

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
JAMES MARTIN

INTERVIEWERS:  
JOE PAVLOVICH, ERNEST TEASTER

DATE:  
DECEMBER 7, 2007

1                                   MR. PAVLOVICH:

2                                   I'll start out and tell you a little bit. First of all, what we've  
3                                   been doing with all these interviews is we've been taping them. And the reason for  
4                                   that is as we go through and start to write our report, if we have different notes or  
5                                   comments, not sure about what somebody said or whatever, we can go back and  
6                                   reference it.

7                                   A.        Go back and reference.

8                                   MR. PAVLOVICH:

9                                   Is that a problem with you or ---?

10                                  A.        No.

11                                  MR. PAVLOVICH:

12                                  Okay. All right. Well, I'll tell you a little bit about how Ernie  
13                                  and I got started in this. Both of us were retired from MSHA. We both had over 30  
14                                  years ---

15                                  A.        Uh-huh (yes).

16                                  MR. PAVLOVICH:

17                                  --- with MSHA. We started as inspectors in our career and  
18                                  moved up through the manager ranks. And my last duty station was Barbourville,  
19                                  Kentucky. I was the district manager there.

20                                  A.        Uh-huh (yes).

21                                  MR. PAVLOVICH:

22                                  Ernie was the district manager of Mount Hope for several  
23                                  years and then he went to headquarters and ended his career as the administrator for  
24                                  metal/nonmetal. He retired about five-and-a-half years ago and I about three years  
25                                  ago. And we were asked by the Secretary of Labor's Office to come out of retirement

1 to do what they're calling an independent review.

2 A. Yeah.

3 MR. PAVLOVICH:

4 The reason for that was usually when they have an event like  
5 this, MSHA does an internal review, which is made up totally of current employees.

6 A. Yeah.

7 MR. PAVLOVICH:

8 But since Mr. Stickler and Kevin Stricklin were onsite, they  
9 didn't want to use their subordinates to do an internal review, so the Secretary hired us  
10 to do an independent review. The people you see behind me here are all current  
11 MSHA employees in some level of management or technical support or ---. Of  
12 course Ex. (b)(6) and Ex. (b)(7)(C) is with the Solicitor's Office in Washington, D.C.

13 A. Yeah.

14 MR. PAVLOVICH:

15 And so we've asked them to assist us because a lot's changed  
16 in the last three or five years since Ernie been in --- and I've been in. And also, you  
17 know, we just couldn't do it ourselves, two people.

18 A. Yeah.

19 MR. PAVLOVICH:

20 We can't do it. There's too much background and research  
21 work, so they've graciously agreed to help us. We look probably to turn this report in  
22 to the Secretary's Office. They gave us 180 days. Hopefully sometime in April or  
23 whatever we'll have something formulated, at least a draft for them to look at. So  
24 that's kind of how we're here. And I've got a short statement that I need to read to you  
25 to begin with, but the Secretary of Labor has assigned this group the task of evaluating

1 MSHA's performance during the period preceding the August 6th, 2007 coal bounce at  
2 the Crandall Canyon Mine and the subsequent rescue effort. We will also be  
3 evaluating issues that were raised during this time period regarding Bob Murray and  
4 his interaction with MSHA. This is not an investigation or review of any individual  
5 person. It's an administrative review of MSHA's actions as an agency.

6 This evaluation will be presented to the Secretary in the near  
7 future and is intended that the results of the evaluation will be made public. The  
8 interview is being conducted to gather information for this assignment. We also intend  
9 to interview a number of other MSHA employees. So that we may obtain unbiased  
10 information from all persons to be interviewed, we ask that you not discuss this  
11 interview with anyone until all the interviews have been completed.

12 A. Can do.

13 BY MR. PAVLOVICH:

14 Q. Are you a bargaining unit person, Jim?

15 A. Yes.

16 Q. Okay. Were you notified that you were entitled to a representative if you  
17 wanted one?

18 A. I had a representative lined up to be with me next Wednesday afternoon, ---

19 Q. Yes.

20 A. --- but today ---. Well, last night he got called out to a roof fall on the longwall  
21 at the Skyline.

22 Q. Oh.

23 A. And I would say he got home about three o'clock this morning, so ---.

24 Q. Okay.

25 A. After he did a dayshift.

1 Q. Well, do you want a representative?

2 A. No. I'll be all right.

3 Q. Okay. All right. Can you state your full name for us, Jim?

4 A. James Albert Martin.

5 Q. Okay. And what is your present job title?

6 A. Coal mine inspector.

7 Q. And how long have you worked for MSHA?

8 A. Well, it would be 20 years. I started in 1987.

9 Q. And has all that time been with coal?

10 A. Well, from '87 to '95 with metal/nonmetal in Ohio. And 1995, I transferred  
11 from metal to coal in Castle Dale, the Utah field office.

12 Q. Okay. Who's your present supervisor?

13 A. William Taylor.

14 Q. When you made that transfer from metal/nonmetal to coal in '95, did you  
15 receive any additional training from MSHA pertaining to coal or coal regs or coal  
16 inspection procedures?

17 A. Went back through in --- went through the CMI training at the academy.

18 Q. Okay.

19 A. The first three sessions we did in --- actually, sessions one and two, what I  
20 needed to make the transition from coal, taken care of in the third module, and I  
21 stayed with the group until we finished.

22 Q. Okay. So you didn't take the full required for a new employee, but you did  
23 take updated training to adapt to the coal side?

24 A. John Kuzar was the district manager at the time. We talked about it and he  
25 said even with what was going on, I'd only need parts of it, but to stay with the group

1 after the third module, because a week --- to travel from here to Beckley for a week,  
2 come back home and then go back two weeks later and do another session was  
3 just ---.

4 Q. Okay.

5 A. Cost was the biggest factor.

6 Q. So you stayed through most of the ---

7 A. Yeah.

8 Q. --- remainder of the training then? Okay. Prior to '87, can you discuss briefly  
9 your mining career, give us some background of where you worked and what you did?

10 A. From 1985 to 1987, I worked for Emery Mining Company at the Des-Bee-  
11 Dove Mine, Deseret, Beehive, Little Dove. From 1973 to 1985, I worked for United  
12 States Fuel Company in Hiawatha. I started out as a surveyor. When I left there, I  
13 was mine foreman.

14 Q. Okay. Are both of those companies local here in this area?

15 A. They were. Emery Mining was a contract for Utah Power & Light.

16 Q. Okay.

17 A. They were replaced with Energy West Mining now, those folks. Hiawatha is  
18 now an abandoned mine. It was shut down.

19 Q. So most of your prior --- prior to coming with MSHA, your prior mining  
20 experience ---

21 A. Was local.

22 Q. --- was in this local area?

23 A. Local area.

24 Q. You're very familiar with mining here in Utah?

25 A. Yes.

1 Q. Okay. Were you responsible for inspection activities at any mines owned by  
2 Bob Murray, or the Murray Energy Mine?

3 A. Starting with the fiscal year of '07, yes. Finishing '06.

4 Q. Okay. Do you remember what quarter that was?

5 A. Well, we did ---. It would have been --- with the change of the fiscal year in  
6 2006, when we started October 2006.

7 Q. Okay. So October through December?

8 A. Well, it would be October through September, '07, that fiscal year.

9 Q. Okay. And is that when Murray took over the mines?

10 A. No. He took over before that, but when we did come to the fiscal year, to  
11 change, ---

12 Q. Okay.

13 A. --- the district decided that we'd be better to have all of the Murray mines  
14 under one field office instead of split between the two Price offices.

15 Q. So the district decided that all Murray mines should be under one roof rather  
16 than splitting them?

17 A. They were getting complaints from the company that inspectors were unfair  
18 with them, and that they weren't getting the equal treatment. They were getting orders  
19 from both sides and they were trying to play a little bit of a political game to show they  
20 were being picked on.

21 Q. Okay. So that was the allegation made. Who told you that? How did you  
22 know that?

23 A. I knew that talking to the people at the mine.

24 Q. So the people at the mine expressed that, ---

25 A. Yeah.

1 Q. --- that they weren't being treated fairly by having some mines in the other  
2 workgroup?

3 A. Yeah. The workgroups weren't being consistent in keeping their orders all in a  
4 row, but they were receiving ---.

5 Q. How did you feel about that?

6 A. I thought ---.

7 Q. Did you feel that was true or ---?

8 A. No. I thought they would --- I thought we were treating them pretty fairly  
9 between the two of us, but it was an allegation that could be easily raised, and just a  
10 whole lot easier to make a lot of noise about it and use that in conversing and  
11 everything else to try and get some sympathy.

12 Q. Did you feel the other workgroup was writing more violations at these mines  
13 than your workgroup was?

14 A. Well, at that time, the other workgroup had two --- they had two of the mines  
15 that were on five and seven-day spots. And our workgroup had a mine --- had a mine  
16 that wasn't on a methane spot and had been reduced to just the miner sections.

17 Q. Okay.

18 A. And the other two mines that were operating were longwalls under excess of  
19 2,500 foot of cover, and were having difficulties with their ventilation plan to keep the  
20 methane down.

21 Q. Okay.

22 A. I think that's why they were playing the ploy between the two.

23 Q. But none of that changed when the workgroups changed?

24 A. When the workgroups changed, it didn't change.

25 Q. It still had the same conditions, the same number of spots?

1 A. The district manager felt that if he made that change, put everybody under  
2 one workgroup, there would not be the appearance that one mine was being picked on  
3 more than another.

4 Q. Okay. And who told you that?

5 A. That came from --- I think it was Bob Cornett.

6 Q. Oh, Bob Cornett told you?

7 A. Yeah.

8 Q. Okay.

9 A. We came out, I was sitting in supervisor for Mr. Taylor one week and we went  
10 out and had a meeting with Mr. Murray's people, and it was expressed at that time.  
11 That was after the change had been done.

12 Q. Okay. Had you inspected any of the mines prior to Murray taking over them?

13 A. I've been to Crandall Canyon. That was part of the --- when I first transferred  
14 to Castle Dale, that was part of the Castle Dale Field Office responsibilities was the  
15 Crandall Canyon Mine.

16 Q. Okay. So Castle Dale had Crandall Canyon?

17 A. Yeah.

18 Q. Price had Aberdeen and West Ridge?

19 A. And West Ridge.

20 Q. Okay. Had you ever been to Aberdeen and West Ridge Mines?

21 A. Not 'til after they transferred ---

22 Q. Not 'til after ---.

23 A. --- the Castle group to --- Castle Dale group to Price.

24 Q. Okay. What was your opinion of the condition of Crandall Canyon prior to  
25 Murray taking over?

1 A. Well, it was a productive mine. It had a little bit of water. And they had some  
2 big longwall panels. They run into some difficulties with rock spars and sandstone  
3 intrusions. And the biggest thing they had was that they didn't get the lease that they  
4 had planned their mine around.

5 Q. Okay. What was the compliance history there? Were they pretty much in  
6 good compliance or did you have problems with maintaining compliance there?

7 A. No, it was ---. I would say they had pretty good compliance.

8 Q. Pretty good compliance?

9 A. Yeah.

10 Q. Okay.

11 A. They were a little bit on the poor-boy side. They didn't have the best  
12 transportation to get around with.

13 Q. Okay.

14 A. They were always fighting for dollars, but ---.

15 Q. How did they keep their sections up, pretty good?

16 A. Pretty good.

17 Q. The equipment?

18 A. Maintained, yeah.

19 Q. How about their belts?

20 A. Well, after they hit a couple rock spars, their belts pretty well fell apart, but ---  
21 they did lots of rollers and lots of belt changes after that.

22 Q. Okay.

23 A. It was a struggle to keep them running.

24 Q. Okay. You've also inspected the mine after Murray took over; right?

25 A. One time.

1 Q. Okay.

2 A. One time.

3 Q. Did you see any change? Did it improve any? Did it deteriorate? Was  
4 compliance levels similar or were they worse or better?

5 A. Well, when I went back, they were --- they put them on a four-day, 12-hour  
6 day schedule that was just one miner section running. Outby compliance was slipping,  
7 not the best it could be. And attitudes weren't the --- they weren't happy to be working.

8 Q. The people?

9 A. The people were not.

10 Q. Would that be both management and the hourly people?

11 A. I believe so.

12 Q. Yes? Was there a lot of changeover in people then?

13 A. Well, from the time that the Castle Dale office had it 'til I went back in 2007,  
14 there were maybe 15 to 20 people that were still at the mine that had been there  
15 before. Everybody else had been transferred around to the other operations.

16 Q. So people ---

17 A. Move around.

18 Q. --- were moved around?

19 A. Moved around a lot.

20 Q. And that didn't make them happy, obviously?

21 A. No.

22 Q. How did that mine compare with the other mines in the Price area that you  
23 inspected? Would you say it was about the same, equal, or was it better or worse, as  
24 far as compliance history?

25 A. I'd put them about the same. They're in the same seam with Deer Creek and

1 Bear Canyon, the same general-type conditions. Bear Canyon had trouble --- a whole  
2 lot of trouble with compliance, but ---.

3 Q. Is that Co-op, Bear Canyon?

4 A. Co-op, yeah.

5 Q. Had you ever met Mr. Murray after he took over at the mine?

6 A. Yeah. Yes, I did.

7 Q. And can you tell us about that meeting?

8 A. Well, I had gone to Aberdeen Mine to do a spot inspection. And we  
9 completed the underground portion of the spot inspection and they had called  
10 everybody outside. They were doing a fire extinguisher and SCSR drill. They had a  
11 fire pan out there and then they had a smoke truck. And each employee had a ten-  
12 pound fire extinguisher and they had to go approach the fire pan and try and put the  
13 fire out, running with LP gas. And toward the end of it, Mr. Murray pulled up and  
14 watched everything. When everyone had completed, gone through, he came out and  
15 the mine manager introduced us to him, talked to him for a minute. And then he had  
16 everybody go in the shop and did his little speech on the takeover and what they were  
17 going to do.

18 Q. Okay. So this was pretty much right at the start of when he took over ---

19 A. Yeah.

20 Q. --- the company?

21 A. When he was going from mine to mine and talking to everybody at the mine  
22 about what his plans were and what he wanted to accomplish.

23 Q. Did he say anything to you, other than just, hello, Jim, how are you? Did he  
24 express anything about how he was going to change these mines, or any attitude  
25 toward MSHA?

1 A. Yeah. He wasn't really happy with MSHA. He didn't put any really derogatory  
2 remarks about it, but he didn't like controls. And the main thing we got out of the  
3 meeting with him and what went on was that he told the people that worked for him, if  
4 you're going to work for me, you are going to work.

5 Q. Had he ever mentioned anything about MSHA being the enemy?

6 A. Not to me, no. I've heard those remarks, but he ---.

7 Q. You've heard other people say that ---

8 A. Yes.

9 Q. --- he called MSHA the enemy?

10 A. Yeah.

11 Q. Did he ever say anything about any of your bosses with MSHA, that he had  
12 any control or any influence with any of them?

13 A. Not to me. I read that in the paper.

14 Q. Okay. But you never had --- he never said it to you personally?

15 A. No. On this fire extinguisher thing, they had three people to run the system  
16 while we were there. I was there with the trainee. And we asked them if they could  
17 use any help and they said yeah. So the trainee and I stood back where the  
18 employees were and one by one kept the distance between them and the fire pan. I  
19 think you've seen that exercise done, where you rotate and everybody --- the group  
20 keeps getting closer and closer and closer to the fire pan.

21 Q. Okay.

22 A. Okay? So we kind of maintained the distance for them, collected the pins out  
23 of the fire extinguishers and run them through. When they got to the end, the  
24 instructor said, you guys are part of this, too, and give the trainee a full extinguisher.  
25 And the trainee went up and he said --- I went to pull the --- and he said, no, no, the

1 instructor said, here, take this one, one that had been used, about half discharged,  
2 and attack the flames. Okay. I pushed the fire back to the back end, and was just  
3 about to extinguish it and the fire extinguisher went --- run out of powder. But with Mr.  
4 Murray sitting there, he kind of commented, you know, the employees are all doing  
5 pretty good, when he was talking to us, until he found out that two of us were MSHA  
6 employees.

7 Q. And then what did he say?

8 A. Then he didn't have any more good comments. He didn't comment anything  
9 more about the employees and the fire. Oh, he's kind of a crusty old character. I can  
10 take you back through. You've been back in Barbourville, back in --- you go through  
11 Ohio, West Virginia into Kentucky, you can probably find half a dozen more people  
12 that would fit the same mold as Mr. Murray.

13 Q. Okay. Are you aware of any request from Murray to move inspectors because  
14 of enforcement?

15 A. Not that I really know for sure, no.

16 Q. Okay. You've never heard of any of that?

17 A. I know one inspector went from one of his mines and went to being acting  
18 supervisor in Craig for a while.

19 Q. Who was that?

20 A. That was Ex. (b)(6) and Ex. (b)(7)(C)

21 Q. Ex. (b)(6) and Ex. (b)(7)(C)

22 A. Ex. (b)(6) and Ex. (b)(7)(C) yeah.

23 Q. Do you think Murray had him moved from his mine and then he sent him to an  
24 acting supervisor job?

25 A. I don't know whether Mr. Murray had him moved or not. All I know is that

1 there was rumor in the office that there was some difficulties and they needed a ---.

2 BRIEF INTERRUPTION

3 BY MR. PAVLOVICH:

4 Q. Going back, we were kind of talking about some of the issues with Murray  
5 Mines or nonissues with Murray Mines. Did you ever feel that the mines under  
6 Murray's ownership received any preferential or special treatment concerning plan  
7 approvals?

8 A. Well, plan approval's handled in the district office. And usually all we get is  
9 the final approved plan.

10 Q. Okay.

11 A. I know my boss has asked a couple times to be included in the planning  
12 process. And I know the last two times he's asked that, the plan was approved  
13 without ---.

14 Q. Without his ---.

15 A. Without his involvement.

16 Q. All right. So when you make that statement, are you saying then that your  
17 field office, or you as an inspector never have any involvement or seldom have any  
18 involvement in a plan approval prior to it being approved by Denver?

19 A. Seldom. Very seldom.

20 Q. So you don't see a copy of the plan in the field office prior to it being  
21 approved?

22 A. No.

23 Q. You don't have an opportunity to comment on it prior to being approved?

24 A. If you have put some definite statements on a plan review sheet, that had  
25 drawn their attention, they may call you when they're doing plans.

1 Q. But also when you say they may, they also may not call you?

2 A. They may not also.

3 Q. So you feel like you have very little involvement in the plan approval process?

4 A. Very little.

5 MR. TEASTER:

6 You said seldom, Jim. Is that when --- seldom would be when  
7 they call back one of your comments?

8 A. Yeah. Very seldom. Very seldom.

9 BY MR. PAVLOVICH:

10 Q. And you say that Bill Taylor did request some involvement in them. But two  
11 plans were approved without his involvement?

12 A. Yeah.

13 Q. Okay.

14 A. Well, I shouldn't say all approved. The last one still hadn't been approved yet.

15 Q. Okay.

16 A. Okay? But he hasn't --- they haven't put any input into it, so ---.

17 Q. Okay.

18 UNIDENTIFIED SPEAKER:

19 Can I ask you a clarification on that, Joe?

20 MR. PAVLOVICH:

21 Sure.

22 UNIDENTIFIED SPEAKER:

23 Are you saying, James, that sometimes you've checked  
24 inadequate on the 204 Form and had some comments that were never addressed?

25 A. Well, what you would ---. If you put a comment on there, if something needs

1 fixed, yeah, they'll take care of it. But very seldom do they call back to get  
2 clarification of what you put there.

3 UNIDENTIFIED SPEAKER:

4 So how would you know it was taken care of?

5 A. When the next plan comes out, the next six-month review.

6 UNIDENTIFIED SPEAKER:

7 But you never get any written comments back, ---

8 A. No.

9 UNIDENTIFIED SPEAKER:

10 --- or a phone call or an e-mail?

11 A. No.

12 UNIDENTIFIED SPEAKER:

13 Would that be ventilation and roof control?

14 A. Ventilation and roof control, both.

15 UNIDENTIFIED SPEAKER:

16 Is one worse than the other?

17 A. Ventilation seems to be a little bit better to talk to, but that's only because  
18 there's a couple of people in the ventilation group that spend a little more time out in  
19 the field.

20 UNIDENTIFIED SPEAKER:

21 Thank you.

22 A. And also one of the ventilation group is on the mine rescue team, so we get  
23 some interaction that way.

24 BY MR. PAVLOVICH:

25 Q. Are you on the rescue team, Jim?

1 A. Yes.

2 Q. Okay. Have you ever had any controversy with district personnel concerning  
3 enforcement actions in any of Murray's mines?

4 A. No.

5 Q. Nobody ever called you and asked you to modify a violation down from, say,  
6 S&S to non-S&S or to vacate a violation or change an order?

7 A. No.

8 Q. How about at any mines here?

9 A. No. Generally, they'll call you up and want to know why it wasn't higher, has  
10 been my experience.

11 Q. Okay. How about the district conference officer? Do you receive notification  
12 when you're going to have a violations conference?

13 A. No.

14 Q. You don't get any notification that someone is going to conference you ---?

15 A. No. If it's something that is going on, he'll send out --- say, you got any  
16 comments on this item.

17 Q. Do you think that happens all the time when your violations are being  
18 conferenced?

19 A. If he has a question in them.

20 Q. Okay.

21 A. If something is not clear in the body of the citation or in your notes, he'll ask  
22 for clarification.

23 Q. Have you ever had any violations changed by the conference officer that you  
24 had not had an opportunity to know before or comment on before, that you know of?

25 A. Not that I didn't know it was going up or had made comment on.

1 Q. Okay. Do you usually get results sent back to you of the conference if any  
2 changes are made or what was upheld?

3 A. There's generally a sheet comes back that shows what citations were altered  
4 or what were upheld.

5 Q. Do you usually agree with those changes or disagree?

6 A. A little bit of both.

7 Q. Okay.

8 A. It's a lot of second guessing what was going on. And it depends on how good  
9 of an argument the company side put forward.

10 Q. Okay. Do you think sometimes the company side maybe stretches the truth a  
11 little bit on some of these issues to get something changed?

12 A. On occasion, especially certain companies.

13 Q. Certain companies. Would you clarify as to which ones?

14 A. Well, between Co-Op and Energy West, in my past, experience they ---.

15 Q. So Co-Op and Energy West seem to get more preference in a ---

16 A. Well, they ---.

17 Q. --- conference than ---?

18 A. They know how to gloss over the program, and Co-Op especially, how to  
19 coach the people that testify or give information.

20 Q. Okay.

21 A. They make sure that their stories are straight before they go see anybody.

22 Q. Well, would you not expect the CLR to contact you in advance and see if  
23 those things are factual or --- before making the change or they just do it and ---?

24 A. They usually just do it.

25 Q. They just do it?

1 A. They just do it.

2 Q. Okay.

3 A. They kind of run with their own speed.

4 Q. Okay.

5 A. Once in a while they give you some input, but generally they go from your  
6 notes and from the body of the citation and go from there.

7 MR. TEASTER:

8 Have they made a lot of changes to your paperwork?

9 A. Not really, no. I haven't had much problem with Ned. Sometimes you have a  
10 problem following what you need to write so that they don't get altered, but, no, I  
11 haven't had much problem with Ned.

12 BY MR. PAVLOVICH:

13 Q. When you made your last inspection at Crandall Canyon, do you remember  
14 where mining was taking place?

15 A. They were developing --- run respirable dust. It would have been the next to  
16 last day of the inspection.

17 Q. And what section were they in, Jim, what area of the mine?

18 A. They would have in the ---.

19 Q. In the South Barrier?

20 A. In the South Barrier.

21 Q. Okay.

22 A. And I think in my notes, the last open crosscut was Number 140. So it would  
23 be between 140, 141. They had just finished that side where they had gone from four  
24 to three.

25 Q. Okay.

- 1 A. And where it was starting to open up into four entries again.
- 2 Q. Okay. So this is where they dropped the Number Four entry for ---
- 3 A. Yeah.
- 4 Q. --- one crosscut length and then were opening it back up?
- 5 A. They were opening ---.
- 6 Q. They were still developing the barrier, ---
- 7 A. Yeah.
- 8 Q. --- the entries in the South Barrier, ---
- 9 A. Yeah.
- 10 Q. --- what they call the South Barrier?
- 11 A. Yeah.
- 12 Q. Were you aware, while you were making an inspection, of any bump that  
13 occurred in the North Barrier a few months earlier?
- 14 A. No.
- 15 Q. Nobody ever talked to you about that ---
- 16 A. No.
- 17 Q. --- and told you that they got bumped out of there?
- 18 A. No. If you go back through --- kind of looked a map a few places when I  
19 started the inspection down on the Main South, which comes ---.
- 20 Q. Would you care to point to it on ---? This is the full mine map here.
- 21 A. Well, Main South comes down here. I knew that they had pillared all that,  
22 pulled back out.
- 23 Q. Okay.
- 24 A. And there were a couple places in there that you can see where they run in,  
25 got a little heavy, and just pulled back out.

1 Q. Okay. So what ---?

2 A. It wasn't unusual to see a spot where they hadn't pulled the pillars for a little  
3 ways.

4 Q. So your opinion is if you look at the map, if you saw where an area was being  
5 pillared and there was a row or two rows of blocks left, you assume they probably had  
6 a problem there?

7 A. Uh-huh (yes).

8 Q. And what did you usually think that problem would be? Did you ever ask  
9 them?

10 A. Well, it just got heavy, cover got heavy. They were having trouble holding the  
11 top, which in that mine, through the panels here, off the South Mains and also up in  
12 the north, I didn't --- the Castle Dale offices inspected while those were being  
13 developed and the panels pulled.

14 Q. Okay.

15 A. And there were places that the top would get soft. And it would --- they'd put  
16 timbers. They'd go in, put cable bolts, straps, mesh, and it would still sag and come  
17 down.

18 Q. Okay.

19 A. They'd hold it open while they were mining and then when they didn't need it  
20 anymore, they just backed out of it and let it come down.

21 Q. So it wasn't mostly because of a severe bump ---

22 A. No.

23 Q. --- knocking them out? It was more because the top just got bad ---

24 A. The top got bad ---.

25 Q. --- and they couldn't maintain it anymore?

- 1 A. Yeah.
- 2 Q. So they'd back up and start over?
- 3 A. Back up, yeah.
- 4 Q. Okay. Those areas ---. You know, you're looking at a couple places. There's  
5 maybe one or two rows of pillars.
- 6 A. Yeah.
- 7 Q. And even these panels up here, you can see there's some there's several  
8 rows left, ---
- 9 A. Yeah.
- 10 Q. --- in like Section 36 and some of those to the north of that, I guess.
- 11 A. And these panels, that 36 and that, were done prior to '95.
- 12 Q. Okay.
- 13 A. Thirty-six (36) in there, they were done prior to '95.
- 14 Q. On the North Barrier that we're talking about in Main West, ---
- 15 A. Uh-huh (yes).
- 16 Q. --- you see where they pillared back about halfway, left a couple blocks and  
17 then there's a few more pillars, and then left the rest ---?
- 18 A. And then left it.
- 19 Q. Did you think that would be unusual to leave that much of it?
- 20 A. In retrospect, looking back, yeah, I should have thought ---.
- 21 Q. Okay. Did you ever ask anybody or anybody say anything about it?
- 22 A. No one would volunteer any real information about that North Barrier.
- 23 Q. Nobody would tell you, even if you asked?
- 24 A. They'd say, oh, it just got bad and we pulled out.
- 25 Q. Okay.

1 A. That's about all I could get out of them.

2 Q. Okay. What were the conditions like where they were developing on the  
3 inspection you made where they were like at Pillar 140? Was it noisy? Was it  
4 bouncing? Was there a lot of roof activity or was it fairly quiet?

5 A. Fairly quiet. We had a little bit of rib movement, especially on the corners,  
6 about 139, 140. They were cutting back a little bit.

7 Q. Okay.

8 A. But nothing more so than what you would have at Aberdeen or what's going  
9 on --- what was going on earlier, a couple years earlier with Deer Creek, which is in  
10 basically the same type operation.

11 Q. Okay. Have you ever been in a bump?

12 A. Several.

13 Q. Ever been knocked down or ---?

14 A. Yeah.

15 Q. Okay.

16 A. I watched three bounces or three bumps on a longwall, each one a week  
17 apart.

18 Q. Was this while you were working with industry or with MSHA?

19 A. With MSHA.

20 Q. With MSHA. And so you actually were there when the bumps occurred?

21 A. Uh-huh (yes). Enough to split a longwall shear in half twice.

22 Q. So you saw a longwall shear split in half twice?

23 A. Yeah, in a three-week period.

24 Q. And so would you agree that it takes quite a bit of force to split a longwall  
25 shear in half?

1 A. About 1.8 of magnitude, centered right at the --- right on the shear.

2 Q. Okay. So you were able to look at the University of Utah bump seismic  
3 activity report, which showed you a 1.8 about the same time ---

4 A. Yeah.

5 Q. --- you saw the ---?

6 A. Yeah.

7 Q. I'm going to show you a few pictures. First of all, how would you determine if  
8 a bump was reportable to MSHA?

9 A. A bump reportable?

10 Q. Uh-huh (yes).

11 A. First off, was anybody trapped or injured in it? Did it disrupt ventilation?

12 Q. Okay.

13 A. Did it disrupt your mining for more than an hour?

14 Q. Okay.

15 A. And did it impede passage of persons?

16 Q. Okay. Let me show you some photographs of --- this is the bump that actually  
17 caused them to cease mining in the North Barrier; okay? And if we look at this, it's a  
18 small portion of a map. This area to your left would have been toward the furthest  
19 extent of mining, ---

20 A. Yeah.

21 Q. --- and this would have been outby to your right?

22 A. Yeah.

23 Q. The pillars that you see here that are outlined in purple would have been rib  
24 lines that were affected by the bounce.

25 A. Uh-huh (yes).

1 Q. And excuse us if we call bump and bounce interchangeable; okay?

2 A. Okay.

3 Q. I realize probably it's prevalent here to call it a bounce, ---

4 A. A bounce, yeah.

5 Q. --- but being from a different part of the country, we interchange bump and  
6 bounce frequently.

7 A. Bump and bounce.

8 Q. Here's some photos. And you can see there's a small map insert on each  
9 photo that shows ---

10 A. Yeah, it's supposed to show about where it's supposed to be.

11 Q. --- the arrow of where it is. So if you want to just glance through those real  
12 quick.

13 A. Uh-huh (yes). Well, right now they look just about like Aberdeen on the  
14 longwall, except Aberdeen had supports and rib containment ---

15 Q. Okay.

16 A. --- to slow them down a little bit.

17 MR. TEASTER:

18 Is that the one that split the shear in the longwall?

19 A. No. That was at Trail Mountain. It started to fill the entry across.

20 BY MR. PAVLOVICH:

21 Q. A Kennedy stopping damaged?

22 A. Yeah, what's left of one.

23 Q. Uh-huh (yes). Looking overtop of what would have been a solid ---?

24 A. That should have been a solid pillar. It's shaking it clear down. And here  
25 you're up into the roof.

1 Q. Uh-huh (yes). Kind of looking into the gob line there, I guess.

2 A. Yeah. But it's taking it up into the rock it looks like a foot or two, which this  
3 mine will do. Their longwall head gate belt entry collapsed one day. Going in for an  
4 inspection, the fireboss come out, said, I'm getting a little dribble on the beltline about  
5 200 feet outby from the face. He said, I'm going to go put --- get some timbers put in.  
6 By the time he got back to put timbers in, it sagged from eight feet to six feet. He  
7 said, this isn't good. Called ---.

8 Q. Was this at Crandall?

9 A. This was at Crandall. He called for extra people to come and help him. By  
10 the time the extra people got there, it was down to four foot, for about 50 feet in  
11 length, rib to rib. They spent the next two weeks cutting the belt apart, mucking it out,  
12 building supports on either side, put false roof across so they could bring the wall the  
13 rest of the way out past it.

14 Q. Now, where was that location; do you remember?

15 A. That would have been --- oh, what's your panels up there? It would have  
16 been, oh, the first long panel going up.

17 Q. Panel 12?

18 A. No, up. Right there.

19 Q. Panel ten?

20 A. Panel ten.

21 Q. Okay. So you knew there was a lot of cover in that area?

22 A. Yeah. Like to have gone back in and done some extra support in the  
23 crosscut. Shaking apart back into the ribs, into the pillars. Now, most of this, as you  
24 go through, if you're back away from where they've been pillaring, the roof stayed  
25 solid. The roof didn't break up.

1 Q. Okay.

2 A. Now, if you got to where you got the pillar, then pulled where they'd been  
3 mining, then the roof is eaten back part way. But you get back where there's --- you  
4 got a crosscut to two crosscuts back from actual extraction, then the roof stayed pretty  
5 well intact.

6 Q. Okay.

7 A. You know, the pillars have disintegrated, but the roof itself has stayed intact or  
8 didn't have an edge to break to.

9 Q. Uh-huh (yes). Looking at those, Jim, would you think that --- is that a pretty  
10 major bump, bounce?

11 A. Yeah, that's a major.

12 Q. Is that something that you think should have been reported to MSHA?

13 A. Since those photographs have come out, I wonder why it wasn't.

14 Q. Okay. So you think the company should have reported that?

15 A. Yes, it should have.

16 Q. Okay.

17 A. They have reported much less in the past.

18 Q. Okay. Had you ever felt a bump here at Crandall Canyon, what you would  
19 consider a bounce, or was it just noisy?

20 A. Just noisy.

21 Q. Okay.

22 A. A lot of thumps, you know, not anything louder than what we've heard so far  
23 this morning here.

24 Q. Okay.

25 MR. TEASTER:



- 1 Q. They did? It had already been approved?
- 2 A. Yeah, it was there.
- 3 Q. Had you removed --- had you reviewed that plan?
- 4 A. I looked at it, yeah.
- 5 Q. You looked at it?
- 6 A. Yeah. As part of the UMF.
- 7 Q. Okay. Did you recognize the fact that they were saying that as the section  
8 retreated and as water built up in this Number Four bleeder examination entry, that the  
9 measuring point or bleeder evaluation point would be moved back to the toe of the  
10 water as they retreated?
- 11 A. That's normal --- that's the plan. It's set up in the Main South.
- 12 Q. So is that a fairly common plan to see in this part of the country, ---
- 13 A. Yeah.
- 14 Q. --- that if water builds up at the back end of a bleeder, that the evaluation point  
15 is just moved with the toe of the water as you retreat?
- 16 A. It is done, depending on the mine, the slope of this one, with water collecting  
17 at the back.
- 18 Q. Okay.
- 19 A. There's no way to maintain electricity back there to keep it pumped down, if  
20 they change the pipeline.
- 21 Q. Do you think that's an adequate way to evaluate that bleeder?
- 22 A. It short-circuits everything.
- 23 Q. Okay.
- 24 A. It's ---.
- 25 Q. Is that a yes or a no?

- 1 A. No, I don't think it's the best.
- 2 Q. Okay.
- 3 A. There are evaluations ---. This one was set up. I talked to the fireboss about  
4 it, about weekly exams, about running that single entry all the way back to an  
5 evaluation point.
- 6 Q. Uh-huh (yes).
- 7 A. And he was happy that that evaluation point moved out with the water, ---
- 8 Q. Okay.
- 9 A. --- because it meant he didn't have to go all the way to the back.
- 10 Q. If water built up there ---.
- 11 A. If water built up in there, then he could stop at the edge of the water.
- 12 Q. Yeah, well, he was happy ---.
- 13 A. He was happy.
- 14 Q. Sure, but was it a good evaluation?
- 15 A. No, I don't believe so. The ventilation group with the Trail Mountain Mine,  
16 they had a single entry that went around, circled around three panels.
- 17 Q. Uh-huh (yes).
- 18 A. And it was one road in, one way out, floor heave problems.
- 19 Q. Uh-huh (yes).
- 20 A. And we tried to get him to do --- put an evaluation point at the outby end of it,  
21 and put one where the air would come out on the other side.
- 22 Q. Okay.
- 23 A. And they really didn't want to do that.
- 24 Q. Denver?
- 25 A. Denver.

1 Q. Okay.

2 A. Until we got one of the people from the ventilation group to come out and walk  
3 with us.

4 Q. Okay.

5 A. We walked about halfway in the first panel, and they said, does it get any  
6 worse than this. And he said, yeah. They said, this is good enough. We backed out  
7 and they give us an evaluation point for an input air and an output air.

8 Q. Okay. So it was really the inspectors that weren't wanting to walk it either?

9 A. No.

10 Q. Okay.

11 A. This one, if this panel would have pulled clear out, you would have had about  
12 4,000 feet of single entry. If you have a bounce, you have a roof fall. Anything else,  
13 the only road that you can come out is the road you walked in.

14 Q. So you don't --- you wouldn't have felt very comfortable having to walk that  
15 bleeder ---

16 A. No.

17 Q. --- all the way to the back end?

18 A. No.

19 Q. But if no water ever built up in there, you'd have had ---?

20 A. You'd had to.

21 Q. And you think one entry between all these gobs might have deteriorated pretty  
22 bad?

23 A. I'm pretty sure.

24 Q. Okay.

25 A. The company, at the time of my inspection, even though they were still on

1 development, were in the process of putting timbers on the crosscut --- in the crosscut  
2 between Three and Four. And they were about 600 feet behind development, putting  
3 timbers across right at the --- just outby the Kennedys, ---

4 Q. Okay.

5 A. --- on the Number Four side. They were putting timbers across each entry in  
6 anticipation of weight coming, and trying to hold it a little bit so it didn't come into that  
7 Four entry.

8 Q. The ventilation plan identified this single-entry bleeder as a wraparound  
9 bleeder. Would you call that a wraparound bleeder? Is that something in Price that  
10 would be called a wraparound bleeder?

11 A. They want to call it that, but what you got to do, you got to take the air off your  
12 face through the gob and channel it back through the gob all the way to the back end  
13 and bring it out the ---.

14 Q. Yeah, but I mean is ---?

15 A. No. A wraparound is where you ---.

16 Q. Where it goes all the way around?

17 A. You would have a circle around the outside. You would have an entry that  
18 you could walk all the way around it.

19 Q. Okay. Did you ever have a problem understanding or following the  
20 requirements of the plan when there's a large number of addendums attached to it?

21 A. Yeah. You have to read and ---

22 Q. Do you think ---

23 A. --- absorb what's there and what they're trying to attempt.

24 Q. --- those should be kind of incorporated into the base plan before you get too  
25 many of them?

1 A. It would be better for understanding the plan if they could get the addendums  
2 incorporated in.

3 Q. You said you had pretty extensive experience here in your mining history, Jim,  
4 in Utah. Had you ever seen the barrier pillars mined down in this fashion with the  
5 room-and-pillar development, into the barrier pillar between longwall gobs?

6 A. At the Des-Bee-Dove Mine.

7 Q. You did some of that?

8 A. We did some of that, yeah.

9 Q. What was the cover there at Des-Bee-Dove?

10 A. They were about 1,200 to 1,500 feet.

11 Q. Okay. And did they mine the barrier up similar to this and pull it back, like you  
12 seen here?

13 A. Actually, the two mines that were doing --- they developed the entries in and  
14 then they were extending out. There was a fault line on either side and they were  
15 extending all the way out to the fault lines.

16 Q. Were they successful in doing that or did they have problems?

17 A. We averaged 1,500 tons a unit shift pulling pillars.

18 Q. It never bounced or bumped or caused anything to pull out of there or ---?

19 A. Well, we had a full-time crew that was assembled to retrieve the continuous  
20 miner.

21 Q. That answers that. Okay. So you did have some problems with losing the  
22 miner in a roof fall?

23 A. We had four sections on retreat.

24 Q. Okay.

25 MR. TEASTER:

1 Jim, was mining those barriers, was it similar to mining the  
2 South Mains or was it similar to splitting those barriers up in the West Mains?

3 A. Much more like the West Mains.

4 MR. PAVLOVICH:

5 Okay.

6 A. Because the way the mine had been developed --- this was before --- there  
7 was no longwalls at the Des-Bee-Dove. It was all continuous miner, room and pillar.

8 MR. TEASTER:

9 So you were actually driving entries up in the barrier itself and  
10 then retreating?

11 A. And then retreating back out.

12 BY MR. PAVLOVICH:

13 Q. Jim, when ---.

14 A. And ---.

15 Q. Go ahead.

16 A. And it was long --- the panels had been driven off and we were pulling a lot of  
17 mains coming back out, and extending back out, try to pull off 40 feet either side the  
18 best you could.

19 Q. Jim, we had talked earlier about the plan that was approved to pull pillars in  
20 the South Barrier, and you said you were familiar with it and had reviewed it when you  
21 were making the inspection there and they were mining about Crosscut 140, still  
22 developing.

23 A. Still on the ---.

24 Q. And you knew they were getting ready to pull ---?

25 A. I knew, yeah.

- 1 Q. And there was both a roof control and a ventilation addendum approved for  
2 that. Let me show you precise ---.
- 3 A. Site specific.
- 4 Q. Yeah. This is the ventilation. And of course it shows leaving a row of pillars --  
5 -
- 6 A. Yeah.
- 7 Q. --- between the Number Three and Four entry.
- 8 A. Uh-huh (yes).
- 9 Q. And around the gob area, ---
- 10 A. Yeah, that offset there.
- 11 Q. --- I guess, the offset area, there's five pillars left in place to protect a single  
12 travelway around that offset for the examiner, which kind of indicates to me that the  
13 pillars that are not X'd out could be mined ---
- 14 A. Yeah.
- 15 Q. --- the entire length of the panel, including the barrier?
- 16 A. Yeah.
- 17 Q. Would you say that's true?
- 18 A. That was their plan.
- 19 Q. Okay. The roof control plan, you want to reference pretty much the same  
20 map. When we lay these side by side here, it shows a row of pillars left in by about  
21 Crosscut 141 or so, ---
- 22 A. Uh-huh (yes).
- 23 Q. --- a single row between Three and Four.
- 24 A. Yeah.
- 25 Q. But then when it comes down to where the offset is, it shows leaving ---

- 1 A. Yeah, they were going to stagger it back.
- 2 Q. --- eight pillars and not taking the barrier.
- 3 A. Yeah.
- 4 Q. Which one would you enforce? You had these two plans in hand. What  
5 mining could they do? Could they mine the barrier and those pillars along the offset or  
6 would they have to leave all these that are shown in the roof control plan?
- 7 A. I think we would have followed a lot heavier the roof control plan.
- 8 Q. Okay. What if the operator said, hey, look, this says I can mine them, I'm  
9 going to mine them.
- 10 A. Well, one says you can and one says you can't. If one says you can't, you  
11 can't.
- 12 Q. Would you see that often in this area, where plans disagree like that?
- 13 A. No. Usually they coordinate and make sure their plans are the same.
- 14 Q. Well, if you saw that, would you have --- and happened to pick up on it, would  
15 you have mentioned it to anybody?
- 16 A. I think I would have.
- 17 Q. Who would you have talked to?
- 18 A. At that time, I would probably call Bill Reitze.
- 19 Q. Okay. Would you have told Bill Taylor or would you just call Bill Reitze?
- 20 A. I probably would discuss it with Taylor. They get upset when you go direct to  
21 district, if you don't talk to the supervisor first.
- 22 Q. Okay. So Bill would have expected you to probably come talk to him ---
- 23 A. Yeah.
- 24 Q. --- and mention that to him?
- 25 A. Yeah.

1 Q. Did you happen to notice that when you were ---?

2 A. I did not pick up on that, no.

3 Q. Okay. How were you notified of the bump that occurred at Crandall Canyon  
4 on the 6th of August?

5 A. On the 6th, oh, about 6:30 in the morning my cell phone rang when I was in  
6 Nebraska. Larry Ramey called me and told me that there had been a bounce. He  
7 said, I know you're on vacation, but we may need you. Just keep the phone available,  
8 and if I need you, I'll call you.

9 Q. Okay. So you were on vacation and you were notified there was a bounce?

10 A. Yeah. And, oh, about 5:00 in the afternoon, we were in Omaha, and Mr.  
11 Ramey called again and says, we need you, get here as quick as you can. We had  
12 been planning this vacation for a year, going to meet the kids in Iowa. And the wife  
13 and I discussed it and we decided that --- had the grandson with us, would drive --- go  
14 on to Des Moines, which put her within 160 miles of where we had to be. And I  
15 stopped at the airport and got an airplane ticket and went across the street, got a  
16 motel room, and put her and the grandson in the motel room, slept about four hours  
17 and walked back over to the airport, flew to Salt Lake and ended up at the mine by  
18 sundown on Tuesday.

19 Q. Okay. So you actually got to the mine ---?

20 A. Tuesday afternoon.

21 Q. Which would have been the 7th?

22 A. The 7th.

23 Q. And about what time would that have been, Jim, 7:00, eight o'clock in the  
24 evening, ---

25 A. Yeah.

1 Q. --- something like that?

2 A. It was just before sundown, so it would have been ---.

3 Q. Okay.

4 A. It would have been after 7:00.

5 Q. Okay. And were you given an assignment when you got to the mine?

6 A. I sat with the crew and they said that --- for me to stick with Gibb and Pat  
7 Boyack, and just worked the afternoon shift and travel underground and keep track of  
8 what was going on.

9 Q. Okay. So did you go underground that night of the 7th?

10 A. Not the night of the 7th.

11 Q. So you showed up at the mine and did you --- who did you meet with when  
12 you got there? Who did you report to?

13 A. I reported to Larry Ramey and ---.

14 Q. Okay.

15 A. And saw my boss there

16 Q. Who's that?

17 A. Bill Taylor.

18 Q. Oh, okay. Bill Taylor.

19 A. And Virgil Brown was there.

20 Q. Okay.

21 A. And he was up on the mountain and they were trying to set some geo-phones.

22 Q. Okay.

23 A. And they wanted to know if anybody knew how to get up on the mountain and  
24 had a four-wheel drive vehicle to get there. And I had both, so I loaded some lunches  
25 and we went up on the mountain that night.

- 1 Q. Okay. So you actually --- the night of the 7th, when you got there, you went  
2 up on the mountain with Virgil ---
- 3 A. Yeah.
- 4 Q. --- and showed him how to get to ---?
- 5 A. Well, he was up there on the mountain.
- 6 Q. Oh, he was on the mountain already?
- 7 A. He was on the mountain.
- 8 Q. Okay. Okay.
- 9 A. But they were trying to put geo-phones in the dark on a steep hillside with no  
10 lights.
- 11 Q. So you took some lights up and ---?
- 12 A. We took some lights up.
- 13 Q. Did you stay there then and assist them through the evening ---
- 14 A. No.
- 15 Q. --- or did you just come back?
- 16 A. By the time we got up there and got squared, they said, this is enough of  
17 running up and down hills in the brush. And we brought them back and they went  
18 back up early in the morning.
- 19 Q. Okay. So one of them --- some of them ran back with you?
- 20 A. Well, yeah.
- 21 Q. Followed you back?
- 22 A. Yeah. Now, you got to remember that from the mine site to the top of the  
23 mountain, is about two hours and 20 minutes driving time.
- 24 Q. Okay.
- 25 A. Although you can see ---.

- 1 Q. You can see the top.
- 2 A. You can see where they're at, and you can see the mine.
- 3 Q. Okay.
- 4 A. Okay?
- 5 Q. But you just can't get there ---?
- 6 A. Two hours and 20 minutes to drive around.
- 7 Q. It's pretty rough road?
- 8 A. There's about 20 miles of pavement. Then it goes to graveled road and then  
9 to mountain road.
- 10 Q. Newly constructed?
- 11 A. Newly constructed.
- 12 Q. Okay.
- 13 A. Most people that were there, especially the people that came with the mine  
14 rescue team and with the seismic crew and like that, were not comfortable driving that  
15 road.
- 16 Q. I can understand that.
- 17 A. For them it was a four-wheel drive, and most of the times when it was wet, we  
18 had chains on four-wheel drive.
- 19 Q. Something you'd rather be riding a mule on than ---?
- 20 A. Much, much better.
- 21 Q. Okay. All right. So were you briefed at all as to what was going on?
- 22 A. They told me that there were --- about where the people were at, ---
- 23 Q. Okay.
- 24 A. --- what they were doing underground. And attempts, also, that they were  
25 getting set up to put a small --- what they called a helicopter drill, one that can go in

1 with a small pad, set it into a helicopter and start that small hole down.

2 Q. Okay. Did they kind of show you any plans that had been approved on what  
3 work to do underground at that time?

4 A. Other than they were working in the Number One entry at about 119 and  
5 trying to go in from there.

6 Q. Okay. So they were working at 119, ---

7 A. Yeah.

8 Q. --- somewhere in that area. And was it clear to you ---? I mean, was --- the  
9 command center appear to be organized? Was it clear to you who was in charge, who  
10 was running the operation for MSHA?

11 A. As far as command center, yeah, everything was going. I think they had  
12 some plans. I think they were still trying to iron them out after the first day. It was  
13 getting down to where they knew what they had to do and who was going where.

14 Q. Okay. Had you seen Al Davis there that night?

15 A. I don't remember seeing Al on Tuesday night.

16 Q. Okay. How about Mr. Stickler or Kevin Stricklin?

17 A. No.

18 Q. No? Just Ramey and Bill Taylor?

19 A. Ramey and Taylor and --- like I say, I pulled up there, it's about sundown. I  
20 tell them I'm there, what's going on, try to get a brief of what they want me to do.

21 Q. Okay.

22 A. About that time they said they need --- no one on the mountain's had anything  
23 to eat. And they're running up there with no light.

24 Q. Okay. So when did you --- did you report to the mine on the 8th, the next day,  
25 the Wednesday?

- 1 A. On Wednesday, yeah.
- 2 Q. Okay.
- 3 A. On afternoon shift.
- 4 Q. On the evening shift?
- 5 A. Yeah.
- 6 Q. So you came and got ---. What time did you get there?
- 7 A. It would have been about --- probably about three o'clock, between 2:30 and
- 8 3:00.
- 9 Q. Okay. And who did you report to that day?
- 10 A. To Ramey again.
- 11 Q. Ramey again?
- 12 A. Yeah.
- 13 Q. So you were pretty much assigned to work for Ramey, I guess?
- 14 A. Well ---.
- 15 Q. You realize it's part of the rescue team ---?
- 16 A. What they did, rather than have me report with Taylor and what was going on
- 17 there, they put me with --- under Ramey, with the mine rescue team.
- 18 Q. Okay. And what kind of direction did Ramey give you that day?
- 19 A. Just travel with the crew, go underground and see what was going on, keep
- 20 track of ventilation and what the advance was doing, monitor what was going on.
- 21 Q. Okay. Did they give you any strict guidelines on what to monitor, what to
- 22 report, how often to report?
- 23 A. What they wanted was methanometer readings and air readings out of the
- 24 return every hour, and intake readings.
- 25 Q. Okay.

- 1 A. And you'd report that out every hour to command center.
- 2 Q. Okay. So that was your responsibility as assigned, was to do the air readings,  
3 gas readings, and report every hour?
- 4 A. Report every hour.
- 5 Q. Okay. Were you also assigned to watch the activities in progress to make  
6 sure it was being safe for the ---?
- 7 A. Monitor and to make sure things are ---
- 8 Q. Okay.
- 9 A. --- square.
- 10 Q. Did you get any kind of plan in writing?
- 11 A. There was a recovery plan that they had put together.
- 12 Q. Okay. Did you see that?
- 13 A. Yeah. There was one posted right there at 119, at the power center.
- 14 Q. Was it pretty ---? Oh, at the power center?
- 15 A. At the power center.
- 16 Q. You didn't get it before you got in? You saw it when you got underground?
- 17 A. Yeah, it was underground.
- 18 Q. Okay. Was it pretty clear and explicit as to what should be done or somewhat  
19 vague?
- 20 A. I believe it was fairly clear what needed to be done.
- 21 Q. Okay. When you showed up there on the 8th at 2:30 in the afternoon, did you  
22 feel like Ramey was in charge of the operation? Did you feel like he was running  
23 things or ---?
- 24 A. No. I really didn't ---. He likes to be the one that looks after things, but ---.
- 25 Q. Okay.

- 1 A. But he's over the mine rescue group, ---
- 2 Q. Okay.
- 3 A. --- and so I didn't really associate with anybody else too much, with what was  
4 going on, to see.
- 5 Q. Were there other inspectors from Price or somewhere else underground when  
6 you went in that weren't mine rescue team members?
- 7 A. Yeah.
- 8 Q. What were their instructions? What was their guidance?
- 9 A. Basically, well, Pat Boyack was there.
- 10 Q. Okay.
- 11 A. And he had been doing basically the same thing I was, checking air and ---.
- 12 Q. They'd been getting their direction from someone else, ---
- 13 A. Yeah.
- 14 Q. --- not from Ramey?
- 15 A. No.
- 16 Q. Okay.
- 17 A. As far as I know, yeah. But we were basically doing the same thing.
- 18 Q. Okay. So the two or three of you, whoever was underground at the time, were  
19 pretty much splitting up the duties ---
- 20 A. Yeah.
- 21 Q. --- and knew what needed to be done? Were you also measuring the rate of  
22 advance in the Number One entry?
- 23 A. Yes.
- 24 Q. Okay. And how were you measuring that?
- 25 A. Started out with --- just from 119 measuring through. By the time it

1 progressed down to --- we were at Crosscut 125, they wanted to know exactly from a  
2 known point what was going on.

3 Q. Okay.

4 A. So we found a survey spad in the crosscut at 125. And from 125 on in, it was  
5 a measurement from that spad.

6 Q. So you were actually physically having to use a tape measure to measure  
7 somewhere from a spad to a point on the miner ---

8 A. Yeah.

9 Q. --- or something like that?

10 A. Yeah.

11 Q. And did you get ---?

12 A. To the back of the miner.

13 Q. Did you get the impression that that was a pretty critical number that  
14 somebody wanted?

15 A. Someone on the surface wanted to know exactly what the footage was.

16 Q. Who was that someone; do you remember?

17 A. I think it was Mr. Stickler.

18 Q. He wanted to know precisely ---

19 A. Precisely.

20 Q. --- where they were at?

21 A. And from a known point that he could put his finger on, on the map.

22 Q. Did you have to stop mining to do that, to get your hourly measurement?

23 A. No. By that time we had gone to --- you would do an eight-foot advance,  
24 advance eight feet, ---

25 Q. Okay.

1 A. --- stop your miner, clean up everything and set your rock props on either  
2 side, ---

3 Q. Okay.

4 A. --- and commence and do another eight foot, then do the same thing.

5 Q. But it wouldn't always work out, that mining eight foot and then stopping to  
6 advance rock props? It would be just on the hour ---

7 A. No.

8 Q. --- when you needed to measure?

9 A. No, but you would take the measurement and --- within a few minutes, so that  
10 when you called it on the hour, it was the current measurement.

11 Q. Somewhat close.

12 A. Within a foot.

13 Q. All right. Okay.

14 A. You got to remember, the miner that they were using is about 20 feet long.  
15 That's not counting the tail.

16 Q. Oh, yeah. I realize it's a big mine, so ---

17 A. Yeah.

18 Q. --- you're probably adding 30 feet.

19 A. So if, you know, you're measuring to the back of the miner, you're out there  
20 another 20 feet where the head of the miner's at.

21 Q. Right. And so you would add that amount to the measurement?

22 A. No. The measurement was to the back of the miner.

23 Q. Okay. The measurement you were giving was from spad to the back of the  
24 miner?

25 A. To the back of the miner.

1 Q. And then somebody outside was adding that additional 20 or 30 feet, whatever  
2 the length of the miner was?

3 A. Yeah. And we also measured the length of the rock props in relation to the  
4 spad at 125. The numbers were put in and also the distance that they extended out.

5 Q. When you arrived there or sometime during the first few days or whatever,  
6 had anyone ever talked to you about the rescue team going into the seals?

7 A. I knew that they had gone into the seals.

8 Q. Okay. You were briefed on that as to what happened or did somebody just tell  
9 you about it?

10 A. I was not briefed on it.

11 Q. Okay.

12 A. I knew that they had gone in and had come back out. I knew a couple guys on  
13 that team that had gone in.

14 Q. Did you ever hear what the oxygen readings were in that sealed area?

15 A. They were below ten percent.

16 Q. Okay. Did anybody ever talk to you about when they first started that they  
17 were initially loading material out of the Number Four entry with scoops?

18 A. No. No one said that. I didn't hear that.

19 Q. Did anyone ever say, Number Four bumped on us and totally ran us out of  
20 there or filled back up to what we had cleaned up?

21 A. I know that after the initial bounce that when the inspectors were in there,  
22 there was a second bounce that filled up --- areas they had been they couldn't get  
23 back into.

24 Q. Okay. You heard that?

25 A. I heard that.

1 Q. But you can't specifically say, here's ---

2 A. No one specifically ---.

3 Q. --- what's happened so far?

4 A. No.

5 Q. Okay. Was it continuing to bump and bounce and bump and all that stuff  
6 while you were in there?

7 A. The last afternoon shift I was in there we had two bumps, enough to raise dust  
8 to obscure the miner and the shuttle car.

9 Q. Okay.

10 A. And it never really dislodged anything into the Number One entry, but it raised  
11 dust.

12 Q. So pretty good sized jolt?

13 A. Yeah. It was a good jolt. And after the second one --- we called the first one  
14 out. After the second one, we called the command center and said, I think you better  
15 have your geology people come in here and look at this.

16 Q. Now, you say that was the last day you were there. What day was that?

17 A. That would have been --- we were advancing up just beyond 126. What was  
18 that? I think it was Saturday.

19 Q. Saturday?

20 A. Friday night, Saturday.

21 Q. Okay. Was it a few days before the bump that occurred on the 16th?

22 A. Yeah.

23 Q. Okay.

24 A. What they had done, they decided to rotate people out. And because I knew  
25 how to get up on the mountain, they put me and a trainee to split the duties on the

1 mountain. And we started that on Saturday night, Sunday.

2 Q. So would that have been Saturday like the 11th, maybe?

3 A. Somewhere around there, yeah.

4 Q. Okay.

5 A. But they rotated some people around, changed some ---.

6 Q. We have put together a log here, I guess. On the 11th would have been a  
7 Saturday. And of course, you were there on the evening shift, so that would have  
8 been sometime, maybe the ---. It would have been like 2106, had a big bounce,  
9 everyone okay. It's real dusty, everyone accounted for, continuous miner operator  
10 helper and Gary Jensen were the only ---

11 A. Yeah.

12 Q. --- ones in the area?

13 A. Yeah.

14 Q. So that would have been the first one you're referencing?

15 A. Yeah.

16 Q. And then the second one would have been 2130, maybe, about 20 minutes  
17 later?

18 A. Yeah. About that, yeah.

19 Q. Quit mining. Start props. The bounce was a lot louder than bad. They went  
20 up ---.

21 A. Put up screen.

22 Q. Put up screen.

23 A. A couple channels before they started loading in, yeah.

24 Q. Okay. Then there's another one that looks like 2254.

25 A. Uh-huh (yes).

- 1 Q. So would you have been there through all three of those?
- 2 A. Yeah.
- 3 Q. Okay. Did those bumps concern you?
- 4 A. The first and the third did.
- 5 Q. Okay. Were they pretty good jolts?
- 6 A. Yeah.
- 7 Q. Had you ever seen rock props that were used to control ribs for a bounce?
- 8 A. They either --- not --- the rock props themselves, yeah. I've seen them put  
9 those up on about two-foot centers.
- 10 Q. Uh-huh (yes).
- 11 A. Put ---.
- 12 Q. You mean here?
- 13 A. No. I mean at the other mines.
- 14 Q. Okay. What mine was it?
- 15 A. It was Aberdeen.
- 16 Q. Okay. You've seen them used to be put up along the rib line?
- 17 A. On the longwall on the head gate entry, belt entry ---
- 18 Q. Okay.
- 19 A. --- they will put those on two-foot centers and put the mesh or chainlink behind  
20 them.
- 21 Q. Similar to this?
- 22 A. And then at each crosscut, you anchor in, you run two back in. And then you'll  
23 run a three-quarter-inch cable about two to three feet off the ground and another one  
24 about five to six feet off the ground, ---
- 25 Q. Okay.

- 1 A. --- and then tension them back.
- 2 Q. How do you tension them?
- 3 A. You'll take cable clamps and the come-along ---.
- 4 Q. Okay. But did they tie them off into the rib or wrap the pillar with the ---?
- 5 A. What you do, you set two rock props in the crosscut.
- 6 Q. In the crosscut. Okay.
- 7 A. And then you anchor it to them.
- 8 Q. To those?
- 9 A. Yeah.
- 10 Q. Okay. Had you ever seen any of those rock props dislodged at Aberdeen?
- 11 A. Yes.
- 12 Q. You have?
- 13 A. As a group, they will kick out at the bottom.
- 14 Q. So they would kick out at the bottom if you had a bounce?
- 15 A. Yes.
- 16 Q. Were you doing anything much different here at Crandall on the rescue effort?
- 17 A. Tying them through on that Saturday ---. We put some what they call
- 18 J-channel up for three lengths of it, three --- and across. It had some top that
- 19 fractured a little bit and the miner had pulled the screen down, the mesh down. So we
- 20 put those back up and set them with rock props on either side. Then we advanced in
- 21 enough to get the roof bolter in. The roof bolter come in and put two bolts in each
- 22 channel in the middle to hold them up, ---
- 23 Q. Okay.
- 24 A. --- in case the rock props kicked out, that the channels wouldn't come down.
- 25 Q. Okay. You've seen some pretty severe bounces in your day?

1 A. Yes.

2 Q. Do you think if you had a severe bounce that was big enough to break a shear  
3 in half, that it would take these rock props out?

4 A. Yeah.

5 Q. Okay.

6 A. And ---.

7 Q. Had you ---? Go ahead.

8 A. As we advanced in when we had a crosscut, then they were going in and tying  
9 off the rock props around. That's the main --- the main problem with rock props on the  
10 ribs, when you don't have them anchored back in to the crosscut, they're the same as  
11 the timber.

12 Q. Okay.

13 A. And they will come out just as easily as the timber, even though they have  
14 more pressure.

15 Q. Right.

16 A. If they're not tied together and anchored down, they'll ---.

17 Q. So just tying cable around the last one and clamping it just basically ties them  
18 all together to come out, rather than holding them in?

19 A. It makes them as a unit, so that if one moves, it tightens up and makes ---.

20 Q. They can all move?

21 A. They can all move, but they don't move near as far ---

22 Q. Okay.

23 A. --- when you got two lengths of cable around them.

24 Q. Had you ever seen a bounce that was as big as this one before?

25 A. Not like this one, no.

- 1 Q. Did you ever see entries totally packed full like this?
- 2 A. No.
- 3 Q. Have you ever seen that many pillars bounce?
- 4 A. No.
- 5 Q. Had you ever cleaned up a bounce like this? I mean, you'd never seen one  
6 like this, but ---
- 7 A. I've seen one ---.
- 8 Q. --- have you ever cleaned one up where you cleaned up multiple entry lengths  
9 of material?
- 10 A. Maybe two crosscuts.
- 11 Q. Okay. But how deep would have been --- the material been in there, a couple  
12 feet?
- 13 A. Four or five feet was the most.
- 14 Q. At the most. Never packed full like this?
- 15 A. No. No.
- 16 Q. Did you also see in the Number One entry that you were kind of mining out  
17 fresh barrier coal, where the barrier had moved into the entry?
- 18 A. The barrier had moved in --- what the line was, you could see that the barrier  
19 had moved laterally. And what appeared to be solid coal was two to three feet inside  
20 the roof bolt.
- 21 Q. Okay. So most of your experience with bumps, you've seen where you're  
22 retreating a longwall or retreating a continuous miner ---
- 23 A. Continuous miner section.
- 24 Q. --- section?
- 25 A. Yeah.

1 Q. And it would bump as you're retreating. And normally you wouldn't clean up  
2 that material if you didn't have to?

3 A. Right.

4 Q. And you could kind of --- you said, as long as it was making noise while we're  
5 retreating, you know, we was comfortable, but if it ever stopped for a few minutes, or a  
6 period of time, ---

7 A. Yeah.

8 Q. --- then you were concerned. But that was on a retreat section?

9 A. On a retreat section, yes.

10 Q. So this kind of section and work that was going on is entirely different than  
11 anything you'd ever seen before?

12 A. It was, yes.

13 Q. Okay.

14 A. We were ---.

15 Q. Would those same noises or non-noises apply in an instance like this? Did  
16 you ---?

17 A. I believe so.

18 Q. You think they would have?

19 A. Yeah.

20 Q. Okay.

21 A. And when the bounces occurred on Saturday, everything would get quiet and  
22 it would thump hard.

23 Q. And quiet for a period of ---?

24 A. And then it would get quiet again.

25 Q. Quiet for a period of how long, Jim, an hour, two hours?

1 A. An hour or so.

2 Q. Okay. Could it be 10 minutes, 20 minutes?

3 A. It'd just get ---.

4 Q. It'd just get quiet?

5 A. It'd just get quiet.

6 Q. Okay.

7 A. A stop watch or watching the time, no, I don't watch the time.

8 Q. Just when it was quiet for so long, though, you became concerned?

9 A. Yeah.

10 Q. Okay.

11 A. Your senses start to say, what's going on here.

12 MR. TEASTER:

13 You indicated earlier to Joe that you were concerned about  
14 that first and third bump that occurred on the 11th. And they were occurring pretty  
15 rapidly. I think Joe said 20 minutes?

16 A. Well, between the first and the second one, they show about 20 minutes.

17 Yeah, I think there's about an hour between those two, the first and third.

18 MR. TEASTER:

19 What was your concern? You said they concerned you.

20 A. They were getting a little more loud and they were getting a little more  
21 frequent than they should have been. What we were worried about was that a thump  
22 like that, that everything would want to come sideways. That was one reason we'd  
23 gone from about a 20-foot advance with the miner down to 8-foot advance with the  
24 miner, because of some bumps that had occurred earlier in the week.

25 MR. TEASTER:



- 1 Q. [REDACTED] Okay. So then who did they get to run the miner then?
- 2 A. They got their salary people.
- 3 Q. They actually assigned salary people to run the miner?
- 4 A. To run the miner.
- 5 Q. They kind of couldn't be taken off or couldn't ask to be taken off?
- 6 A. It kind of --- rather difficult. That's what ---.
- 7 Q. Were they also --- appear to be nervous or scared?
- 8 A. I don't know whether they were nervous or scared. They were ---.
- 9 Q. Concerned?
- 10 A. They were concerned.
- 11 Q. As you were?
- 12 A. Yeah. It was something that I don't think anybody that was there was
- 13 comfortable with.
- 14 Q. Did you ever report that to anybody in the command center?
- 15 A. As far as making a statement that we really didn't want to be there, no.
- 16 Q. Did you ever voice any of your concerns that maybe we shouldn't really be
- 17 doing this, to anybody?
- 18 A. Not really. Not really outright.
- 19 Q. Okay.
- 20 A. No.
- 21 Q. Did you ever think that?
- 22 A. I thought that several times.
- 23 Q. Did you ever talk to Ramey about it? Ramey was kind of your contact man. I
- 24 mean ---.
- 25 A. We discussed that when --- that was part of the discussion that brought us

1 from 20-foot advance from 119 up to about 125, to back to 8-foot. That was part of  
2 the discussion that prompted us to shorten up that distance that the miner was out.

3 Q. Because you had too many people up in there digging holes for ---

4 A. Yeah.

5 Q. --- props at one time?

6 A. Yeah.

7 Q. And exposed by too much rib?

8 A. Too much distance open, and let's shorten it up and go a little more  
9 cautiously.

10 MR. TEASTER:

11 Jim, did you feel comfortable with telling Ramey or someone  
12 there that you were concerned about the safety of yourself as well as your co-workers  
13 and the other miners?

14 A. Yeah.

15 MR. PAVLOVICH:

16 Okay.

17 A. I don't ---.

18 BY MR. PAVLOVICH:

19 Q. How about with the guys you were working, the three --- two other inspections  
20 on your shift? Did you all ever discuss that as ---?

21 A. Yeah, we discussed it.

22 Q. And what did you think?

23 A. Well, that was part of the reason why Boyack and Paletta rotated places and  
24 different things. You take that tension for so many days and it's time to get away from  
25 it.

1 Q. To get away from it.

2 MR. TEASTER:

3 Did you feel that that support system they were putting in  
4 there was adequate to protect you from a bounce?

5 A. When it was tied, yeah. When it wasn't tied, no, I wasn't comfortable with  
6 that.

7 MR. TEASTER:

8 Although you saw them knocked out at other mines?

9 A. Well, at Aberdeen they tend to move. If you have it set, if you got it tied in  
10 intersection to intersection, two cables tied around, they will move, but they will go on  
11 an angle. The tows will come out. They won't come clear out, but they will tilt and  
12 come into your walkway on the bottom. They'll move two to three feet.

13 MR. TEASTER:

14 And those are anchored in crosscuts ---?

15 A. Those are anchored in the crosscuts.

16 MR. TEASTER:

17 And these were not anchored in the crosscut, as I understand  
18 it.

19 A. As they got a crosscut advanced, at each crosscut they'd come to, then they  
20 would anchor them back in. But from 126, 127, they hadn't gotten through the 127  
21 intersection to anchor them down, so those are just standing there, the same as  
22 timbers. You would have the same effect as if you would have put your timbers in on  
23 two-foot centers. Any violent --- from the rib will kick your timbers out. I don't care  
24 what --- you know, what you tie it with.

25 BY MR. PAVLOVICH:

1 Q. Especially when you saw these entries completely full of material.

2 A. Yeah.

3 Q. And if something like that happened, what would the rock props do?

4 A. At 126 --- what is it now, 126, 125, there's a fifth-wheel trailer a gooseneck  
5 trailer loaded with crib blocks. I'm not sure whether it's 125 or 126.

6 Q. Okay.

7 A. One of those two. The trailer had been parked with the gooseneck just in the  
8 edge of the roadway. It was loaded with crib blocks. It's raised up, crib blocks tied  
9 against the roof, material pushed up underneath and packed in underneath the trailer,  
10 to where even when you put the miner head against the trailer, it dug in a little bit with  
11 the miner to try and clean it out. Even when you put the miner against it, you couldn't  
12 budge the trailer.

13 Q. Is was that tight?

14 A. They ended up taking a torch in and cutting the gooseneck off so you had a  
15 clearance down the entry.

16 Q. Okay. Left the trailer in?

17 A. Left the trailer there.

18 MR. TEASTER:

19 Jim, did I understand correctly when you said the last day you  
20 were underground was the 11th of August?

21 A. I'm not sure on the date. It would have been the date we had the two --- and  
22 then there should have been a shift change and the geology people came in, they had  
23 another bounce and they shut mining --- suspended mining for about six hours. I'm  
24 not sure what the dates were. I wasn't keeping track of the dates. I'd have to look at a  
25 timesheet and see ---.

1 MR. TEASTER:

2 Do you have notes, Jim? Do you have any notes from  
3 underground?

4 A. No.

5 MR. TEASTER:

6 You didn't keep any notes?

7 A. I didn't keep notes because everything I was doing when I was underground ---

8 MR. PAVLOVICH:

9 Was reported.

10 A. --- was called out to the command center.

11 MR. TEASTER:

12 Because as I understand it, the accident that occurred on the  
13 16th was between 126 and 127.

14 A. Yeah.

15 MR. TEASTER:

16 And you speak a lot of 125 and ---.

17 A. Yeah.

18 MR. TEASTER:

19 I don't think they would have been near that area on the 11th.

20 A. Well, they didn't make much headway. They didn't make more than a  
21 crosscut after I left and went on the surface.

22 MR. TEASTER:

23 Well, that's right. It's in the notes there, so you're right. 125  
24 was mentioned there ---

25 A. Yeah.

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MR. TEASTER:

--- on the 11th, so ---.

A. The reason I know it was 125 is because I found the survey spad and I hung a piece of survey string on that spad. Okay?

BY MR. PAVLOVICH:

Q. And you think that was in 125?

A. That was 125 crosscut. Because there had been some discussion about how we're measuring advance and where we're measuring from. And up to that point it had all been, you know, just from the center of the intersection.

Q. Right.

A. And Mr. Stickler said, I want a definite point.

Q. Okay.

A. I want a point that can be referenced on the map.

Q. Jim, with what you saw there, the damage you saw to those pillars and --- I guess you were kind of shocked when you went in there; weren't you?

A. It was more than what I figured. And when I started thinking about the distance that it had traveled ---.

Q. Okay. When you saw that and realized what kind of forces could have hit here, did you also realize that when the first borehole went through, the oxygen reading there was seven percent?

A. I was underground when the first borehole went through. We withdrew everybody out.

Q. Okay.

A. I was also there when the second borehole went down.

Q. So did anybody brief you and tell you what the air readings were that come

1 out of that borehole, ever?

2 A. After I went up on top of the mountain, yeah.

3 Q. Okay. Nobody told you ---? I mean, that went through on the 9th. You  
4 worked at least through the 11th.

5 A. Yeah.

6 Q. Nobody ever said, Jim, we got seven percent oxygen in that borehole?

7 A. We got low O2.

8 Q. Okay.

9 A. That's about all they said.

10 Q. When you learned that, coupled with the fact that the damage it did, did you  
11 think that there was a possibility those miners were still alive, or did you feel like they  
12 probably didn't survive the initial bump?

13 A. Well, with the bounces and bumps I seen and what I saw there --- the people  
14 were on foot. The miner operator, face boss, depending where the roof bolters were, I  
15 didn't think they had much chance.

16 Q. Okay.

17 A. The only --- the only people I thought that would have half a chance would  
18 have been in the shuttle cars if they were in the cabs, and if the cabs didn't get  
19 inundated, filled up, and depending on if something come through and hit them.

20 Q. Okay.

21 A. But in retrospect going back, and with what we know of the boreholes --- now,  
22 by the time I got up on the mountain, they had gone one and two and I was sampling,  
23 pulling samples out of number two, I said, no.

24 Q. Okay. So did you feel then at that time that this was more of a recovery  
25 operation than it is a rescue operation?

1 A. Well, you got to give them about seven days. Most people can survive.  
2 There's a little bit of water there. If they could get the water, they might make it about  
3 seven days, if the air's good. But with the bad air, it gets real doubtful.

4 Q. Okay. So you really felt like, we're in more of a recovery here?

5 A. By the time I was up on the mountain and about the second day of pulling  
6 samples, yeah.

7 Q. Did you ever talk to anybody about that?

8 A. No, because you start talking that way and people get upset with you.

9 Q. They would?

10 A. Yeah.

11 Q. So nobody wanted to hear it?

12 A. No.

13 Q. You think everybody thought it, but ---

14 A. I think by then ---.

15 Q. --- nobody wanted to hear it?

16 A. At the end --- starting in that second week, I think it's in the back of  
17 everybody's mind, this is more of a recovery than a rescue, but we still have --- there's  
18 an outside chance someone might be alive.

19 Q. What did you think about the fact that ---? I mean, you were concerned when  
20 you were in here. The miner operator, obviously, was concerned. The other guys you  
21 worked with were concerned. Did you feel, maybe we're exposing people to  
22 unnecessary danger to recover bodies?

23 A. Well, when we did --- when we went back to the eight-foot advance, when the  
24 miner was cutting and shuttle cars loading, only two people other than shuttle --- well,  
25 three people, with the shuttle car operator, were to be inby. We pulled everybody

1 back, ---

2 Q. Okay.

3 A. --- so that when they're cutting, which is your most vulnerable time, when it  
4 wanted to bounce most is when you were cutting. But we keep ---.

5 Q. But you have to admit, three people still have value?

6 A. Three people have value, yeah.

7 Q. Okay. But then how many would normally go up there when it was time to set  
8 the rock props?

9 A. We would take enough people up there to --- you got a machine operator.  
10 And you would take six to eight, depending on what the crew was.

11 Q. Okay.

12 A. And you'd go up and usually set --- dig out and set a prop on each side then  
13 advance. Did a prop each side, set each one.

14 Q. Five, six, ten people? I mean --- how many people?

15 A. Eight, nine.

16 Q. Eight or nine people?

17 A. Yeah.

18 Q. That would be common, ---

19 A. Yeah.

20 Q. --- to have nine people?

21 A. Yeah.

22 Q. Okay. Did you ever talk to Bob Murray underground during this operation?

23 A. No.

24 Q. Never saw him come in?

25 A. Oh, I saw him come in.

- 1 Q. Did you? Did you ever --- did he have anybody with him?
- 2 A. Oh, I --- put it this way, the photographer that took the pictures, when he went  
3 underground with the news, he had a pair of my socks on.
- 4 Q. The newsman?
- 5 A. The cameraman.
- 6 Q. The cameraman had your socks on?
- 7 A. Cameraman. Had my socks.
- 8 Q. Okay. Did that make him feel bulletproof wearing your socks?
- 9 A. No, but it made him feel a whole lot better about wearing a pair of rubber  
10 boots without socks on.
- 11 Q. He wasn't out there in flip-flops or something, was he?
- 12 A. Oh, he had what --- what do they call it, alligators, those ---
- 13 Q. Oh, okay.
- 14 A. --- plastic slip-ons with no socks.
- 15 Q. Okay.
- 16 A. Crocs. He was running around with no socks on.
- 17 Q. On the surface?
- 18 A. On the surface.
- 19 Q. So what did you think when you saw Murray come in here with a news crew,  
20 camera people and newsmen?
- 21 A. I just shook my head and said, I think we're breaking protocol.
- 22 Q. Okay. Did you think that would comply with the requirements of a K Order?
- 23 A. Well, I'd heard it discussed. And then they went behind closed doors before  
24 they made the decision.
- 25 Q. Okay. And ---?

1 A. And ---.

2 Q. What did you hear about it then?

3 A. They said that we're going to do it, and limit the people to one reporter, one  
4 photographer. Try and keep the group as small as we can.

5 Q. How many actually came?

6 A. I think there was about six in that group that went underground with Murray.  
7 I'm not sure how many.

8 Q. So Murray and six more, you think?

9 A. I think ---.

10 Q. Based on the number of lights you saw?

11 A. Yeah.

12 Q. Was there any MSHA people escorting them at the time or ---?

13 A. I'm not sure who escorted them underground.

14 Q. Okay. But you saw them coming in?

15 A. Yeah. I saw them come in.

16 Q. Did they disrupt the operation at all?

17 A. Well, with the lights on the camera and that, they --- yeah, I think.

18 Q. Did you feel it was any place for them to be?

19 A. It was not a place for them to be, no.

20 Q. Okay.

21 A. I think what it did, it showed the world a little bit of just what it was up against  
22 on the recovery. They didn't get right up to where they could see the actual material  
23 that was in the entryway, but they saw what actions were going on, saw the confined  
24 space, the difficulty in moving things around. And I think it's something that most of  
25 the world had never seen before. And ---.

- 1 Q. Nobody had ever seen before, ---
- 2 A. Well ---.
- 3 Q. --- including you guys?
- 4 A. Yeah. But I mean as far as the recovery operations.
- 5 Q. Okay.
- 6 A. Yeah. Trying to secure the top and everything.
- 7 Q. What did the company people think, and the miners think, when those guys
- 8 came in there? Did they say anything to you?
- 9 A. What are these people doing here? This is not a place to be.
- 10 Q. So even the miners said that?
- 11 A. Yeah. This is not a place for these folks to be.
- 12 Q. Okay.
- 13 A. And there was --- they had a little bump while they were there. If you watched
- 14 the film, the video, you will see them hunker down. And it was --- when that
- 15 happened, they pretty well decided it was time to leave.
- 16 Q. Didn't want to hear it?
- 17 A. They didn't want to stay there. Now, they came back. Mr. Murray wanted to
- 18 take them underground a second time and it was a flat refusal.
- 19 Q. Oh, really?
- 20 A. Yeah.
- 21 Q. He wanted to take them in a second time?
- 22 A. He wanted to take them a second time.
- 23 Q. And they said no?
- 24 A. He wanted to take them down a second time.
- 25 Q. I think one of the reporters said, I've been embedded with the troops in Iraq

1 and I've been to all these war zones and all this stuff but I've never been as scared as  
2 I was down there.

3 A. Uh-huh (yes). And the one for **Ex. (b)(6) and Ex. (b)(7)(C)**, I think he was --- he's  
4 been around a lot of stuff, but he was --- he was not --- he was not comfortable there.

5 Q. Okay.

6 A. And when they come back a second time and wanted to take them under, it  
7 was just, that's it, you had your shot, nobody else.

8 Q. And they actually wanted to take them again?

9 A. They wanted to take them a second time.

10 Q. What for?

11 A. I don't know.

12 Q. Did you ever hear why?

13 A. I don't know. I just know they tried to take them a second time.

14 UNIDENTIFIED MALE SPEAKER:

15 Who turned them down the second time? Was it by MSHA or  
16 was it ---?

17 A. MSHA.

18 UNIDENTIFIED SPEAKER:

19 MSHA turned them down?

20 A. I'm not sure where it came from, whether from the command center to Mr.  
21 Stickler, I don't know, but ---.

22 BY MR. PAVLOVICH:

23 Q. But you don't really think the reporters wanted to go in a second time, either,  
24 do you, or did they want to go?

25 A. I think there ---.

- 1 Q. Or was that Murray?
- 2 A. I think there was some that wanted to go.
- 3 Q. Some wanted to go?
- 4 A. Yeah.
- 5 Q. Okay.
- 6 A. But ---.
- 7 Q. I was thinking you said the reporters said no, but you think MSHA said no?
- 8 A. MSHA said no.
- 9 Q. Oh, okay.
- 10 A. MSHA said, no, ---
- 11 Q. Okay.
- 12 A. --- no, you can't go.
- 13 Q. Okay. You ever have any dealings with the families, Jim, family members?
- 14 A. No.
- 15 Q. No?
- 16 A. Not during this, no.
- 17 Q. Okay. You apparently know some of the family members?
- 18 A. Well, part of them.
- 19 Q. Okay.
- 20 A. I know a couple of them since they were, oh, what, out of high school. I
- 21 worked with the one guy's dad and his mother. So I mean, I know some of them,
- 22 yeah.
- 23 Q. So you have talked to them since, but during this operation you ---
- 24 A. No.
- 25 Q. --- didn't have any ---? You said after --- I guess after the 11th or whatever

1 Saturday is, the Saturday you worked there, though I'm not clear, but we can check  
2 the logs on that.

3 A. Yeah, I have to check the logs.

4 Q. But you then went up and you were working at the boreholes. What kind of  
5 duties were you assigned at the boreholes?

6 A. Well, I worked 12-hour shifts.

7 Q. Okay.

8 A. Pulled samples at number two. And for a short time at number --- well,  
9 number one and number two.

10 Q. Uh-huh (yes).

11 A. They put number three down and pulled samples for a short time at number  
12 three, until they decided to bring two compressors in and start injecting air down  
13 number three.

14 Q. Okay.

15 A. Monitor the drill depths. When I got up on the mountain, they --- the drill rig  
16 was still sitting on number two borehole. They moved from number two down to  
17 number three down at the bottom.

18 Q. Okay.

19 A. And I followed them through number three and number four holes and saw the  
20 pad done for number five. And the last day I was there, the drill had started drilling  
21 number five hole, ---

22 Q. Okay.

23 A. --- the last day I was on the mountain.

24 Q. What day was that; do you remember?

25 A. I don't remember what day it was.

- 1 Q. Okay. Was it before or after the accident on the 16th?
- 2 A. That would have been after.
- 3 Q. Okay. So you were up on the surface when the accident occurred?
- 4 A. Yeah.
- 5 Q. Did you feel it?
- 6 A. Well, I was on my way. When the accident happened, I was on my way from  
7 on top the mountain to home.
- 8 Q. Oh, you were, okay. You were on dayshift up there on top of the mountain?
- 9 A. Dayshift on top of the mountain.
- 10 Q. Okay. So you switched shift then from evening to day, ---
- 11 A. Yeah.
- 12 Q. --- on the mountain? Okay.
- 13 A. And my telephone started ringing about the time I got to Caste Dale. When I  
14 got back in, cell phone, ---
- 15 Q. Okay.
- 16 A. --- and the kids started calling me, my children.
- 17 Q. Oh, your children? Nobody from MSHA called you? No?
- 18 A. Well ---.
- 19 Q. Did Ramey call you and say, get back to the mine, I need you, or anything like  
20 that?
- 21 A. No.
- 22 Q. No? Okay.
- 23 A. No.
- 24 Q. So your children called you then?
- 25 A. I got one daughter who lives in [REDACTED] which is just outside of [REDACTED]

- 1 She says, what's going on? Her husband's on the volunteer fire department.
- 2 Q. Okay.
- 3 A. He got a call and she called me and said, what's going on? By the time I got
- 4 home, it's on the news.
- 5 Q. Okay. That there had been a second ---?
- 6 A. That there had been a second bounce.
- 7 Q. Okay.
- 8 A. My kids from Ohio called me, say, what's going on? By the time I see what's
- 9 on the news, then I head back up the mine.
- 10 Q. Okay. You went back to the mine?
- 11 A. Yeah.
- 12 Q. And when you got to the mine, what was happening there?
- 13 A. The last of the ambulances were pulling out, and the last of the mine rescue
- 14 crews were coming out from underground.
- 15 Q. Okay. So everybody was on their way out?
- 16 A. Everybody was on their way out by the time I got there.
- 17 Q. Now, you never --- did you ever go back in the mine?
- 18 A. No. Well, yeah, when we were up there after the recovery and everything and
- 19 they're pulling ---.
- 20 Q. Okay. To monitor the pulling ---?
- 21 A. Monitoring pulling of equipment ---.
- 22 Q. Outby section or Crosscut 107 or whatever, 109?
- 23 A. Yeah.
- 24 Q. Okay. You never went back up in this area?
- 25 A. No.

1 Q. Let me ask you this. You were underground several days. You were one of  
2 the rescue team members. You're very knowledgeable in this. What was the reason  
3 that you were then moved to the surface?

4 A. Just rotating people. The people that had been on the mountain had been up  
5 there since the start.

6 Q. Well, did everybody get rotated out?

7 A. Pretty much.

8 Q. All the rescue guys got rotated through; do you know?

9 A. I don't know whether everybody got rotated through, but we kind of changed  
10 responsibilities and moved around a little bit. I know that the boys had been up on the  
11 mountain ended up underground to give them some exposure for ---. Otis was there.

12 Q. Uh-huh (yes).

13 A. But I think they wanted to let them see --- put some fresh people under there  
14 to kind of rotate them around a little bit.

15 Q. So it wasn't that you asked to be withdrawn or anything?

16 A. No. No. Like I say, because I knew how to get up on the mountain, they said,  
17 you go. I had a vehicle that was capable of going. The people that had come down  
18 from --- with Tech Support and mine rescue was on the mountain. They had rental  
19 vehicles and we had to take two four-wheel drives that we had available within our  
20 office and put them in those so that they could get up and down.

21 MR. PAVLOVICH:

22 Okay. Let's take about a ten-minute break and we'll come  
23 back. Is that okay or ---?

24 MR. TEASTER:

25 Sure.

1 SHORT BREAK TAKEN

2 MR. TEASTER:

3 Jim, were you ever consulted about the roof support and what  
4 type of support systems or asked for any evaluation or recommendation involving the  
5 roof support system there at the ---?

6 A. No. No.

7 MR. TEASTER:

8 Did you have any other ideas of a different way of supporting  
9 it that might have been better?

10 A. Not that would have proven any better. You might have tried some arches,  
11 but even the arches would have had to have cross wire support on the ground, and  
12 those are not readily available, and you're still exposing people when you put them  
13 together.

14 MR. TEASTER:

15 Did you ever hear any discussion from anybody there at the --  
16 - from MSHA that discussed or asked about the failures of these rock props at the  
17 other mines or other locations?

18 A. No. I didn't hear any discussion, no.

19 MR. TEASTER:

20 Going back to the --- you had stated earlier that Larry Ramey  
21 was kind of heading up the mine rescue group and ---.

22 A. Between him and Virgil Brown, yeah.

23 MR. TEASTER:

24 And then someone else was --- who was taking care of the  
25 field office or the district side of things?

1 A. You had the command center that was pretty well setting shifts ---.

2 MR. TEASTER:

3 Who did you think was in charge of the command center?

4 A. Well, you had your people on --- you had an ADM or a district manager sitting  
5 there each shift with them.

6 MR. TEASTER:

7 So you viewed them as being in charge?

8 A. Yeah, yeah.

9 MR. TEASTER:

10 Did you ever consider Richard Stickler, Assistant  
11 Secretary ---?

12 A. Well, he had overall charge. Between him and Kevin, I mean, the people that  
13 were in the command center was reporting to Kevin and Richard both. But as far as  
14 my position in --- and who I reported to and what was going on, mine pretty well  
15 stopped with the command center.

16 MR. TEASTER:

17 Did you ever hear any specific instructions given by Richard  
18 Stickler or Kevin, the people there in the command center?

19 A. With the way they wanted notes kept on an hourly log and like say when  
20 they're underground and the measurements forward, that's when we started measuring  
21 from 125 survey spad, that had come from Mr. Stickler.

22 MR. TEASTER:

23 Okay. Did you observe any meetings between the company  
24 and the mine rescue people and the people that were running the operation other than  
25 the mine rescue?

1 A. The first few days they had the engineering room in the main building. They  
2 had company people there and mine maps and engineers. The MSHA personnel and  
3 everybody involved would get together on a regular basis up there.

4 MR. TEASTER:

5 Did you ever take your apparatus underground?

6 A. No, I didn't.

7 MR. TEASTER:

8 Did you ever think anytime during this rescue effort that you  
9 were doing mine rescue work?

10 A. Yeah, yes, I did.

11 MR. TEASTER:

12 And what was that?

13 A. That was going through and making sure that the rescue effort was going  
14 forward, trying to keep track of everybody.

15 MR. TEASTER:

16 But that was basically the same thing that the other non-  
17 miners --- team effort?

18 A. Same thing the other team was doing, just with emphasis on making sure the  
19 atmospheres were up and current to where there was no problem.

20 MR. TEASTER:

21 You indicated earlier that there was a lot of stress where they  
22 were loading and that the two or three of you MSHA people that were alternating out,  
23 that was because of concerns that you had up in that area that it was just real stressful  
24 and you needed to get away from it?

25 A. Any time you're doing a job for a shift, if you kind of rotate your responsibilities

1 a little bit, makes the day go a whole lot faster. And it does give --- well, when you're  
2 up on the face and watching everything, you have a little bit more going on than what  
3 you can cope with sometimes. So it can be overwhelming if you stayed at it for eight  
4 to ten hours. Yeah, you could overstress yourself.

5 MR. TEASTER:

6 Okay. Going back to this single-entry bleeder system, what  
7 do you think of a bleeder system like that?

8 A. I don't like them.

9 MR. TEASTER:

10 You ever voice that concern to anybody?

11 A. Yes, I have.

12 MR. TEASTER:

13 And what response did you get?

14 A. Generally, that's what they want to put in. That's the plan, but it generally --- it  
15 comes from people that don't have to travel it. It comes from someone that sits  
16 behind a desk and draws the plan up and says this is what we can do.

17 MR. TEASTER:

18 Now, this is MSHA people or you're talking about the  
19 company people?

20 A. MSHA people and company people both.

21 MR. TEASTER:

22 So you think the people that are drawing them up and  
23 approving them don't have to walk it, so they're not that concerned about it?

24 A. They don't have to go in there on a weekly basis or a quarterly basis and walk  
25 those entries. And as long as they get the readings back, they're getting away from

1 that --- ventilation group's getting away from that more and more with evaluation  
2 points, because over the years, those concerns have been voiced and they're starting  
3 to listen and set up alternatives rather than have someone travel --- this one here  
4 would be, what, 2,000 feet. Not too bad. When you get one that's 15,000 to 25,000  
5 feet, it is a major concern.

6 MR. TEASTER:

7 Yeah, I can see where you'd have concern there. I would  
8 have similar concerns myself if I had to walk it.

9 A. Uh-huh (yes). And all you do, you walk to the back end and you take an air  
10 reading, check your methanometer for gases and take an air reading and turn around  
11 and walk back out. And on some longwall systems that have this one way in, one way  
12 out system, you're talking about a 45-minute to an hour walk to go take an air reading  
13 and then turn around and walk it back.

14 MR. TEASTER:

15 Why do you think they approve those types of bleeders?

16 A. I don't know. Other than to make sure that the air that starts at one point goes  
17 all the way to the back end where they say it's supposed to go. It's not migrating,  
18 coming in and migrating across and coming back out and short-circuiting.

19 MR. TEASTER:

20 Right.

21 A. They want to make sure that it's going all the way around.

22 MR. TEASTER:

23 Of course, you indicated if you move an evaluation point out,  
24 you don't have any assurance that it's going to the back?

25 A. You don't have an assurance that it's going all the way to the back, no.

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MR. TEASTER:

I know you had indicated earlier that you pulled a lot of --- you pulled barrier pillars similar to what was pulled over there, but when you looked at that --- first looked at the west mains area as being the gob on both sides of it, did you have any particular concerns when you first saw that?

A. On the development side of it, no. When you start thinking about pulling pillars back, yes. You're putting a lot of additional stresses on --- you have no --- you've taken and all your safety factor is taken out of it. There's nothing left to hold. If your roof wants to come down, wants to move, hopefully your roof support's going to hold it, make it stop.

MR. TEASTER:

Have you been to other emergencies similar to what we had here at Crandall Canyon? I don't mean the accident, just an emergency situation.

A. Yes.

MR. TEASTER:

How would you rate this one being handled as far as direction, oversight, being orderly compared to the ones that you'd been to in the past?

A. Well, I think this one was a little bit better organized. It was over on the West Elk, on a fire, when they went in on a longwall and under apparatus after the fire and it took several tries before you got things squared to where to you could function and do things right. Had to redo communications and everything else to keep everybody aware of what was going on. And there was a little bit of confusion there.

MR. TEASTER:

Jim, when we have a mine or mine explosion, we have some pretty good parameters that we can look at based on our analysis of the atmosphere,

1 when the CO is going up or methane levels, oxygen, all those things, we can make  
2 some pretty informed decisions.

3 A. Yes, you can.

4 MR. TEASTER:

5 And likewise, if we're having roof falls around this ---  
6 deteriorating roof, we can make a judgment as when it's too hazardous and we need  
7 to pull out.

8 A. Yeah.

9 MR. TEASTER:

10 Do you have anything to offer to when you're working stuff in  
11 a bump or bounce-prone area that when it's --- any indicators at all that says it's time  
12 to go?

13 A. In this one, this is something that I have seen before, not on a scale like this.  
14 And when you start removing material that's been moved with a lateral pressure, all  
15 you're doing is taking the cork out of the bottle. You're going down through it, you're  
16 relieving the pressure that's there and just waiting for it fill back in again.

17 MR. TEASTER:

18 Joe had showed you the log earlier. He didn't go through it in  
19 detail, but you talked about the bump that occurred there in the early morning hours in  
20 the Number Four entry that registered about 2.2 on the Richter scale, filled the entry  
21 back up. You had the one that you were there, the two or three when you were there,  
22 and there was quite a few others that were significant. They registered 1.6, 1.5, 1.2 on  
23 the Richter scale.

24 A. Yeah. I pulled part of those off the USGS.

25 MR. TEASTER:



1 earlier? Or was --- we haven't ---.

2 A. When you look back at it from the standpoint of what happened, yeah, we  
3 probably should have terminated it. At the time, under the pressures that were there, I  
4 think we'd gone back and shortened up our exposures as much as we could, but until  
5 someone wanted to make that hard decision to call it, I don't think anybody really  
6 wanted to call it.

7 MR. TEASTER:

8 Do you think that the reason that you were continuing other  
9 than to get the people, we understand that, but that you had the support, people have  
10 had confidence in that support system providing the protection for the workers?

11 A. I think they had some confidence, yes. I wasn't too concerned about those  
12 rock props kicking out like they did when they're anchored down. When you've got  
13 your anchors back in the crosscuts, got them tied and tensioned, they will move, yes,  
14 but they won't come apart and kick out across the entry.

15 MR. TEASTER:

16 And you say they were anchoring these back in the crosscuts?

17 A. Yes, sir. Each crosscut they'd tie their three-quarter-inch cables around and  
18 anchor back in the crosscuts.

19 MR. TEASTER:

20 Okay. What were they anchored to? Just more props that  
21 went around the corner?

22 A. Props that went around the corner that if they were kicked out, they had to  
23 move --- instead of moving into the entry, they had to move in a 90-degree angle to  
24 be dislodged.

25 BY MR. PAVLOVICH:

1 Q. There weren't anchored to the roof or anything then with roof bolts?

2 A. No, no.

3 MR. PAVLOVICH:

4 Okay.

5 MR. TEASTER:

6 Did you observe a shuttle car knocking any of those rock  
7 props out?

8 A. It bumped one once in a while.

9 MR. TEASTER:

10 Would it completely dislodge it or just knock it off of vertical?

11 A. Knock it loose, knock it off of vertical. Shuttle car operators were --- most of  
12 the time they had about 12 inches clearance on either side.

13 MR. TEASTER:

14 Not a lot of margin.

15 A. Not a lot of margin for error. And he can only see one side. The main thing  
16 when we set them, we tried to put them in as straight line, almost as string straight as  
17 you could so that they didn't meander in and out, so that when the shuttle car went  
18 through, he had a straight shot. He could line up on the side he could see, maintain  
19 his clearance and be pretty well assured that he's not going to hit one on the other  
20 side, to the point of even moving the handles.

21 BY MR. PAVLOVICH:

22 Q. Jim, when you came outside at the end of your shift, were you ever debriefed  
23 as per any mine rescue exercise?

24 A. A full debriefing of what fully transpired, no.

25 Q. Did anybody seem to care about what kind of bounces did you see, Jim?



1 Q. So you showed them?

2 A. So that they could --- give them an address, because they were using one that  
3 was some distance away. And I showed them where the University of Utah seismic  
4 station was, how to get to that.

5 Q. Do you remember who that was you showed that to? Mike Gauna?

6 A. Mike and ---.

7 Q. Joe Zelanko, maybe?

8 A. Yeah, yeah.

9 Q. Okay. So they were the Tech Support guys there from Pittsburgh?

10 A. Yeah. But they had been going through, and they had some other sources  
11 that they were going through, but I showed them this one and ---.

12 Q. Was this something you were looking at regularly when you went home?

13 A. I looked at it. I started --- when I was working at Trail Mountain, with MSHA  
14 and we were over there, they went through a series of bounces. That's when the  
15 longwall got knocked in half twice, started monitoring that just as a regular basis.

16 Q. Okay.

17 A. And when we got the Murray Mines and we were doing five and seven-day  
18 spots at Aberdeen and West Ridge, started monitoring them, too. So on a weekly  
19 basis I'd pull them up.

20 Q. Do you think that bump that happened in the North Barrier ever showed up on  
21 there?

22 A. I imagine it did, yeah. It should be.

23 Q. But you didn't see that that maybe at Crandall Canyon?

24 A. Well, the Website that this information is maintained on only carries a  
25 seven-day history. It only goes back seven days.

1 Q. So if you didn't happen to look during that week, then ---.

2 A. If you didn't look that week, you wouldn't see it.

3 Q. Okay. You don't remember ever seeing that show up?

4 A. No, I don't. And the thing is, between where Crandall Canyon is and where  
5 the Deer Creek mine is, unless you pull out and actually plot the longitude and  
6 latitude, it's hard to tell. They're only two miles apart.

7 Q. Could have been one of the other mines?

8 A. Yes.

9 MR. PAVLOVICH:

10 Got anything else?

11 UNIDENTIFIED SPEAKER:

12 I have three things. Jim, I may have missed this on some of  
13 the earlier interviews, but it sounds like you got a pretty good recollection of how the  
14 props were set and everything.

15 A. Yeah.

16 UNIDENTIFIED SPEAKER:

17 We had never heard anyone, to my knowledge, talk about  
18 them anchoring them back in the crosscuts, that they'd usually been put in a straight  
19 line, but ---.

20 A. They would usually --- you take two back in each crosscut and set them up  
21 tight and then stress the cables around and then you had some --- two guys with the  
22 come-alongs and cable clamps --- actually, the rope pulls, like you'd pull a wire rope  
23 with.

24 UNIDENTIFIED SPEAKER:

25 Right.

1 A. They'd take those, wrap them around and then tension them.

2 UNIDENTIFIED SPEAKER:

3 And you're positive that was done in Crandall Canyon?

4 A. Yeah, that was being done.

5 UNIDENTIFIED SPEAKER:

6 Okay. All right.

7 A. From 119 into 124 I know it was done.

8 UNIDENTIFIED SPEAKER:

9 Okay. Yeah, you were there. I just want to make sure that  
10 we're ---.

11 A. I was there. And not only did they do the ones that will be between number  
12 one and two, they put the cables on the opposite side on the barrier side. They tied,  
13 put cables on there and then just staggered them because there's no crosscut to pull  
14 back into.

15 UNIDENTIFIED SPEAKER:

16 Okay. When you go back --- and what you went through  
17 when you were underground and seeing the bumps that were occurring like Ernie and  
18 Joe talked about, and then you see a miner operator that's --- I mean, he lives there  
19 every day. You know, he was up there on development and pulling pillars, so he  
20 probably knew his surroundings as well as anybody, as far as that barrier.

21 A. Yeah.

22 UNIDENTIFIED SPEAKER:

23 So when that gentleman is too nervous to run that miner  
24 anymore, and he's probably as familiar as anybody ---.

25 A. Well, that last day I was there, when you hit a bounce and you trip the power

1 or you raise enough dust that you can't see for 200 feet, yes, he was getting ---.

2 UNIDENTIFIED SPEAKER:

3 Starts getting a little ---.

4 A. And you're standing up there in the middle of it, okay. You're going to get  
5 nervous. Okay. And he's being paid by the hour. And if he doesn't want to be there,  
6 he doesn't have to be there.

7 UNIDENTIFIED SPEAKER:

8 Well, knowing in the past that you had seen these rock props  
9 kind pushed out at the toe, and you start seeing people getting nervous and asking to  
10 be taken off --- did it surprise you that that second bounce occurred? When you first  
11 heard about it, were you shocked?

12 A. On the 16th?

13 UNIDENTIFIED SPEAKER:

14 Yes.

15 A. It was something more than what I figured would happen. We thought it  
16 might, but we didn't think it would be near to the extent that it was.

17 UNIDENTIFIED SPEAKER:

18 Okay.

19 A. There's always a concern when you go through --- and the thing is, when we  
20 were digging the material out, when you line up and you have the entry behind you  
21 and you line up and you start looking down and everything is solid, and then you get  
22 over on the left rib and here's the solid end, and then if you look real close, you can  
23 see a line of roof bolts with the solid, it looks like two foot into the entry, okay, beyond  
24 the bolts, and you know that the bolts were put in on the rib line.

25 UNIDENTIFIED SPEAKER:

1 So it wasn't adding up; was it?

2 A. It's getting deeper than we want to get. Okay. And then you're taking 16 feet  
3 out of the middle of it, and it's already filled in once. It's going to fill in again  
4 eventually.

5 UNIDENTIFIED SPEAKER:

6 Okay. You just didn't think it would be as severe of a ---?

7 A. No, we didn't think it'd be near as severe as it was on the 16th.

8 UNIDENTIFIED SPEAKER:

9 Okay. One more question. Ernie was talking a minute ago  
10 about this single bleeder entry, the one way in, one way out. What would be an  
11 operator's motive for submitting a plan for one way in and one way out? Why would  
12 that be submitted?

13 A. Less maintenance. They don't have to maintain an intake around, and a  
14 roadway around. The mine I'm at now, they use technically a wraparound bleeder, but  
15 they take --- on the beginning of the bleeder, you have a three-entry system. One  
16 entry is against the gob. The middle entry is armored and protected so it can be  
17 walked, and it is return air. And on the outside entry is an intake roadway that you can  
18 drive up around to the back end of the longwall panels. And then the only place you  
19 have to walk is generally, after you make the corner, depending on the terrain and  
20 how much water they got, sometimes you can drive clear to the end of the district with  
21 a vehicle, step out of the vehicle, go through a set of stopping doors and walk that  
22 return all the way back out.

23 UNIDENTIFIED SPEAKER:

24 Why would they not leave two entries here on this ---?

25 A. I have no idea other than probably economics.

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UNIDENTIFIED SPEAKER:

You think production would factor in that decision anywhere?

A. How much money can you make coming out as to how much you got to leave in there to maintain.

UNIDENTIFIED SPEAKER:

So you think the examiner was a little lower on the list of priorities?

A. Yes, because he's only got to go in there once a week.

UNIDENTIFIED SPEAKER:

I guess Ernie was just touching on this one way in, one way out. We had some concerns with it as well. And if you look at something where an examiner is going to have to go back for a mile and you've got an area that's been bouncing, would you have concerns about him having one way in, one way out?

A. Well, if you look at the map, okay, each one of the longwall districts on this mine, there is an intake roadway and a return that goes clear around the longwall districts. Okay.

UNIDENTIFIED SPEAKER:

Okay.

A. And sometimes a roadway, as the top comes down, the ribs come down, you can only drive so far. But there are two entries.

UNIDENTIFIED SPEAKER:

Correct.

A. And they're separated with ventilation. So one is on return, one is on an intake.

UNIDENTIFIED SPEAKER:

1 Do you feel more comfortable with that

2 A. Well, it gives you an option.

3 UNIDENTIFIED SPEAKER:

4 How about here?

5 A. On this one? This is going back to what used to be standard practice 10 to 15  
6 years ago.

7 UNIDENTIFIED SPEAKER:

8 Where the plan says you can have an evaluation point come  
9 back out with a total of water, how does that fall into the regulations that say the  
10 bleeder entries will be maintained free of water?

11 A. It doesn't.

12 UNIDENTIFIED SPEAKER:

13 Okay.

14 A. Usually no one opposes that because it puts a shorter distance for exposure.  
15 But there are times when I've seen them make them take air pumps in and run air line  
16 in and a pipeline. Then you run an air pump in and you maintain the water to the  
17 furthest point.

18 UNIDENTIFIED SPEAKER:

19 Thanks.

20 A. Okay.

21 UNIDENTIFIED SPEAKER:

22 **Ex. (b)(6) and Ex. (b)(7)(C)**

23 UNIDENTIFIED SPEAKER:

24 Yeah, I got just a few. You mentioned that some shuttle cars  
25 might have knocked some of the props loose. Did you tell anybody in the command

1 center that or do you know if anybody told ---?

2 A. I don't if that was reported outside or not, because as soon as one would be  
3 knocked loose --- because the shuttle car was --- you're only using one car and you're  
4 talking from 126 back to 119. I mean, you got eight crosscuts. By the time he made  
5 the run down through there, the prop could be reset without a problem.

6 UNIDENTIFIED SPEAKER:

7 So the props were reset after they were knocked loose?

8 A. Yeah, yeah.

9 UNIDENTIFIED SPEAKER:

10 Okay.

11 A. They weren't allowed to hang loose or anything like that. They were reset.

12 BY MR. PAVLOVICH:

13 Q. How could you reset one? Were they pressurizing ---?

14 A. Pressurized up ---.

15 Q. I mean, we looked at pictures of them. They're pretty much pressed deep into  
16 the cat board overhead, so if it's knocked loose, what do you --- hit it sledgehammer  
17 and straighten it back up or ---?

18 A. If you could. If not, you pull out, lay it down and set a new one in its place.

19 Q. And how would you do that? How would you pull it out? I mean, it's tied in  
20 with the wire and ropes and all that stuff.

21 A. The wire rope goes through the handle. When they kick out ---.

22 Q. Cut the handle off and pull it?

23 A. Cut the handle off and just lay it down, throw it behind and set another one in  
24 its place.

25 Q. And you saw that done here?

1 A. Yeah.

2 Q. And they took a torch up there and cut the handle off?

3 A. No. Hacksaw will do it.

4 Q. You cut them off with a hacksaw?

5 A. And sometimes you just take your big sledgehammer and hit the handle. The  
6 handle is only three-eighth inch steel.

7 Q. Welded on ---?

8 A. Just welded on.

9 Q. You can hit it with a sledgehammer and knock it off?

10 A. Hit with a sledgehammer and knock it off. It's only there for convenience.

11 Q. It's only there to carry the jack, not really to anchor it together?

12 A. That's right.

13 Q. So if you could knock it off with a sledgehammer, what would a bump do to it?

14 A. Well, the thing is, put the cable there so that when you run the cable, you run  
15 it through the handles, so until you tension it up, the cable's not sagging and falling  
16 down.

17 MR. TEASTER:

18 You had three of those ropes?

19 A. They may have put three on as they went through. I only remember seeing  
20 two.

21 BY MR. PAVLOVICH:

22 Q. But you literally saw them knocked out and replaced?

23 A. Yeah, yeah.

24 Q. That's my question, I guess.

25 A. If they were knocked down ---.

1 Q. With a new one.

2 A. That's the only way you can put them back.

3 Q. Yeah. You couldn't knock it back straight up.

4 A. No. Well, once in a while you could, just enough to kick it back, but most of  
5 the time it had to be replaced rather than reset.

6 UNIDENTIFIED SPEAKER:

7 Did you ever see Al Davis in the command center when you  
8 got there for your afternoon shift?

9 A. Yeah.

10 UNIDENTIFIED SPEAKER:

11 How often?

12 A. He's there on a pretty regular basis.

13 UNIDENTIFIED SPEAKER:

14 Was he?

15 A. Yeah. Either him, Cornett. They were ---.

16 UNIDENTIFIED SPEAKER:

17 I'm talking Davis specifically.

18 A. Yeah, Davis specifically, yeah, a number of times.

19 UNIDENTIFIED SPEAKER:

20 Just a couple other small ones. You mentioned earlier that  
21 you have mines on five and seven-day spots.

22 A. Yeah.

23 UNIDENTIFIED SPEAKER:

24 What's a seven-day spot?

25 A. Seven day spot is when they don't work weekends. They're basically saying

1 criteria is a five-day spot but they don't produce on weekends, so they go to a seven-  
2 day.

3 UNIDENTIFIED SPEAKER:

4 Seven calendar days?

5 A. Seven calendar days.

6 UNIDENTIFIED SPEAKER:

7 So you're still doing it really during every week?

8 A. Every week you do it, yes.

9 UNIDENTIFIED SPEAKER:

10 One last question. You mentioned earlier that the district  
11 decided to put all the mines that Murray owned into one work group?

12 A. Uh-huh (yes).

13 UNIDENTIFIED SPEAKER:

14 Why did they decide to put them in Taylor's work group  
15 instead of Farmer's work group?

16 A. I have no idea. I have no idea.

17 UNIDENTIFIED SPEAKER:

18 Okay. What's the cooperation between the work groups? I  
19 mean, if one says we're real behind on mines, we need some help or, you know,  
20 anything?

21 A. Well, right now I've got a, had an interview with SI on Tuesday over an order I  
22 wrote rescinding the roof control plan for a mine that was under Farmer's control at the  
23 time. Because he was short-handed, the inspector was available was headed out on  
24 an investigation and then you did a --- to suspend the ventilation plan on the mine.

25 BY MR. PAVLOVICH:

1 Q. So is there good cooperation between the work groups and the supervisors  
2 or ---?

3 A. I think there is.

4 Q. Okay.

5 A. There are people in either group that are reluctant to help the other group but  
6 they're reluctant to help people within their own group, too.

7 Q. Okay. Not necessarily just the other group?

8 A. No, it's not just the other group there.

9 Q. They'd be reluctant to help anybody.

10 A. Yes.

11 Q. Okay.

12 MR. PAVLOVICH:

13 **Ex. (b)(6) and Ex. (b)(7)(C)**

14 UNIDENTIFIED SPEAKER:

15 Yeah, I have a couple. Start off with just following up on Joe's  
16 with these setting the rock props again that might have been dislodged. What was the  
17 source, the power source, if you will, to pressurize them if it was outby?

18 A. They got a mini track that you have to bring --- as the shuttle car went around  
19 the dump, you could run the mini track in, set it, hook the hose, put the pressure up.

20 UNIDENTIFIED SPEAKER:

21 And that hose had similar gages, I mean the pressure was  
22 being checked?

23 A. There's a pressure gage with a manifold that you would hook the hose up,  
24 start the pump, pressurize it up and the gage was sitting there with the master control.

25 UNIDENTIFIED SPEAKER:



1 UNIDENTIFIED SPEAKER:

2 And you were there at the time?

3 A. Yeah.

4 UNIDENTIFIED SPEAKER:

5 Is that something that you would write up a report on?

6 A. There was an investigation done on them, yes.

7 UNIDENTIFIED SPEAKER:

8 Okay. And how long ago would that have been, do you have  
9 any idea?

10 A. That would have been, what, probably about '98, '99.

11 UNIDENTIFIED SPEAKER:

12 And if you weren't at a mine when one happened, had you  
13 ever personally been assigned to go out and investigate a bump ---

14 A. Yeah.

15 UNIDENTIFIED SPEAKER:

16 --- that was reported? And a report is always written up when  
17 that happens?

18 A. If a call comes in that says they've had a bounce, yeah, there's a report.

19 UNIDENTIFIED SPEAKER:

20 Okay. Going back to something else you said just for  
21 clarification. I'm curious about when they went underground in the recovery effort to  
22 the eight foot advance from what they were doing prior, was that already established  
23 when you were there?

24 A. No, we were, when I went underground they were still doing, we were going 20  
25 feet and then setting props up. But after we got to coming up on Crosscut 125

1 somewhere in there between this one at when they jumped --- stepped it back to show  
2 --- slow the exposure.

3 UNIDENTIFIED SPEAKER:

4 And what drove that, I mean, and who all was involved? Do  
5 you know what ---?

6 A. I'm not sure who all was there, I know that it was thumping on a regular basis  
7 and they decided to limit the exposure of people, so they went back to an eight foot  
8 advance and only the people actually running machines were to be at the lead edge.  
9 Everybody was to be back.

10 UNIDENTIFIED SPEAKER:

11 Okay.

12 A. Just so you limited the exposure, number of people that could be hurt at any  
13 given time.

14 UNIDENTIFIED SPEAKER:

15 Just one last one relating to --- again, just for clarification.  
16 When you talked about the geologist or the tech support guys coming in and they were  
17 ready to underground ---

18 A. Yeah.

19 UNIDENTIFIED SPEAKER:

20 --- when you came out. Was that something that you  
21 personally called out to someone in the command center?

22 A. We called that out to the command center and expressed our concerns that  
23 the activity seemed to be increasing and ---.

24 UNIDENTIFIED SPEAKER:

25 Do you know who you talked to in the command center?

1 A. Whoever was on the command center at that time, it'd be in the log, I would  
2 imagine.

3 UNIDENTIFIED SPEAKER:

4 I mean and their response was, we'll take care of it or ---.

5 A. Yeah, we'll get ahold of --- see if we get a hold of them.

6 UNIDENTIFIED SPEAKER:

7 Okay.

8 A. No, both Mike and Joe they were --- they were there and they were concerned  
9 about what was going on. They spent a lot of time crawling around, seeing what they  
10 could find. And I think it was something that they really hadn't encountered  
11 themselves before. And they were concerned with it. They were concerned.

12 MR. TEASTER:

13 You mentioned to one Ex. (b)(6) and Ex. questions that these rock props  
14 that were being used weren't as big as ones you've seen used before?

15 A. No, most of these were --- oh, they would go up about eight foot was all.

16 MR. TEASTER:

17 Okay, length-wise, not ----

18 A. Length-wise. And ---.

19 MR. TEASTER:

20 --- stature-wise or ---?

21 A. When you go over eight foot, then they step up in size and diameter.

22 MR. TEASTER:

23 Okay. So you've seen them use bigger ones before ---

24 A. Yeah.

25 MR. TEASTER:

1 --- and bigger diameter.

2 A. Bigger diameter.

3 MR. TEASTER:

4 Would they hold more weight or designed to ---?

5 A. I don't know whether they'd hold more weight. They're just designed to ---.

6 MR. TEASTER:

7 Well, we weren't using them to hold weight anyway.

8 A. They're designed for higher areas.

9 MR. TEASTER:

10 Higher areas.

11 A. So you can go up 10, 11 foot.

12 MR. TEASTER:

13 Okay. So these you were using at --- what kind of bottom  
14 were they sitting them on, Jim, were they cleaning it to the hard rock ---

15 A. Tried to ---.

16 MR. TEASTER:

17 --- or to the coal?

18 A. Tried to clean it to the solid.

19 MR. TEASTER:

20 Solid meaning ---?

21 A. Some was coal bottom, sometimes you get to the rock but it was down to  
22 where it felt solid where you had to take a pick to move the ---.

23 MR. TEASTER:

24 You got the loose material.

25 A. Yeah, you got the material out there.

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MR. TEASTER:

Okay <sup>Ex. (b)(6) and Ex. (b)(7)</sup>

UNIDENTIFIED SPEAKER:

Do you know if the mines at Crandall Canyon, do they monitor seismic activity, like do they follow a Website at the mine office?

A. I don't know whether they do or not.

UNIDENTIFIED SPEAKER:

Okay.

A. I don't know whether they do or not.

UNIDENTIFIED SPEAKER:

And before you went underground on the days you went underground, do you feel that you were adequately debriefed by the preceding shift?

A. Well, you hop seated. I mean you changed shifts with the people that were in place there. The one shift did come out and then you talk to them, then you go under. You kind of reviewed what was going on at the command center, you went under with a crew and then you exchanged places at the worksite.

UNIDENTIFIED SPEAKER:

So the guy that you were relieving kind of filled you in on ---?

A. Yeah, on what he had been doing that day, then he would travel back out, outside.

UNIDENTIFIED SPEAKER:

And I think you said on Wednesday, your first day underground, that there was a recovery plan posted at the power center?

A. Yeah.

UNIDENTIFIED SPEAKER:

1 Were those updated?

2 A. Yeah.

3 UNIDENTIFIED SPEAKER:

4 So a current plan ---

5 A. A current plan was ---.

6 UNIDENTIFIED SPEAKER:

7 --- was available for anybody to see?

8 A. Yeah. Out where it could be seen, reviewed as you went along.

9 UNIDENTIFIED SPEAKER:

10 Okay. So that was there, anybody working there knew that  
11 they could look at that plan at the power center?

12 A. Well, when the plan changed, anybody that was on shift, any changes in the  
13 plan was reviewed with the people that were there, the changes. And as new crews  
14 come on they were supposed to be notified of any changes in the plan before they  
15 started work.

16 UNIDENTIFIED SPEAKER:

17 And I guess as a member of MEO (sic), are you also accident  
18 investigator ---?

19 A. Well, according to Mr. Kuzar, because I was with metal/nonmetal, when I went  
20 through accident investigation it didn't count in coal. Okay?

21 UNIDENTIFIED SPEAKER:

22 Okay. Thank you.

23 BY MR. PAVLOVICH:

24 Q. Whatever you did in metal didn't count?

25 A. It didn't count.

1 Q. Okay. That was Mr. Kuzar's ---?

2 A. That was Mr. Kuzar's ---.

3 UNIDENTIFIED SPEAKER:

4 What about Mr. Davis?

5 A. Well, I've never been called to really do an accident investigation other than  
6 been to bumps and bounces and some different things, and Mr. Davis has never  
7 objected to me going there.

8 UNIDENTIFIED SPEAKER:

9 Do you know, is there video equipment available in the Price  
10 field office for accident investigation?

11 A. They had a video camera at one time. I don't know whether it still works or  
12 not.

13 UNIDENTIFIED SPEAKER:

14 Okay. So you don't know if anybody has used it or not?

15 A. No.

16 UNIDENTIFIED SPEAKER:

17 Was there any discussion about using our video equipment,  
18 MSHA video equipment instead of letting the news people go underground with their  
19 video equipment?

20 A. There was some but they just decided to back out, do this event and let it go,  
21 as far as I know. Because they didn't have anybody ---. The main thing is with the  
22 video equipment that's available within the district, there's not enough lighting to  
23 illuminate sufficiently to more than about 20 feet, just your cap lens. It won't --- there's  
24 not a light bar, there's not a good light source to illuminate the underground to make a  
25 really good video of anything, you're restricted to maybe 20 feet in distance.

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UNIDENTIFIED SPEAKER:

Okay. And you said they'd limited the number of people that could be in the face area to three. They're the miner operator, the buggy operator. Who was the third one?

A. Either the boss or an MSHA employee. They would alternate. It depends on who was there.

UNIDENTIFIED SPEAKER:

So either the boss or an MSHA inspector; correct?

A. Yes.

UNIDENTIFIED SPEAKER:

And when we was talking about the rock props, have you ever seen them anchored to a roof anywhere at any other mine?

A. No.

UNIDENTIFIED SPEAKER:

Any of them anchored to the roof ---?

A. No.

UNIDENTIFIED SPEAKER:

Would that have been possible in this case?

A. They might have been able to go back and put some anchors in and put some turnbuckles in, it'd be a possibility, but you're putting a pretty good arc, just trying to hold anything. You would have had to go back 40, 50 feet to get the cable to lay down on the rock prop to do what it's supposed to do. You could probably tie them down that way. You'd have to figure some way to keep the rope from riding up toward the roof. And if you release the tension that would go slack and the cable wouldn't hold near as well. You'd figure out a block system or something like that to anchor it with,

1 but you'd have to be able to hold the cable down in line and then space between the  
2 cable and the roof and then take it back up to your anchor to your roof. It would take  
3 some effort to do, but it could be done.

4 UNIDENTIFIED SPEAKER:

5 When you worked on the mountain at the drill holes, did you  
6 see any subsidence cracks or hear anybody talk about cracks on the way to the  
7 surface?

8 A. There's --- on the road in, you can stop ---- there's one, one ridge line and you  
9 look across and you can see where there's been some subsidence, some cracking in  
10 the surface, yeah. But there's surface subsidence over where the --- oh, that would be  
11 the --- probably the panels to the left of Main West would be the area that you could  
12 see subsidence, because the ridge is not really vertical, it kind of tapers out and you  
13 can see undulations in it and cracks.

14 UNIDENTIFIED SPEAKER:

15 Is it normal with that much cover that they're over the  
16 surface ---?

17 A. They can. On the mountain to the east of where Crandall Canyon is, the  
18 Hiawatha mine in the old days pulled out coal that was 32 to 35 feet in height and  
19 probably covered about 30 acres with that height and pulled it out and those cracks  
20 went to the surface with ---. I think there was 1,600 foot of cover on that one. And  
21 there's cracks big enough that ranchers lose a cow up there once in a while. They put  
22 them on the mountain for summer graze and they lose a couple cows every year in  
23 those holes. They're fenced and try to close them off as much as they can, but every  
24 once in a while an old cow will blunder through the fence and you see the tracks,  
25 they've gone in the hole.

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MR. TEASTER:

Jim, while you were on the bore hole, did you ever look at ---  
did you drop the camera down to look at the voids?

A. Yeah.

MR. TEASTER:

Did you ever see any large voids in the strata itself on the way  
down to the coal bed?

A. Not real large voids. I saw some places were in the water. Number four hole  
is probably the worst because about between 60 and 150 feet there's a lot of water  
and it's mostly gravel. And I dropped the camera down and the hole closed up a  
couple times. The first time I put the camera down they had --- they barely got the  
camera back out. Then they had to put the drill --- put the bit on and go back and  
ream the hole all the way to the bottom before they tried the camera again. They  
were 12 hours just getting the camera down the first time.

MR. TEASTER:

Thank you.

UNIDENTIFIED SPEAKER:

What were the two mines you said that you've seen that  
develop barriers similar to what they doing there? I mean ---.

A. When we pulled back, that was at the Des-Bee-Dove Mine, Deseret, Bee  
Hive, Little Dove and that was with Emery Mining and we pulled --- that was all pillar  
mine, all retreat mining. The Little Dove and Deseret were superimposed on top of  
each other. And they matched pillars, entries and they pulled the top seam first and  
they matched --- went out on the barrier on either side, pulled out, as well as all the  
pillars.

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UNIDENTIFIED SPEAKER:

You said you were in the South Barrier when they were developing ---

A. Yeah.

UNIDENTIFIED SPEAKER:

--- it on Crosscut 140?

A. Yeah. 140 was the development line. That was the last open crosscut when I was there was 140.

UNIDENTIFIED SPEAKER:

Did anybody on the section voice any concern about, we're going to have to pillar this back ---?

A. No. That was assumed they there were going to develop it out and pull the pillars back, that was the plan.

MR. PAVLOVICH:

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

UNIDENTIFIED SPEAKER:

Yeah. Jim, I think you said that looking back on it, this rescue effort maybe should have been stopped sometime before the 16th, but because of the pressures ---

A. Well ---.

UNIDENTIFIED SPEAKER:

--- nobody there wanted to make that difficult decision?

A. With the drill holes doing down with one and two showing low O2, number three showing no activity, and number four started where they thought there might be something --- it was getting dim as to whether prospects were good.

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UNIDENTIFIED SPEAKER:

What kind of pressures do you think contributed to the decision to continue this instead of ---?

A. Well, there'd been --- there's people that have been trapped underground that have lived seven to ten days without --- you know, without rescue efforts and they've come out alive, so you don't want to call it. You know, here you are on the 16th and you're about to 13th or 14th, and your seven days, do you want to call it when there is a possibility that a human can live longer than that?

But with the low O2, the low oxygen, it becomes questionable. How much low oxygen were they subjected to, when did it hit them and did it go --- how low did it go, you don't know, for sure. So until you've gone to the extent that's potential for the human body to survive, you really can't really say, chop it off here, unless you're getting ---. Now, if the top would have been coming down, the roof coming apart and caving down like that, yeah, they probably --- they might have called it earlier. But with lateral pressures and what no one had really been experienced to, like I say, looking back, yeah, but when you're there with it, it's hard to say. Because it's --- you know, something that --- I don't know about anybody here, but this is the first time I've run into stuff coming to flowing sideways.

MR. TEASTER:

Uh-huh (yes).

A. Unless you're in a trench or, you know, on a surface operation with a highwall, most of the time you have a problem like this, either the floor heaves up, comes straight up at you or the roof comes down. It doesn't do this sideways. The roof in here, the only time we had to put roof support in and bolt it was when the miner got up into the mesh.

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MR. TEASTER:

Okay.

A. Tear the mesh out of it and then we'd go back in and re-mesh and re-bolt it. A couple little cracks here and there but, I mean, they're not --- as far as roof damage, no. The Number Four entry, people got back in as far as 126, even after the second --- you know. After the recovery was underway, they got back in to 126 in Number Four entry. Now, granted that probably wasn't the wisest idea, but we still felt that, you know, there might be somebody alive in there. And when you have to go through and you put your back against the roof, you hold the methanometer out in front of you and you're going on your belly and your hands and knees, they got to 126. A mesh had come down across the entry. And the person that got there said, if I had a pair of wire cutters, I could go farther. And they stopped to thinking, now, if I go further and I get hung up, who's going to come after me? Okay? And he turned around and come back out. But he had been to 126 in Number Four entry. And as far as he could see with his light it was about the same.

And then from hole number three with the camera looking down there, that's out there at the end of that Number Four entry, looking back, there's no damage out there, at Number Four. Number Four entry as far back as the camera could see there's no damage in that entry. And that was --- the reason for number three was that if they had a opportunity to get away from the initial blast, and the initial fill-in, that was a place that they could have possibly got to and got out of the rubble, that's why that number three hole was put there.

BY MR. PAVLOVICH:

Q. Jim, when that dust is put in suspension from one of these bumps, --- I've never been in one, I don't know --- apparently you mentioned earlier the dust --- you

1 couldn't see the miner or the shuttle car, it was so dusty.

2 A. The lights were on. Both times that we called them out, the dust come up.  
3 And standing at about 121, 122 you could see the shuttle lights or the miner lights inby  
4 125.

5 Q. How long did it take that dust to settle where you could see if you hadn't  
6 provided additional ventilation?

7 A. The ventilation we had was --- a minute and a half, two minutes it cleared.

8 Q. With the ventilation?

9 A. With the ventilation.

10 Q. The ventilation was carrying the dust away?

11 A. Yeah,

12 Q, If you didn't have ventilation, ---

13 A. If you didn't have ventilation?

14 Q. --- how long would you stay in suspension, do you think?

15 A. It could --- hours.

16 Q. Okay.

17 A. Only relation I can give to you is, when the salt mines blast they use ANFO,  
18 and if you get an entry where the air is stagnant, you can go in eight hours later and  
19 the orange haze is still in the air, it's laying about eight to ten feet off the ground.  
20 These entries are 25, 30 feet high ---.

21 Q. It takes a long time for that to settle out.

22 A. Yeah, but it the air will be clear underneath them but there will be a cloud of  
23 orange ANFO dust hanging.

24 Q. If you were up there in the bump then, with that kind of dust cloud that would  
25 be generated from this bump, and obviously blocking off the ventilation, it would be

1 pretty hard to find your way anywhere, wouldn't it?

2 A. You would be lucky if you still had a light to see with, ---

3 Q. Right.

4 A. --- okay?

5 Q. Much less be able to find your way into that ---

6 A. Yeah.

7 Q. --- Number Four entry to the back end.

8 A. Yeah. And if you were lucky enough to have your light and you're not covered  
9 up and you still got a sense of orientation ---.

10 Q. And that's pretty hard to do, isn't it, ---

11 A. Pretty hard to do.

12 Q. --- after it knocks you down.

13 A. And it's difficult ---.

14 Q. I mean, you could very well walk right into the gob.

15 A. Yeah. On both times on the longwall when that shear was split in half, there  
16 was a shear operator and a foreman walking along the middle of the shear, last plates  
17 up both times it happened. It's instantaneous. Shears cutting along, the pan lines  
18 going, everything shuts down, the shears split in half, the two people who are there are  
19 prostrate on the ground, they're not flat and both times they were under four to six  
20 inches of coal, fine coal.

21 Q. Okay.

22 MR. TEASTER:

23 Could it break their mine map?

24 A. It didn't that time, no. Neither time did they break it. One of them lost his hat.

25 The only reason he found his hat was because the clip was still tied to his --- you

1 know, the lamp cord was tied to the cap, but his hat was gone. And the other times  
2 everybody was wearing airstream helmets and they tend to stay on a whole lot better.

3 MR. TEASTER:

4 Okay. They actually have a strap, though.

5 A. No, with the face piece it anchors underneath the chin ---

6 MR. TEASTER:

7 Oh, okay.

8 A. --- and then it comes down around the back of the head.

9 MR. TEASTER:

10 Okay.

11 A. When that face shield is down, it's difficult to pull it off.

12 MR. TEASTER:

13 Okay Ex. (b)(6) and Ex. (b)(7)

14 MR. PAVLOVICH:

15 Ex. (b)(6) and Ex. (b)(7)(C) finished?

16 MR. TEASTER:

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

20 want to come up and talk about --- well, they have some questions for you from your  
21 inspection, Jim, that you did ---

22 A. Okay.

23 MR. PAVLOVICH:

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

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UNIDENTIFIED SPEAKER:

Who is Bill Jones?

A. I'll let you figure out who Bill Jones is. You don't want to meet him.

UNIDENTIFIED SPEAKER:

I'm sure you've been interviewed by several people over ---  
lately.

MR. PAVLOVICH:

He wouldn't be an IG man, would he?

A. Bill Jones is IG from back east, and he operates with racketeering and nasty  
guys, ---

MR. PAVLOVICH:

Criminal activities.

A. --- criminal activities, criminal investigator.

MR. PAVLOVICH:

Here's your chance, big boy.

UNIDENTIFIED SPEAKER:

Well, I will tell you, I'm glad I don't know him.

A. Like I say, you don't want to know him.

UNIDENTIFIED SPEAKER:

I'm thankful I didn't know who he was, since you told me who  
he was.

A. He's a pleasant guy to talk to, but I really didn't --- you know, I wouldn't want to  
have any dealings with where he had to exercise his authority.

MR. PAVLOVICH:

In other words, don't be fooled by the pleasantness.

1 A. Uh-huh (yes).

2 MR. TEASTER:

3 Speaking of that, it's a good time to ask those questions now.

4 Are you going to start?

5 UNIDENTIFIED SPEAKER:

6 I'll let you go first <sup>ex. (b)(6)</sup> and then I'll ask him. Okay. Jim, we're  
7 just going to ask you a few questions. I'm sure you have been asked a lot of questions  
8 here lately by different people. But it's kind of going to be dealing with the inspection,  
9 the '01 inspection that you did ---

10 A. Yeah.

11 UNIDENTIFIED SPEAKER:

12 --- that started May 30th ---.

13 A. May 30th and ended on the 2nd of July.

14 UNIDENTIFIED SPEAKER:

15 The 2nd of July, that is correct. And some of the questions  
16 are going to be kind of like policies and procedures, just so we can get a feel what the  
17 Price field office, the way they done business and maybe even District 9, the way they  
18 done business. We got the inspection here and it will have all your notes and  
19 everything in it.

20 A. Okay. You should have everything copied, yes.

21 UNIDENTIFIED SPEAKER:

22 Uh-huh (yes). And kind of got maps laid out here that'll be  
23 able --- for you to look at.

24 A. Yeah.

25 UNIDENTIFIED SPEAKER:

1 Any time you got to --- you know, want to reference something  
2 just say, ---

3 A. Yeah.

4 UNIDENTIFIED SPEAKER:

5 --- I need look at something, so that will be fine.

6 A. Whatever.

7 UNIDENTIFIED SPEAKER:

8 As far as the policy and procedure question goes, on the copy  
9 of the vent that we got, it says that the vent was closed on July the 2nd.

10 A. July the 2nd. That was the post-inspection conference.

11 UNIDENTIFIED SPEAKER:

12 And then on the time that was charged to that event, on the  
13 3rd and the 10th there was time charged for report writing. Is that common or why  
14 wouldn't time be charged to the vent after it was closed?

15 A. Well other than on the 10th, would have had results back from respirable dust,  
16 and that would have had to have been put in the report and gone through.

17 UNIDENTIFIED SPEAKER:

18 Well, I mean should ---?

19 A. But beyond that, I don't know.

20 UNIDENTIFIED SPEAKER:

21 Well, I mean, yeah, should the last date that it was closed out  
22 be the date that time was charged to it? I mean, this is just policy ---.

23 A. Generally, yeah.

24 UNIDENTIFIED SPEAKER:

25 Okay.

1 A. There was a respirable dust run on --- it would have been the last Friday on  
2 the 29th, and that would've had to been added in. What else went on, I ---.

3 UNIDENTIFIED SPEAKER:

4 Okay. You also see on this event activity time breakdown  
5 that we got, Bill Taylor traveled two days to the mine with you.

6 A. Yeah.

7 UNIDENTIFIED SPEAKER:

8 Was he conducting --- accompanied activity with you?

9 A. Yeah. Mr. Taylor on a --- what he tries to do is at least every six months  
10 spend a day or two with the inspector, depending on what's going on, what his duties  
11 are calling him to do. He likes to spend two days out. And sometimes it's only one or  
12 one and a half. It depends on what happens in the office, what happens in the rest of  
13 the mines.

14 UNIDENTIFIED SPEAKER:

15 Uh-huh (yes).

16 A. Sometimes he'll cut a visit short and pick it up on another day sometime else.

17 UNIDENTIFIED SPEAKER:

18 On the first day that he traveled with you there, his time is  
19 different from yours, okay, he was outby different times and he was on a section  
20 different times. Was this just a clerical thing or did he travel to different areas in the  
21 mine than you did?

22 A. No, we pretty well traveled together. We shouldn't be more than a half hour  
23 off, depending on what goes on. But I mean just a matter of --- we didn't sit down and  
24 say, we're going to charge this many hours to this event and walk this much. We just  
25 kind of --- he did his and I did mine and we didn't really sit down and compare them for

1 record.

2 UNIDENTIFIED SPEAKER:

3 Okay. Well, just our question is, I mean, the times are  
4 different from outbys on section.

5 A. Yeah.

6 UNIDENTIFIED SPEAKER:

7 We were just wondering if he went to different areas from  
8 you?

9 A. No, we were together.

10 UNIDENTIFIED SPEAKER:

11 Okay. I need to refer to the notes some.

12 UNIDENTIFIED SPEAKER:

13 I've got the date issues.

14 UNIDENTIFIED SPEAKER:

15 Well, you go ahead and ask that, while I look for something  
16 else.

17 UNIDENTIFIED SPEAKER:

18 Have fun with the plan review sheet.

19 UNIDENTIFIED SPEAKER:

20 Well, maybe we will, I don't know, we'll see. This inspection  
21 was from in May. What were the exact dates on there? May 30th to July 10th.

22 A. Well, that's one time this looks like from the time exposed on it. Closeout was  
23 on the second day of July. That was last day at the mine.

24 UNIDENTIFIED SPEAKER:

25 Okay. But it looks like it was started on May the 30th.

1 A. Yeah, that was the initial visit to the mine.

2 UNIDENTIFIED SPEAKER:

3 Okay. So one of the questions is, on the 2002 04 (phonetic)  
4 form, ---

5 A. Uh-huh (yes).

6 UNIDENTIFIED SPEAKER:

7 --- it was dated February 2nd of '07 and it's actually  
8 handwritten in F-E-B. You know it wasn't like 02/02/07.

9 A. Look at all the notes they should all be about with the handwritten in, you  
10 know, with the number and date and the month. Why it was done that way, I don't  
11 know. There's that one, there's another one on the ATF.

12 UNIDENTIFIED SPEAKER:

13 Yeah, but, let me actually ---.

14 A. See the ATF, this should be the same.

15 UNIDENTIFIED SPEAKER:

16 But then that one was written over ---.

17 A. Uh-huh (yes). Because I caught it before I wrote February, I put in July.

18 UNIDENTIFIED SPEAKER:

19 Okay. Did you do these forms the same day?

20 A. Same time. What there is, when you finish out the report, when you finish the  
21 day, you've gone up, you've conducted your post-inspection conference, you've  
22 closed everything out, you come back down and you draw all these out. There's a  
23 computer input form if there's any changes. There's a review form, the ATF, and I  
24 think there's one other that you just pull out of a stock and you sit down and you go  
25 through each one, all at the same time.

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UNIDENTIFIED SPEAKER:

Okay. Well, I notice it showed up on the 204 form, the ATF form, then there's also a daily cover sheet.

A. That should have been for the --- for the 2nd of July also.

UNIDENTIFIED SPEAKER:

Okay. And it's written 02 Feb. '07 .

A. Yeah.

UNIDENTIFIED SPEAKER:

And then also on the general information cover sheet, it says post-inspection conference date, 02, Feb. '07.

A. Yeah. Why I had that stuck in my mind, I don't know.

UNIDENTIFIED SPEAKER:

Is that your anniversary or anything like that or just ---?

A. Well, let's put it this way, from the time I rolled that Tahoe until I did this inspection, there's a year and a half that I didn't run the regular inspection. This is the first regular inspection I ran. Why I put those dates, I have no idea. There's another one on another daily log sheet that it shows a June, then you go to the second sheet that goes with it and it looks like an A instead of a U. Okay?

UNIDENTIFIED SPEAKER:

Yeah, it actually looks like January.

A. It looks like January, but yet it's a continuation sheet of the sheet on the front that's marked June. Okay? Why, I have no idea. Since then I've noticed that --- I went over this when --- after we kind of pulled back and regrouped after the 16th. And the accident investigation team had pulled the file, the boss and I sat down with it and went back through it. And I couldn't explain then, I can't explain now. Why I did it,

1 what was going on in my mind, I don't know.

2 UNIDENTIFIED SPEAKER:

3 When were they done up, I'll just ask you?

4 A. These were done on the 2nd of July. These ones that are marked 2, February  
5 were done on the second day of July.

6 UNIDENTIFIED SPEAKER:

7 And how about this one?

8 A. That would have been --- well, that's the 27th of June what that shows.

9 UNIDENTIFIED SPEAKER:

10 Okay.

11 A. I can't see the other side of the second page, but I'll bet you says the 27th  
12 also.

13 UNIDENTIFIED SPEAKER:

14 Sure. How do you do your notes? I mean, when do you take  
15 them? Like on this day that says January but it's June 27th.

16 A. June 27th, that's ---.

17 UNIDENTIFIED SPEAKER:

18 You go underground and you make some of the west main  
19 seals, tie returns together, make some other seals, return ---.

20 A. Travel with a weekly examiner on that day.

21 UNIDENTIFIED SPEAKER:

22 Do you take this big note sheet underground and write them  
23 as you go?

24 A. Usually.

25 UNIDENTIFIED SPEAKER:

1 Usually?

2 A. Uh-huh (yes).

3 UNIDENTIFIED SPEAKER:

4 I mean, what do you think you done this day?

5 A. I think I had the front sheet with me I don't know about the --- and the second  
6 sheet is not perforated, where the first sheet is, on the notes. And they usually carry  
7 those perforated sheets most of the time when they travel. That daily sheet on the big  
8 sheet will give you enough room to do most of what you want to do.

9 UNIDENTIFIED SPEAKER:

10 Maybe let me clarify <sup>Ex. (b)(6) and Ex</sup> question. Do you take your notes  
11 as you're underground ---

12 A. Yeah.

13 UNIDENTIFIED SPEAKER:

14 --- or do you do any after the fact, or how do you usually do  
15 them, Jim?

16 A. When I'm done for the day, I'll go back and review my notes and before I  
17 leave the property, if I don't have all that I want to have in the notes or all that I'd been  
18 doing, ---

19 UNIDENTIFIED SPEAKER:

20 Uh-huh (yes).

21 A. --- then they're completed before I leave the property that day.

22 UNIDENTIFIED SPEAKER:

23 Okay.

24 A. And that's what this second page is.

25 UNIDENTIFIED SPEAKER:

1 Do you ever use the small notes or do you always use the ---?

2 A. Yeah, I use small notes. This one I'd been doing EO-1s and some surface  
3 work and that book was available and I just used that big book.

4 UNIDENTIFIED SPEAKER:

5 I want to ask about this while we're there.

6 UNIDENTIFIED SPEAKER:

7 Yeah. Sure.

8 UNIDENTIFIED SPEAKER:

9 I guess, what --- as we were going through stuff, Jim, we  
10 wondered what the significance of that was, so if you could kind of walk us through it.

11 A. Well, there should be a --- there should be an e-mail in there somewhere if  
12 they put it in the file. But it was a question on the order I wrote that apparently they  
13 didn't like what was in the body, it didn't say enough, so I got a little note down that  
14 said, explain what's going on, because apparently they didn't know where the tailpiece  
15 of the silo belt was.

16 UNIDENTIFIED SPEAKER:

17 So that was just to add some description to the body of the  
18 order?

19 A. Yeah.

20 UNIDENTIFIED SPEAKER:

21 You said it was an order?

22 A. Yeah.

23 UNIDENTIFIED SPEAKER:

24 Did you not --- did Bill not say, how about just doing a  
25 subsequent action to add that into the body of the order?

1 A. No. They want some clarification from the district. The district sent an e-mail  
2 down to Bill.

3 UNIDENTIFIED SPEAKER:

4 Do you think that was due to a conference? Were they  
5 conferencing that or was it special assessment or what ---?

6 A. Special assessment, they conference anything that's an order or S&S. It's  
7 automatic conference. They don't care whether it's right or wrong or they totally agree  
8 with you --- with the thing, they're going to conference it.

9 UNIDENTIFIED SPEAKER:

10 Okay.

11 UNIDENTIFIED SPEAKER:

12 But you didn't modify if they didn't ask you to modify it?

13 A. No, no modifications.

14 UNIDENTIFIED SPEAKER:

15 Okay, because we didn't have that e-mail. So that's  
16 something to kind of be aware of.

17 A. Well, Mr. Jones had the e-mail.

18 UNIDENTIFIED SPEAKER:

19 Okay.

20 A. Okay?

21 UNIDENTIFIED SPEAKER:

22 Let me ask you about this sheet here.

23 A. Uh-huh (yes).

24 UNIDENTIFIED SPEAKER:

25 You see that there's a typewritten sheet and it's on a 7000-

1 10K?

2 A. Yeah.

3 UNIDENTIFIED SPEAKER:

4 Just describe what that sheet's used for.

5 A. What that is, so that you're not --- every time you, every day you're in the  
6 mine, you don't have to write down no imminent dangers encountered, gasses are all  
7 within normal parameters, ventilation is where it's supposed to be, roof control,  
8 combustible materials, all that stuff are there, instead of writing that in your notes  
9 every time, the office came up with this form which you attach to each day's notes to  
10 state that. You put the date on it and sign the bottom. And if there's anything that is  
11 out of compliance, then it's either in the notes or a citation is written.

12 UNIDENTIFIED SPEAKER:

13 Did you say the office? Was that the field office or at the  
14 district office?

15 A. It was the field office.

16 UNIDENTIFIED SPEAKER:

17 Okay. Is there any problem with altering an MSHA form like  
18 that ---

19 A. Well ---.

20 UNIDENTIFIED SPEAKER:

21 --- and putting information on it?

22 A. Well, what that form is, is a blank form for your notes on a small notebook.  
23 It's a blank page, basically, with a date and place for signature at the bottom. And  
24 they went in on the computer and composed that up, made it fit the form and printed it  
25 out. It just makes it a little bit easier convenience to do. Now, the --- our field group

1 still uses that page. Farmer's group uses a little bit different page, it still says the  
2 same things but it's not highlighted like that is.

3 UNIDENTIFIED SPEAKER:

4 Uh-huh (yes). We've noticed some of them turned in like  
5 when people are making even the surface and you didn't have none like that, but do  
6 those apply to underground and surface?

7 A. Some people get into the habit of doing them and they do them if they  
8 check ---. If you walk over and check the top of a silo, or you walk into a draw-off  
9 tunnel, you're checking for ventilation, you're checking for gasses, and what's the  
10 condition of the tunnel or the silo. And most of that on that page applies to that. You  
11 walk into a draw-off tunnel, there's one that we do on a surface operation that it's a  
12 thousand feet from the entrance to the back end. Now, do we have to have ventilation  
13 in there? Is the dust control up? You know, do we have a low O2 situation or is the  
14 mine shipping coal that has methane in it, that methane could accumulate in there?  
15 But you're walking a thousand feet down a tunnel and a lot of times they'll fill one of  
16 those out just to show that everything was there.

17 UNIDENTIFIED SPEAKER:

18 Okay. We'll ask Ted about that, too. When do you turn your  
19 reports in? Do you turn them in with your notes, maybe weekly, monthly?

20 A. Weekly.

21 UNIDENTIFIED SPEAKER:

22 You turn them in weekly?

23 A. Weekly.

24 UNIDENTIFIED SPEAKER:

25 And the supervisor, how does he do his review of them?

1 A. He usually does them --- all we're supposed to do and we try and do is turn  
2 them in on Friday, you know, the last day you work, whether it's Thursday, Friday,  
3 Saturday, whatever. You finish your workweek, pull up a timesheet. With the advent  
4 of the laptops, you do a download, upload, and put all your notes together and turn it  
5 in. It all goes --- you know, your timesheet goes in, your upload, download transaction  
6 sheet and all your notes for the week, all citations, everything like that.

7 UNIDENTIFIED SPEAKER:

8 If he has a discrepancy or problem, how does he get back to  
9 you to get it ---?

10 A. He puts a sticky note on it and says what's going on here?

11 UNIDENTIFIED SPEAKER:

12 Okay. Is that ---?

13 A. Correct this. With Farmer and Taylor, if they find a note sheet that doesn't  
14 have a initial at the bottom of it and the inspectors initial at the bottom, they'll return  
15 the whole report to you and say, fix what's wrong. And sometimes they'll tell you  
16 what's wrong and sometimes they won't. So you've got to go back through and figure  
17 out was wrong. Sometimes they'll just put a sticky note on it and says, need signature,  
18 you know, needs initialed.

19 UNIDENTIFIED SPEAKER:

20 Let me ask you some specific question about your inspection.

21 On June 23rd you document in your notes here that belts and drafts check okay.  
22 What belts and drafts was that? How would you take that and know what belts that  
23 were made?

24 A. It was the Main West beltlines, and there is one drive at 40 crosscut. That's  
25 all there is on Main West.

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UNIDENTIFIED SPEAKER:

Uh-huh (yes).

A. There's a tailpiece and a drive.

UNIDENTIFIED SPEAKER:

Where'd you see ---?

A. 109 and to 39, there's only one drive and here belt drive, check okay. And the transformers at 47 and 40 and 67. There's only one drive between 109 and 39.

UNIDENTIFIED SPEAKER:

Uh-huh (yes). Okay. So the way you just described it, you go from crosscut to crosscut?

A. Uh-huh (yes).

UNIDENTIFIED SPEAKER:

Okay. What all would you check when you're doing belts? Do you list that anywhere or is it just understood what ---?

A. If I have a discrepancy --- if I have a bad roller, it would be bad rollers done. If I have a fire suppression system that didn't work or didn't come off, list that. Low pressures, most of these have sprinklers, they've gone to a sprinkler system rather than a deluge system that just sprays out, so you don't have to worry about having covers on all the nozzles and all that kind of stuff. And there's only --- there's one mine that has one drive that has a dry powder system on it. Everybody else has gone to a sprinkler system, wet system.

UNIDENTIFIED SPEAKER:

Would it be handy to have like maybe just a check-off that as you went along that you --- whatever you had you could do that, would that make sense?

1 A. Well, let's put it this way, it would make it simpler. How many times have we  
2 changed the ITS system since it was incorporated?

3 UNIDENTIFIED SPEAKER:

4 At least three that I know of.

5 A. At least three. We're going to change it again at the end of the month here.  
6 We'll start on another one. This system we'd already gone through two in the  
7 modifications, and Ed come back and said, we're going to install another ITS system  
8 but let's not put it until the end of the quarter. Okay?

9 UNIDENTIFIED SPEAKER:

10 Uh-huh (yes).

11 A. So which do you go by? Do you go back? And which manual do you use?  
12 The manual during this inspection had been superseded from the manual that was six  
13 months before. Parts of it had been said, no, we'll only check the diesel as we  
14 encounter it, not as the inspection manual says do it all. Okay?

15 UNIDENTIFIED SPEAKER:

16 Uh-huh (yes).

17 A. What do you document?

18 UNIDENTIFIED SPEAKER:

19 Well, it's very confusing. And that's just kind of some of the  
20 things we're looking at, too. We understand.

21 A. Don't get Mr. Farmer and Mr. Taylor started on that or they will give you a  
22 good lecture.

23 UNIDENTIFIED SPEAKER:

24 Well, we're started on it, too. I mean, we --- you know, we  
25 work in the districts, too, Jim, ---

1 A. I know.

2 UNIDENTIFIED SPEAKER:

3 --- and we have the same issues that you guys do.

4 UNIDENTIFIED SPEAKER:

5 Yeah. We realize all this.

6 A. There was no set --- no set parameter to follow other than they said, go back  
7 and use part of this and part of that.

8 UNIDENTIFIED SPEAKER:

9 We're just trying to make sure the inspection was complete.

10 A. Okay.

11 UNIDENTIFIED SPEAKER:

12 We realize we have the same heartburn that you do.

13 A. Yeah.

14 UNIDENTIFIED SPEAKER:

15 We're just --- you know, unfortunately we were looking at your  
16 inspection and we're just trying to walk through and make sure that everything was  
17 covered.

18 A. Yeah.

19 UNIDENTIFIED SPEAKER:

20 So we understand where you're coming from.

21 A. Yeah.

22 UNIDENTIFIED SPEAKER:

23 On June 26th you talk about a dangered off, abandoned area  
24 down this return from the portal, I guess at the first north mains or something, can you  
25 describe that area? I mean, it shows on the map that there's some --- I mean, to us it

1 resembles seals but is this a sealed area right in here?

2 A. Yeah, that's ---.

3 UNIDENTIFIED SPEAKER:

4 I know we got seals up here on this, but there's something  
5 down here, we've had some people say it's a sump and ---.

6 A. Well, this is something here that comes around and comes in the back, part of  
7 these are isolated off. There's a return walkway through and then you travel back into  
8 the --- what used to be a sump, but is now dry.

9 UNIDENTIFIED SPEAKER:

10 Okay. It's dry so you can travel to the back of it ---

11 A. Yeah.

12 UNIDENTIFIED SPEAKER:

13 --- to make sure it's ventilated?

14 A. Yeah.

15 UNIDENTIFIED SPEAKER:

16 Okay.

17 A. What they had, they had a pipeline come off of back in here that came into ---  
18 into the back side, and they discontinued using of it when they ended up with all the  
19 water off of First South, made a lot better water and a lot better --- easier to get to.

20 UNIDENTIFIED SPEAKER:

21 Was that place they used to get water from for their ---?

22 A. Yeah. It was mine water they used to get from there.

23 UNIDENTIFIED SPEAKER:

24 On June the 29th you document, I guess, this South Mains  
25 bleeder area, okay?

1 A. First South.

2 UNIDENTIFIED SPEAKER:

3 Let's lay that over here ---.

4 UNIDENTIFIED SPEAKER:

5 Can you show us where you traveled to and where you ---  
6 there's measuring points listed? Here's the notes for that date if you would like to see  
7 that.

8 A. Okay. No, I can --- I went in, I went up to the mine early, went in. We were  
9 going to run the evaluation points and we got in here and we run into some deep  
10 water.

11 UNIDENTIFIED SPEAKER:

12 You want to use a highlighter, James, do you care to do that?

13 A. I don't mind.

14 UNIDENTIFIED SPEAKER:

15 Because we've been very confused about where these  
16 evaluation points are at down here.

17 A. Well, the evaluation points are out in here and here. Okay?

18 UNIDENTIFIED SPEAKER:

19 Okay.

20 UNIDENTIFIED SPEAKER:

21 I guess what we would like, Jim, since, you know, you guys  
22 are more familiar with this mine than we are, shows us your understanding of what  
23 was required.

24 A. Okay. To do the weekly exam, we'd run into some high water here, probably  
25 about eight or ten crosscut.

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UNIDENTIFIED SPEAKER:

And what would be your interpretation of high water?

A. Knee deep.

UNIDENTIFIED SPEAKER:

Okay.

A. Okay?

UNIDENTIFIED SPEAKER:

So when you're saying mine rescue, you could still travel? It wasn't over knee deep?

A. It wasn't over knee deep. It was knee-deep water, okay?

UNIDENTIFIED SPEAKER:

Okay.

A. There's a little place in there, okay?

UNIDENTIFIED SPEAKER:

I caught that wording.

A. There's a little place in there. We went through that, come around the corner, got down to here, down just close to the evaluation point and the power kicked off, the pumps weren't running.

UNIDENTIFIED SPEAKER:

Kicked off?

A. It kicked off sometime during the daytime.

UNIDENTIFIED SPEAKER:

Okay.

A. And no one had gone in --- you have to go into the pump to the D box (phonetic), to restart it. You can't just kick the power on. There's a power center that

1 sits right about here. Okay?

2 UNIDENTIFIED SPEAKER:

3 Write that down, if you don't care.

4 A. Okay. There's a power center sitting back out there, and you could turn the  
5 power back on, but it won't restart the pump. You have to physically go in to the D  
6 box and restart the pump. We got down in here, again, the pump's off, the water's  
7 well over knee deep.

8 UNIDENTIFIED SPEAKER:

9 Could you mark on there, Jim, about what you think you  
10 encountered?

11 A. It was about in this corner, right about in there.

12 UNIDENTIFIED SPEAKER:

13 Well over knee deep?

14 A. Yeah.

15 UNIDENTIFIED SPEAKER:

16 Was this during the examiner's regular weekly examination?

17 A. No.

18 UNIDENTIFIED SPEAKER:

19 Earlier that what it would normally have been?

20 A. His examination would take place on a Tuesday, and I was just trying to fill in  
21 and get this done. We got in here, we reset the pump. We come back out. I was  
22 there with --- it who would have been the shift foreman and we reset the pump come  
23 back out and then I went in and went in the section. I did some other stuff and was  
24 going to come back and do it again, then it just went (makes a sound) ---.

25 UNIDENTIFIED SPEAKER:



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UNIDENTIFIED SPEAKER:

And where is the pump located?

A. The pump's out in here. But the pump was off. It takes --- for this system from this point to this point from up into here it takes about 12 hours if the pumps go off for water to flood back up to those points.

UNIDENTIFIED SPEAKER:

It takes about four hours?

A. About 12 hours.

UNIDENTIFIED SPEAKER:

Twelve (12) hours. I'm sorry.

A. About 12 hours. There's a series of pumps that go down through, we start them up and pump it down, pump it down, pump it down, 'til you get all the way back down there.

UNIDENTIFIED SPEAKER:

Did you take any air readings that day? While you were ---.

A. I don't think I took any air readings when I was right there, no.

UNIDENTIFIED SPEAKER:

Was there any air flow where the water was waist deep?

A. Yeah.

UNIDENTIFIED SPEAKER:

I guess the reason I'm asking, Jim, is if you come on inby as the water was getting deeper you've got one entry there.

A. Uh-huh (yes).

UNIDENTIFIED SPEAKER:

That's that one connection which would be pretty critical.

1 A. The air would have been coming this way and around, though. This is open,  
2 there's an opening in this duct down beyond and all it does is just filter back up  
3 through and eventually come back up ---.

4 UNIDENTIFIED SPEAKER:

5 Okay. So which way would you expect the air to be flowing  
6 down here where the water ---?

7 A. Going this way.

8 UNIDENTIFIED SPEAKER:

9 How would it be going in that direction?

10 A. Because these doors up here were closed. So it has to go around this way  
11 and out. But, no, on this map it shows the arrows coming up this way and out, we  
12 closed that way off, though.

13 UNIDENTIFIED SPEAKER:

14 So there were doors closed?

15 A. Yeah, up in here.

16 UNIDENTIFIED SPEAKER:

17 So there was no air flow through here?

18 A. No, it was blocked so that it came this way around and out instead of back up  
19 that way.

20 UNIDENTIFIED SPEAKER:

21 But they were shown on the map?

22 A. Let's see, this airlock here is actually right there now.

23 UNIDENTIFIED SPEAKER:

24 Is that it?

25 A. Uh-huh (yes). That's an airlock. It actually sits down in here.

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UNIDENTIFIED SPEAKER:

I guess our understanding, we might be wrong, Ex. (b)(6) and (b)(7)(C) was these

MPLs if it's got an O beside it, that means that air is supposed to be coming out.

A. Uh-huh (yes).

UNIDENTIFIED SPEAKER:

And out here as well.

A. Yeah, coming out of these sections here, out of this panel.

UNIDENTIFIED SPEAKER:

And then were does it --- wouldn't it come up this direction because all the arrows are showing this direction?

A. Yeah, the arrows show it coming this direction, it does but at that time when I walked it, it was ---.

UNIDENTIFIED SPEAKER:

Would that be a violation?

A. It can be. If I would have stopped and looked at a ventilation map, it probably would have been.

UNIDENTIFIED SPEAKER:

Okay. I mean, it was or it ---?

A. Yeah.

UNIDENTIFIED SPEAKER:

Okay.

A. That was another reason why I was going to go back and check it again, when the water was down.

UNIDENTIFIED SPEAKER:

But you didn't get a chance to do that?

1 A. No, I didn't get back there.

2 UNIDENTIFIED SPEAKER:

3 Did you --- and I know, Jim, it's easy to look after the fact, but  
4 did you consider issuing a violation for the water?

5 A. That mine is --- yeah, I could have looked at it, but like I say, we're halfway  
6 between when the weekly examiner is there and when you go back again. I knew the  
7 power had been off and I knew this water was high here.

8 UNIDENTIFIED SPEAKER:

9 How long do you think it would have taken for that water to  
10 accumulate?

11 A. That water there?

12 UNIDENTIFIED SPEAKER:

13 Uh-huh (yes).

14 A. Four or five hours.

15 UNIDENTIFIED SPEAKER:

16 Okay.

17 UNIDENTIFIED SPEAKER:

18 How high do you think it would have eventually got if the  
19 power was not ever put back on?

20 A. Well, the pumper runs this once every 24 hours. Okay?

21 UNIDENTIFIED SPEAKER:

22 Uh-huh (yes).

23 A. That's his job. It didn't matter whether it's a workday, idle day, production day  
24 anything, he runs this every 24 hours ---

25 UNIDENTIFIED SPEAKER:



1 A. There's nothing changed.

2 UNIDENTIFIED SPEAKER:

3 Okay.

4 A. Nothing changed.

5 UNIDENTIFIED SPEAKER:

6 Okay.

7 A. They might have intensified a little bit, focused a little more. But, no, as far as  
8 personalities and things that they do, no, they did not change.

9 UNIDENTIFIED SPEAKER:

10 Okay. I'm sorry.

11 UNIDENTIFIED SPEAKER:

12 No, that's good. In other parts of our review, we just --- you  
13 know, we got a tracking sheet that supposedly come off the ITS and everything that is  
14 supposed to be in there, which I know you weren't using the ITS, but there was still  
15 documentation just like you said.

16 A. Uh-huh (yes).

17 UNIDENTIFIED SPEAKER:

18 Which book do you go by? There were several things that we  
19 couldn't find listed. Do you think that --- I mean in your notes --- you know, can you  
20 explain that?

21 A. Well, when they finished the closeout, the post-inspection conference, come  
22 back to the office, put things together, the main thing I didn't do was stamp my event  
23 sheet. We have a rubber stamp, carried over from the AAA days.

24 UNIDENTIFIED SPEAKER:

25 Uh-huh (yes).

1 A. And you stamp that and it's a review to show you where you had been, who  
2 you had talked to, what things have been done, what things haven't been done. And I  
3 didn't stamp my event sheet. And there are some things in there that did not get  
4 documented because I didn't use that stamp as a double check.

5 UNIDENTIFIED SPEAKER:

6 Okay. Just a question about any time that you had been in  
7 this mine. Do you know any time that they've mined bottom coal? Have you heard of  
8 them mining bottom coal from a pretty reliable source?

9 A. If there's coal in the bottom and you're pillaring, yeah, you dive down and get  
10 what you can.

11 UNIDENTIFIED SPEAKER:

12 Go ahead. Would you have to have a plan to do that?

13 A. Not too many people do it. The only one that I know that's doing it even today  
14 is Consol down at Emery. And I don't think they have --- they have a pillar extraction  
15 plan, but I don't think that bottom coal is directly addressed in it. Most of the bottom  
16 coal that they go after would be three to four feet. I know Bear Canyon used to do it  
17 when they were there. They would mine in on the top part of the seam which would go  
18 nine to ten feet deep. Then they would mine in and maintain their height at no more  
19 than eight. Then when they would pillars, they would dive in and take it to full height,  
20 the seam. But they didn't have --- at that time they didn't have anything in their  
21 extraction plan about bottom coal either.

22 UNIDENTIFIED SPEAKER:

23 What was your general impression of the condition of this  
24 mine, Jim, since you've been inspecting a long time?

25 A. They were letting the outbys go. Outby rock dust, cleanup on the belts was

1 slipping.

2 UNIDENTIFIED SPEAKER:

3 Would you say it was average or ---?

4 A. They were average, yeah.

5 UNIDENTIFIED SPEAKER:

6 For this area?

7 A. Yeah. We've never liked this main roadway with its ups and downs.

8 UNIDENTIFIED SPEAKER:

9 How were the belts, the condition of the belts when you  
10 walked them?

11 A. They were fairly good. We had a couple drives, had a couple little ant hills  
12 that were starting to pile up and --- but there was a belt man that was just ahead of us,  
13 and if we stopped to look at the ant piles, we'd seen where he had been walking ahead  
14 of us.

15 UNIDENTIFIED SPEAKER:

16 What kind of out --- you know, during this rescue we keep  
17 getting reports about a lot of outby work going on. Do you know what they would have  
18 been doing? It's very unusual to see a mine emergency, where you're kind of focusing  
19 on, you know, this material, getting as material out, but it sounds like we had a whole  
20 lot of people working outby.

21 A. They set up there at 107 to 109 in there. They had basically a diesel shop to  
22 keep the diesels running. They were bringing equipment back and forth, a staging  
23 area, so I don't know whether it would be called outby work or not but they kept them  
24 outside the head of the section ---

25 UNIDENTIFIED SPEAKER:



1 Anything else Ex. (b)(6) and Ex. (b)(7)(C)

2 UNIDENTIFIED SPEAKER:

3 Yeah. Just one other thing here, then I'll ask you something  
4 else. You maybe can clear something up for me. When you were up here or when  
5 you were out doing this ---

6 A. Main South.

7 UNIDENTIFIED SPEAKER:

8 --- they were doing the South Barrier, right, the Main South or  
9 whatever you want to call it, was there equipment or was there a spare section or  
10 anything in that third north mains?

11 A. Yeah, third north. Yeah.

12 UNIDENTIFIED SPEAKER:

13 Okay.

14 A. Yeah. This had been ---. And this was their backup in case they wanted to go  
15 up there. They pulled most of the equipment out of there but there was still the belt  
16 the drive was in. The feeder breaker, tailpiece were there, there was a roof bolter up  
17 in there. There was --- yeah, part of the equipment up there.

18 UNIDENTIFIED SPEAKER:

19 Okay. Was there a miner up there? Because it seemed like I  
20 didn't know if they heard that they brought a miner from there up to here.

21 A. There was a miner that was parked probably back in here.

22 UNIDENTIFIED SPEAKER:

23 Okay.

24 A. He'd been pulled way back.

25 UNIDENTIFIED SPEAKER:



1 A. It's in the file. It's in the file.

2 UNIDENTIFIED SPEAKER:

3 We didn't get a copy of that, so maybe we'll try to get that  
4 sealed off.

5 A. It's probably about --- it's probably on about a 36-by-48 page. It'd be this size  
6 page.

7 UNIDENTIFIED SPEAKER:

8 Okay. How do you do that? Do they --- how do you get an  
9 extra map, does the company provide you one?

10 A. Yeah.

11 UNIDENTIFIED SPEAKER:

12 The company will provide you one, you can mark it up as you  
13 go on?

14 A. Yeah.

15 UNIDENTIFIED SPEAKER:

16 Well, we'd like to see that because we've not got to see none  
17 of them, really, during these inspections. We'll come over to the field office and get  
18 that. That's all that I've got. Ex. (b)(6) and Ex. (b)(7)(C) already asked you about your general  
19 impression of the mine.

20 A. No, it's --- and the thing is, when you look at the mine and the portals up  
21 across Main West and into the section was about all that was operational. We had  
22 seals on either side, sumps and your pumps. That was about --- I mean it was pretty  
23 straightforward. It's not much of a mine compared to what it used to be.

24 UNIDENTIFIED SPEAKER:

25 Okay. I'm going to turn you back over to these two

1 distinguished gentlemen.

2 MR. TEASTER:

3 Joe, you have a question about bottom coal?

4 UNIDENTIFIED SPEAKER:

5 Yeah, Jim, you talked about --- little bit more detail about the  
6 bottom you coal. You described it as diving down, where they're pillaring.

7 A. Yeah.

8 UNIDENTIFIED SPEAKER:

9 Would they also do that if they were running out of a barrier?

10 A. They might.

11 UNIDENTIFIED SPEAKER:

12 So that wouldn't be unusual at all?

13 A. If there are --- a lot of these, this mine, Emery, SUFCO, they have a fairly soft  
14 bottom, so they will leave two to three foot of coal in the floor, if they have the height  
15 in the seam to do it. And then when they pillar, they can dive down in and take that  
16 coal back out without really getting the miner or any equipment into that real soft  
17 bottom. Because they just go in, take the coal and you back out. And you just ramp it  
18 down so you don't take and dive straight off and go in.

19 UNIDENTIFIED SPEAKER:

20 Right.

21 A. You just taper it down and back up and taper it down. So they always ---  
22 underneath the miner they always got a foot or so of coal, then it gets thicker behind it.

23 UNIDENTIFIED SPEAKER:

24 Okay. And you said that you don't consider that something  
25 that would require to be noticed in a plan or ---?

1 A. I haven't seen it noted in roof control plans because basically you're not  
2 changing roof control. Ventilation, you're increasing the height that you're mining  
3 from, about seven feet to maybe ten feet.

4 UNIDENTIFIED SPEAKER:

5 Okay.

6 A. And that's within --- that's within the thickness of the seam.

7 UNIDENTIFIED SPEAKER:

8 And would you say that your impression of this at Crandall, I  
9 mean was that common knowledge among the other inspectors in the office as well?

10 A. I couldn't speculate. I don't know for sure. I couldn't say yes or no.

11 UNIDENTIFIED SPEAKER:

12 Okay.

13 A. I would think it probably was, but yes or no, I couldn't put a definite yes or no  
14 on it.

15 MR. TEASTER:

16 Did you consider that second mining?

17 A. Yeah, that's part of your pillar extraction, second mining.

18 BY MR. PAVLOVICH:

19 Q. Anything that you'd like to tell us, Jim, that we haven't asked you about?

20 A. Other than on the inspection sheet, as it went through it --- supervisors off,  
21 going back in that report, after it was copied by the investigation team. Bill and I sat  
22 down with it, he had the copy on his side of the desk, we went through it. It would  
23 have been returned to me for correction before it went into the file, but he didn't have  
24 the opportunity to review it before it went into the file.

25 Q. Okay.

1 A. Okay?

2 Q. Yeah.

3 A. And he was surprised to see that it was in the file in that condition.

4 Q. Okay.

5 A. Okay?

6 MR. TEASTER:

7 Where was Bill at?

8 A. He'd been off for Ex. (b)(6) and Ex. (b)(7)(C). I'm not sure where he was at, at this given  
9 time, but he had been taking quite a bit of time off. He had Ex. (b)(6) and Ex. (b)(7)(C)  
10 through that year and I believe doing some recovery time.

11 MR. TEASTER:

12 Did he have Ex. (b)(6) and Ex. (b)(7)(C) last year?

13 A. Yeah. And Mr. Ramey had been over as acting supervisor. Dan Vetter had  
14 been in, and a number of people in the office had filled in for a week or two at a time.

15 MR. TEASTER:

16 Okay.

17 A. When they decided that Mr. Ramey and Mr. Vetter had to take care of their  
18 own duties, they ---.

19 MR. PAVLOVICH:

20 They left their own offices.

21 A. Yeah, they left their own offices unattended and had to go back and take care  
22 of them.

23 MR. PAVLOVICH:

24 Okay. Well, Jim, this is all the questions we have for you at  
25 this time. If anything comes up or we think we've got something else we need to talk

1 to you about, we'll get in touch with you and give you notice of that but, you know ---.  
2 And if you think of anything else, you could contact us, we would appreciate it.

3 A. Okay.

4 MR. PAVLOVICH:

5 Once again we ask that you not discuss the questions or the  
6 interview with anybody else until we've completed all of our interviews ---

7 A. Okay.

8 MR. PAVLOVICH:

9 --- so that the information is unbiased, okay?

10 A. Well, one thing to add, I don't think I scrimped or have missed anything that  
11 was directly going to affect the people that were mining, okay?

12 MR. PAVLOVICH:

13 Okay.

14 A. As far as roof control, ventilation, respirable dust, I think I took care of that  
15 and addressed what needed to be done. On the paperwork side, yeah, I messed up  
16 on a couple things.

17 MR. PAVLOVICH:

18 Okay.

19 A. But like I say, if the regular supervisor had been sitting at the desk, we would  
20 not be talking about it, it would have been corrected before it went to file.

21 MR. PAVLOVICH:

22 Okay.

23 A. Okay.

24 MR. PAVLOVICH:

25 Okay. Well, thank you, Jim, we appreciate it.

1