear the witness in?

PETER SAINT, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

MR. O'DONNELL:

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

MS. KIRKWOOD:

I am.

MR. O'DONNELL:

1 And when does your
2 commission expire?

3 MS. KIRKWOOD:

4 August 15th, 2008.

5 MR. O'DONNELL:

6 Have you sworn in Mr.
7 Saint?

8 MS. KIRKWOOD:

9 I have.

10 BY MR. O'DONNELL:

11 Q. Mr. Saint, do you have any
12 questions about the interview process
13 as I've described it?

14 A. No, sir.

15 Q. Okay. And do you have a
16 representative with you today?

17 A. Not at this time.

18 Q. Okay. Are you appearing here
19 today voluntarily?

20 A. Yes, sir.

21 Q. And how long have you worked
22 for MSHA?

23 A. Approximately 12 years.

24 Q. And what's your current duty
25 station?

1 A. Aztec, New Mexico.

2 Q. And have you worked there your
3 whole time?

4 A. No, sir. I worked in
5 Trinidad, Denver and then Aztec, New
6 Mexico.

7 Q. And what is your present
8 position?

9 A. I'm an electrical specialist.

10 Q. And how long have you been an
11 electrical specialist?

12 A. Full time --- I mean, I came
13 into the industry for MSHA as an
14 electrical specialist, then went into
15 health and then I went back to
16 electrical. So this stretch of
17 electrical is about five months.

18 Q. Okay. Who is your supervisor?

19 A. Jim Kirk.

20 Q. And tell us a little bit about
21 your mining history and experience.

22 A. I've been in the mining
23 industry for 20 years. I started off
24 my career when I was still in high
25 school at the Allen Mine. I'd go to

1 school there and then --- or go to
2 the mine, then get out of the mine
3 and go to high school and come home,
4 sleep and go back to work. So I've
5 been doing this all my life. This is
6 pretty much the only thing I know.

7 I worked there as --- just
8 about every job in the mine you can
9 think of. Got into the electrical
10 department and became an electrician.
11 And finished off my career in the
12 industry as an electrical mechanic.

13 Q. So you're a member of the Mine
14 Rescue Team?

15 A. Yes, sir.

16 Q. And how long have you been on
17 the Mine Rescue Team?

18 A. I've been on the Mine Rescue
19 Team almost a year with MSHA. But I
20 was on the Mine Rescue Team with the
21 industry for many years.

22 Q. So how were you notified of
23 the August 6th accident?

24 A. I received a phone call from
25 Larry Ramey telling me there had been

1 an accident or an entrapment and that
2 my presence was requested to be in
3 Crandall Canyon. And so I
4 immediately took off. I was on my
5 way to Aztec, New Mexico, returning
6 from Trinidad, and I needed to go
7 there to pick up my equipment anyway.

8 Q. So if you would, just tell me
9 from the time you did get notified by
10 Larry and you got your gear, just
11 walk us through your part in the
12 whole operation.

13 A. Okay. When I received the
14 phone call, I was just leaving my
15 home in Trinidad, Colorado. And it
16 took me a little longer because I
17 blew the engine in the car getting
18 over to Aztec. Once I arrived there,
19 I picked up my equipment. My wife
20 brought me my other car, and they
21 hauled my --- the one I blew.

22 So I got to Aztec, loaded up
23 my equipment. I was going to take
24 off to go to Aztec, but my immediate
25 supervisor and also the supervisor in

1 Aztec had some things they wanted me
2 to do prior to leaving the office to
3 go to the mine. So they ended up
4 keeping me there about six hours.
5 And after that, then I took off
6 towards Crandall Canyon.

7 When I arrived there, they had
8 --- I was supposed to work the
9 evening shift. But because the
10 supervisors kept me in Aztec to
11 finish up some paperwork for them, I
12 couldn't work the swing shift. I
13 would have been too tired. So they
14 had sapped out another MSHA employee
15 to take the swing shift, and then I
16 would start on dayshift the following
17 day of the accident --- or
18 notification of the accident.

19 The next day, I got up. I
20 went to the mine. They informed me
21 what I would be doing, which would be
22 working in the section. And also I
23 would be accompanying the specialist
24 from MSHA from Tech Support that was
25 going to be looking at the ribs and,

1 you know, the condition of the mine
2 to try to figure out how we can
3 support it.

4 At that time, I went
5 underground. I got my stuff, went
6 underground, relieved the graveyard
7 crew. They went home. And then I
8 took charge of the section. I stayed
9 there in the section and we commenced
10 --- you know, started mining. And
11 there were some things that I wasn't
12 comfortable with, so we made some
13 changes immediately and then got that
14 squared away. And we managed to do
15 it without interrupting the cutting
16 of the --- or the removing of the gob
17 material. So I spent the day there.

18 And then the next day, pretty
19 much the same thing, right back in
20 there. And the only times that I was
21 not in the section is when I
22 accompanied the Roof Control
23 specialist throughout the mine or
24 there was a duty that required going
25 under the apparatus to do, and then I

1 would break off from the section and
2 take care of that and then return to
3 the section.

4 That's pretty much how my days
5 went, taking air readings, gas
6 readings, watching, kind of trying to
7 see that --- well, I would say kind
8 of holding the reins, like trying to
9 pull it back, keeping everybody
10 settled, trying to keep control of
11 the situation, you know, not letting
12 everybody get gung-ho, trying to
13 maintain some kind of order under
14 there, prevent the face from getting
15 too congested, because everybody
16 wants to get up there where the
17 action is. And you don't need that.
18 You got to keep them back.

19 Trying to make sure people
20 were wearing the proper equipment. I
21 know myself, I requested a flak
22 jacket because I didn't feel
23 comfortable without at least wearing
24 a flak jacket if I was going to go up
25 into the working --- I call it the

1 working face area. So I had the
2 company get me a flak jacket to wear.

3 Q. What about on the 16th?

4 A. The 16th ---.

5 Q. That was the day of the second
6 accident.

7 A. Okay. The bump. That day, I
8 was underground and a bump occurred
9 that afternoon. That bump occurred.
10 I immediately checked on everybody,
11 made sure everybody was okay. We got
12 the miner buried. The miner was
13 buried, but everybody was okay. We
14 got, you know, knocked around a
15 little bit, but mainly just the miner
16 was buried.

17 Q. When was this? This wasn't
18 --- when I said the 16th, that was
19 when we had the fatals.

20 A. The fatal was the third bump.

21 Q. Okay. The second bump
22 happened ---?

23 A. Dayshift, about 12:30.

24 Q. Okay.

25 A. Right around there. That's

1 when the second bump occurred, which
2 buried the miner. But we dug it out.
3 First I made sure everybody was okay.
4 I called outside --- I called outside
5 and told them that we just had a
6 major bump. They had requested ---
7 they asked me am I calling it, are
8 you calling the rescue, pulling
9 people out? I said, not at this
10 time. I'll discuss it with the other
11 MSHA employees that are down here and
12 miners' --- you know, the
13 representatives, to kind of figure
14 out exactly how we stand, you know,
15 how's it looking, before making any
16 kind of decision.

17 Q. Do you know what day that was?

18 A. The same day of the accident.

19 Q. Same day of the accident?

20 A. Yes, sir.

21 Q. Okay. Just so we ---.

22 A. Yes. The same day of the
23 second accident that ---.

24 Q. Right. That was during the
25 day.

1 A. Right.

2 Q. Okay.

3 A. So after we talked it over and
4 decided that we would continue to go,
5 I called outside and requested ground
6 control to come back in to
7 reevaluate the roof and ribs and
8 everything like that. So I called
9 them to come back in, which they did
10 immediately. They came back down and
11 they had marked the rock props and
12 other things so they could evaluate
13 if there was any movement in the
14 roof. So at that point when we came
15 back in, they had informed us that
16 there had been no movement of the
17 roof. It had not come down. The
18 rock props hadn't yielded.

19 So we continued to mine, and
20 then we were relieved by swing shift.
21 At that time, Gibs and those guys
22 came in, and we talked. Gibs was
23 sleeping in my room that night, so I
24 told him, I said, just, you know,
25 when you come in, try to be a little

1 quiet, you know. And I had offered
2 that to him because he was having to
3 drive 80 miles, this being his duty
4 station. If he stayed in the motel,
5 he'd have to pay for it. So I
6 offered him my room to sleep in,
7 because we were working kind of
8 almost off the same shifts. That's
9 about it. Then I was relieved, and
10 then I went out. That's the gist of
11 the whole thing.

12 Q. Let's just go back and we'll
13 piece it all back together here.
14 When you first got called, you were
15 at home?

16 A. I was just leaving my
17 house ---

18 Q. Okay.

19 A. --- to return to my duty
20 station in Aztec, New Mexico.

21 Q. And you were called by Larry
22 Ramey, and he told you to immediately
23 get to the mine, ---

24 A. Yes, sir.

25 Q. --- because you had an

1 emergency?

2 A. Yes, sir.

3 Q. How long did it take you to
4 get from there to your field office?

5 A. Well, because I blew the
6 engine in my car, it took about six
7 hours, seven hours --- about seven
8 hours to get there.

9 Q. And you got there the
10 following ---?

11 A. It was a little after --- it
12 would be about two o'clock.

13 Q. Two o'clock the afternoon
14 of ---?

15 A. Of the phone call.

16 Q. Okay. Which was the 6th?

17 A. 6th, is that the --- yeah,
18 6th. I think it was the 8th, but it
19 could have been the 6th. Okay, the
20 6th.

21 Q. Okay. And you got to your
22 office about ---?

23 A. About 2:00, 2:30,
24 somewhere ---.

25 Q. That afternoon?

1 A. That afternoon.

2 Q. And your supervisor's name
3 was?

4 A. Jim Kirk is one supervisor.
5 And the other one is Cord Cristando.

6 Q. And were they aware that you
7 had been activated?

8 A. Yes, sir.

9 Q. You were to respond to the
10 mine emergency at Crandall Canyon?

11 A. Yes, sir.

12 Q. And you were delayed for what
13 reason?

14 A. I needed to get paperwork in
15 to --- that was Monday, so time, pay,
16 all of that stuff had to be put in
17 prior to me leaving the office,
18 because they certify on Tuesday.

19 Q. After you were delayed, what
20 time did you leave your office?

21 A. Probably I left my office
22 closer to 4:30, 5:00, by the time
23 everything that they kept requesting
24 was done. More things were added.

25 Q. And they were aware that you

1 had a mine emergency?

2 A. Yes, sir.

3 Q. What time did you --- how long
4 did it take you to get from your
5 field office to the Crandall Canyon
6 Mine?

7 A. I arrived in Price, Utah about
8 five hours, five and a half hours
9 after I finally left Trinidad --- I
10 mean, not Trinidad, sorry, Aztec, New
11 Mexico.

12 Q. Okay. So five hours you
13 reported to the ---?

14 A. They told me not to go to the
15 mine, go to the motel.

16 Q. Okay.

17 A. So I went to the motel ---.

18 Q. Who is they? Who told you
19 that?

20 A. Larry Ramey. And we talked to
21 him on the phone, and he said I would
22 be covered.

23 Q. Did you call him while you
24 were in transit?

25 A. Yes, sir, I did.

1 Q. And told him you were delayed
2 and that you would be getting there
3 later?

4 A. Uh-huh (yes).

5 Q. And so you reported what time
6 the next shift?

7 A. I reported at six o'clock the
8 next morning, the day after, which
9 would have been the 7th.

10 Q. The 7th. And who were you
11 working with?

12 A. I'm not sure what you mean.

13 Q. Who was the other MSHA guy
14 that you were with?

15 A. Mr. Keller, underground.

16 Q. Okay. Before you went
17 underground, did you get briefed by
18 anyone? Did they come to you and
19 explain exactly what they had known
20 up to that point and where the
21 operation was?

22 A. Not really. They assigned me
23 to go with Mr. Keller underground.

24 Q. Who did?

25 A. Larry had told me that I would

1 be going underground with Mr. Keller.

2 Q. Okay. Where did you meet him
3 at?

4 A. At the command center at the
5 mine.

6 Q. So there was a command center?

7 A. Yes.

8 Q. Where was that located at?

9 A. It was located right outside
10 of the shop of the warehouse area at
11 the mine, what we call the Blue
12 Goose.

13 Q. Blue Goose, okay. So you were
14 there at six o'clock. Did the other
15 --- the miner --- were there other
16 rescue teams there when you arrived
17 also?

18 A. There were other mine rescue
19 people there, and they were being
20 utilized underground already as far
21 as watching the section.

22 Q. Okay. But was there mine
23 rescue people outside, the backup
24 team?

25 A. I believe Virgil Brown was

1 there.

2 Q. But I mean, was there a backup
3 team stationed on the surface?

4 A. No, sir, not that I was aware
5 of.

6 Q. Before you went underground,
7 did you --- how did you get your
8 BG-4? Where was your BG ---?

9 A. I went to Aztec --- that was
10 why I had to go to Aztec ---

11 Q. Okay.

12 A. --- to pick up my BG-4. I
13 picked it up there. And when I
14 arrived to the mine, they said that
15 the --- all exploration had been done
16 that could be done. There was no
17 need to take and don the BG-4 because
18 it was --- we were in a recovery ---
19 or a rescue mode. And the mine
20 rescue teams that had come from the
21 other mines had already done all the
22 exploration and an attempt had
23 already been made to get up the back
24 entry.

25 Q. So before you went

1 underground, did you have your
2 apparatus readied or did you bench
3 it?

4 A. My apparatus is ready 24/7.

5 Q. Okay.

6 A. It's ready right now. All I
7 have to do is grab it.

8 Q. And when you were at the mine,
9 did you bench it yourself before you
10 went underground?

11 A. No, I did not bench it,
12 because, as I said, we would not be
13 using it.

14 Q. So prior to going underground,
15 did you review the mine map with
16 anyone?

17 A. No. They said I would be
18 relieving the two people that were
19 coming off of graveyard. I'd go with
20 Mr. Keller and he would explain stuff
21 and show me around when I got
22 underground.

23 Q. Was there a plan?

24 A. Mr. Keller had the plan that
25 was an approved plan ---.

1 Q. But before you went
2 underground, someone went over a plan
3 with you; didn't they, ---

4 A. No, sir.

5 Q. --- what you were going to do?

6 A. No, sir.

7 Q. So where did they tell you to
8 go underground? Where did they tell
9 you to report to? Did they ---?

10 A. They told me that I would
11 accompany Mr. Keller. I'd be working
12 with him underground and that we
13 would be working in the section where
14 the bump had occurred.

15 Q. But you didn't get any special
16 instructions on the number of people
17 that were going to be doing work, how
18 the work was going to be done, how it
19 was ventilated, review of the gases
20 that had been encountered?

21 A. No, sir.

22 Q. When you went underground, did
23 anyone have an apparatus?

24 A. No, sir.

25 Q. When you got underground in

1 the section --- well, tell me about
2 when you went into the section.
3 Where were they loading the material
4 at?

5 A. They were loading the material
6 in entry number one. They had the
7 miner in number one. They had broken
8 over to the belt entry, and the miner
9 was gobbing in number one. And the
10 buggies --- we were --- at that time
11 were using cable, shuttle cars, and
12 they were transporting it back down
13 and dumping on the belt line.

14 Q. So by the time you got in
15 there, the feeder is already set, the
16 fresh air base established?

17 A. Yes.

18 Q. Do you know what crosscut that
19 was at?

20 A. Crosscut ---.

21 Q. Let me put a map out for you,
22 Pete. That may be easier for you to
23 show the locations.

24 MR. O'DONNELL:

25 Mark this Saint Exhibit

1 One.

2 (Saint Exhibit One
3 marked for
4 identification.)

5 A. Fresh air base and power
6 center was located here ---.

7 BY MR. O'DONNELL:

8 Q. Would you mark that map?

9 A. I believe it was 117.

10 WITNESS COMPLIES

11 BY MR. O'DONNELL:

12 Q. So we're marking that 117.
13 And the crosscut between number one
14 and number two, that was the fresh
15 air base; right?

16 A. Yes, sir.

17 Q. And where was the miner
18 loading the material now?

19 A. I believe when I came in here,
20 when I first came in here, it was
21 right about here.

22 Q. So that's between 118 and ---

23 A. 119.

24 Q. --- 119, in the number one
25 entry? Okay. So what else can you

1 tell me about the operation there?

2 A. They had a compressor running.
3 I'm trying to remember exactly ---
4 the compressor was in the belt entry.
5 And I had a problem with that because
6 they had a curtain across it. I
7 think they actually had that back out
8 here.

9 Q. Back out here is like 110?

10 A. Yeah, someplace right out in
11 here they had a compressor. And they
12 had it tied into the waterline,
13 pumping air in. The problem I had is
14 they had a curtain across the
15 crosscut. No air was flowing across
16 this diesel-generated compressor, so
17 that meant all the exhaust of the
18 compressor was being sucked into the
19 compressor, put into the air line and
20 pumped into wherever it was going.

21 I immediately told them that
22 they had to isolate the exhaust from
23 the compressor to the intake of the
24 compressor because, in my opinion,
25 all they are doing is pumping --- if

1 the air is getting in there, all
2 they're doing is pumping contaminants
3 into the tool. So I told them, you
4 know, get this crosscut opened up and
5 get the effluent across here and get
6 it ventilated.

7 Q. We're talking at 110?

8 A. Yeah. It was right in there
9 around 110 is where that compressor
10 was. Like I said, I really wasn't
11 familiar at that point exactly where
12 I was standing until I --- I spent
13 most of my day trying to get
14 orientated.

15 Q. So by the time that you got
16 in, had you heard that they attempted
17 to ---?

18 A. The Mine Rescue Team had
19 reached this seal right here.

20 Q. That's the number one seal?

21 A. Number one seal, and had went
22 in here. My understanding is this
23 part right here had started to cave.
24 They pulled back and it caved.

25 Q. Okay. That's in 119, the

1 number one entry?

2 A. Yeah. They had done
3 exploration. They had already tried
4 to do a rescue by coming up with the
5 scoops and loading out number --- I
6 think it was number three or four. I
7 think they said number three entry.
8 It could have been four. I'm not
9 going to swear by which entry. And
10 then they had --- another bump had
11 occurred, and they had gotten pushed
12 back out, and it all filled back in.

13 Q. Okay. When you went up here
14 the first time, did you go take a
15 look at the other entries?

16 A. I came up into here with the
17 Roof Control people probably the
18 second day. I believe it was the
19 second day, the Roof Control people.
20 And we walked all through this here
21 and looked at all the ribs and looked
22 at all the roof and everything like
23 that. And we found cracks in the
24 floor that had opened up. The roof
25 wasn't --- as far as I was concerned,

1 there was not an issue with the roof.
2 The issue that I was seeing was that
3 there was a lot of pressure being
4 exerted on the ribs, which was
5 forcing the floor to crack.

6 I also noticed that every
7 track that I found back in here of
8 mice were all headed this direction,
9 away from the section. Every track
10 --- and I'm an old coal miner, and I
11 believe in those tracks. And there
12 was not a single track coming back
13 in. And with the amount of food that
14 was here, we should have been
15 inundated with mice. But they were
16 all --- every track I found was
17 headed out of the section.

18 Q. Out of the section, you're
19 saying ---?

20 A. Towards --- from the number
21 one entry of the mains, headed
22 towards the number nine seal over
23 here, kind of at an angle, from about
24 118 towards like 112.

25 ATTORNEY BAXTER:

1 And what is this area
2 that you referred to where you
3 saw the problems with the
4 ribs?

5 A. Oh, the problem from the ribs
6 start way back here, about 110,
7 coming all the way in.

8 ATTORNEY BAXTER:

9 Well, I guess I should
10 say, what was the area in
11 which you walked around?

12 A. Starting from about 118, 119,
13 right in here, and we went out to
14 probably ten crosscuts, maybe more.
15 And the Roof Control people looked at
16 all of this, took pictures. My job
17 was to make sure that the air that
18 they would be traveling was good,
19 that the areas they would be looking
20 at and walking through were safe, and
21 I was to accompany them and kind of
22 make sure that I kept them from, you
23 know, accidentally straying into
24 someplace that was not safe.

25 BY MR. O'DONNELL:

1 Q. So that area was the area that
2 was outby of the west main seal and
3 the north barrier seals and the
4 active south main barrier section for
5 --- did you say down to crosscut 108?

6 A. About 108. About ten
7 crosscuts, so it would be about 108
8 is where we got out to. And they
9 took pictures. And then we also came
10 in from about --- see, here at 118,
11 we went into about 119 here, between
12 119 and 120, to where the material
13 had died out. It sloped down at that
14 point there.

15 Q. You're talking about the
16 number four entry?

17 A. The number four entry of the
18 pillars ---.

19 Q. South mains?

20 A. South mains. So we came in
21 about here and we took some air
22 readings and some pictures.

23 Q. That's between 18 --- 120 and
24 119 in number four entry; right?

25 A. Number four entry.

1 Q. Okay. And that's where it
2 seemed to --- the material ran out?

3 A. Right, in this entry here. In
4 entry one, it was closer down to
5 about 119.

6 Q. Okay. Had you seen anything
7 like that before?

8 A. No, sir, not of that
9 magnitude. I mean, I've seen ribs
10 blown out, but I've never seen where
11 you fill the whole entry up.

12 Q. Now, your job every day was
13 then to go in and make sure that the
14 teams or the ---

15 A. Rescue personnel.

16 Q. --- rescue operation was being
17 done according to the plan?

18 A. Yes, sir.

19 Q. You earlier said that there
20 were some things going on that you
21 didn't --- that bothered you that you
22 needed to get taken care of. What
23 was that?

24 A. This ventilation out of here.

25 Q. Okay.

1 A. You know, the amount of people
2 that were violating the plan, the
3 company felt that they had free reign
4 to take as many people up there to
5 the miner as they wanted.

6 Q. While it was loading?

7 A. While it was loading. And
8 they could progress in and out past
9 the fresh air base at will. My
10 understanding was that only necessary
11 people would be allowed in that area
12 and only people provided with the
13 proper protection equipment. So when
14 they would come in, I would come back
15 out of the face and I would give up
16 my flak jacket, and they had a couple
17 other ones, and I told them, if you
18 want to go in there, you will put
19 this flak jacket on prior to going in
20 there, and you will do it between
21 shuttle cars and you will stay there
22 and follow the shuttle cars.

23 Q. So how did the operation work
24 now when they were loading material?
25 How many people were in there?

1 A. Me and Mr. Keller would switch
2 off. But Mr. Keller felt that he
3 could better serve by spending all of
4 his time up there by the mining
5 machine, so I gave him the lead as
6 far as spending most of the time
7 there. The miner operator and only a
8 shuttle car operator would be what we
9 would allow in there at any given
10 time, except every once in a while
11 the company would come in to see the
12 progress, and then I would forfeit my
13 flak jacket, and I would stay back
14 here at the fresh air base and let
15 them go in, and I would wait until
16 they would come back out to retrieve
17 my jacket.

18 Q. So during the course --- up
19 until the bounce that you described
20 prior to the second accident, explain
21 how the operation worked, how you
22 supported it.

23 A. Supporting was not the issue.
24 Again, I've said this from the
25 beginning, there was not a problem

1 with the roof. The problem was a lot
2 of the pressures that were coming in
3 from the rib lines. The ribs ---
4 obviously, there has to be pressure
5 coming from them or the ribs wouldn't
6 have taken pressure. But the roof
7 was, for the most part, intact. We
8 replaced pins only because the heads
9 popped, not because the roof caved.
10 So that --- the roof was in good
11 shape.

12 What they would do is they
13 would remove about the length of a
14 mining machine, about 20 feet width
15 of unconsolidated material, then they
16 would come in and they would put X
17 --- four or five rock props in, and
18 then they would string a cable along
19 the rock prop and tie it on the rib
20 side of the rock props, put chain
21 link fence. And that would be the
22 process. And we would continue that
23 as we moved in.

24 Q. So how many people would it
25 take to do that job?

1 A. That position would take ---
2 it would be three, six, seven, eight
3 --- there would be about eight people
4 up there, plus MSHA people.

5 Q. So you set both sides at the
6 same time?

7 A. Yes, sir.

8 Q. To minimize the amount of
9 exposure time?

10 A. Right. And we rigged up ---
11 we reconfigured the rock props --- I
12 call it the gun that you use to set
13 the rock props with, so that we would
14 have two on the machine so we could
15 have this one hooked up and set this
16 rock prop, and then this would be
17 hooked up as soon as it's set and we
18 pulled it, this one could be pulled,
19 to increase the amount of time. We
20 were putting up those rock props
21 being in and out of there. In
22 anywhere from 15 to 20 minutes, we
23 were getting four on each side, so
24 eight rock props set.

25 Q. Then it would start over

1 again?

2 A. Then everybody would be pulled
3 out except for the MSHA guy. Whether
4 it would be me or Mr. Keller, we
5 would leave him in there, and then he
6 would watch the mine operation. And
7 then only the shuttle cars were going
8 in and out. And we had put a piece
9 of Plexiglas in line with the miner
10 operator so that if something were to
11 happen, the Plexiglas would take the
12 hit --- hopefully would take the hit
13 before it came out.

14 Q. Which side of the entry did
15 you have that on?

16 A. We had it on the rib side,
17 which would be on the number two
18 entry side.

19 Q. The north side?

20 A. The north side, because it was
21 believed that because this pillar was
22 intact --- hopefully this pillar is
23 intact, that if any --- this would be
24 the first one to go because of the
25 size of it. It would be smaller.

1 And because of where he would be
2 standing. He would be standing ---
3 like if this was the miner and this
4 is the tail, the car comes in to load
5 here, he would be to this side.

6 Q. Okay.

7 A. So just logistically, that was
8 the most logical place to put it
9 because that would be where he would
10 be standing when he loaded.

11 Q. So you felt the --- didn't you
12 think the system worked pretty good,
13 you had a good procedure going?

14 A. Yes, sir, I did.

15 Q. Okay. And how far did you get
16 the last shift that you worked in
17 there? Where were you loading
18 material?

19 A. I was trying to remember the
20 crosscut. We had ran into --- I made
21 it here, so the miner would have
22 been, I think --- and I'm not a
23 hundred percent sure, but I think the
24 mining would have been someplace
25 right in there. Because right in

1 here is where the barrier pillar had
2 moved, out in here.

3 Q. Okay. And you're talking
4 about between 124 and ---?

5 A. Between 125 and 126, I believe
6 that's right in there. I don't have
7 the exact measurement.

8 Q. But you say the pillar shifted
9 outby that?

10 A. Yeah. The pillar out this way
11 had broken --- had moved laterally,
12 and it moved approximately 10 to 12
13 feet out into the entry as one solid
14 block of coal. Because when we hit
15 it, we had to mine through it. And
16 it was the funniest thing you ever
17 seen to mine a full face of coal and
18 it already be bolted. I mean, it was
19 just --- I had never seen pressures
20 put down on a barrier that could move
21 a solid block of coal about a hundred
22 feet long, 125, somewhere in there.

23 Q. And it continued that way;
24 didn't it? I mean ---.

25 A. We actually come out of it.

1 We had come out of it. We were
2 already on the other side of that
3 pillar, ---

4 Q. Okay.

5 A. --- that barrier.

6 Q. So where did it start and
7 where did it end?

8 A. It was around 125 is where we
9 hit it. So it would be right in ---
10 kind of almost about like this.

11 Q. Which is between 124 and 125?

12 A. Yeah. Somewhere right in
13 there is where it moved out.

14 Q. And it was about how long?

15 A. I'd say it was about 125 feet
16 to 150.

17 Q. That big chunk off the
18 barrier?

19 A. The whole thing moved out
20 about three-fourths of the entry.

21 Q. Did it cut like solid coal?

22 A. Yes, sir. It was a solid
23 chunk of coal. We mined it.

24 Q. Was it pretty hard?

25 A. Going by what the miner

1 operator told me, he said that was
2 pretty much exactly how cutting the
3 coal normally is. And so mining that
4 was no different than when they were
5 mining the block.

6 Q. Let me just ask you this, too.
7 Any time when you were underground,
8 did you have to go under oxygen for
9 any reason?

10 A. Yes, sir.

11 Q. You did?

12 A. Yes, sir.

13 Q. When?

14 A. When we went back here and
15 breached this seal to insert the ---
16 this one right here, we breached this
17 seal, the Mine Rescue Team was called
18 in and we put sampling tubes, I'm
19 sorry, up the number one entry here.
20 We put a sampling tube right there.

21 Q. That would be at number one
22 seal?

23 A. Uh-huh (yes).

24 Q. Well, when did you do that?

25 A. That was probably four to five

1 days into the operation, once I was
2 there.

3 Q. Okay. And who did you go in
4 with?

5 A. There was Virgil Brown. Larry
6 Ramey was there. And there was about
7 two or three --- they were all ---
8 some of the company mine rescue team
9 and MSHA Mine Rescue Team went in to
10 do this. I'm afraid I don't have
11 their --- everybody's names.

12 Q. Where was the fresh air base
13 located?

14 A. The fresh air base ---.

15 Q. Was it still over here?

16 A. Over here. But we established
17 a secondary one right here.

18 Q. That being number four entry
19 and 117?

20 A. Uh-huh (yes).

21 Q. What did you have there? Did
22 you have a phone line?

23 A. We had ran phone up to here.
24 We had a phone there. And we had a
25 phone right here.

1 Q. You said right here as in
2 crosscut 119, between three and four?

3 A. Yes, sir. We had a phone here
4 and we had a phone here. We
5 stationed two people here.

6 Q. Here is in number four, at
7 117?

8 A. 117, number four. We
9 stationed two people there. There
10 was two people back here at 119 in
11 entry number four. And then me and
12 Virgil is stationed right here.

13 Q. Right here is between number
14 four and --- the old number ---
15 number four entry, the south barrier,
16 and the number one entry of the west
17 main.

18 A. And then three of the other
19 people breached here at the number
20 one seal.

21 Q. So you were back here. You
22 were backing up?

23 A. Yes, sir. Me and Virgil were
24 the backups to these three guys here.

25 Q. Well, wait a minute. You had

1 two guys ---?

2 A. Two here.

3 Q. Two apparatus guys here, ---

4 A. Uh-huh (yes).

5 Q. --- which was you and Virgil?

6 A. Right.

7 Q. Two apparatus guys?

8 A. And two apparatus guys right
9 there.

10 Q. That would be in number four?

11 A. Right. And that was with
12 Larry. And there was --- I can't
13 think of his name right now. And
14 then there was two more stationed
15 right here.

16 Q. And two people went under
17 oxygen?

18 A. Three people went under
19 oxygen ---

20 Q. Three people went under
21 oxygen?

22 A. --- in here.

23 Q. Okay. Did you happen --- did
24 you go up to the seal at any time?

25 A. Not when they breached it.

1 Q. Okay.

2 A. But I had been throughout the
3 time there.

4 Q. Describe what you saw when you
5 were there.

6 A. There was an approximate hole
7 about two and a half feet wide by
8 about three feet high. I reached in
9 there. There was a piece of brattice
10 over the hole with spads holding the
11 brattice in place. And that was what
12 was left by the Mine Rescue Team
13 originally when they had explored
14 that, the very first team that went
15 in.

16 Q. Where was the air lock?

17 A. There wasn't an air lock.

18 Q. When the three people went in
19 to install the sample line in number
20 one, ---

21 A. Uh-huh (yes).

22 Q. --- did they put up a
23 temporary ---?

24 A. There was not a need to put a
25 temporary one because this was not

1 sealed. This was not airtight. We
2 could determine what was going on
3 because that curtain was just a flap.

4 Q. What was the air doing there?

5 A. At the time that they went
6 through, it was stagnant. It wasn't
7 pulling or pushing.

8 Q. Did anybody smoke it?

9 A. Yes. The team smoked it
10 before they went in there, and they
11 said there was a little movement,
12 they think, to being pulled in.

13 Q. Pulled in?

14 A. Uh-huh (yes).

15 Q. Okay. So when you were back
16 here, you were manning the phone?

17 A. Two-way walkie-talkies.

18 Q. Oh, you had walkie ---?

19 A. All of us had a set of
20 walkie-talkies, too.

21 Q. Okay. So you had two people
22 on the phone here in number four?

23 A. Uh-huh (yes).

24 Q. And you and Virgil were over
25 in number one, west mains, with

1 handheld radios?

2 A. Right.

3 Q. Okay. And they had a hand-
4 held radio --- people under oxygen?

5 A. Right here.

6 Q. Okay.

7 A. And we had --- we were
8 monitoring the air here. And when
9 they lifted the curtain, they said
10 there was no movement. The air
11 wasn't flowing. They smoked it and
12 then they opened it and they went in.

13 Q. Do you remember who went in?

14 A. He's an electrician.

15 Q. That's all right. If you
16 don't remember ---.

17 A. Oh, shoot. I can't think of
18 his name right now.

19 Q. Was there an MSHA person who
20 went under?

21 A. Yes.

22 Q. Who?

23 A. That's who I was trying to
24 remember his name.

25 Q. Oh, I thought you meant the

1 company guy.

2 A. No. It was --- oh, jeez.
3 He's an electrician back east. He
4 works in Technical Support, too. I
5 can't --- I'm sorry. I just can't
6 think of his name.

7 Q. About how long were they under
8 oxygen?

9 A. They were probably --- between
10 30 to 40 minutes total.

11 Q. And the job was just to hang
12 Tygon ---

13 A. Tubing in there.

14 Q. --- tubing in there?

15 A. And then to reseal. And we
16 had gotten some foam packs this time
17 to seal it correctly or at least to
18 get a good seal.

19 Q. So when they came out, they
20 foam packed it, sealed it?

21 A. Uh-huh (yes).

22 Q. And where did the Tygon line
23 run to?

24 A. The Tygon tubing come back out
25 here to 117, ---

1 Q. Number four entry?

2 A. --- number four entry, came
3 over here to, I believe it was --- 19
4 came into the --- right over in here.

5 Q. That's in 119 between one and
6 two?

7 A. Yeah. Then we had a pump
8 stationed here ---

9 Q. Okay.

10 A. --- that would pump.

11 Q. Did you ever pump a sample
12 from that?

13 A. Yes, sir, I did.

14 Q. And what was the quality?

15 A. The CO was 98. Oxygen was
16 like two percent. The CO was around
17 98 up there. I was just using my
18 handheld. I didn't have anything
19 else but my handheld.

20 Q. You had two percent oxygen?

21 A. Sometimes five, you know,
22 but ---.

23 Q. Two to five percent oxygen.
24 And how much ---?

25 A. High CO, up there in the 90s.

1 Sometimes it would even get up over
2 90s. We'd be in like 100.

3 Q. Any methane?

4 A. No methane. I really didn't
5 ever encounter any, you know,
6 intense ---.

7 Q. Okay. So you said that Larry
8 Ramey was your supervisor; right?

9 A. One of them.

10 Q. One of them. Who was the
11 other one?

12 A. Just about every 13 that I
13 would walk into would give me an
14 order.

15 Q. Well, let me ask you this.
16 Who was the MEU supervisor on the
17 surface while you were underground
18 and under oxygen?

19 A. Well, I'm going to have to say
20 the highest --- the one that was
21 highest up the totem pole was in
22 charge of it, Mr. Stickler.

23 Q. No. I mean MEU.

24 A. Oh, who was in charge of
25 the ---?

1 Q. Who was outside of the command
2 center as a ---?

3 A. Mr. Taylor.

4 Q. Taylor?

5 A. Uh-huh (yes).

6 Q. What's his first name?

7 A. William. I was trying to
8 think of his correct name. It's
9 William Taylor.

10 Q. He was the MEU person in
11 charge of the command center ---

12 A. Center.

13 Q. --- while the team was under
14 oxygen?

15 A. Yes, sir.

16 Q. Okay.

17 A. He would be our contact that
18 we would call at the Blue Goose.

19 Q. Okay. And this whole
20 operation was going --- was anybody
21 working inby?

22 A. Yes, sir. Operations did not
23 cease.

24 Q. Wait a minute. You were under
25 oxygen over at the number one entry?

1 A. Yes, sir.

2 Q. And there were people still
3 loading material over in the other
4 section?

5 A. Yes, sir.

6 Q. Did you experience any bounces
7 or bumps whenever you were over on
8 that right side?

9 A. Some minor things when we were
10 running the tubing in here in entry
11 number --- it would just be the ---
12 this is the first --- we ran tubes
13 here into the number one seal. We
14 put tubes clear over to here in
15 number one of ---.

16 Q. No, that would be number
17 four ---.

18 A. Nine seal.

19 Q. Nine seal in ---

20 A. Crosscut 118.

21 Q. --- 118 crosscut?

22 A. Uh-huh (yes).

23 Q. And you ran a line over there,
24 too?

25 A. Yeah. We run --- and we came

1 down, went over here, out this way,
2 and came back down and tied back
3 around. We ran a total of four ---
4 five tubes.

5 Q. So what you did was you
6 brought the --- what you were doing,
7 you were --- that was to evaluate the
8 return air?

9 A. Return air and to evaluate
10 this seal, what was behind this seal,
11 what was in front of this seal, so we
12 can get a difference. And that way
13 we also could put a main mehelic
14 (phonetic) and tell the difference in
15 pressures.

16 Q. So you were inby the seal in
17 number one, but you were not inby the
18 seal at number nine?

19 A. The number one seal is the
20 only one that was ever breached.

21 Q. Okay. But the end of the line
22 was over here at number nine, because
23 you would monitor the return on that
24 side?

25 A. Yes, sir.

1 Q. Okay.

2 A. We wanted to be able to
3 monitor this without people having to
4 go back there. Because again, this
5 is returning and this is all pretty
6 much common.

7 Q. Okay.

8 A. So we were trying to isolate
9 people from having to go back in here
10 to take air readings or quality ---.

11 Q. How long did it take you from
12 the time you went in and the first
13 person went under oxygen until you
14 were finished with this job? About
15 how much time did it take?

16 A. About 40 minutes. All the
17 rest of it was done bare faced prior
18 to this. This was the last task that
19 was done by us while we were there.
20 We carried our apparatus. They were
21 on our back. They were ready to go.
22 We monitored the quality of air while
23 we did all this other work and got
24 everything in place. This was the
25 last task we did. It took a total of

1 about six and a half hours to do all
2 of this.

3 Q. Did you have a --- who was
4 your MEU backup on the surface, for
5 you?

6 A. My backup was here.

7 Q. No, no. You were ---.

8 A. I was here.

9 Q. You were backing up the guys
10 under oxygen.

11 A. Right.

12 Q. Who backed you up on the
13 surface?

14 A. Again, the only backup I had
15 was right here. Nobody.

16 Q. That's what I'm asking you.

17 A. I didn't --- as far as I knew,
18 I did not have another team on the
19 surface.

20 Q. You didn't know if there was a
21 team?

22 A. I did not --- I was not aware
23 whether there was a team or not.

24 Q. But as far as your personal
25 backup, you were an MEU guy. You had

1 that you'd like to go back over right
2 now and maybe clarify?

3 A. I would like to clarify the
4 name I was using, Mr. Keller, and I
5 would like to clarify that
6 gentleman's correct name was Donny
7 Durrant. So I'd like to correct
8 that. That was my mistake on the
9 name.

10 Q. Okay. You talked about
11 wearing the flak jacket. Now, was
12 that a requirement of the plan?

13 A. It was for the miner operator,
14 but I did not feel comfortable going
15 up in the mining area without a flak
16 jacket on. Personally, I felt that I
17 needed it.

18 Q. Was there times when the coal
19 would pop off the ribs and you would
20 get hit with it?

21 A. It sloughed --- would slough
22 and it would dribble. But until the
23 second bump, which was the same day
24 of the second accident that occurred
25 on us, we had not been hit with any

1 big movements of the ribs, so no.

2 Q. Okay. Just another follow-up.
3 While you were putting the Tygon
4 tubing over in the number one seal,
5 who was monitoring the activities
6 over in the face area?

7 A. Donny Durrant.

8 Q. Donny Durrant was over --- and
9 he's ---?

10 A. An MSHA inspector.

11 Q. Right. So he was monitoring
12 --- he was at the fresh air base over
13 at the coal loading operation?

14 A. Yeah. He was in the face with
15 the coal load operation. The fresh
16 air base was being maintained with
17 one of the company people.

18 Q. Okay. Was there someone there
19 all the time?

20 A. Every time --- all the time
21 that we were doing operation,
22 somebody was at the fresh air base or
23 direct communications with a phone to
24 the surface.

25 Q. Okay. Did the fresh air base

1 person who was on the hard line to
2 the command center, did he also have
3 a communication with the area where
4 you're loading material?

5 A. We had stringed a wire up here
6 and put a hard phone, which was tied
7 into the full communications to the
8 surface.

9 Q. So you had a pager phone?

10 A. Yes, sir, pager phone. And it
11 would go in and out. We would have
12 troubles, but we would always make
13 sure that we had communications from
14 fresh air to here. If we would lose
15 communication, we would shut down and
16 reestablish.

17 Q. From here, you meant to the
18 miner?

19 A. Fresh air base to where the
20 miner was.

21 Q. Right. Once you lost inby
22 communication, you pulled back?

23 A. Ceased all operations, pulled
24 back until that was reestablished.

25 Q. Okay. What about

1 communications from the fresh air
2 base out?

3 A. Any time we would lose
4 communications from the fresh air
5 base to the surface, we would cease
6 operation. We would pull people
7 back. We would continue to try to
8 maintain communications. Sometimes
9 we would lose it to the emergency
10 vehicle, MSHA vehicle, but we'd still
11 have it to dispatch the company.

12 Q. Okay.

13 A. And until we would get it back
14 to the MSHA trailer, we would cease.

15 Q. Did you ever lose
16 communication for any extended period
17 of time other than short,
18 intermittent breaks?

19 A. Probably about 20 minutes is
20 the biggest that I can remember.

21 Q. And that's the procedure that
22 you followed?

23 A. Yes, sir.

24 Q. Okay. The day of the second
25 accident, when you were in the

1 section, where were you located when
2 that bounce occurred?

3 A. The one in the afternoon?

4 Q. Yes, the one in the afternoon.

5 A. I was right here by the fresh
6 air base. I was preparing to give
7 air readings outside.

8 Q. So that was at 117 crosscut?

9 A. 117 crosscut. I had just
10 returned back there with my air
11 readings that I was taking. And I
12 was going to call them outside when
13 that bump occurred. I immediately
14 got on the phone. I called Donny
15 Durrant. He did not answer
16 immediately. But shortly --- within
17 about two or three minutes, he called
18 me back and said that --- I asked
19 him, are you okay? He said, yeah. I
20 said, what happened? He says, well,
21 the miner is buried. It blew in and
22 it buried the side of the miner. The
23 rib blew in.

24 Q. Was that from the north side?

25 A. From the north side.

1 Q. Okay.

2 A. And so then I asked him, are
3 you okay? Everybody's good? He
4 said, yes. So I called outside, told
5 them we had just had a major bump and
6 it had buried the miner and that
7 right now we --- operations were
8 ceased while we reassessed. At that
9 time, Mr. Taylor asked me, was I
10 calling the operation. I told him
11 not at this time. I'm going to
12 discuss it with Donny Durrant and the
13 people that were in the mine here and
14 reevaluate before we made any
15 decision.

16 Q. Okay.

17 A. That was --- and then I also
18 requested --- after we discussed
19 this, I requested that the Ground
20 Control people come back in to
21 reevaluate the marks that they had
22 put on the rock props. And they came
23 down right away.

24 Q. So when Donny Durrant pulled
25 back and you and he talked, did you

1 pull everybody back? Were you all at
2 one location?

3 A. No, sir. I came from the
4 fresh air base. I came up here to
5 talk to him.

6 Q. What did you see on the miner?
7 How much of it was buried?

8 A. From the head back to almost
9 where the tail and the miner meet.

10 Q. Was it over the top of it?

11 A. Not completely over the top,
12 just up to the sides.

13 Q. So that would be about
14 three ---?

15 A. Three and a half to four
16 foot ---

17 Q. Okay.

18 A. --- of material had blown out.

19 Q. Did anyone get hurt?

20 A. Not at that time, no.

21 Q. Did it dislodge any of the
22 props that were put up?

23 A. None of the rock props came
24 down.

25 Q. Okay. Where it was screened,

1 did ---?

2 A. No, sir. It came from inby
3 the last rock support.

4 Q. Okay.

5 A. So it was where we had not
6 established faults at the rib line.

7 Q. Okay. So the miner, was it
8 finished loading the material when it
9 happened or was it in the process of
10 loading it?

11 A. I could not say because I
12 wasn't there. And the heads were,
13 you know, in more of a downward
14 position, I would say.

15 Q. Were there any shuttle cars in
16 the entry?

17 A. Not when I walked up there.

18 Q. Okay. What kind of activity
19 was --- how long was it from the time
20 that you found out that you had
21 another bump that you went to the
22 face?

23 A. We probably caught up with
24 Donny about --- within about six or
25 seven minutes, eight minutes at the

1 most.

2 Q. Okay. And where was the
3 section dump point?

4 A. I believe the section dump
5 point, it had been established ---
6 the second dump point would have been
7 right about here.

8 Q. Right here is the number two
9 entry, ---

10 A. Yeah, that's it.

11 Q. --- between 118 and 119?

12 A. When that bump occurred, yes.

13 Q. And you were standing down
14 here in 117?

15 A. Uh-huh (yes).

16 Q. So you don't remember if you
17 heard any buggies running or
18 anything?

19 A. Well, they were running. But
20 whether they were going or coming, I
21 don't know because I was in the
22 crosscut.

23 Q. Okay. So you would think that
24 maybe they were loading material
25 whenever ---?

1 A. Well, they were loading at the
2 time the bump happened.

3 Q. They were?

4 A. They were in the process of
5 loading material.

6 Q. So the number of people up
7 there were --- there was no one ---

8 A. The miner operator ---.

9 Q. --- inby the supports? It was
10 all --- they stood at the supports.

11 All this occurred inby the supports?

12 A. The loading operation was
13 going on when this occurred. So
14 nobody was past the last support.

15 Q. There was no material that was
16 thrown against the chain link fence
17 or anything?

18 A. Not really. It all happened
19 inby the last support.

20 Q. Okay. You talk about bump,
21 bounce. What's your definition of
22 that, a bump or a bounce? What do
23 you call it?

24 A. I consider a bounce being
25 settling of the top, like that

1 (indicating). I consider a bump a
2 fracture of the floor, when the floor
3 snaps. So one is being generated by
4 the pressure that is being exerted
5 from the roof onto the coal and
6 pushing in, and it makes the floor
7 snap and brings the floor up. And
8 the other one is when the roof
9 settles, when the roof --- when the
10 yielding of the ribs take as much
11 weight as they can, when it settles
12 and that.

13 Q. And you call that a ---

14 A. Bounce.

15 Q. --- bounce.

16 A. The roof settling I consider a
17 bounce. The floor snapping, I
18 consider it a bump.

19 Q. Bump, okay. Have you --- I
20 asked you this before, if you've ever
21 seen one of this magnitude.

22 A. Not of this magnitude.

23 Q. Tell me about some of the ones
24 that you have experienced.

25 A. I have been involved in

1 several bumps where the floor comes
2 up and tries to meet the roof, you
3 know, just (indicating). And it will
4 actually break legs on a shield on
5 the longwall, the amount that will
6 take that kind of a hit. I've been
7 --- seen where the ribs have
8 exploded, but not, like I said, of
9 this magnitude. Most of my mining
10 career has never been under this much
11 cover.

12 Q. So which one throws coal?

13 A. The roof settling.

14 Q. So that would be a bounce?

15 A. Uh-huh (yes).

16 Q. The bounce causes the coal to
17 be thrown?

18 A. Right. That's my opinion.

19 Q. I'm just asking what your
20 definition is.

21 A. My opinion, if you have a
22 bounce, the pressure is being exerted
23 down. The floor is not yielding
24 because you have a good, solid floor
25 and a good, solid roof. So

1 therefore, the rib has to give.

2 Q. So this day, what you
3 experienced was a bounce?

4 A. Yes, sir.

5 Q. Okay. And you would say then
6 the accident that occurred was a
7 bounce?

8 A. The accident was a bounce.

9 Q. Did you see any evidence of
10 bumps that had occurred in the area
11 where you're talking about, the
12 bottom heave? Or when you say bump,
13 are you talking about bottom heave or
14 are you talking about a traumatic
15 release of pressure from the bottom
16 to the roof, not a slow heave,
17 but ---

18 A. Fast ---.

19 Q. --- a bump?

20 A. In other words, the floor is
21 down here, then the next second the
22 floor is about two feet higher.

23 Q. Okay.

24 A. That is --- I have seen those
25 before.

1 Q. Okay.

2 A. And I did not see that. Now,
3 I did see where the floor was taking
4 some pressure. The floor was
5 cracking. It was showing signs that
6 weight was being brought to bear.
7 But I did not see where the floor had
8 yielded in any significant amount.
9 And I didn't see any real fractures
10 in the roof, where the roof had
11 snapped.

12 Q. Okay. So you were in there a
13 number of days. Tell me, did you ---
14 what did you experience through that
15 time as far as bumps or bounces go?

16 A. We had a lot of little ones
17 that would displace rock dust, make
18 the coal roll off the ribs a little
19 bit, but not really throw it, just
20 sort of --- the rib would pop out and
21 then it would just kind of slough
22 off.

23 Q. You're an experienced miner.
24 How comfortable were you in there as
25 far as ---?

1 A. Scared to death.

2 Q. Had you experienced that
3 number of bounces or bumps occurring?

4 A. Plenty of times. In 32 years
5 of mining experience, this is the
6 first time in my life I was scared,
7 and I'm not afraid to say it.

8 Q. What caused you that --- what
9 was the primary ---?

10 A. I have never mined coal in a
11 gob pile.

12 Q. Let me ask you this. When
13 that bounce occurred that day, were
14 there any ventilation controls that
15 were taken out?

16 A. Not taken out, but all air
17 movement stopped, ceased.

18 Q. So what happened?

19 A. The air just stalled
20 completely. The air was flowing. We
21 had set it up. Everything was moving
22 according to --- the air was flowing
23 like we had designed it to do.

24 Q. It was over your back; right?

25 A. Over my back. And when the

1 bump occurred, all air stopped. It
2 completely stopped.

3 Q. And how long did it stop?

4 A. It was only stopped for maybe
5 five, six seconds, and then it
6 reestablished.

7 Q. Did you ever detect any low
8 oxygen in this mine while you were
9 doing this operation?

10 A. Not in the areas that I
11 traveled.

12 Q. Okay. Where did you detect
13 it?

14 A. Through the sample tubing.

15 Q. Okay.

16 A. Because even when I traveled
17 back up into here, 127 --- I believe
18 it was 127 and a half, when I went to
19 here, I did not encounter low oxygen.

20 Q. How did you get into that
21 area?

22 A. I came in at crosscut 119,
23 went back over here, crossed up here
24 and then went in here, all the way up
25 to ---

1 Q. Number four entry?

2 A. --- number four entry, and
3 then went up to approximately ---
4 there's a little debate whether it
5 was 126 or 127. Could not count the
6 crosscuts because my point of view
7 was face down.

8 Q. What were you trying to do?

9 A. I was sent down to take bag
10 samples. And the instructions that I
11 was given was to go up number four
12 entry as far as I felt safe and take
13 some bag samples. And original
14 first day I did it, I took bottle
15 samples about 121. Then they said
16 they wanted bag samples, and so I
17 went up to about 126 and a half, 127.

18 Q. This was all number four
19 entry?

20 A. Number four entry.

21 Q. Okay. And that was from the
22 first day?

23 A. No. That was probably about
24 the fourth day in that I was there,
25 fourth or fifth day. They had asked

1 me to get some samples.

2 Q. Were other people getting
3 them, too?

4 A. No.

5 Q. So as far as you know, there
6 was no sampling of the number four
7 entry yet?

8 A. Well, the sampling was being
9 done with a handheld back in here,
10 around 119.

11 Q. Okay. So someone was
12 positioned back in the return?

13 A. We were taking samples every
14 hour on the hour.

15 Q. Okay.

16 A. We were going back there and
17 taking a meter reading.

18 Q. Now, when you went out every
19 day, did someone meet you and debrief
20 you?

21 A. We would debrief each other
22 down here at the fresh air base. And
23 only when a plan would change would
24 we --- we were handed a copy of the
25 change of plan.

1 Q. So the guy that --- because
2 you --- primarily you hot seated;
3 right?

4 A. Yes, sir.

5 Q. And you did that because your
6 shift was different than the miner's
7 shift?

8 A. Yes, sir. We overlapped him.

9 Q. So that was the best way for
10 you to get the ---

11 A. Information.

12 Q. --- most updated information
13 when you were going ---

14 A. Yes, sir.

15 Q. --- in or out?

16 A. Yeah. Yes, sir.

17 Q. You would exchange it with him
18 as he was coming in?

19 A. Yeah, because it was
20 firsthand.

21 Q. But when you went outside now,
22 did you have a meeting in the command
23 center?

24 A. I would go into the command
25 center and talk with the person in

1 the vehicle at the time, whoever he
2 would be, and we would give him a
3 quick debriefing of what we had
4 accomplished and what we had done and
5 how it looked.

6 Q. And how many people were in
7 that command center?

8 A. There was two stationed there
9 at all times. But at any given time
10 --- you know, sometimes there would
11 be five or six people there, you
12 know. Sometimes Mr. Stricklin, Mr.
13 Stickler, Al Davis, Bob Cornett, Mr.
14 Taylor, and then the gentleman ---
15 there would be a person that would be
16 manning the phone and logging.

17 Q. Did you ever see any Crandall
18 Canyon people?

19 A. Yes. Sometimes I'd go in
20 there and there'd be some Crandall
21 Canyon people in there presenting
22 some information or delivering or ---
23 because the dispatch person would
24 bring down periodically a list of who
25 was under and who was coming out, and

1 that was being maintained by the
2 company through dispatch.

3 Q. Okay. Is there anything you
4 want to add to the --- any questions
5 that I may have missed that you want
6 to talk about?

7 A. Well, there was some concerns
8 that I had because as we mined
9 through here ---.

10 Q. Here?

11 A. Being around 125, where the
12 block of coal had moved. If this had
13 moved out here and we were depending
14 on this to be our safest barrier ---.

15 Q. That's the barrier in front of
16 you?

17 A. Yes. If I was depending on
18 this to be intact and we mined
19 through this, then I could no longer
20 trust this to support ---.

21 Q. This meaning the barrier
22 pillar that had shifted?

23 A. Right. As we proceeded
24 through here, this is where I became
25 nervous, a little bit nervous,

1 because I didn't know the condition
2 of any of this area here. And my
3 concern was that if this moved, then
4 this breached ---.

5 Q. This, meaning the area between
6 the barrier and the sealed area to
7 your south?

8 A. The gob pile. Yes, the gob to
9 my south. No longer could I trust
10 this to be intact or hold in the
11 roof. So during this process, I was
12 probably the most scared.

13 Q. Well, did you talk to anybody
14 about it?

15 A. I had brought it up. Me and
16 Donny talked about it down there, and
17 I had mentioned it --- I mentioned it
18 to Virgil. And I believe I mentioned
19 it to Larry, that I was real nervous
20 in this area. And I had called ---
21 the day before the accident I had
22 called for Ground Control to come
23 back in, because I was here, the
24 fresh air base, and I could have
25 sworn I seen that move.

1 Q. That, meaning the ---?

2 A. The rib between --- the pillar
3 between 117 and 118. So I requested
4 that Ground Control come back in.
5 They came in immediately and started
6 surveying stuff. And when I say it
7 moved, it could have been it just
8 swelled. But it just seemed like it
9 displaced itself.

10 Q. What was their --- who were
11 those people that you were talking
12 about?

13 A. I hate to say this, but it's
14 the two Joes.

15 Q. The two Joes?

16 A. I apologize, but that's how
17 they addressed you guys was the two
18 Joes.

19 Q. So they came in right away,
20 took a look at it?

21 A. Any time that I would call or
22 I had a concern or a question I could
23 ask them to discuss, they were
24 excellent about helping me understand
25 the forces that were being applied.

1 I was really worried about that. I
2 was concerned about it. And they
3 immediately would take the time to
4 explain to me the --- we got the maps
5 out. They drew maps. They showed me
6 how the pressure was being put down
7 on us, why these things were
8 happening, so that I would understand
9 what was going on. And I felt the
10 more I understood about what was
11 happening around me, the more
12 effective I could be in controlling
13 what we were doing.

14 Q. These two Joes, they were MSHA
15 people?

16 A. Both of them were MSHA people.

17 Q. Do you remember their last
18 names?

19 A. I haven't thought about it.
20 The two Joes ---.

21 MR. GAUNA:

22 Cybulski and Zelanko.

23 A. Cybulski and Zelanko. Those
24 would have been hard names for me to
25 remember. I apologize.

1 BY MR. O'DONNELL:

2 Q. Okay.

3 A. They were excellent about
4 delivering information. That one on
5 there --- there was a lot of traffic,
6 more traffic than I felt comfortable
7 with, going in and out of the mine.
8 Mr. Murray and his bunch seemed to
9 feel that --- you know, they would
10 come and go. There was just too many
11 people coming and going for us to be
12 able to control and to watch over.
13 We didn't have the resources or the
14 manpower there to be able to kind of
15 control everything that was going.
16 And I'm not sure that we --- how much
17 authority we had over the company to
18 say, get out.

19 Q. Well, did you exercise that
20 authority?

21 A. Well, a couple of times I did.
22 When I told them they would not be
23 allowed into --- I said, if you go up
24 there, you'll be violating the plan
25 and I will have you removed.

1 Q. And they stopped?

2 A. Yes. They stopped and they
3 said, well, that's good, you're
4 following the plan. I said, good.
5 Then only one or two of you can go up
6 there at a time. You all are welcome
7 to go look, but you're not going as a
8 group.

9 Q. Did you stop the loading
10 operation when this happened?

11 A. No. I stopped it. I would
12 not let them proceed past my fresh
13 air base point. So therefore, the
14 operation was going inby where I was
15 having the conversations with them.

16 Q. Okay.

17 A. So I didn't feel the need to
18 stop that operation.

19 Q. Okay. I misunderstood what
20 you were saying. If they went inby,
21 then you would ---?

22 A. Yeah. Now, anybody that would
23 go inby 119, I would give them my
24 flak jacket. So I would give them my
25 flak jacket out here at the fresh air

1 base, and they could wear that in
2 there. But if mining was going on,
3 nobody, as far as I was concerned, on
4 my shift was going in there without a
5 flak jacket.

6 Q. You limited the number of
7 people that were allowed there?

8 A. Yes, sir. Mr. Durrant felt
9 that he didn't need the flak jacket,
10 so he didn't wear it. But that --- I
11 had no control over him. But anybody
12 from the company or anybody else that
13 would come in and then go in there, I
14 would give them my jacket during the
15 mining operation.

16 Q. Okay.

17 MR. O'DONNELL:

18 Let's go off the record
19 right now.

20 OFF RECORD DISCUSSION

21 BY MR. O'DONNELL:

22 Q. Pete, whenever the miner was
23 covered up when that bounce occurred,
24 was there any damage to the miner?

25 A. No, sir.

1 Q. There was no damage to the
2 miner?

3 A. No. It stayed on the side of
4 the mining machine, and that's pretty
5 thick metal.

6 Q. Okay. During the course of
7 the loading operation, while you were
8 in there, were there any other times
9 when the miner had to stop because of
10 bounces or bumps that occurred?

11 A. The bumps or bounces did not
12 force the miner to quit.

13 Q. Okay.

14 A. Momentarily it's like the
15 operator would let go of everything
16 and then, wait, oh, okay, we're good,
17 and then move on.

18 Q. You talked about crawling up
19 to 127.

20 A. Yes, sir.

21 Q. Are you sure that that's ---?

22 A. 126 and a half to 127 is the
23 best we could estimate that we made
24 it to.

25 Q. In number four entry?

1 A. Uh-huh (yes).

2 Q. And where did you have to
3 start crawling over material at?

4 A. About 120.

5 Q. All the way down here ---

6 A. Uh-huh (yes).

7 Q. --- in number four entry? So
8 you crawled six and a half crosscuts?

9 A. Yes, sir.

10 Q. And how low was that? Were
11 you ---?

12 A. About from what I was on to
13 the roof ranged anywhere from two and
14 a half to three feet.

15 Q. What about in the crosscuts,
16 was ---?

17 A. Wide open. I stood up
18 straight and walked through each of
19 the crosscuts.

20 Q. So every crosscut there you
21 could walk?

22 A. I could walk. There was no
23 material, nothing. I shouldn't say
24 no, but there was --- the material
25 wasn't enough that I couldn't stand

1 up and walk.

2 Q. So you could stand up in every
3 crosscut and then you'd get up there
4 on your belly and go through there?

5 A. Uh-huh (yes).

6 Q. And did you detect any low O2
7 at all?

8 A. No. I got all the way up to
9 here. All the way up to here, the
10 lowest O2 that I had was about 20.8,
11 20.7. It fluctuated. But that would
12 be either me breathing hard or ---.

13 Q. This is going to sound like a
14 dumb question. Why didn't you go any
15 further?

16 A. There was wire mesh right
17 here, just past 120, right up in
18 here.

19 Q. By here, you're saying inby
20 crosscut 127?

21 A. Uh-huh (yes). There was wire
22 mesh, and I didn't have a pair of
23 bolt cutters. And I felt if I got
24 trapped into that, then other --- you
25 know, then --- I wasn't sure that I

1 could make it through it.

2 Q. Who was with you?

3 A. Mr. Bowers and ---.

4 MR. GAUNA:

5 Mike Gauna.

6 A. Mike stayed out here about
7 120. I dropped Mr. Bowers off about
8 125. That way we would have a line
9 of sight and communications.

10 BY MR. O'DONNELL:

11 Q. And what was your
12 communications?

13 A. Verbal.

14 Q. Okay.

15 A. As long as he could hear me
16 and I could hear him and I could talk
17 out, we felt we had communications.
18 We could see the lights. And to me,
19 this was probably the time that I
20 felt the safest the whole time I was
21 there.

22 Q. Why?

23 A. Well, because another bump
24 occurred and the rib blew out. It
25 had no place to go because it was

1 already full. And we didn't have a
2 roof problem, so I wasn't worried
3 about the roof coming down. The only
4 thing I was concerned about was the
5 rib. And the entry was full. I
6 could not take a rib hit.

7 Q. Okay. So it was roofed ahead
8 of you?

9 A. No. The wire mesh, when it
10 blew out, it had folded --- the wire
11 mesh from the roof, it had folded it
12 down like this, and there was a ball
13 of roof/mesh material ---

14 Q. In the middle?

15 A. --- in the middle. And I
16 didn't have a pair of bolt cutters,
17 so I felt I probably could have made
18 it through it, but it was a risk that
19 I was not willing to take without
20 proper tools to cut through it. I
21 could see opening on the other side
22 of it.

23 Q. So how far did they keep the
24 supports from the tail of the miner?

25 A. The miner will cut just about

1 to the end of the tail of the miner.
2 It will go about 20 feet, roughly.
3 And what we would do is --- so in
4 other words, the miner would go out
5 there and it would be roughly 20 feet
6 from the tail of the miner to the
7 last support.

8 Q. Okay.

9 A. So there's a 20-foot space
10 between the tail of the miner, which
11 kept the buggy operator up on the
12 supported --- or in the rib supported
13 area, and the miner would go out
14 there, which would give us the room
15 to be able to put the jacks up.

16 Q. Okay.

17 A. Because there's no place to
18 put the miner.

19 Q. And you said earlier that the
20 number of people that were at the ---
21 during the loading operation was the
22 miner operator, an inspector and a
23 shuttle car operator that came in?

24 A. We tried to limit it to that.
25 Every once in a while the company guy

1 would come in and kind of demand that
2 he wanted to go up there.

3 Q. And the number of people that
4 you used whenever you were setting
5 the props?

6 A. Was six people, plus the miner
7 operator, MSHA and the buggy runner
8 that would carry the material out.
9 That's nine. About nine people.

10 Q. Nine, ten people. Okay.
11 Pete, did you take any notes during
12 the day?

13 A. The only notes that I took was
14 the air readings that I would write
15 down on my paper that I was taking
16 hourly so that I wouldn't forget
17 them.

18 Q. Did you turn any notes in to
19 the command center?

20 A. No, sir. The air readings
21 that I was taking I kept with me at
22 all times until I returned back to
23 Aztec, and then there was a request
24 for it. And I immediately put them
25 in an envelope and initialed off on

1 them on the bottom, put them in an
2 envelope and sent them to Price.

3 Q. So we already have all your
4 notes?

5 A. Every note I have, you have.

6 Q. Okay. Did you ever speak to
7 Mr. Murray at any time?

8 A. Yes, sir.

9 Q. Could you tell me about your
10 conversation?

11 A. Verbatim?

12 Q. No. As close as what you
13 remember.

14 A. Okay. Let me see. Keep it
15 clean. When we were going in on the
16 day of the accident that we had lost
17 the rescue people, he had stopped our
18 truck. We had our apparatuses on.
19 We had been called. We immediately
20 returned to the mine. We were going
21 under. He stopped our vehicle and
22 told me to get out of the mine. And
23 I informed Mr. Murray that I did not
24 work for him, he did not tell me what
25 to do. I worked for MSHA, and my

1 instruction is to get to the face and
2 get there now. And he said, well,
3 we're getting it. Everybody has to
4 go out of the mine. And I informed
5 him, you can tell your people what to
6 do, but I take orders from MSHA.
7 MSHA has told me to get to the face.
8 I am going. You may get out of my
9 way.

10 Q. You went home the day that ---
11 at the end of your normal shift and
12 you were back in your hotel room?

13 A. I was standing at the desk,
14 the front desk, talking to the ladies
15 at the front desk, because I know
16 them. And Al Davis was coming
17 through the lobby from the --- he was
18 coming towards the exit of the lobby.
19 And about that time, he came running
20 up to me and he said, Peter, there's
21 been another cave-in. We have people
22 trapped. We have no communication
23 whatsoever in the face. I got to get
24 out there. Get ahold of Larry and
25 Virgil for me and get out there as

1 soon as you can.

2 Q. What time was that?

3 A. Approximately 6:30.

4 Q. 6:30 in the evening?

5 A. P.M.

6 Q. So what did you do?

7 A. I called Larry Ramey on the
8 phone and Virgil, told them what had
9 happened. I told them I was going.
10 Larry instructed me to wait for him
11 down there in the parking lot. I
12 told him, I said, well, we got
13 separate vehicles. I'll just meet
14 you there. He said, no, you wait for
15 me down there. So he was in the
16 process of taking a shower, so I
17 waited for him to finish whatever he
18 was doing and come out there in the
19 back. I said, we'll take my car. He
20 said, no, we'll take mine. I said, I
21 got all my stuff in my car. He said,
22 we'll put it in mine. So then I
23 moved all my stuff out of my car, put
24 it in his car, and he said, drive.
25 And we commenced to go to the mine.

1 Q. All right. When you got to
2 the mine ---?

3 A. I jumped out of the car,
4 grabbed --- the minute I jumped out
5 of the car, I immediately jumped in
6 my overalls, put on my boots, ran
7 towards the vehicle. They had
8 brought Gibs out already. They were
9 getting ready to load him into the
10 flight for life. And I went towards
11 the ---.

12 Q. About what time did you leave
13 the mine?

14 A. It took me --- I'm saying it
15 took me about 18 minutes --- roughly
16 18 to 20 minutes at the rate that I
17 was traveling.

18 Q. I'm not going to ask.

19 A. About 18 to 20 minutes.

20 Q. Anyway, so you got to the
21 mine, and who did you talk to there?

22 A. Well, Larry went towards the
23 command center. I immediately ran to
24 the back of the vehicle. I didn't
25 talk to anybody. I got my stuff and

1 went over there, and that's, like I
2 said, when the first people were
3 coming out of the mine.

4 Q. Okay. Did you get your
5 apparatus and go down?

6 A. No. They had my apparatus
7 already benched and ready and there
8 was a guy standing there and holding
9 it. After I kind of looked at Gibs
10 and, you know, I talked to him for a
11 second, then I went over there,
12 grabbed my apparatus. There was a
13 guy standing there holding it. He
14 had it all ready for me. It was
15 ready to go. I grabbed it, put it in
16 the truck. We grabbed the first
17 gentleman that came out and told him
18 he needs to take us back. Driving
19 the pickup trucks.

20 Q. Oh, okay.

21 A. The first guy that come out
22 with the truck, we commandeered it.
23 And it was Virgil, me, the electrical
24 guy --- it will come to me
25 eventually, but there was five of us

1 who made it into the section.

2 Q. Okay. Where did you encounter
3 Mr. Murray that you talked about
4 earlier?

5 A. It was just inside the mine,
6 probably maybe 1,000 feet, 2,000
7 feet, when we ran into his vehicle.

8 Q. And he was on his way out?

9 A. He was on his way out.

10 Q. And that's where you had this
11 conversation?

12 A. Yes, sir.

13 Q. Then you proceeded into the
14 mine?

15 A. Yes, sir.

16 Q. And tell me about that.

17 A. The guy that was driving the
18 truck for us, he was --- I do not
19 believe he was from the mine. He was
20 one of the people brought in. He got
21 us lost. At one point he went down
22 the wrong entry, moved us out.
23 Finally, I had to remove him from
24 driving the truck because he was just
25 totally devastated. And then with

1 the urgency of us getting in there
2 and the extra pressure, he just
3 snapped. So we removed him from
4 driving the truck and got another
5 person to drive the truck for us.

6 So then we went into --- got
7 to the mouth of the section, and
8 that's when we ran into some of the
9 other MSHA people that were down
10 there and that were there during the
11 accident, and they informed us that
12 they were the last ones. So at that
13 time we felt here was no need for us
14 to proceed any farther if we had
15 confirmation from another MSHA person
16 there was nobody else there.

17 Q. So you went no further in.
18 You weren't at the accident
19 scene?

20 A. No, sir.

21 Q. Turned around and ---? Did
22 you help any of the victims or
23 anything like that?

24 A. No, sir. They were already on
25 their way out when we were going in.

1 Q. Okay. Were you ever assigned
2 to inspect this mine?

3 A. No, sir.

4 Q. Was this your first time ever
5 that you were in this mine?

6 A. I'm going to have to take that
7 back. About seven, maybe eight years
8 ago I was in that mine.

9 Q. For what period of time?

10 A. I did a noise survey and
11 helped with the AAA.

12 Q. Were you an AR, an authorized
13 representative, at that time?

14 A. Yes, sir, I was.

15 Q. And do you remember what part
16 of the mine that you went to?

17 A. I went to the longwall.

18 Q. Do you remember which longwall
19 that was?

20 A. No, sir, I don't. It's just
21 so long ago, I don't remember.

22 Q. Is there anything that you can
23 --- based on your observations at
24 that time, anything that you would
25 consider noteworthy?

1 A. No, sir. During the longwall
2 process that I was in and what I did
3 there, I did not run into any issues.

4 Q. So how many days were you
5 actually there?

6 A. I was there three days.

7 Q. Okay. And that was your only
8 exposure to this mine?

9 A. Yes, sir. I almost forgot
10 about that.

11 Q. While you were involved in
12 this mine rescue operation, I'm sure
13 you had conversations with other
14 miners ---

15 A. Yes, sir.

16 Q. --- and other inspectors. And
17 did they share any of the same
18 concerns that you had? And if they
19 did, could you share those with us?

20 A. Yes, sir. One of the things
21 that one of the miners had told me,
22 and unfortunately, it was a gentleman
23 that passed away, he told me that
24 they were --- when they pillared up
25 here, they were to only take 47, but

1 who's going to check 50?

2 Q. What area are you talking
3 about?

4 A. When they pillar this
5 block ---.

6 Q. The barrier pillar?

7 A. Right. When they cut into the
8 barrier pillar, they're only to take
9 47, but who's going to know how much
10 they take? And he told me, he says,
11 that's not an uncommon thing, because
12 nobody goes out there to measure it
13 once it caves.

14 Q. Do you recall who that person
15 was?

16 A. Yes, sir. He's a gentleman
17 that passed away, the miner operator
18 that passed away down there on the
19 accident. I don't remember his name,
20 but he was --- on the second
21 accident ---.

22 ATTORNEY BAXTER:

23 Was it Dale Black?

24 A. Yeah. He'd be the --- because
25 he was the one that was on dayshift

1 that came over to swing shift. He
2 was the one that told me, he says,
3 this is not uncommon to take more.
4 And maybe they --- he said it wasn't
5 --- he felt it wasn't safe.

6 BY MR. O'DONNELL:

7 Q. Tell me more about what this
8 conversation was with you that you
9 can remember.

10 A. I had cornered him there at
11 the fresh air base and I said --- we
12 were talking and he asked me, he
13 says, do you think they're alive?
14 And I told him, I said, the miners
15 are alive until we place our hands on
16 them and say they're not, or we get
17 confirmation there is no chance. I
18 says, until the bore holes go through
19 and until we place our hands on them,
20 those are alive miners. And I says,
21 you need to think of it that way to
22 be able to keep your mind on what you
23 need to do. I said, because if you
24 start thinking this is a recovery and
25 not a rescue, you are not going to

1 keep your mind on the game. And so I
2 said, now, explain to me where you
3 were --- where the mining operation
4 was and what was going on. And he
5 kind of showed me on the map where he
6 thought they would be.

7 Q. Do you remember where that
8 was?

9 A. He said that they were going
10 to leave a couple of pillars up here,
11 and then they would start back in
12 about --- he felt that these guys
13 would be about 139, just inby 139,
14 over here. Yeah, inby 139. So he
15 felt that they would be probably
16 right here. If any place they would
17 be, he said, this is where they would
18 be.

19 And he told me --- he started
20 kind of showing me how they mined the
21 blocks, and they would take out of
22 here like this, and then they would
23 cut across --- I'm sorry, cut into
24 the barrier pillar, and then they
25 would cut into the support pillars as

1 they moved, and they would bring the
2 mobile supports in in entry two, and
3 they would finish cutting that one
4 out.

5 Q. But you can't recall the
6 conversation where they took more
7 coal than they were allowed to?

8 A. He told me, he said that they
9 would take an average of 50 feet, not
10 47, which was the plan. But he had
11 also told me that there would be
12 nobody there to ever measure it and
13 there was no way to measure it one
14 way or another once they pulled it.
15 And he says, it was just kind of an
16 estimate of --- 50-plus is what he
17 told me, he said they would pull out
18 of the barrier pillar. Because I
19 kind of wanted to know what we were
20 mining into. We're mining up here.
21 I want to know what you did here
22 before we break through.

23 Q. How much was left?

24 A. (Indicates yes). Yes, sir.
25 I'm sorry, yes, sir.

1 Q. Anything else that you can
2 recall? Just not Mr. Black, but
3 anybody else that you talked to about
4 mining in that section, any of their
5 concerns or anything that you can
6 recall that may help us?

7 A. I also heard that there was
8 --- from the other miners --- there
9 were several miners that had been
10 moved from the face area to the outby
11 area because they did not feel
12 comfortable working in there, so they
13 were reassigned new positions.

14 Q. During the recovery or rescue
15 operation, or did you mean ---?

16 A. Prior to the rescue ---.

17 Q. Before the accident occurred?

18 A. There was a couple people that
19 had asked to be put on the belt
20 detail, cleaning belt and not in the
21 pillar section. And you know, this
22 was coming from the guys from down
23 there. Of course, you know ---.

24 Q. These were working miners?

25 A. Yes. And everything they'd

1 always tell me is off the record.
2 But unfortunately, I work for MSHA,
3 and what you tell me is on the
4 record. There is no off the record
5 when I'm on an inspection or I'm on
6 the clock. I may smile and say I'll
7 listen.

8 Q. Anything else? So let me
9 clarify that, that these miners that
10 you were talking to said that they
11 had problems working in that pillar
12 section, this was prior to the August
13 6th accident, and because of their
14 concerns, were asked to be moved out
15 of the section, and they were?

16 A. That's what they had told me.
17 And the miners that told me that they
18 did not understand why they were
19 doing it because they had gotten
20 pushed out of this side ---.

21 Q. You're pointing towards the
22 north barrier?

23 A. North barrier. They just
24 didn't understand it because they got
25 pushed out of the north barriers.

1 And it didn't make sense to them to
2 move to the other side of the mains
3 and do it again. They just didn't
4 understand what could have changed
5 from this side of the mains to this
6 side of the mains that would make it
7 any safer than it was on this side.
8 And I informed them, I don't know.

9 Q. Well, did you ask them if they
10 brought any of these concerns to
11 management?

12 A. They told me you never got an
13 ass-chewing until you have a Murray
14 chewing.

15 Q. What do you mean by that?
16 What did they mean by that?

17 A. Well, there was a time that I
18 was kind of disheartened or not happy
19 with my own agency, and they informed
20 me that I --- you know, the reason
21 that they didn't bring up issues, the
22 same thing why I wasn't saying a
23 whole lot, was because that I had
24 never received a chastising until I
25 received a chastising from Murray for

1 not doing what he tells you.

2 Q. So you're saying that these
3 men probably --- they had concerns,
4 but they were afraid to express them?

5 A. Yes, sir. Because I was told
6 that you've never been ripped until
7 Murray rips you one. And that came
8 from management.

9 Q. You know these people were
10 management people at this Crandall
11 Canyon Mine?

12 A. Yes, sir. They were
13 supervisors.

14 Q. Is there anything else ---?

15 MR. O'DONNELL:

16 Let's go off the
17 record.

18 OFF RECORD DISCUSSION

19 BY MR. O'DONNELL:

20 Q. Pete, just to clarify one
21 point, the people that had talked to
22 you about their concerns about
23 conditions in the pillar section and
24 the south barrier, were these the
25 actual people that were moved or were

1 these friends of the people that were
2 moved?

3 A. These were work colleagues.
4 These were hourly people that I would
5 have discussions with during lunch
6 break. And they would, you know,
7 tell me different things that go on
8 at the mine and what is happening.
9 When you would talk to management, it
10 was the greatest place in the world.
11 But when you talked to the hourly
12 people, they were not really happy.
13 And that kind of gives me an idea of
14 what I can expect and what people
15 will and will not do at a mine.

16 Q. Okay. Did you ever hear if
17 anyone was fired for these
18 conversations? I know what you mean
19 when you sit down during an operation
20 like this. Everybody talks to each
21 other. But during these
22 conversations, did anybody talk about
23 anyone that may have gotten fired
24 because they voiced --- they
25 complained about the conditions in

1 the section or were afraid and says,
2 hey, I want moved, and they says,
3 you're laid off? Did you hear of
4 anybody --- that happening?

5 A. They told me that they have a
6 turnover --- they've had people up
7 and quit where they just didn't feel
8 comfortable working there or, you
9 know, felt like they were not treated
10 decently or respected as a miner and
11 they have left the mine because they
12 didn't feel that they could work for
13 somebody like Mr. Murray.

14 Q. Is there anything that you
15 would like to add that may be
16 relevant to our investigation?

17 A. I would like to say this, that
18 as far as the rescue procedure went,
19 I know there's probably some flaws,
20 and hindsight is the greatest tool we
21 have. And that's what this
22 investigation will show, you know,
23 where some of the shortcomings were.
24 But I believe what we were doing and
25 the way we were doing it with what is

1 available technology-wise was the
2 best that we could do.

3 As long as we felt that we had
4 live people there, we needed to get
5 to them. I believe the rock props, I
6 believe putting in there the chain
7 link fence, the principle behind what
8 we were doing was sound. I think it
9 was a good idea. And I believe two
10 foot to me --- two and a half foot
11 between them seemed excessive, but
12 the Ground Control people felt that
13 that was the best placement for it.
14 I'm used to three or four foot,
15 so ---.

16 But I believe with what we had
17 available and the technology that was
18 available to us, I believe we were
19 proceeding about as safe as we could
20 possibly do. I mean, in any rescue
21 mission, there is a certain
22 percentage of risk that is
23 undertaken, but you try to minimize
24 it the best you can. And I really
25 believe that we achieved that and

1 were achieving it.

2 Unfortunately, with the
3 strength that the bounces was
4 happening at, I don't think when it
5 hit, anybody was prepared for another
6 one. I was one that felt that after
7 the big one, we should have had ample
8 time before it loaded up again. But
9 then again, we didn't have much
10 supporting it.

11 Q. Just one more time, though, do
12 you remember --- do you recall any of
13 the names of the people that you know
14 of that requested to be transferred
15 outby?

16 A. They never gave me a name.
17 What they would just say, the guys
18 that are outby cleaning, they were on
19 the crew just prior to the bounce.
20 They had been asked to be removed
21 outby. You know, a couple of the
22 guys that were on the belt cleaning
23 crew now were people that got lucky.

24 MR. O'DONNELL:

25 On behalf of MSHA, I

1 want to thank you for
2 appearing and answering
3 questions today. Your
4 cooperation is very important
5 to the investigation as we
6 work to determine the cause of
7 the accident.

8 OFF RECORD DISCUSSION

9 MR. O'DONNELL:

10 Where was I? Your
11 cooperation is very important
12 to the investigation as we
13 work to determine the cause of
14 the accident. We ask that you
15 not discuss your testimony
16 with any person who may have
17 already been interviewed or
18 who may be interviewed in the
19 future. This will ensure that
20 we obtain everyone's
21 independent recollection of
22 the events surrounding the
23 accident.

24 After questioning other
25 witnesses, we may call you if

1 we have any follow-up
2 questions that we feel we may
3 need to ask you. If at any
4 time you have any additional
5 information regarding the
6 accident that you would like
7 to provide to us, please
8 contact us at the contact
9 information that we provided
10 you earlier.

11 If you wish, you may
12 now go over any answer that
13 you've given us during the
14 interview and make a
15 statement.

16 A. No, thank you.

17 MR. O'DONNELL:

18 Again, I want to thank
19 you for your cooperation,
20 Pete. We appreciate you
21 coming forward.

22 A. Thank you very much.

23 * * * * *

24 STATEMENT CONCLUDED AT 3:30 P.M.

25 * * * * *