

STATEMENT UNDER OATH
OF
SCOTT JOHNSON

Taken pursuant to Notice by Richard
J. Lipuma, CCR, a Court Reporter and
Notary Public in and for the
Commonwealth of Pennsylvania, at MSHA
Mining Academy, 1301 Airport Road,
Beaver, West Virginia, on Friday,
December 14, 2007, beginning at
8:00 a.m.

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A P P E A R A N C E S (cont.)

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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 (MSHA), an agency of the United States Department of Labor. With me is Derek Baxter, from the Solicitor's Office. 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 Section 103(a) of the Federal

1 Mine Safety & Health Act and
2 the Utah Commission of Labor.
3 We appreciate your assistance
4 in this investigation.

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

19 A court reporter will
20 record your interview, so
21 please speak loudly and
22 clearly. If you don't
23 understand a question, just
24 ask me, I'll rephrase it.
25 Please answer each question as

1 fully as you can, including
2 any information you may have
3 learned from someone else.

4 I'd like to thank you
5 in advance for your appearance
6 here today. We appreciate
7 your assistance in the
8 investigation. Your
9 cooperation is critical in
10 making the nation's mines
11 safer.

12 After we've finished
13 asking questions, you'll have
14 an opportunity to make a
15 statement and provide us with
16 any other information you
17 believe to be important. If
18 at any time after the
19 interview you recall any
20 additional information that
21 you believe might be useful,
22 contact Mr. Richard Gates at
23 the telephone number and
24 email address that we'll
25 provide for you.

1 Ms. Melvin, will you
2 swear in the witness, please?

3 MS. MELVIN:

4 Could you raise your
5 right hand?

6 -----
7 SCOTT JOHNSON, HAVING FIRST BEEN DULY
8 SWORN, TESTIFIED AS FOLLOWS:
9 -----

10 MR. O'DONNELL:

11 Ms. Melvin, are you
12 empowered as a notary in the
13 State of West Virginia?

14 MS. MELVIN:

15 Yes.

16 MR. O'DONNELL:

17 And when does your
18 commission expire?

19 MS. MELVIN:

20 August 2012.

21 MR. O'DONNELL:

22 And have you sworn in
23 Mr. Scott (sic)?

24 MS. MELVIN:

25 Yes.

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MR. O'DONNELL:

Thank you.

BY MR. O'DONNELL:

Q. Please state your full name and address for the record.

A. Scott Johnson, (b) (7)
(C)

Q. Okay. Scott, how long have you worked for MSHA?

A. Almost ten years. It will be ten years in March.

Q. And what's your present position?

A. I'm a CMI in Rough Creek, District Two.

Q. Okay. I got that one. And how long have you been a member of the Mine Emergency Unit?

A. Four years.

Q. Okay. How were you notified of the August 6th accident and who notified you?

A. It was actually --- we were practicing up in Pittsburgh that morning. It was a Monday morning.

1 And we got the call, we got dressed,
2 ready to go in the mine. In fact, I
3 had my oxygen on, and Virgil says,
4 we're headed out west. And we left
5 that day.

6 Q. Okay. Just walk me through
7 the whole process from the time that
8 you got notified, got on the mine
9 property, what you did every day, up
10 until, say the 16th, before the 16th,
11 then we'll get into the 16th.

12 A. I don't remember what time I
13 caught a plane. It was probably
14 about two o'clock in the afternoon,
15 maybe 3:00. Got into Salt Lake
16 probably 8:00 that evening and got
17 down to the hotel at --- between
18 10:00 and 11:00. And we ran into
19 Virgil there. He was on an earlier
20 flight. And it was determined we
21 were going to go up to the mine the
22 following morning. That's my
23 recollection. I don't think we went
24 up that night, that Monday night. We
25 went up the following morning. So we

1 met for breakfast Tuesday morning and
2 then headed up to the mine.

3 That first day, I went with
4 Virgil underground and we did a
5 seismic, and that was on a Tuesday.
6 We did the portable seismic. We went
7 up to Crosscut --- I think it was
8 120, where they had a breaker row of
9 posts there, and we set up the
10 seismic. The miner was in the
11 crosscut to the right. This was in
12 Number One entry. And we beat on the
13 bolts and listened for a response and
14 got none. We tried that several
15 times.

16 And then it was decided we
17 would go up to the belt entry, Number
18 Two, and beat on that pipe. They
19 were pumping in compressed air to the
20 section, inby the section. There was
21 a compressor set up at --- I think it
22 was about 107, 108, 108 I think, in
23 the belt entry. And they had tapped
24 into that --- I'm guessing it was an
25 old water line or the current water

1 line, and they were pumping
2 compressed air in by. And I believe
3 they shut the compressor off while we
4 did the seismic on that pipe, waiting
5 to get back some feedback on the
6 pipe, and got none. And the miner
7 was sitting in that crosscut between
8 One and Two. And the evening before
9 they had had a bounce underground
10 that came in on both sides of the
11 miner. We had to actually climb up
12 over the miner.

13 They were using that the first
14 day, cleaning up. And I don't know
15 the specifics of what they did that
16 first day, but when we got there,
17 that miner was sitting there with the
18 effects of the bounce, and you had to
19 climb over the miner.

20 After we did that and it was
21 unsuccessful, we went back outside.
22 And by the time we got outside, I
23 think Tech Support was there with the
24 seismic vehicle. I think that was
25 Tuesday. And so we followed the

1 seismic vehicle over to the side on
2 the mountain, where they were going
3 to set up. And we got over there and
4 there was --- the drillers were still
5 over there drilling the holes, and
6 there was a lot of confusion on
7 whether that truck would make it down
8 the hill or it needed more work on
9 the road. And then they sent word
10 that I was going to be working
11 midnight shift that night, so I got a
12 ride back into town Tuesday night and
13 came back out for midnight shift
14 Tuesday. Got a couple hours' sleep.

15 The first night --- let me
16 start off by saying all the notes I
17 had taken were left underground.
18 When the accident happened, the
19 person that I put at the phone to
20 take the calls, he didn't have
21 anything to write with or a pad, so I
22 gave him my notebook and I never did
23 retrieve that. So I'm guessing on
24 these dates, but all the --- the
25 command center would have everything

1 that I called out. I want to make
2 sure you guys have that.

3 And I think that Tuesday night
4 was an underground night. I only
5 spent one night outside. And to tell
6 you the truth, I don't know what
7 happened on that first night. It's
8 going to be hard for me to tell what
9 happened without the ---.

10 Q. You know what, just roughly,
11 what you did, what was your job?

12 A. We ---.

13 Q. You know, what you did
14 every ---.

15 A. This wasn't a typical mine
16 rescue. We were just going in there
17 to assist the local inspectors to
18 make sure that the company was
19 following the plan. And I typically
20 went up to the face with them. When
21 I say face, the work area where they
22 were loading the coal. And the first
23 few days, I was up at the face with
24 them all the time. And then it came
25 to a point where we would take turns.

1 They got to a point where we had
2 stuff outby. We had measurements to
3 get outby and inby, so we would
4 switch at lunchtime. And we were
5 just there to make sure they were
6 following the plan. We didn't help
7 set props or anything. We were just
8 there to assist them if they had any
9 questions and to make sure they were
10 doing it right. If they knocked out
11 a post or a timber, we would make
12 sure that they got that reset.

13 There was three air readings
14 the first week or so we was in
15 Crosscut 120-and-a-half, Number One
16 entry, the regulator between Two and
17 Three and ---. There was actually
18 four readings, and the Number Three
19 entry at 119-and-a-half, Number Four
20 at 119-and-a-half. Those were the
21 air readings we called out I think
22 every two hours.

23 The progress was slow. There
24 was days we would leave and when we
25 came back the next day there was ---

1 you couldn't tell there was anything
2 done. I mean, it was a very tedious
3 and slow effort. They kept drilling
4 on the surface. There was one time
5 when we got the word back that the
6 hole they drilled, they had found
7 fresh air, which everybody was
8 excited about. But later on that
9 shift it was determined that that
10 wasn't the case, that they had taken
11 the reading too early.

12 I ended up working all three
13 shifts. We kept juggling around.
14 And at the end I was on afternoon
15 shift. I worked a few dayshifts, and
16 then I was put on afternoons.

17 And the evening of the
18 accident was Gibb, Frank Markosek,
19 myself and a guy from District Four
20 here. I'm drawing a blank. Otis.
21 Otis stayed outside that evening.
22 And I got down there, and Gibb
23 insisted he stay in the face the
24 first half of the shift, so I took
25 the outby readings.

1 And on that day they had
2 started something new. In addition
3 to those four readings outby, there
4 was a couple pumps set up. And the
5 pumps had actually been there a day
6 or two, that we were taking bottle
7 samples from. And these pumps were
8 hooked to the seals, the Number One
9 seal and I think the far seal to the
10 right. I don't remember the number
11 of that, Five maybe. And also they
12 had started --- in Crosscut 107, in
13 the mains there, they had --- they
14 wanted to get a pressure drop in the
15 seal.

16 And about six o'clock that
17 evening I went back there to get the
18 draw, 6:30 maybe, and it took a
19 while. I had to take all the tape
20 out from around the pipe. And I
21 don't have my notes, so I don't
22 recall, but it will be on the command
23 center. I'm pretty sure that was in-
24 gassing, and I couldn't get a
25 reading.

1 I taped it back up. And at
2 that time the shift change was
3 happening. I heard --- that was a
4 crosscut off of the main roadway.
5 And I heard the next shift coming in.
6 They had a hot seat change-out. And
7 I heard the crew bus, the truck going
8 in. And as I was walking back to the
9 face, I was going to switch out Gibb,
10 we heard a bounce.

11 Now the bounces were something
12 that was going on all the time. You
13 couldn't tell one from another,
14 whether it was serious. And the
15 protocol was when a bounce happened,
16 we would call inby, if we were outby.
17 And the guy inby would call outby to
18 make sure everybody was okay.

19 Most of the people were
20 working between 110 and the face
21 area. They were setting props at
22 around 113 in the roadway. And then
23 you had the men actually loading the
24 coal up on the face. Nobody had
25 heard back from the inby. So I was

1 --- I started at 107, I got to about
2 114.

3 I called on the phone again,
4 still no word inby. So I picked it
5 up a little bit. I got to 119, where
6 the dinner hole was. And there was
7 one company guy there, one hourly
8 guy. And I told him --- we had six
9 stretchers that we kept there, that
10 the company had put there maybe three
11 or four days earlier. I said get
12 those stretchers ready and out there
13 in the roadway, we still haven't
14 heard from inby.

15 I got to Crosscut 120 and they
16 had a boss from back east. And I
17 don't know his name. The last couple
18 days Bob Murray had brought some of
19 his foremen from back east. And they
20 had a guy on each shift stationed at
21 120, 125 and then up in the face to
22 make sure that the equipment got
23 switched out.

24 We were running three ram cars
25 at the time. So I told this guy, I

1 said, hey, we still haven't heard
2 from inby. And they were still
3 bringing the car out from the
4 section, he was actually helping him
5 switch out. He hadn't --- he didn't
6 know that there was an issue.

7 I said --- I told that guy to
8 get the stretchers, make sure those
9 get loaded and get a truck up here
10 and headed for the face, because we
11 haven't heard from anybody. And
12 after I talked to him I started
13 running. And I got to 115 --- no,
14 125. And at 125 they had dug --- or
15 they had cleaned all the way back to
16 the brattice between the Number One
17 and Number Two belt. And they had
18 put the stopping all the way back
19 there so you could park the roof
20 bolter in there, so you wouldn't have
21 that far to switch out. The bolter
22 was in 123.

23 Q. I'm going to pull out a map in
24 a little bit. Just --- we'll get it.

25 A. Anyway, when I got to that

1 point there was the phone. And from
2 that point inby --- that was 125, it
3 was all smoke. It had damaged ---
4 the 125 had blown out the stoppings.

5 So I continued on into the
6 face area, which was inby 126. And
7 you couldn't even see maybe 20 feet
8 or so. And I was reading my 412 and
9 it showed 16-percent oxygen. And the
10 one guy I know was the second shift
11 miner operator, or the relief miner
12 operator was up there digging. And I
13 asked him, how many people are up
14 here? And he said, everybody. And
15 at that time I didn't know if it was
16 eight or nine people that were
17 unaccounted for.

18 So I said, buddy, you've only
19 got 16-percent oxygen, we've got to
20 get this oxygen restored before we
21 get very far. And I ran back to 125.
22 And at that time a couple more people
23 had arrived. I don't know any names.
24 I told him we had to get the brattice
25 back up and then there was people

1 buried inby.

2 I called outside and Laine
3 Adair, I talked to him. And told me,
4 stay by the phone. I said, well, I'm
5 going to head back up to the face to
6 see what's going on. I don't
7 remember the exact conversation. But
8 in the next few minutes, the
9 ventilation was restored. You could
10 see up at the face and that's when it
11 hit me the extent of the problem we
12 had there.

13 The bounce had filled the
14 entry from just outby 126 all the way
15 inby the miner. And it was anywhere
16 from three to five feet high. And
17 you guys have those pictures I took
18 there.

19 Q. Right.

20 A. I took a couple of pictures
21 after the bodies were taken out. And
22 soon after they started digging these
23 people out, Bob Murray and a couple
24 of his people came in. And they
25 climbed up on top of the rubble. And

1 there was an issue about having too
2 many people up there.

3 And Laine Adair had called in
4 and said, limit the number of people
5 up there. There was really nobody
6 from the company that was taking
7 charge. You know, everybody was in
8 there just to get the people out,
9 which is understandable. Murray was
10 kind of getting in the way.

11 I gave him --- I had two 412s.
12 Those had just been shipped in from
13 here. And I was taking two in case
14 one of them failed, didn't hold a
15 charge. And I told him to keep an
16 eye on the oxygen. And at one point
17 during the recovery he said we were
18 down to 12-percent oxygen. And he
19 was reading the CO. So he caused a
20 short bit of panic there.

21 It turned out there was nine
22 people. One was obviously killed
23 instantly. He was the one, Dale
24 Black, (b) (7)(C)

25

1 (b) (7)(C) . He was the
2 only fatal on the face. Frank
3 Markosek was the one I thought was in
4 trouble. Gibb was talking the whole
5 time.

6 Q. You know I have a ---.

7 MR. O'DONNELL:

8 We may as well pull
9 this out now, we'll call this
10 Johnson Exhibit One.

11 (Johnson Exhibit One
12 marked for
13 identification.)

14 BY MR. O'DONNELL:

15 Q. What we did was went in after
16 the accident and we mapped the area.
17 And this is how it was setting. And
18 if you could, that way we only have
19 to do this just one time. If you
20 could, this is where the rubble
21 began?

22 A. Yes.

23 Q. And this is where it ramped
24 up. This is the right side where the
25 props were set that came out.

1 A. Right. Right.

2 Q. If you could, position the
3 people where you remember them.

4 A. Okay. There was only nine of
5 them that were taken out over here.
6 I didn't count 'em. I thought there
7 was closer to a dozen. But during
8 the recovery, where the bodies were,
9 I can't tell you that. I don't know
10 what order they were brought out.
11 Dale was probably here. And there
12 was one prop that had just come over
13 like that. And this was Dale.

14 Everybody else was inby. And
15 there was two guys that had walked
16 off, needed a little assistance. And
17 I don't know their names. I was back
18 here at the phone initially for a lot
19 of this.

20 Q. This is that little ---.

21 A. That's 126, 125 --- from 125
22 is where we lost the air. And it had
23 to be established from 125 all the
24 way up to here.

25 Q. Who was inby, do you remember?

1 A. Well, I think just about
2 everybody was in by Bill. I don't
3 know the positions of --- it was
4 apparent to me those guys were either
5 setting --- going to set this prop or
6 this one when it happened.

7 Q. You don't think they had
8 completed the prop setting? They
9 were still setting?

10 A. I don't think so, because I
11 don't know that. The car was
12 switching out at 120 when I got up
13 there. So they hadn't --- they had
14 just loaded the car within the last
15 three or four minutes.

16 I think they were setting that
17 --- those props. They had gone up to
18 set props when that car was headed
19 out. And by the time I got to 120,
20 he was switching out. But the bump
21 had already occurred when he was at
22 120 of course.

23 Q. So they were all on the left
24 side?

25 A. Well, I don't know that

1 either.

2 Q. Okay.

3 A. They were all --- they ended
4 up on the left side. I don't know
5 where they started out.

6 Q. That's what I mean.

7 A. Yeah.

8 Q. They were all over on the left
9 side.

10 A. They were all over here,
11 that's correct.

12 Q. Do you know if anybody was
13 inby and wasn't hurt?

14 A. There was two guys that they
15 got away with just scratched up a
16 little bit. They weren't taken out
17 on stretchers. And they came out ---
18 they were the first ones that came
19 out. I don't know where they were
20 standing.

21 Q. Okay. So when you went up
22 there ---?

23 A. When I initially got up there,
24 you couldn't see. I could barely see
25 the tail of the miner. In fact, when

1 I saw that and there was no props
2 over here, I thought that they had
3 tried to cut too much. And that
4 wasn't the case. The --- after
5 everything cleared out, you could see
6 that they had done it according to
7 plan.

8 Q. What made you think that they
9 weren't finished, that they were ---
10 besides the buggies, but was there
11 anything up here that told you
12 that ---?

13 A. No.

14 Q. No?

15 A. You mean that the --- well,
16 they were only setting two props at a
17 time. They were setting one on each
18 side.

19 Q. Uh-huh (yes).

20 A. And that doesn't take long to
21 set those.

22 Q. Okay. So you would have been
23 setting them up to the tail. So that
24 would be the end.

25 A. Right.

1 Q. So it would be just finishing.

2 A. Right. Well, I don't know if
3 they had set these or not.

4 Q. This was where the last one
5 was, right here.

6 A. Okay.

7 Q. So do you think there would
8 have been one more that needed to be
9 set?

10 A. Well I'm sure that's what they
11 were up there to do.

12 Q. Okay.

13 A. That's --- the only time that
14 anybody walked up here in between
15 buggies, sometimes the operator would
16 go up to look at conditions,
17 sometimes his helper would. And a
18 lot of times one of us would go up to
19 look back here. But the MSHA guys
20 stayed back in 126. We could
21 see ---.

22 Q. Let me ask you this, Scott,
23 they didn't clean up, say 20 feet and
24 then you went in and set 20 feet ---?

25 A. No, at this point, no. They

1 did back when we started at 120. I
2 mean we would --- we would cut 15, 20
3 feet and then set a bunch of props.
4 And I don't know who made that
5 change, but it was a good change.
6 And that happened back here maybe at
7 124 or 5, you could only cut enough
8 to set one post on each side.

9 And only the amount of people
10 necessary were allowed to be up
11 there. I think the reason we had
12 nine up there at the time, which was
13 more than typical ---. Usually you
14 had the guy operating the hydraulics.
15 You had a guy digging, a guy setting
16 the prop and these two miner
17 operators. And a couple MSHA.

18 And I think what happened is
19 it was shift change. And I don't
20 know if some of the guys from the
21 following shift ended up there. You
22 know, they were talking and ---.

23 Q. So it was unusual the way it
24 was ---?

25 A. Nine people, I was surprised

1 to hear there was nine. But Mr.
2 Murray had sent extra people in to
3 direct traffic. And I thought maybe
4 they were up there also, you know,
5 while they were setting --- I don't
6 know.

7 I was up there at the start of
8 the shift. And from four o'clock to
9 seven I had not been up there.

10 Q. Did you usually set the right
11 --- was there any --- it was just go
12 up and a couple of guys went to the
13 left, a couple of guys went to the
14 right?

15 A. No.

16 Q. No?

17 A. No, they would set one at a
18 time. You may have had one guy over
19 there shoveling. They only had one
20 hydraulic control. Only one could be
21 set at a time, but while this one was
22 being set, maybe that guy was
23 shoveling sometimes. But there was
24 no --- they were certainly not
25 setting two at the same time.

1 Q. Were you using the pressure
2 from the miner then?

3 A. The miner was set up to do
4 that. And the hoses were set up.
5 Initially they were using a scoop.
6 And then they did the bolter. And
7 they did have the miner set up for
8 that. And I don't know if this shift
9 they were using that or not.

10 Q. Okay.

11 A. I assume they were.

12 Q. Well, it would be easiest, it
13 was right there.

14 A. Yeah, yeah. I assume they
15 were using that.

16 Q. And what was ---?

17 A. There was a few props that,
18 you know, had been knocked --- well,
19 they were all knocked out. And a few
20 were sticking up. We had to move
21 them for the recovery effort. I mean
22 they were in the way. We had to take
23 them off and move them over. All
24 this brattice had to be rehung.

25 Q. Was there anybody on the other

1 side between the rock props and the
2 rib?

3 A. You mean when it happened?

4 Q. Yeah.

5 A. It would have been impossible
6 to be there, because the mesh was
7 carried up as you went.

8 Q. Yeah.

9 A. And the ropes were carried but
10 not necessarily tightened as you
11 went.

12 Q. Uh-huh (yes).

13 A. There's no reason to be on the
14 other side of those props.

15 Q. What if somebody was putting
16 the fence up, the chain link?

17 A. That's possible, yeah. Yeah,
18 that's possible.

19 Q. Do you remember anybody back
20 there?

21 A. No.

22 Q. Okay. You don't remember
23 exact positions or ---

24 A. I don't.

25 Q. --- rough positions?

1 A. No, not at all.

2 Q. Okay. I'm going to go back
3 and kind of clarify some things. You
4 said you got the call. Who did you
5 travel with?

6 A. I would ---.

7 Q. You went ---.

8 A. Oh, from Pittsburgh?

9 Q. Yeah.

10 A. I traveled alone, because Jeff
11 Kravitz had --- he got on a flight
12 with the rest of the team, ---

13 Q. Uh-huh (yes).

14 A. --- so I was stuck on the
15 following flight. And then Jeff
16 changed his mind. And anyway I got
17 to Salt Lake about an hour after
18 everybody else.

19 Q. So you --- where did you stay,
20 at the Holiday Inn? Is that where
21 you ---?

22 A. Yeah, in Price?

23 Q. Yeah.

24 A. Yeah.

25 Q. Is that where you got briefed?

1 A. Uh-huh (yes).

2 Q. And who briefed you there?

3 A. I'm pretty sure it was Virgil.
4 Because we were talking about driving
5 out to the mine that evening and I
6 ran into George Aul from Tech Support
7 in the lobby. And he indicated that
8 he thought Virgil was at the hotel.
9 And then we got ahold of Virgil. I'm
10 pretty sure that's how it went down.

11 Q. So there were some guys from
12 the east that were called. And you
13 kind of worked with guys from the
14 western team; is that correct?

15 A. Yes, there was six of us from
16 the eastern.

17 Q. How many guys per shift?

18 A. Two of us per shift from the
19 east.

20 Q. Two MEU guys per shift.

21 A. From the east. And I was
22 working with Otis.

23 Q. You worked with Otis. And the
24 local guys out there, did they stay
25 the same, you worked with the same

1 crew?

2 A. No. No, they kept switching
3 our shifts. I ended up on midnight.
4 Started out on days, then midnight,
5 then afternoon. I ended up on
6 afternoon.

7 Q. So when you got there, Scott,
8 was --- did anybody at the mine give
9 you a briefing or ---?

10 A. There was. We got in the Blue
11 Goose. And that's when they went
12 over this map with us and we were
13 shocked by the way they were mining
14 the coal. And you know it took me a
15 while to comprehend exactly what had
16 gone on and what they were doing in
17 there.

18 Q. So you said you went --- the
19 first day, you and Virgil went
20 underground with a seismic
21 instrument?

22 A. Yes.

23 Q. The mini seismic?

24 A. Yes.

25 Q. And that was your first time

1 in that mine; is that right?

2 A. That's correct.

3 Q. Okay. And you went --- tell
4 me about what your observations were.
5 Who was in the section when you got
6 there? What was happening?

7 A. The only people in the mine I
8 believe was the guy stationed at the
9 compressor. It was a diesel
10 compressor, so it had to be manned
11 all the time. And we passed him.
12 There was a guy that took us
13 underground. There was two guys with
14 us. It was us four, that diesel guy
15 and I believe they may have had a
16 couple of guys in there building
17 stoppings. I don't know that.

18 Q. And this was the morning of
19 August the 7th?

20 A. Tuesday, the 7th.

21 Q. And the bump had already
22 occurred, the second bump where they
23 were cleaning over in the other
24 entry?

25 A. I think it happened about

1 midnight that evening.

2 Q. So did you happen to go over
3 there and --- you said you saw the
4 miner.

5 A. Yeah, I saw where it happened.

6 Q. Yeah.

7 A. And at that time I did not
8 equate that to where those guys got
9 dumped on the night before. That
10 just didn't click to me at that time
11 when I saw that miner.

12 Q. Did you go up into the entries
13 and check? You said you and
14 Virgil ---.

15 A. We just went --- we went to
16 the miner in Number Two entry and
17 Number One entry. We didn't go
18 anywhere else.

19 Q. How far did you get in where
20 you were?

21 A. 120 in Number One. And we
22 stayed in Number One entry. We got
23 to 120 where they had some posts set.
24 And there was actually a power center
25 at 119-and-a-half, I believe.

1 Q. This is a map of the section.
2 And this is the south main --- let me
3 orient you here. This is the south
4 main barrier here. These are the
5 entries. This is the area here.

6 A. Yeah, I think we --- when we
7 got there, there was a power center
8 there.

9 Q. And you're marking in the
10 Number Two entry?

11 A. Oh, I'm sorry, it was here at
12 119-and-a-half. The miner was in
13 119.

14 Q. That would be between Two and
15 Three?

16 A. Oh, I'm sorry, I've got these
17 off one. Between One and Two.

18 MR. O'DONNELL:

19 Cross that off here, if
20 you would. You shouldn't have
21 given me a Sharpie.

22 WITNESS COMPLIES

23 A. And there was some posts set
24 here.

25 BY MR. O'DONNELL:

1 Q. Which is in 120.

2 A. Intersection in number one.
3 We set up the seismic.

4 Q. How did you have to set that
5 up? What's involved with that mini
6 seismic? Is it a carried portable
7 unit you're talking about?

8 A. Yeah, it's not very big at
9 all. You can --- one man can carry
10 it.

11 Q. Okay.

12 A. It has a couple sensors. Of
13 course it has earphones to hook up to
14 the gizmo.

15 Q. Is this the first time you saw
16 this instrument?

17 A. That's the first time I've
18 used it. I knew that our team had
19 one, but that's the first time I used
20 it.

21 MR. O'DONNELL:

22 Yeah, we're going to
23 mark this Scott (sic) Exhibit
24 Two.

25 (Johnson Exhibit Two

1 marked for
2 identification.)

3 BY MR. O'DONNELL:

4 Q. Yeah, so that's the first time
5 that you knew that we had it,
6 but ---.

7 A. I had never been around it
8 before.

9 Q. So Virgil showed you how to
10 use it?

11 A. Yeah, Virgil.

12 Q. Is it a one-man operation or
13 did it take two?

14 A. You can't have one man do the
15 whole thing, because somebody has to
16 beat ---. And that would give you a
17 false reading if you had the --- I
18 believe if you had the earphones on
19 beating, it would be hard for you to
20 distinguish. But you need at least
21 two men to operate that. One man can
22 operate the equipment itself, but
23 you need somebody else to beat on
24 the ---.

25 Q. Is there any kind of recording

1 device, or is this just a ---?

2 A. It has a recording device. It
3 wasn't working, ---

4 Q. Okay.

5 A. --- so they couldn't get a
6 readout of what we did.

7 Q. Did you ever listen?

8 A. I did. And you could
9 definitely hear the pounding. And
10 you could hear all the movements
11 underground. I mean it was very
12 active, the bumps.

13 Q. What could you hear? You
14 could hear the bumps?

15 A. Oh, anytime it bumped.

16 Q. Yeah?

17 A. Yeah, I mean there was a lot
18 of small ones going on all the time.

19 Q. So what were you listening
20 for?

21 A. We were listening for the
22 feedback after we beat on the bolts
23 and the pipe.

24 Q. And how would you discriminate
25 that against other noises that you

1 were hearing?

2 A. Well, these bumps were --- you
3 know, every few seconds you'd hear
4 something. And they wouldn't be in
5 any pattern, but you would hope that
6 if you were beating on the pipe and
7 somebody heard you that you would
8 have a distinct pattern three times
9 right away or you would know that
10 they were beaten.

11 Q. Okay. That's what I was
12 getting at.

13 A. Yeah.

14 Q. You would --- that's how you
15 would discriminate them.

16 A. Yeah, we didn't get any false
17 readings. It was pretty obvious that
18 nobody was responding.

19 Q. Do you have any idea what kind
20 of range that this instrument has?

21 A. I think he said 500 feet, but
22 I'm not sure. Virgil knows all those
23 specifics.

24 Q. So you thought it was a pretty
25 decent instrument for say a

1 short ---?

2 A. Oh, I would think so,
3 especially with the pipe. I mean
4 once we hooked up to the pipe, there
5 was more hope that we would get
6 feedback on the pipe, because that
7 would have carried farther than a
8 roof bolt.

9 Q. And you're referring to the
10 waterline?

11 A. I think it's an old waterline
12 that --- or the existing waterline
13 that they had blown out and were
14 using it to pump compressed air.

15 Q. Would that have been on the
16 beltline?

17 A. Number Two entry, yes.

18 Q. And that line would have
19 extended all the way into the active
20 section then?

21 A. Yes, yes.

22 Q. So that attempt was
23 unsuccessful. Did you --- you went
24 across --- you said Number Two entry?

25 A. The two guys that were with us

1 from the company, the pipe was coming
2 down here, they're the ones that set
3 this up, the pipe. Virgil and I
4 stayed here at the tail of the miner.
5 And that's where we set up for that
6 one. We didn't crawl over the miner
7 and look up there.

8 Q. Okay. And there was no reason
9 for you to try in Number Three or
10 Four?

11 A. No.

12 Q. Because obviously in Number
13 Two entry there were lines that were
14 extended into the section ---.

15 A. Yeah, Number Two was our best
16 hope and we initially set up in
17 Number One and got nothing of course.
18 And in Number Two, we thought that
19 was our best hope.

20 Q. Scott, how long did this
21 process take up here when you were
22 trying to ---?

23 A. Probably a half hour. I mean
24 we were underground for less than an
25 hour, but the actual testing was

1 maybe a half hour.

2 Q. Okay. Do you know if that
3 instrument was ever used again
4 underground?

5 A. Since then?

6 Q. Yes. I mean during the whole
7 time.

8 A. Not on my shift. No, I don't
9 think so.

10 Q. Okay. So then you went
11 outside after that?

12 A. Yes. And that's when ---
13 that's when John Gibson and his
14 partner had shown up with the seismic
15 equipment.

16 Q. And that's --- you're
17 referring to the main seismic ---?

18 A. Yes.

19 Q. The big rig.

20 A. The big truck, yeah.

21 Q. And you went and helped them?

22 A. That was the intent. We
23 followed them over to the other side.
24 It took over two hours to get there.
25 And then there was confusion about

1 whether that would make it down to
2 the drill hole. And by that time it
3 was --- I was over there with George
4 Aul and somebody else. It might have
5 been Otis, I don't know.

6 I don't think I was working
7 with Otis that day. Anyway, Rodney
8 Adamson had shown up in his vehicle.
9 And he said --- told me Virgil wanted
10 me to come out at midnight. So
11 Rodney took me back to the --- him
12 and Ron from Pittsburgh.

13 Q. Hixson.

14 A. Hixson, took me back to the
15 mine. And then I drove back to the
16 hotel.

17 Q. Do you know what time that the
18 seismic --- when Gibson got there
19 with it?

20 A. I'm thinking they were there
21 on the property by noon.

22 Q. Of the seventh?

23 A. Yeah, or shortly thereafter.
24 They had it flown into Grand
25 Junction, I believe.

1 Q. And did you --- who was taking
2 care of that? Was it Gibson that
3 was ---?

4 A. Yes.

5 Q. Was he the main man that was
6 setting it up or was there other
7 people there?

8 A. Jeff Kravitz was there. It
9 was Gibson and I can't remember the
10 guy with him from Tech Support.

11 Q. And they --- was the truck
12 already there at the drill site?

13 A. No, it was at the mine site
14 around noon. They had driven
15 directly to the mine. And then from
16 there we all went together over to
17 the drill site. And there was some
18 confusion ---.

19 Q. With the rigs?

20 A. Yeah, the rig went, too.
21 There were some confusion on how to
22 get there. We lost each other at one
23 point, but, yeah.

24 Q. So it took you two hours and
25 then you had the seismic on the

1 mountain then.

2 A. On the mountain but not at the
3 drill hole. I don't know when it got
4 to the drill hole. When I had left
5 it still wasn't at the drill hole.
6 It was parked up on the mountain
7 waiting for the road to be finished.

8 Q. Okay. So it was --- that
9 delay was because there was no way to
10 drive to the hole then; is that
11 right?

12 A. Well, you could get a four-
13 wheel drive down there, but they were
14 leery about taking that down there
15 until they did some more grading.

16 Q. So you went off --- well, let
17 me ask you this, every time you went
18 in the mine, were you briefed?

19 A. When we would get there, we'd
20 go to the command center, they'd tell
21 us what's going on. It wasn't a huge
22 briefing. They would give us all the
23 updated plans, if there was any
24 changes. We didn't go underground
25 confused, but there wasn't a lot to

1 brief us on. There had been very
2 little day-to-day progress
3 underground. So the plans didn't
4 change that much.

5 Q. Right.

6 A. They changed but not
7 --- I mean they were going so slow
8 that there wasn't major changes.

9 Q. From what I understand, your
10 shifts were different than the shifts
11 that the men were on; is that right?

12 A. They worked 12s. They worked
13 six to six and we worked the standard
14 eight-hour shift, which made it a
15 little difficult to get a ride in and
16 out, but not that bad.

17 Q. You said it wasn't a typical
18 mine rescue operation. What do you
19 mean by that?

20 A. Well, there was a lot of
21 people underground that of course
22 weren't mine rescue people. When we
23 went out there, we didn't know what
24 we were getting into. It turned out
25 to be a rescue effort, but not one

1 that --- you had fresh air with you
2 all the time. It wasn't --- you
3 weren't fighting the fire or in a
4 situation where you needed to wear
5 your apparatus.

6 Q. Did you ever have to wear your
7 apparatus?

8 A. We did. We set the Conspect
9 lines back in the sealed areas. I
10 was just back up for that. We had
11 two new guys on the team that put the
12 apparatus on to get their time in.

13 Q. Are you referring to the
14 Number One seal?

15 A. Yes, that Number One seal.

16 Q. In the main west.

17 A. And I think it was the Number
18 Nine also that we were --- we had
19 a ---.

20 Q. You said that there was a
21 pump. Where was the pump at?

22 A. The pump was at 119 in Number
23 Three.

24 Q. Okay.

25 A. And they eventually --- they

1 had put it just on the belt side of
2 this door by --- that last day.
3 That's where we were getting the
4 samples. And I don't know the ---
5 how often that was.

6 Q. Do you remember what they
7 were? Were they pretty consistent
8 whatever you were getting, it was the
9 same every day or ---?

10 A. This number --- Number One was
11 --- I tell you what, I don't know
12 without my notes. It was consistent,
13 though. It was consistent.

14 Q. Any low O2?

15 A. I think Number One was in-
16 gassing.

17 Q. Okay.

18 A. And so was that seal back at
19 107. That was in-gassing, I believe.

20 Q. That was at what, you said
21 107?

22 A. 107. The places we got low O2
23 were up in the face area. In fact we
24 started hitting that about 125.
25 Between 125 and 126, at this point

1 the ventilation was mostly for dust
2 control. And sometimes the people
3 would get lax about keeping the
4 curtain up. But we got down to 16-
5 percent oxygen at one point. I think
6 it may have gone down to 14. And
7 then it became clear that, you know,
8 we've got to keep this tight with
9 this going up.

10 Q. Let me ask you this, as soon
11 as you had a disruption in your
12 ventilation, did you start to detect
13 low O2? Was it always there?

14 A. No, and I'll tell you why.
15 These crosscuts between One and Two,
16 some of them were pretty tight. So
17 there was nowhere --- the air had to
18 come back at you. So you had to keep
19 your rag up. Sometimes these were
20 open. And if they were open, you
21 know, your air was going that way.

22 Q. Right.

23 A. So that wasn't a big concern.
24 But there's a couple times like
25 between 126 and 7, I was only there

1 for the first part of the shift for a
2 couple cars. And they did have to
3 keep that tight, because I think the
4 miner was here. This 127 was tight.
5 And there wasn't much of a hole in
6 front of the miner.

7 Q. And in that --- when that
8 happened, you had low O2 and you had
9 to keep your curtain up, is that what
10 you're saying?

11 A. I'm saying that's part of the
12 reason that you had to keep your
13 curtain up is because I believe that
14 some gases were coming back at you
15 with some of the --- and I don't know
16 if it's from the sealed area. It had
17 to be from the sealed are. But if
18 you didn't keep that curtain up, dust
19 wasn't your only problem.

20 Q. Okay.

21 A. And these --- sometimes you
22 had a solid face, sometimes you had a
23 hole up in front of it. From about
24 123 inby there was places where that
25 whole pillar had shifted over ten

1 feet. You go up and you'd think it
2 was solid coal. But then you'd see a
3 roof bolt in that solid coal. So I
4 mean it was soft coal to mine out,
5 but it was very unusual. I think you
6 got some pictures of that, didn't
7 you, didn't you, Mike?

8 MR. GAUNA:

9 Yeah.

10 BY MR. O'DONNELL:

11 Q. So you said that you did have
12 to --- you had to go inby this seal
13 here?

14 A. They had to breach that seal
15 to set that sensor up for the
16 Conspect, AMS.

17 Q. Wasn't that seal ---?

18 A. It had been breached but they
19 had covered it again with brattice
20 and sprayed it.

21 Q. Okay. So that thing was
22 closed in.

23 A. Yeah. And it was breached
24 again to set the AMS and ---.

25 Q. How far did you have to set

1 the AMS in there?

2 A. Oh, it wasn't far. I mean
3 they just --- they went in maybe five
4 or ten feet.

5 Q. Did you say you didn't go
6 under oxygen or someone else ---?

7 A. No, I was backup out here.

8 Q. You backed them up?

9 A. Yeah.

10 Q. Okay.

11 A. And I was in fresh air.

12 Q. Okay. Where was the airlock
13 set up here?

14 A. It was at the seal.

15 Q. How far back from the seal?

16 A. It was --- well, it was right
17 there. The airlock for the seal?

18 Q. Yeah. How did you airlock
19 into it to go ---?

20 A. Well, I wasn't up there but
21 I'm sure it was no more than five or
22 six feet in between the ---.

23 Q. But do you know that there was
24 an airlock there?

25 A. Yeah, there was an airlock

1 got the seal and was walking up here.

2 Q. Okay. So you're all the way
3 down at 107?

4 A. Yeah. I was probably on the
5 straight here. I was probably about
6 110 when the bump happened.

7 Q. 110 in Number One entry?

8 A. Yeah.

9 Q. And you felt it?

10 A. You heard it, yeah.

11 Q. Was it different than any
12 other ones that you had heard?

13 A. They were all the same. And
14 that's why we had the process where
15 when you'd hear it or feel it, you
16 would call inby and outby.

17 Q. Okay. So ---.

18 A. I mean that was just ---.

19 Q. So sometimes the guys in the
20 --- that were loading the material
21 would hear a bump outby?

22 A. You couldn't always tell where
23 they were.

24 Q. Okay. So whenever anybody
25 heard, whenever it happened, they got

1 on a phone, you got on a phone?

2 A. Right.

3 Q. So is that as far as the
4 communication went was between the
5 fresh air base and the face or ---

6 A. No.

7 Q. --- did you also call out,
8 too?

9 A. Yeah. We had people working
10 at 112, 113 putting props in. And
11 any time you would hear or feel
12 something major ---. I mean, there
13 was a lot of small ones, but when
14 you'd feel something a little more
15 potent you would call inby and outby.

16 Q. Okay. So you heard this or
17 felt it, whatever, and continued
18 up ---?

19 A. There was a phone at 111, 112.
20 So I got there and I said, have you
21 heard from inby? They said, no,
22 we've called them. And I said, well
23 keep trying. And then I went up, got
24 up to 119. Still no --- the guy at
25 119 hadn't heard from them. So I

1 told him to get the stretchers ready.

2 Q. How did you know to do that,
3 like when you ---? They hadn't heard
4 from anybody inby.

5 A. Well, if you didn't hear from
6 them there was a problem, because
7 somebody was always near the phone.

8 Q. Okay.

9 A. And if somebody was calling
10 you, you would go to the phone ---.

11 Q. Did you see anything?

12 A. No, you couldn't --- you
13 couldn't see anything until you got
14 up to maybe 125. I mean, there was a
15 ram car headed back towards me. The
16 guys at 120 didn't know that there
17 was a problem. Even the guy that
18 headed back from the miner didn't
19 know there was an issue. He had a
20 loaded car.

21 Q. So he was coming back. You
22 said smoke. You saw ---.

23 A. Dust.

24 Q. Dust, okay.

25 A. Dust, I said smoke, but it was

1 dust. I mean you couldn't see ---
2 you couldn't see 20 feet.

3 Q. Where did this visibility
4 change?

5 A. At 125.

6 Q. Right there where the bounce
7 occurred.

8 A. Well, no, the bounce was up at
9 126-and-a-half. But it knocked out
10 the ventilation controls all the way
11 back to 125.

12 Q. Okay.

13 A. And so you had a short circuit
14 at 125. All the intake was just
15 going through 125.

16 Q. You know we refer to bumps and
17 bounces. Are they the same?

18 A. Yes.

19 Q. And for the record, what's a
20 bounce or a bump?

21 A. It's where the lateral ---
22 see, I don't know. It's where the
23 pressures come down and force the
24 ribs in. You don't have any roof
25 damage.

1 Q. Scott, was there a lot of this
2 activity going on?

3 A. It was constant. A couple of
4 these guys on the team that were from
5 back east had never been around it.
6 But I had worked on Kaiser (phonetic)
7 and also in Kentucky and also out
8 west and it didn't bother me. It's
9 pretty common out there.

10 Q. What was --- you know, you
11 said you spent some time at the ---
12 call it the fresh air base or the
13 phone. And that's where the men
14 would come --- they would pull back
15 whenever you were loading; right?

16 A. Yes, at 125. You had a couple
17 of roof bolters. They used these
18 roof bolters, that's where the
19 bolting machine was parked. When the
20 roof looked bad and all the plates
21 were damaged they would bolt them.

22 Q. And you had an opportunity to
23 talk to the guys that worked there?

24 A. Yeah.

25 Q. What was the feeling? Let's

1 just talk about the operation as ---
2 after the August 6th accident. The
3 people that were working there, what
4 was their --- do you know how they
5 felt about working in there? Was
6 there people that were uncomfortable?

7 A. Well, there was people
8 uncomfortable. I didn't talk to
9 them. I mean, I was surprised that
10 people had asked to be moved. And I
11 don't know if it was people that came
12 from the other mines, but the people
13 that were working up the face, I
14 don't know any of them that were
15 uncomfortable or would rather not be
16 there.

17 Q. But you know of people that
18 asked to be removed?

19 A. Yeah, we were told that 12
20 people --- in fact, the news said the
21 same thing, 12 people wanted to be
22 reassigned.

23 Q. Did you ever talk to any of
24 those people?

25 A. No. No, the guys up in the

1 face area, which is mostly the people
2 I talked to, you know, they were
3 hopeful like everybody that we were
4 going to run into 'em.

5 Q. You said that your shift was
6 different than the shift of the other
7 miners.

8 A. Right.

9 Q. Tell me how that shift --- how
10 you interacted with your cross shift.
11 How did you change out?

12 A. Between ourselves?

13 Q. Yes.

14 A. We would go to the command
15 center. We had a hot seat change-
16 out, too. We would meet them down at
17 the --- down in the face area and
18 talk back and forth. And then they
19 would leave.

20 Q. So you didn't leave that
21 section until ---

22 A. You were relieved.

23 Q. --- you were relieved?

24 A. Right.

25 Q. Okay. And was there a problem

1 with the way that your shift was
2 compared to the miners' shifts?

3 A. As far as starting times?

4 Q. Was there a problem because
5 you weren't on the same shift? Was
6 there ---?

7 A. Oh, I don't think so.

8 Q. No transportation problems.

9 A. Well, yeah, like I said, you
10 know, you had to --- you didn't
11 always have a ride available.

12 Q. Okay.

13 A. When they brought in --- when
14 you got in the mine, the guy that
15 brought you in would generally wait
16 around and take your cross-shifters
17 back out with him. But it depends on
18 how long you talked. I mean he may
19 not have time to wait and then those
20 guys would have to get another ride.

21 Q. Where did the exchange happen?

22 A. They would take us in the
23 truck, usually down to 110, 111 and
24 then you would walk up. Sometimes
25 they could take us to 119. But then

1 you would walk up to either 119 or
2 125 and talk to the other guys.

3 Q. Okay. So the people that were
4 at the face on a shift change, would
5 they come out and switch or how did
6 they get there?

7 A. No, it was always hot seat.
8 Whether it was the hourly guys or us,
9 it was always at 125 or inby.

10 Q. So the miner operator would go
11 up to where the miner operator was,
12 so there would be two miner operators
13 at the ---?

14 A. Yes. And that's why I think
15 we had extra people up there, is
16 because it was the shift change. The
17 miner operator that was busy digging
18 these people out when I got up to the
19 accident site was from the oncoming
20 shifts.

21 Q. Okay. So he was the guy that
22 was going to relieve you ---

23 A. Right.

24 Q. --- and had not been up there
25 yet.

1 A. Right.

2 Q. So the oncoming shift ---?

3 A. And I don't know where he was
4 when this bump occurred.

5 Q. Uh-huh (yes).

6 A. He was somewhere inby 120, I
7 assume. But I'm not sure at what
8 point it was. I don't know where he
9 was when it happened.

10 Q. Okay. So that was their shift
11 change that was happening, not yours.

12 A. No.

13 Q. You were already ---.

14 A. No, I had been there since
15 3:00 or 4:00. And like I said, at
16 lunchtime I was going to go up and
17 switch with Gibb. And I think I got
18 that reading at 6:00 or 6:15, 6:30.

19 Q. When you refer to Gibb, who
20 are you referring to?

21 A. Our guy that was killed, I
22 just know him by Gibb.

23 Q. Gibson? Jensen? What was his
24 first name?

25 A. He was called Gibb, Gary

1 Jensen.

2 Q. Okay. So let's just go back
3 to how the normal operation worked.
4 You had a miner operator; right, that
5 was loading?

6 A. Yes.

7 Q. Who else was up there?

8 A. He would have a helper.
9 Sometimes that was the boss.
10 Sometimes the boss ran it. There was
11 always two of them up there.

12 Q. Two of them up there.

13 A. And in this situation here,
14 the helper would have stayed back at
15 this 126. In fact, while he was ---
16 while he was cutting and loading the
17 car, they were both at 126. The
18 operator sometimes would go behind
19 the car so he could see. But any
20 time the car came by, he would be in
21 that hole at 126.

22 Q. He'd come back to the hole.
23 Okay. So now that's the only people
24 that would be up there?

25 A. Yeah. Ourselves, ---

1 Q. Yeah.

2 A. --- but we would be at 125.
3 And we would come up when they were
4 setting props.

5 Q. Okay. Now we're going to set
6 props. Now our MSHA people ---.

7 A. Both of those guys would have
8 gone up to the miner.

9 Q. And those would have been from
10 the ---?

11 A. That night would have been
12 Gibb and Frank.

13 Q. And those were local
14 inspectors?

15 A. Yes.

16 Q. And the RMEU guys would ---?

17 A. Well, I was working with Frank
18 up until that evening.

19 Q. Okay.

20 A. Gibb had always been outside.
21 He was doing a Part 50 audit, or 48
22 audit, whatever he was doing outside.
23 But this is the first time he came in
24 to work the full shift. And he
25 wanted to be up in the face. So I

1 said I'll switch out with one of you
2 guys. And Frank wanted to be up
3 there all the time.

4 Q. Not when they were loading,
5 whenever they were setting ---?

6 A. No, he wanted to be up in that
7 area.

8 Q. So let's talk about, you just
9 loaded a car and not shift change,
10 but the normal operation of the
11 number of people that we'd send up.
12 You said ---.

13 A. Well, it changed the last few
14 days. Initially they would send a
15 bunch of people up here, because they
16 were setting several props. That
17 crew was back here at 112, 113
18 setting props. And in fact they had
19 an extra boss. And all of those guys
20 would have been up here a couple of
21 days prior to this. But at this
22 point you just had --- you would have
23 had the operator helper, the two MSHA
24 guys. You would have had two or
25 three guys, probably the roof bolters

1 and another guy up there, too.

2 Q. Seven?

3 A. Yes.

4 Q. And you said that you would
5 clean a car or two and then set a
6 rock prop on the right and left.
7 You'd go --- advance one at a time.

8 A. Yes. And that's how ---
9 that's how it had been done for a
10 couple of days leading up to the
11 accident, just one at a time.

12 Q. Okay. But we had more people
13 in there at the time of the accident,
14 and the reason was?

15 A. I don't know.

16 Q. Do you believe ---?

17 A. I think part of them --- I
18 don't know the names of the people
19 that were up there. I think part of
20 them may have been the oncoming
21 shift. Although the miner operator
22 was busy digging them out, so I don't
23 think they had got up there yet.

24 Q. So they were doing a ---
25 probably a shift change and some of

1 them were relieving and some had not
2 relieved yet; is that right?

3 A. I don't know that. I know the
4 --- when I was up here at 107, that
5 mantrip came down here.

6 Q. Uh-huh (yes).

7 A. And I heard them go by me.

8 Q. Okay.

9 A. So they were a few minutes
10 ahead of me.

11 Q. All right. Now, when you put
12 up the --- you set a rock prop, did
13 you put the fencing up for each one?

14 A. Yeah, the fencing was in a ---
15 was in the roll. And they would just
16 bring that up, you know, two or three
17 feet every time they'd put a ---.

18 Q. Every rock prop, they'd put it
19 up.

20 A. Yeah. I mean that was easy to
21 do. The cables --- the history of
22 the cables, up until that point,
23 probably a couple of days prior to
24 that they were just cabling the
25 center, going through the handles of

1 the rock prop. And they would not
2 keep up with that very often. Maybe
3 every break or so they would string
4 the cable through.

5 And then it was determined
6 they were going to have three cables,
7 top, bottom and center. And they
8 were going to be cut in 40-foot
9 lengths so they could keep them up
10 closer to the ---. They were never
11 more than --- the last couple of days
12 they were always within 40 feet of
13 the last prop.

14 Q. And so you'd wait until you
15 got that extended and then tie it
16 off. You didn't tie it off or secure
17 it every rock prop?

18 A. Oh no, no. Neither the fence
19 or cable was secured every rock.

20 Q. Did you see any --- did you
21 ever have an occasion to see where a
22 bounce or a bump occurred and the
23 fencing contained it? A rock prop,
24 fencing, cables.

25 A. No, they had a ---. A day or

1 two before this accident they had a
2 situation where a bump damaged a
3 couple of the jacks on the miner and
4 they had to replace those. I don't
5 think --- I think that was up here in
6 the face area. I don't think
7 anything --- I didn't see any --- I
8 didn't see that happen.

9 Q. Did you see any evidence where
10 there was coal against the
11 fencing ---

12 A. No.

13 Q. --- where it marked?

14 A. No, at 120 there several ---
15 they had taken out a bunch of these
16 rock props on the left-hand rib, just
17 taking the equipment around there.
18 And I called in, I talked to either
19 Mike or Joe, somebody. I got
20 permission from them to set --- reset
21 these an extra foot or two wider.
22 Because if they were to set them at
23 14, we would have had the same issue.
24 So this is --- this area here they
25 were 16 --- I think 16-feet wide

1 where they made that turn.

2 Q. J-channels were used from time
3 to time.

4 A. Yes.

5 Q. Did that require more people?

6 A. Well, you had your roof
7 bolters up there. They didn't need
8 any extra people, no.

9 Q. Okay.

10 A. And the roof bolters were
11 always up there in case they had to
12 bolt. And those people were used to
13 help set the props also.

14 Q. Okay. We talked earlier about
15 low O2. And do you know where the
16 low O2 was coming from?

17 A. No, there was speculation that
18 it was coming from this sealed area
19 here.

20 Q. You're talking about to the
21 south?

22 A. Yes, the --- when it would
23 bounce, you could see where the
24 bounces had --- and we don't know
25 when it happened after that first

1 event or during the first event, that
2 had pushed that whole block of coal
3 over ten feet it looked like. It
4 just slid it off. So we assumed
5 there was communication through that
6 barrier.

7 Q. When you first got there and
8 you and Virgil went in to use the
9 mini seismic, who told you to do
10 that?

11 A. I'm assuming Virgil came up
12 with that. I don't know that. I
13 don't know the answer to that.

14 Q. Well, how did you ---?

15 A. Virgil said I need you to go
16 in with me.

17 Q. He asked you to go in with
18 him?

19 A. Yeah.

20 Q. Okay.

21 A. Virgil could tell you that. I
22 don't know if somebody asked him and
23 he volunteered or that he told --- I
24 don't know the answer to that.

25 Q. You talked about going inby

1 that seal with a couple of people.

2 A. Uh-huh (yes).

3 Q. And you were the backup?

4 A. Yes.

5 Q. How many people actually went
6 in?

7 A. Two.

8 Q. Two went in and so how many
9 backups did you have?

10 A. We had plenty of backup. I
11 was here at the corner. We had ---
12 we had a bunch of people two
13 crosscuts over in 117 in the Number
14 Three entry. There was myself here
15 and I think Otis I think was down
16 here and Virgil. I mean, there was
17 --- there was plenty of backup.
18 There was never an issue ---.

19 Q. There was more backup than
20 what you needed, is that what you're
21 saying?

22 A. Oh, absolutely, there was
23 probably eight or ten people with
24 apparatus.

25 Q. Did you ever go inby the seal?

1 A. I did not, no.

2 Q. Did you ever go up to the
3 seal?

4 A. I went up to it after it was
5 plastered ---. In fact, I went up to
6 it the night of the accident to see
7 if it was in-gassing or out-gassing.
8 I'm pretty sure I went up to it then.

9 Q. Had the airlock been removed?

10 A. No. No, the airlock was
11 inby.

12 Q. How did you get to the seal if
13 there was an airlock?

14 A. Well, there was two walls and
15 they both had doors in them. And
16 they ---.

17 Q. Okay.

18 A. And the one outby, it was ---
19 they covered with brattice and then
20 foamed it.

21 Q. So there was two walls?

22 A. Yeah, there was an airlock
23 there. There had to have been two
24 walls. Because when I was standing
25 there, we were communicating back and

1 forth with the handhelds. And he
2 said he got inside the door and they
3 were going to close that and then go
4 inside the second one. So there was
5 a lock there.

6 Q. Okay.

7 A. Yeah, I guarantee there was a
8 lock there.

9 Q. At the fresh air base did you
10 --- is that where you kept your
11 apparatuses?

12 A. The only time the apparatuses
13 came in --- well, there was three
14 times. One day they came in to
15 initially do this. And then the next
16 day they did it on my shift, so they
17 brought the apparatus in. And then
18 the day of the accident they brought
19 those in.

20 Q. But did you have ---?

21 A. They weren't stored
22 underground.

23 Q. You didn't keep any
24 apparatuses underground?

25 A. What apparatus are you talking

1 about?

2 Q. BG4s.

3 A. No. No, they were always kept
4 in the shop. Now, during the
5 accident everybody that was being
6 brought off on a stretcher required
7 oxygen. So I told them to send in
8 our BG4s in case we had to use those
9 for oxygen. And we had bio-packs up
10 there, too.

11 Q. So you were involved in the
12 actual recovery of the injured
13 miners; right?

14 A. I was up there, yes.

15 MR. O'DONNELL:

16 Let's go off the
17 record.

18 OFF RECORD DISCUSSION

19 MR. O'DONNELL:

20 Back on the record.

21 BY MR. O'DONNELL:

22 Q. Scott, whenever the cable was
23 installed on the rock props, what was
24 the length of that cable?

25 A. Well, the last couple of days

1 they were 40-foot lengths.

2 Q. And what was it before that?

3 A. I'm guessing 120, 150. I
4 don't know. But it was --- whenever
5 they would get enough to use the
6 whole cable, that's when they would
7 install them on the center.

8 Q. So up until the point when it
9 ended is when you would secure it?

10 A. Right.

11 Q. Now, were --- was that done,
12 because you said there were three
13 cables, so was that done at different
14 times? So the cable was secured at
15 different locations along the rock
16 prop --- the rock props. They all
17 weren't on the same one; is that
18 right?

19 A. Well, not necessarily. I
20 mean, I don't think that was a design
21 issue that they had to be anchored to
22 a different rock prop. I don't think
23 there was any consideration one way
24 or the other on that. But where one
25 terminated, they would start the

1 other one.

2 Q. Was it tied off?

3 A. They used Crosby clamps.

4 Q. They put Crosby clamps on
5 that. Now, would they start the new
6 one on that same one or would they go
7 back and overlap?

8 A. Generally it was started on
9 the same one, I believe.

10 Q. So one would end here at this
11 rock prop and begin here?

12 A. Yes. To my recollection, yes.

13 Q. And you say it changed to 40-
14 feet lengths.

15 A. They started cutting them in
16 40-foot lengths.

17 Q. Why?

18 A. See I don't know. I assume
19 that was determined on dayshift that
20 they said we want to keep these up
21 closer, so in order to do that, we'll
22 cut them in shorter lengths so we
23 know that they're always within 40
24 feet.

25 Q. Okay.

1 A. That's an assumption on my
2 part.

3 Q. How would the --- all of them
4 weren't secured at --- because you
5 were obviously setting some up and
6 advancing. How was the --- where was
7 the closest secured ---?

8 A. It would be within 40 feet of
9 the face. That's the furthest it
10 would be away.

11 Q. Okay. After the accident
12 occurred on the 16th, how long did
13 you stay in the section?

14 A. 'Til everybody was recovered.
15 I don't know what time we got
16 outside, 9:30 or ---. I don't know.

17 Q. And was that the last time you
18 were underground?

19 A. Yes.

20 Q. And how long did --- what
21 other duties did you have for the
22 remainder of the operation before you
23 went home?

24 A. That was it. That was on a
25 Thursday evening. And Friday Virgil

1 said, come out your regular time.
2 Got out there Friday and he said that
3 we're not going underground anymore.
4 He said if you want, you go up on the
5 hill and get your shift in. And I
6 said, I'd just as soon go home if
7 we're not --- you know, I don't want
8 to just do busy work. And I had
9 family up in Salt Lake, so I went to
10 Salt Lake that evening, Friday
11 evening.

12 Q. Did you meet with anyone from
13 say the district or higher MSHA
14 management before you left and ---?

15 A. Well, actually when we got
16 outside that evening, everybody met
17 inside of the shop area. And a map
18 was put up. I marked what I knew at
19 the time. And the company guy that
20 --- the miner operator I was telling
21 you about, he went up there and said
22 a few things. And Bob Murray was
23 there. Everybody that was at the
24 mine was in that meeting.

25 Q. So there was a ---

1 A. Debriefing.

2 Q. --- main debriefing ---

3 A. Yes.

4 Q. --- of everything that had
5 occurred?

6 A. Yes.

7 Q. And then that was it for you?

8 A. Yes.

9 Q. You didn't return anymore?

10 A. No. Well, I came the next day
11 but just for an hour or so and then
12 headed to Salt Lake.

13 Q. Scott, when you were
14 underground, you spent a lot of time
15 from the fresh air base inby. How
16 comfortable were you with how things
17 were going and the supports that were
18 used?

19 A. I was comfortable in that
20 respect. I thought we were going too
21 slow. But I didn't know of anything
22 we could have done to make it go
23 faster. I mean it was just a tedious
24 --- the dump point was getting too
25 far behind us. I wasn't

1 uncomfortable. I don't think anybody
2 up there was uncomfortable.

3 Q. Is there anything that you'd
4 like to add that may be relevant to
5 our investigation, something that
6 you'd like to share with us?

7 A. I thought it was odd that we
8 had the press involved underground,
9 that we had the families ---. I
10 wasn't uncomfortable up there, but it
11 was still something you don't want a
12 lot of people up in the face area
13 when you're loading coal. We had a
14 lot of visitors come in and out of
15 that mine. And when they would bring
16 them in, they had their entourage of
17 people escorting them. And it just
18 --- there was too many people down
19 there at times.

20 Q. So it was a control problem?

21 A. I think so. I think we got
22 --- when the accident happened, Bob
23 Murray came in with two or three of
24 his guys. I mean, they weren't
25 needed in there.

1 Q. Did it impede the operation
2 when they were there?

3 A. Yeah, it slowed it down. I
4 mean it has to slow it down a little
5 bit. Probably not significantly.
6 But I mean you're just exposing that
7 many more people to a possible
8 problem.

9 Q. So you attempted to limit that
10 exposure.

11 A. I would think they wanted to,
12 but that didn't seem to be a concern.

13 Q. Anything else you'd like to
14 follow up on?

15 A. Uh-uh (no).

16 MR. O'DONNELL:

17 On behalf of MSHA, I
18 want to thank you for
19 appearing here and answering
20 our questions today. Your
21 cooperation is very important
22 to the investigation as we
23 determine the cause of the
24 accident.

25 We ask that you not

1 discuss your testimony with
2 any person who may already
3 have been interviewed or who
4 may be interviewed in the
5 future. This will ensure that
6 we obtain everyone's
7 independent recollection of
8 the events surrounding the
9 accident.

10 After questioning other
11 witnesses, we may call you
12 back if we have any follow-up
13 questions that we need to ask
14 you. Any time you have any
15 additional information that
16 you may remember, contact Mr.
17 Gates at the ---. I'll give
18 you his card.

19 A. I've got that here.

20 MR. O'DONNELL:

21 Okay. Good. Other
22 than that, thanks. We
23 appreciate you coming.

24 * * * * *

25 STATEMENT CONCLUDED AT 9:32 A.M.