

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
KIM S. DIEDERICH

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
NOVEMBER 6, 2007

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MR. TEASTER:

One thing before we get into the questioning. One is we're going to tape this interview, if that's okay with you, sir.

A. That is.

MR. TEASTER:

Because the assistant secretary and the administrator for coal were onsite at Crandall Canyon Mine in this emergency, the secretary determined she wanted to do a review, and that that review needed to be independent, because the highest-ranking officials in MSHA were there at the mine site. So they called Joe and I out of retirement. Joe and I have been retired for a few years. And Joe's got an extensive background in mining and mine rescue and enforcement. So we agreed to come back and do this review, out of retirement. And I don't know the --- we got these guys here behind us, but most of them I think you knew.

A. Yeah.

MR. TEASTER:

They've got an extensive background in mining and rescue and different areas of expertise. And we asked them if they would join this committee and help us conduct this review, and they all agreed to do that. Before we start getting into the questioning, I'd like to read this statement into the record.

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

1 This evaluation will be conducted --- will be presented to the secretary in the near
2 future, and it is intended that the results of the evaluation will be made public.

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

8 BY MR. TEASTER:

9 Q. Are you a bargaining-unit employee?

10 A. I am.

11 Q. Are you aware that you have the right for a representative to be with you?

12 A. Yes.

13 Q. And you obviously declined?

14 A. Right.

15 Q. Kim, would you state your full name?

16 A. It's Kim S. Diederich.

17 Q. And what is your job title?

18 A. Mining engineer. I work for the ventilation division of tech support.

19 Q. And who is your supervisor?

20 A. Rich Stoltz.

21 Q. How long have you been employed by MSHA?

22 A. A little over ten years.

23 Q. And all that's been within the ventilation department?

24 A. Yes.

25 Q. How did you get notified of the accident?

1 A. The Monday morning, we were in the office and heard that there had been an
2 accident and we were going to deploy people to respond to it. I, with two other folks,
3 left with a pickup truck and our IR truck from Pittsburgh.

4 Q. And who assigned you to go to the mines?

5 A. I would assume it was Rich. I'm not 100 percent sure that he was there, but it
6 would be Rich or Denny, one of the two of the supervisors in the division.

7 Q. What role did you have when you got to the mine?

8 A. Once we got there --- now, we drove, so we didn't get there until that
9 Thursday, whatever day that was.

10 Q. The accident would have been on Monday?

11 A. The accident was Monday. It took us three days to get there. And then
12 Thursday, when we went out there, we went to the command center. And George All
13 (phonetic) and Chuck Campbell were the initial two that flew out and were there
14 already. And when we got there, they just kind of briefed us on what had been going
15 on so far and that we'd be primarily with the drilling rigs up on the hill ---.

16 Q. George and Charles were in the command center and you reported to them
17 when you arrived at the mine?

18 A. We followed Chuck to the mine Thursday morning, I believe. I think George
19 went straight to the airport to go home. Chuck stayed one extra day to kind of bring us
20 up to speed. It was a little different situation than --- it wasn't a ventilation issue.
21 Matter of fact, we talked a lot of the way out expecting to get turned around and sent
22 back because it was --- you know, really wasn't a fire or, you know, what our group
23 would normally be responding to. We kind of expected to get turned around.

24 And then after we got there, you know, we started off --- we followed him out
25 to the command center and he, you know, showed us where the mine was and such.

1 And then we went up on the hill to see where the drilling was going on. And then
2 Chuck came home the next day. And Jeff Kravitz was the, I guess senior tech-support
3 person onsite, and that's who we pretty much took our marching orders from that point
4 on.

5 Q. And what were your specific assigned duties?

6 A. As they were drilling, just keeping up with the drill rigs. And then we knew that
7 there was going to be impending sampling whenever they holed through in the mine
8 that, you know, they were going to be looking to sample.

9 Q. When you were down at the command center, was it clear to you who was in
10 charge of the operation?

11 A. I'd say yes. I mean, it was whoever was the senior MSHA guy onsite. It was
12 Al ---.

13 Q. And who was the senior guy?

14 A. Al at first, and then Kevin and Mr. Stickler came out ---

15 Q. So they arrived ---?

16 A. --- shortly after.

17 Q. You think that Mr. Stickler was in charge of the rescue operation?

18 A. I would say he had the final word on things. You know, we didn't --- we
19 weren't involved too much. Jeff Waggett and I were there at the same time and we
20 were together most of it. And we were not involved in a lot of the decision-making
21 process
22 --- or any of it, actually. You know, we just did what we had to do. So, you know, we
23 might go up to the front end of the Blue Goose and do something where all the talk
24 was in the back. But I'd say there was no doubt that whoever the senior guy there was
25 in charge.

1 Q. So when you arrived at the mine, Mr. Stickler and Kevin Stricklin were already
2 present at the mine, or do you remember?

3 A. I don't remember, but I don't think so. I think we got there slightly before
4 them.

5 Q. So when you arrived at the mine, you viewed Al Davis, ---

6 A. Yes.

7 Q. --- district manager, as being in charge?

8 A. Yes.

9 Q. And then do you view that role as changing once the two more senior officials
10 arrived?

11 A. Right. Right. And nothing dramatic. I mean, everybody was still --- it seemed
12 to me everybody on that level would have been involved in any conversations, but
13 when your superior arrives, he's in charge.

14 Q. Based on your observations of the command center as well as upon the drill
15 site, do you feel that management of that emergency situation was adequately
16 managed?

17 A. As I said before, I wasn't directly involved in it. And I didn't observe anything
18 that would indicate that it was not. You know, after the early stages and getting to see
19 where things were down at the mine portal, most of our work was up on the hill.

20 Q. Did you ever go underground, Kim?

21 A. No. No.

22 Q. Have you had any experience at all with mine bumps?

23 A. Minimal. You know, just ---.

24 Q. Could you explain to us what experience you've had with mine bumps?

25 A. Just some of the western mines, I think Bowie was bumping a little bit when

1 we were out there, and just feeling the stress relieved and maybe a little bit of a
2 movement in the floor and some ribs falling, but I don't think anything nearly at the
3 level that these guys were dealing with.

4 Q. You were there on a different --- for a different purpose, and then these ---

5 A. Right.

6 Q. --- bumps occurred?

7 A. Right.

8 Q. Did you ever feel threatened or endangered by any of these bumps?

9 A. No.

10 Q. When you were --- I realize that you were on the surface at the bore holes a
11 lot of the time, but did you ever hear anyone, particularly from underground, raising
12 concerns about their safety and working underground during this rescue effort?

13 A. I'd have to say no, not until later. It sounded like there was some second and
14 third-hand talk about some of the guys were nervous after the 16th incident.

15 Q. But prior to the 16th, ---

16 A. Prior to that, no.

17 Q. --- you didn't get nothing ---? What kind of concerns did you hear after the
18 16th?

19 A. Well, and this is all second and third-hand, just that some of the old-time
20 miners were too nervous to stay with that and were asking to get removed from the
21 rescue operation.

22 Q. Did you hear anything from any MSHA people having safety concerns for their
23 own safety?

24 A. Not that I recall, no.

25 Q. Did you have any communication at all with Bob Murray while you were there?

1 A. No.

2 Q. Any interaction?

3 A. None.

4 Q. Did you have anything to do with the families, press while you were there?

5 A. No.

6 Q. Any meetings? No meetings at all? How about explaining the process that
7 you were following when you were there at the bore holes.

8 A. The two things that were going on, one is, you know, they're wanting to have
9 samples taken whenever possible, and there was a lot of discussion as far as how to
10 do that. There was a constant request for taping tubing to, like a camera line and
11 dropping it down the hole and such. And we had to kind of fight that off a number of
12 times. It's just difficult to drop 2,000 feet of tubing without having some sort of
13 problem. It's a lot of weight. It's difficult and such. So there was conversations on
14 that. We kind of got around that and ended up, like the first hole, we sampled right
15 through the drill steel, which seemed to be --- it kind of turned into a blunder, but it
16 worked out okay.

17 Q. The first drill, are you talking about bore hole number one?

18 A. Yeah, the two-inch hole.

19 Q. This is the first one that penetrated the mine?

20 A. Right. Right.

21 Q. And you were sampling inside the drill ---?

22 A. We sampled that through the drill steel. It was a two-inch hole, so it was a
23 small diameter drill steel. And then there was four ports on the drill bit itself, and we
24 just drew air through the steel.

25 Q. From what we understand the initial reading taken at that bore hole indicated

1 20-plus percent of oxygen.

2 A. Right.

3 Q. Could you tell us how that sample was taken?

4 A. Sure. After they had holed through, they broke the drill steel and we hooked
5 our tubing and went to a Thomas pump as we normally do for sampling. And we had
6 done some calculations, and I think we came up with 32 minutes is what we figured it
7 would take to get a good sample. Now, we started sampling that, and I have some
8 notes for you. I think you should have them.

9 Q. Did you have a pump on the drill steel to try to ---?

10 A. Yes, yeah. A Thomas pump is what we normally use for mine emergencies,
11 or AC pumps that ---.

12 MR. PAVLOVICH:

13 Was it in-gassing or out-gassing, Kim, do you remember,
14 when they first drilled that steel, or was it just basically ---?

15 A. I don't believe we took a pressure reading --- when you first break it, you'll get
16 a little relief, you know, almost like cutting into a belly or something, when it like puffs
17 out. But we were hooking it up and moving on, not waiting to see what it did.

18 MR. PAVLOVICH:

19 Okay.

20 A. In retrospect, knowing what I know now, I'd say it was neutral, because what
21 happened there is we hooked it up, we put it on the Thomas pump and we started
22 taking our readings, expecting it to take a half hour to get a decent reading. And we
23 went well beyond that and we were still getting 20-percent oxygen.

24 MR. PAVLOVICH:

25 Were you running those through an IR or some handheld

1 tube?

2 A. We had a handheld there.

3 MR. PAVLOVICH:

4 So you had a handheld instrument and that's what you were
5 getting your 20 percent on?

6 A. Right.

7 MR. PAVLOVICH:

8 You were also, though, getting ready to draw a bottle sample?

9 A. Right. Right.

10 MR. PAVLOVICH:

11 Or bags ---?

12 A. Yeah, yeah. Yeah, once the time was right.

13 MR. PAVLOVICH:

14 Go on. You said you were running it beyond 30 minutes, but
15 what happened?

16 A. Okay. So we're not getting --- we're expecting the oxygen to drop some and
17 it's not. And so after a period of time, we decided that it wasn't a good reading. Now,
18 the problem that happened with the miscommunication is the enforcement office had
19 an inspector on the hill that was calling down status hourly or however often, you
20 know, the command center asked for giving an update.

21 MR. PAVLOVICH:

22 He was from Price? Someone from Price?

23 A. Right. And I'm not sure who it was.

24 MR. PAVLOVICH:

25 Okay.

1 A. I don't know. I mean, if you look at their duty roster, you might be able to tell
2 who was there at that particular time. I don't remember. But, you know, they'd come
3 by and see what we had in our notes so far, and that number was reported down. So
4 after we gave up on that reading, we went back up ---. Were you at the site?

5 MR. PAVLOVICH:

6 No.

7 A. You guys familiar with the site at all?

8 MR. PAVLOVICH:

9 No.

10 A. It was quite a drive to get up there. And up on top of the mountain, there was
11 a staging area where the drillers and such had --- some of them were in tents and
12 staying there. And then you drop down over the hill to the actual pads. So Jeff and I,
13 after somewhere in the range of 45 minutes to an hour, decided to go up and went up
14 and we saw Kravitz up there and told him, you know, we don't feel good about those
15 numbers, you know, it just doesn't seem right, because the oxygen stayed way up.

16 So he said, well, they already called down the numbers to the command
17 center. And then we got hooked up with a fellow by the name of Dave Canning. He
18 was the company --- I don't know, foreman engineer or whatever that was the liaison
19 with the drillers and the company up there. And we talked to him and decided that
20 maybe that drill steel was plugged with mud.

21 So then we went down and we put the steel back on the rig, pulled it up in the
22 air and flushed it well with water, then lowered it back down so that it would be in the
23 void, into the mine, and broke it and started sampling again. And that's when we got
24 the good number, the seven-percent oxygen.

25 BY MR. TEASTER:

1 Q. Was you aware that the inspector had taken that reading and was going to
2 pass it on to the command center?

3 A. I wasn't particularly aware that he was going to pass it on, because, you know,
4 there's people crossing you on the hill and say, well, what do you have now. You
5 know, we still have 20.7 or whatever it was. And we didn't have a conversation that
6 said, well, that's the number I'm going to call down. Just, you know, what do you have
7 now.

8 MR. PAVLOVICH:

9 He just called?

10 A. But when the time was coming for him to call, I'm sure they would have asked,
11 well, what's your air reading?

12 MR. PAVLOVICH:

13 Let me ask you this, Kim. When you punched that, started
14 evacuating that hole, and I think you said twice now you kept getting 20 percent or
15 whatever oxygen, and you said, we didn't feel that was right, because we expected
16 less, why did you expect less?

17 A. Well, it had been bottled up for several days, and you would expect it to be
18 something less than that. Even if you were just taking a return reading, you'd expect
19 20, 27.6. I mean, you would expect it to be down some.

20 MR. PAVLOVICH:

21 Okay. Like what kind of number were you thinking maybe?

22 A. Probably like 20 as a high.

23 MR. PAVLOVICH:

24 Oh, okay. So you ---

25 A. I wasn't expecting it to be seven.

1 MR. PAVLOVICH:

2 --- were thinking somewhere like 19 and a half to 20 or
3 something like that?

4 A. Yeah. I expected it to change from the time we initially put it on.

5 MR. PAVLOVICH:

6 Okay. Okay. Just to change from fresh, ambient air ---

7 A. Right.

8 MR. PAVLOVICH:

9 --- to a little bit lower by a few tenths or something?

10 A. Right. Right. To see some sort of a change.

11 MR. PAVLOVICH:

12 Not that you expected ---

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

14 MR. PAVLOVICH:

15 --- low oxygen because of any ---?

16 A. --- expect seven at all, no.

17 MR. PAVLOVICH:

18 Okay.

19 BY MR. TEASTER:

20 Q. Do you know what time ---?

21 MR. TEASTER:

22 Go ahead, Joe. I'm sorry.

23 MR. PAVLOVICH:

24 How long after the hole went through did you actually --- or
25 you started trying to collect the sample? Did you actually --- oh, you've got notes?

1 A. I've got copies of my notes here.

2 MR. PAVLOVICH:

3 Oh, we never knew you had ---.

4 A. You should've had these. I mean, we got orders to send these.

5 MR. PAVLOVICH:

6 Yeah, we didn't get yours.

7 A. Okay.

8 MR. TEASTER:

9 Okay.

10 A. Yeah, these are the notes. And I got to explain this a little bit, too. Jeff
11 Waggett and I were together. He had a book and I had a book. The book that he was
12 carrying has the actual times and readings.

13 MR. PAVLOVICH:

14 Okay.

15 A. And let me see if I can figure out what page we need to be looking at.

16 MR. PAVLOVICH:

17 So were you guys actually there onsite when the hole
18 punched through?

19 A. Yes.

20 MR. PAVLOVICH:

21 Okay. Did they go through the sequence of tapping on the
22 pipe and all that stuff, or did you just immediately start trying to sample?

23 A. I don't think we tapped on that pipe. I don't recall tapping on the pipe.

24 BY MR. TEASTER:

25 Q. Do you remember how much void there was between the roof and the ---?

1 A. Three feet is what sticks in my head, but there might be a note to that effect.

2 You can see from 11:20, it only fell to 20.5.

3 Q. So you started sampling at 11:20?

4 A. 11:15 started, went an hour and it only changed from 20.9 to 20.5.

5 Q. Which reading --- was it 20.5 that was reported, do you recall?

6 A. I don't, but if it was on the hour, it would have been probably 20.6 or 20.5,

7 because ---.

8 Q. I think it's 20.6.

9 A. Okay. Well, this is probably somewhere --- we have two readings. 11:50 and
10 11:55 were both 20.6.

11 Q. And that would have been allowing the pump to run about 50 minutes?

12 A. Forty (40), yeah.

13 Q. Forty (40) minutes?

14 A. Forty (40) minutes.

15 Q. Forty (40) minutes.

16 A. Which should've been enough.

17 MR. PAVLOVICH:

18 Based on your calculations, ---

19 A. Right.

20 MR. PAVLOVICH:

21 --- the volume of the steel and all that?

22 A. Right.

23 MR. PAVLOVICH:

24 Okay.

25 A. Right. And if you go back a couple more pages, you'll see at 1:15, we started

1 sampling again and it only took a half hour to get to the 7.2

2 BY MR. TEASTER:

3 Q. So you pulled the sample out at 1:45 a.m. that said 7.2?

4 A. This was a handheld reading, and we probably didn't pull the sample until after
5 it was two o'clock.

6 UNIDENTIFIED SPEAKER:

7 Did you say 1:15?

8 MR. TEASTER:

9 1:45.

10 A. 1:45 is when it dropped. We started sampling again after they flushed the
11 pipe at 1:15. At 1:45 is the first reading we had that was low oxygen.

12 BY MR. TEASTER:

13 Q. So that 1:45 handheld reading, would the inspector have called that in to the
14 command center at two o'clock?

15 A. Between him and Jeff. I mean, after we saw these three consecutive seven-
16 percent readings, Jeff Waggett and I went back up the hill to get ahold of Kravitz to
17 say, okay, here's what we think is the number. And Jeff also could communicate. He
18 had a satellite phone. So I don't know if he told the inspector who told the command
19 center, or --- I think Jeff probably just called the command center directly. But an hour
20 had passed since the other one had come out, and it was already out to the press and
21 families that ---.

22 Q. As best we can put it together at this point, that initial reading of 20-plus
23 percent was shared rather quickly with the families.

24 A. Uh-huh (yes).

25 Q. And that the correct reading of seven-plus percent oxygen was not shared

1 until sometime around nine o'clock or maybe during the nine o'clock family briefing.

2 A. Right.

3 Q. Do you know why that information may not have been shared with the families
4 until that time?

5 A. Not for sure other than --- you know, I mean, there were questions came ---
6 you know, Jeff would be the --- Kravitz would be the one asking me the question. I
7 don't know who's generating it that he's talking to on the other end, just to make sure
8 that the seven was a good number. You know, is there anything in the drill foam, is
9 there anything that would be, you know, in that pipe or in the bottom of the hole that
10 could give you an errant reading? You know, because they didn't want to release --- I
11 mean, they're hesitant to let that out without being certain that, you know, there's no
12 other things that could contribute to that other than that was, indeed, the atmosphere.

13 Q. So when you released the seven-plus percent oxygen, you were comfortable
14 that that was an accurate reading ---

15 A. Yes.

16 Q. --- and representative of what existed at the bottom of that bore hole?

17 A. Yeah.

18 Q. But when the 20 percent --- you were still in the process of trying to figure out
19 what was wrong? You were not comfortable that that was ---

20 A. Right. Right.

21 Q. --- representative of the bottom of that bore hole?

22 A. Right.

23 Q. And that the inspector had seen that log and that was what was called in?

24 A. Yeah.

25 Q. What did that reading --- what did you think when you determined that you had

1 around seven or eight percent of oxygen at the bottom of that bore hole?

2 A. Well, there was no doubt that's bad news. That complicates matters, for sure.
3 So that certifies that at least one area close to where these guys were supposed to be
4 is --- won't sustain life.

5 MR. PAVLOVICH:

6 Where did you think that seven percent could have come
7 from? Did you ever get a chance to look at a map?

8 A. Yeah. We had enough of a map to know where we were and such.

9 MR. PAVLOVICH:

10 So you knew where the hole went through ---

11 A. Right.

12 MR. PAVLOVICH:

13 --- in the mine?

14 A. Right.

15 MR. PAVLOVICH:

16 Or where it was anticipated it was going to go through. And
17 so where did you feel, Kim, with your knowledge of ---

18 A. Well, I don't know.

19 MR. PAVLOVICH:

20 --- ventilation, where would that come from?

21 A. There was talk immediately about the possibility of that breaching through one
22 of the gobs beside it.

23 BY MR. TEASTER:

24 Q. There was talk of that, you mean amongst yourselves?

25 A. Almost everybody, Kravitz and Waggett and I and pretty much everybody was

1 --- you know, that attribute to that. There was some talk of the bump releasing so
2 much surface area that it could absorb that much oxygen, but that seemed like a
3 pretty big stretch to me.

4 Q. Did you have any input as to where additional bore holes might be drilled?

5 A. No.

6 Q. What bore holes were drilled through there while you were at the mine?

7 A. Probably all but about one of them. And I don't know --- I'd have to look at a
8 calendar to see --- I was there mostly the whole time. I was out for about four or five
9 days --- I was there for two-and-a-half weeks and went home for four or five days and
10 then came back.

11 Q. So most of the bore holes ---?

12 A. So most of them went through while I was there. I think there might have
13 been one hit that I wasn't there for.

14 Q. Okay. And the procedure you followed at each of those bore holes, did they
15 differ than what you'd done at the first bore hole?

16 A. Well, as I said, I don't remember tapping on the pipe. It might have
17 happened, but I just don't remember that happening on the first bore hole. And the
18 procedure, in general, for the other ones was to go to total silence and tap and listen.
19 And the seismic truck was alerted and they shut down all equipment that would
20 interfere with, you know, what responses a seismic truck would hear.

21 Q. Kim, if you would, walk us through from the time that the bore hole went
22 through, when it penetrated the coal bed what actions you took, the sequence of
23 actions that was taken at that bore hole.

24 A. We're talking about bore hole one now; is that right? Or any other ---?

25 Q. Let's go to bore hole two.

1 A. Okay. Bore hole two, they went to total silence and tapped on the pipe,
2 listened ---.

3 Q. So as soon as it went through, they shut everything down to start tapping?

4 A. Yeah.

5 Q. Okay.

6 A. As soon as they could. What they would do is they would break through the
7 ceiling. Then they'd try to ascertain --- the drillers can feel or ---. I don't know if that's
8 the right term, but they can tell how much void there is. They would, they called it tag
9 the bottom, get down to where it was hard and drill enough to get a depth reading.
10 And from that, they could ascertain how much of a void space there was. And at the
11 completion of that, then they'd hang the steel, shut everything down and tap on it.
12 And after that was completed, there'd be some, you know, tapping, listening for a
13 period of time. And I don't know if it there was a set 30 minutes or whatever. They
14 usually would pull the steel and drop a listening device.

15 MR. PAVLOVICH:

16 So they'd pull the steel all the way out of the hole?

17 A. Yeah.

18 MR. PAVLOVICH:

19 And they'd lower like a microphone or ---?

20 A. Well, let me step back. Yeah, they had a microphone on a reel that they
21 would lower. And I believe, as we were talking about this, in some cases, they broke
22 the steel and lowered the mic down the center of the drill steel, ---

23 MR. PAVLOVICH:

24 Okay.

25 A. --- because it was faster. You wouldn't necessarily be able to hear as well, but

1 they felt that you could still hear if somebody was right there, especially if they were
2 doing any tapping or anything like that. And pulled the steel, and if it was --- the
3 bigger holes they put a camera down. Okay. Now, bore hole one, as we go back ---
4 talking about it brings back some memories. They put the listening device down bore
5 hole one as well.

6 MR. PAVLOVICH:

7 They did?

8 A. Yeah. So they pulled the steel ---.

9 MR. PAVLOVICH:

10 Prior to you sampling?

11 A. Yeah.

12 MR. PAVLOVICH:

13 Okay.

14 A. Pull the steel, drop the listening device down.

15 MR. PAVLOVICH:

16 Okay. So they did?

17 A. Yeah.

18 MR. PAVLOVICH:

19 And that was when they pulled the --- well, it wouldn't have
20 been ---

21 A. It wouldn't have fit through that small ---.

22 MR. PAVLOVICH:

23 --- before your sampling then, because you were sampling
24 through the steel?

25 A. I think they put the steel back in. But I don't know. I'd have to look and see if

1 anybody had any notes. My recollection is we were still down on the pad, put it in.

2 And I remember pulling the cable out and then ---.

3 MR. PAVLOVICH:

4 How big is that microphone thing, just real tiny?

5 A. Oh, it filled that hole. It was a two-inch hole and it was very tight. Maybe it
6 went down the pipe. I'm not a very good witness for you.

7 MR. PAVLOVICH:

8 Okay. Well, I'm just saying ---.

9 A. Because the inside of the pipe was about an inch and a half. I think it was a
10 two-inch hole and it had about an inch-and-a-half gap. And they might have sent the
11 mic down the center of that.

12 MR. PAVLOVICH:

13 And that was before you collected samples?

14 A. Yeah. I think the listening came ahead of the sampling.

15 MR. PAVLOVICH:

16 Okay.

17 BY MR. TEASTER:

18 Q. And after you're done ---?

19 MR. PAVLOVICH:

20 We're still talking an 1,800, 1,900-foot hole; right?

21 A. Right.

22 MR. PAVLOVICH:

23 So it took some time to lower that microphone, I guess, and
24 pull it out.

25 A. Yeah. I don't recollect that it was all that bad, you know, 10 or 15 minutes,

1 something like that.

2 MR. TEASTER:

3 So after you lowered your mic and listened and then you
4 retrieved the mic, and then what would you do?

5 A. Then plumb it up to the pump to draw a sample. Do we have a time that bore
6 hole one went through? Is that in your notes?

7 MR. TEASTER:

8 It may say it right ---.

9 A. Okay.

10 MR. TEASTER:

11 Usually they say when it was started and when it went
12 through.

13 A. Started at 4:00.

14 MR. TEASTER:

15 At 7:00 there.

16 A. Oh, I'm sorry.

17 MR. TEASTER:

18 1:00 is down there.

19 UNIDENTIFIED SPEAKER:

20 It was close to midnight.

21 A. Started into the mine at 10:00.

22 MR. PAVLOVICH:

23 10:00 a.m.?

24 A. Okay. I'm taking samples at 1:00 a.m. No. 10:00 p.m.

25 MR. PAVLOVICH:

1 10:00 p.m.?

2 A. I'm taking samples three hours after it went through. So the mic would have
3 been first.

4 MR. PAVLOVICH:

5 Okay. Well, somewhere you gave us a number of 11:15 p.m.
6 of getting 20.9.

7 A. Okay. That was ---.

8 MR. TEASTER:

9 That's when he was ---.

10 A. Yeah, that's when we started the second round. Oh, okay. You're right.
11 You're right. 11:15 ---.

12 MR. PAVLOVICH:

13 So if it went through at 10:00, ---

14 A. Okay. Yeah.

15 MR. PAVLOVICH:

16 --- I guess ---.

17 A. Still the mic first.

18 MR. PAVLOVICH:

19 The mic first and then ---?

20 A. Yeah. Mic first, pull it and then sample.

21 MR. PAVLOVICH:

22 Okay.

23 BY MR. TEASTER:

24 Q. And what did they do with that hole, Kim, after you got your samples? Did
25 they start injecting something in that hole?

1 A. Not in that one, no, just continued to sample.

2 Q. So you just continued to sample at number one?

3 A. Right.

4 Q. What about number two? Was there any sounds or anything that they picked
5 up on that you're aware of?

6 A. No, no. There was one of them that there was sounds recorded. And once
7 again, I don't have that good of a memory. I can't remember which hole it was that
8 they had a regular like, every second and a half kind of a pulse that they got off of the
9 seismic, but I don't think it was two. I think it was more in the fourish range.

10 Q. Well, number two was the first larger hole.

11 A. It was the first larger hole. And after it went through the cycle of the tapping
12 and camera and not seeing anything, they started to put compressed air down it. So it
13 went on to a compressed-air cycle.

14 MR. PAVLOVICH:

15 Was it a bag sample that you drew, Kim? Did you ever check
16 --- did it also verify the seven percent?

17 A. It verified the seven percent and had very high nitrogen, is my recollection.

18 MR. PAVLOVICH:

19 Very high nitrogen?

20 A. Yeah. That was another real ponderance there, how it --- upper 80s kind of
21 number. Hard to attribute what that could be from.

22 MR. PAVLOVICH:

23 Did you ever see the samples that were drawn from behind
24 the seals in main west, the analysis of those?

25 A. When were they drawn? Not that I remember, no.

1 MR. PAVLOVICH:

2 Okay. Well, they would have been --- they were being drawn
3 almost continuously, because the mine-rescue team went over and ---.

4 A. Oh, from the front end?

5 MR. PAVLOVICH:

6 Yeah, from --- they put some Tygon tubing to a station ---

7 A. Right.

8 MR. PAVLOVICH:

9 --- where the inspectors were then drawing ---

10 A. Yeah, inby seal on here, I think.

11 MR. PAVLOVICH:

12 --- samples. And I mean, those samples were very similar to
13 what you got?

14 A. They were --- yeah. We did discuss that. I don't know that I saw them
15 directly, but I did know that they were close in values.

16 MR. PAVLOVICH:

17 And the same with the high nitrogen and ---?

18 A. But it had elevated nitrogen as well.

19 MR. PAVLOVICH:

20 Okay.

21 A. Yeah.

22 BY MR. TEASTER:

23 Q. What readings did you get at the number three bore hole when it --- when you
24 first started getting samples out of number three?

25 A. Unless I have it written down here, I won't remember that. I don't think I do.

1 WITNESS REVIEWS NOTES

2 A. Yeah, I don't recall.

3 BY MR. TEASTER:4 Q. As I recall, and some of these guys can correct me, but when number three
5 went through, they detected about 15.5 ---

6 A. Yeah.

7 Q. --- or 16.5 percent oxygen.

8 A. Right.

9 Q. What would that level of oxygen indicate to you based on your sample from
10 your two previous bore holes?11 A. Well, there's two possibilities. Three is back in here. It could have been
12 isolated enough that it didn't exchange air with wherever the breach into the gob is.
13 So it could have a pocket of higher oxygen back in here. And the other thing was they
14 had been injecting compressed air into two for a period of time.15 Q. So you think the oxygen, that pumping it down the holes could have got up
16 there and made that oxygen ---?

17 A. Well, that's the ---.

18 Q. Because one's ---.

19 A. The two possibilities, or three at the outside, would be that this was just an
20 isolated pocket and it just kind of stayed on its own while, say, the breach was outby
21 and, you know, made this air go bad. Oxygen from the compressed air in two could
22 have made its way there. Or I guess they could have, indeed, barricaded and isolated
23 that area, you know, manually.24 Q. Well, based on your experience, which would you think would be the most
25 likely? Do you have an opinion?

1 A. It would just be a guess, but I don't know, it just seems like that air was
2 probably isolated by itself. Because if it was coming from the compressed air, in order
3 to get there, it would have to either do it just by exchange --- and then several of the
4 other holes had very little void, so it was probably choked off across there from the
5 bump.

6 Q. Do you remember the void ---

7 A. It would have to have some ---.

8 Q. --- at the bottom of number three? Do you have that in your notes?

9 A. I don't think I do. These notes don't go beyond that, and I don't think we have
10 anything.

11 Q. As I recall, it was about eight feet that was the height or so.

12 A. Yeah.

13 Q. Pretty much there was no rubble ---

14 A. No.

15 Q. --- on the mine floor there.

16 A. Right. No event activity.

17 Q. So based on those three holes, did you think that there was much chance for
18 survival in those types of environment for those miners had they survived the initial
19 blast?

20 A. There was still a chance, yes.

21 Q. And that being --- what would happen for that to give them a chance, based
22 on what you said?

23 A. The event occurred and it was naturally far enough away from where the guys
24 were working that they weren't, you know, hurt or crushed, you know, from the event
25 itself, and that they immediately recognized that they would not be able to go out this

1 way. The bad air came here and they retreated up to the corner and either
2 barricaded, or just the fact that it was dead-ended, it held its own air without an
3 exchange.

4 Q. Have you received training in mine emergencies, Kim?

5 A. I'm not sure what the scope of training would include there. I mean, I've
6 participated in contests, you know, and MERDs and things like that.

7 Q. So MERDs is the type of things ---?

8 A. Yeah.

9 Q. What responsibilities you would have and how to complete those
10 responsibilities would have been ---?

11 A. Right. I'm not part of mine rescue, per se, as far as underground apparatus
12 wearing and all that sort of stuff.

13 Q. Are you a rescue-team member?

14 A. I am not.

15 MR. TEASTER:

16 Joe, do you have anything?

17 MR. PAVLOVICH:

18 Did you ever have any instructions from the command center,
19 whoever was in charge, Kravitz and whoever, that you were to report readings at a
20 periodic time or that you were, you know --- how did you guys go about getting the
21 instructions to start sampling on that hole? I mean, who told you that?

22 A. At that time, I would say most of our instructions came through Kravitz, who
23 was in communication with the command center. But if somebody --- you know, it
24 could be whoever's recording down there could call up and say, you know, make sure
25 you get a reading, you know, after that hole goes through or some such like that.

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MR. PAVLOVICH:

So is that kind of how ---?

A. But for the most part, I'd say we were talking through Kravitz for the most part.

MR. PAVLOVICH:

So you had your pump and all that stuff ready? I mean, you knew, when this hole goes through, we're going to be drawing a sample fairly quickly --
-

A. Right.

MR. PAVLOVICH:

--- whenever they get done ---?

A. Right.

MR. PAVLOVICH:

Or was it just like somebody walked up and said, hey, we should take a sample?

A. No. You knew. I mean, that's part of why you're there. I mean, if you went out on something similar to that and they're drilling and our guys are there, we're going to be getting a generator together and --- because that's just what you do.

MR. PAVLOVICH:

It's normally what you do when you go to a fire?

A. Right. Now, I'm sure somebody told me, too, you know, when that goes through, you're going to --- this is what you're going to do. You're going to get a sample.

MR. PAVLOVICH:

Okay.

A. Now, they had a whole grand scheme on code words and such, starting with at

1 least bore hole two that I know they talked to Jeff Waggett about as far as what was
2 going to be called out. The truck wouldn't start meant something, I remember. And
3 you know, I really didn't become part of that. But that was part of the cycle, too, was if
4 they started to get communication, how they were going to report it back without
5 somebody intercepting the message.

6 MR. PAVLOVICH:

7 Okay. But it wasn't done on the report of the 20 percent or
8 the 7 percent, either one, that you know of?

9 A. No.

10 MR. PAVLOVICH:

11 Do you know who called the seven percent back to the
12 command center?

13 A. I don't know for sure, but I suspect it was Jeff, because when we went back up
14 with those numbers, that's who we were going to tell.

15 MR. PAVLOVICH:

16 Okay. So you went and told Jeff as soon as you got those
17 numbers?

18 A. Well, we took several to make sure that it wasn't a fluke or something was
19 wrong. But after we had three that we've been doing it, took a sample ---.

20 MR. PAVLOVICH:

21 Okay. And that's when Jeff kind of said, are you sure?

22 A. Right.

23 MR. PAVLOVICH:

24 Yes.

25 A. Right. I mean, he reported it down and then they started saying, well, what

1 else could cause that? Are you absolutely sure that that's the right number and --- you
2 know, just kind of gave the impression, we'd really like to have 20 percent a lot better.

3 MR. PAVLOVICH:

4 Yeah. I can understand that.

5 MR. TEASTER:

6 Was Jeff aware that that 20-percent reading may not be a
7 valid ---?

8 A. Yes. He was aware of that before we flushed the line and such, because he's
9 the guy that we went and talked to. When we had gone an hour on that and it didn't
10 drop to where we thought, you know, we went up and we saw him and said, we just
11 don't feel comfortable with that number. That doesn't seem to fit. It just hung in there
12 steady. And he said, well, the report's already called down.

13 MR. PAVLOVICH:

14 Was the inspector that was calling these readings in on an
15 hourly basis, was he aware of the seven-plus percent oxygen before you informed
16 Kravitz of the reading?

17 A. I don't think so. I think we got those couple readings and we went straight to
18 Jeff. And I mean, he'd have been close, and I'm sure that, you know ---.

19 MR. PAVLOVICH:

20 He was in the general area?

21 A. He was in the area, yeah. Yeah. You had to retreat up to the top of the hill in
22 order for the phone to work.

23 UNIDENTIFIED SPEAKER:

24 I got a couple questions, Kim. When did you find out what the
25 concentrations were in the sealed area? In your thought process, how did you process

1 that information compared to what you were finding at the bore hole?

2 A. I don't know. I don't know if I knew those numbers, you know, shortly after or

3 --- I don't know. I don't remember that at all.

4 UNIDENTIFIED SPEAKER:

5 Because you mentioned the nitrogen being odd as well.

6 A. Right. It was extremely high. Yeah.

7 UNIDENTIFIED SPEAKER:

8 What did that mean to you?

9 A. We had a hard time explaining that. And, you know, other than --- you know,
10 if they say a sealed area, it climbs, but --- you know, there's nothing that makes
11 nitrogen --- you have to be able to take the oxygen out without, you know, replacing it
12 with anything. I'd say absorption into the coal for a long period of time is probably the
13 easiest explanation for that in a sealed area.

14 UNIDENTIFIED SPEAKER:

15 You've had a lot of experiences on these emergencies, too.

16 When that first hole went down and you finally got the accurate reading of what, 7.2 ---

17 A. Right.

18 UNIDENTIFIED SPEAKER:

19 --- percent, in that range, what thoughts did you have on the
20 survivability of anybody in that area?

21 A. If they were in that area, they were in trouble.

22 UNIDENTIFIED SPEAKER:

23 How about inby the caved area? I mean, anywhere in that
24 location?

25 A. Well, you had a possibility. If they found a way to get inby, barricade and, you

1 know, block off a substantial part of the mine, that they'd have enough air, they had a
2 shot. But most likely, they were probably in trouble, because your first instinct is going
3 to be to get out. So they'd have spent enough time trying to get out through that low-
4 oxygen atmosphere that it probably done them in.

5 UNIDENTIFIED SPEAKER:

6 When you guys put that Thomas pump on there and were
7 sampling through that drill steel, that distance creates a lot of negative draw on that
8 pump, but was the gauge --- did you guys look at the gauge reading, like before and
9 after --- before, when you first pulled the sample and were actually pulling it back and
10 then when you actually got the drill steel cleared out? Was there a big difference
11 there?

12 A. Most likely there was. Seventeen (17) inches after, no before.

13 UNIDENTIFIED SPEAKER:

14 Seventeen (17) inches?

15 A. Yeah.

16 UNIDENTIFIED SPEAKER:

17 When you actually got the sample?

18 A. When we were getting the good sample, yeah.

19 UNIDENTIFIED SPEAKER:

20 So it was ---?

21 A. And before, it would have probably been 24, but I don't have that recorded.

22 UNIDENTIFIED SPEAKER:

23 What does that gauge go up to?

24 A. Well, at that elevation --- it goes to 30 inches, but at that elevation, you'd be
25 lucky to get 23, 24 inches the max.

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UNIDENTIFIED SPEAKER:

But you guys knew something was off ---

A. Yeah.

UNIDENTIFIED SPEAKER:

--- just based on it not going to 18 or 19, something in that ---?

A. Yeah.

UNIDENTIFIED SPEAKER:

I know you said you weren't in the command center and didn't have a lot of interaction with those folks. But in your mind, Kim, just how you hear conversations at the mine, and when you're involved in a rescue, people talk. Do you think that Sago, when you walk back through that accident, and we took so long to get to those guys and now we find them alive, do you think that played a part in any of the thinking or thought process of Bill Knepp or these guys that they didn't want to still mention, we think they're alive, or did we kind of write them off after a few days?

A. That'd be a tremendous conjecture. The biggest person that would have fired everybody up to say, you know, pick your heads up and believe that they have a chance, it'd be John Urosek. He wasn't there immediately, but, you know, when he came out, he started throwing out ideas, well, you know, they could have been here, it might be okay, you know, there's a chance. And then shortly after that, you had the sounds come back or whatever, pulses on the seismic that I don't think have ever been fully explained.

UNIDENTIFIED SPEAKER:

Ex. (b)(6) and Ex. (b)(7)(C) and Ex. (b)(6) and might want to get into this a little more. But did you have any discussions on the type of roof support that they were using underground to protect them from a bounce?

1 A. No.

2 UNIDENTIFIED SPEAKER:

3 You weren't involved in any of that?

4 A. No, no. There was a couple of guys there from the roof-control division. And
5 I was close enough to hear that there was discussions about that stuff, but I was not at
6 all involved in any of it.

7 UNIDENTIFIED SPEAKER:

8 You heard it ---?

9 A. Yeah.

10 UNIDENTIFIED SPEAKER:

11 That's all.

12 BY MR. TEASTER:

13 Q. Did you continue to draw samples like on several of the holes throughout the
14 operation, Kim?

15 A. Whenever we could, yeah.

16 Q. Even when they started to inject oxygen in?

17 A. Well, not when they're injecting oxygen. They never put oxygen down number
18 one, so we sampled it periodically throughout the whole operation.

19 Q. Did it ever change, even when they started putting oxygen?

20 A. The oxygen apparently made its way over to bore hole one, because they
21 were only a block apart.

22 Q. And so did ---?

23 A. So it did come back up from seven percent.

24 Q. What did it get up to, do you remember?

25 A. I don't.

1 Q. Did it ever get back to 20 percent?

2 A. Not 20, no.

3 Q. Never did?

4 A. I don't think it got to 20, but it got pretty high. It probably approached 20.

5 Q. Oh, it did?

6 A. Yeah. It probably got pretty close to that.

7 Q. Did you see any influence of the oxygen injection in any of the other holes,
8 that you could tell? I mean, I'm sure some of them you started to sample the first time

9 ---

10 A. You sample it right away.

11 Q. --- when oxygen was already being injected; right?

12 A. The theory, as I could understand it, would be sample it as you got the hole is
13 just to see what was there, and then wherever we could, we put oxygen down as
14 quickly as we could. So there was no real period of time ---. Because even if your
15 first hole went through and you start taking a sample, your sample's really suspect for
16 a while, because as you hole went through, you blow a bunch of compressed air in.
17 You know, it would take a little while to get that all cleaned out of the area. And the
18 impression I got from the way the command center was operating is we put
19 compressed air down the holes as quickly as they were going in, thinking that was the
20 best shot, you know, the guys had.

21 Q. Okay. So pretty much after you got the sample, ---

22 A. Putting the air into it.

23 Q. --- they started putting compressed air down all of them?

24 A. All of them that were open. Three, four, two. And five to seven, I'm not sure
25 if they did or not, because I don't think any of those were cleared from right after they

1 went through.

2 Q. Okay. The hole blocked off?

3 A. Yeah, because they put them through and then they'd try to run the camera
4 down and just run into a mud plug and ---.

5 Q. Okay.

6 A. It was kind of screwed at that point.

7 UNIDENTIFIED SPEAKER:

8 Kim, do you have what the nitrogen readings were?

9 A. No, not with me, but I could probably get that for you. Do you have a set of all
10 our GC results and such?

11 UNIDENTIFIED SPEAKER:

12 I think we do, Kim. Ernie and Joe may ask you if you guys
13 could send us a complete set to make sure we have everything.

14 A. Sure.

15 UNIDENTIFIED SPEAKER:

16 I'm not sure if we actually do or not. I've looked at some, but I
17 didn't know if they were complete. We had no way of knowing.

18 A. Yeah, I can do that. I can get that to you.

19 UNIDENTIFIED SPEAKER:

20 Did it match pretty much exactly, like the oxygen was 7.2 at
21 the bore hole one and 7.2 at the seal, and the nitrogen ---?

22 A. Yeah. I think they were within a percent, at least, from what was coming out.
23 Seal one --- is that what you're talking about up there?

24 UNIDENTIFIED SPEAKER:

25 Yes.

1 A. Yeah. They were very, very close. I think the CO might have mismatched a
2 little bit. The nitrogen and the oxygens lined up very well.

3 UNIDENTIFIED SPEAKER:

4 Were you involved with any of the discussions where they
5 talked about using tracer gas or not to use it?

6 A. Yeah, how to use it, you know, where we were going to sample and, you know,
7 that sort of stuff, yes.

8 MR. PAVLOVICH:

9 Did they use them?

10 A. It was never used. I mean, it was continually pushed back because there was
11 something in the way of actually running the test. And then after the 16th, then
12 everything just quit. Because we were on the verge of doing that for several days.
13 We didn't have what we needed. We didn't have the gas itself and such, and we
14 scrambled to get that out there. And then from the time we were ready --- we were
15 probably ready to do that testing for three or four days, then it was just pushed back as
16 well. But we'll let you know.

17 MR. PAVLOVICH:

18 Did you get the gas ---

19 A. Yes.

20 MR. PAVLOVICH:

21 --- and everything?

22 A. Yes.

23 MR. PAVLOVICH:

24 So you were going to lower this down bore hole one?

25 A. Well, there was several possibilities, yeah, one or two. Either one would have

1 worked. And we could have blown it down either one of those, and then we were
2 going to collect in the section return and also over at seal one.

3 UNIDENTIFIED SPEAKER:

4 When you said --- you were talking about that the gob was
5 probably breached after the readings turned out the same from bore hole one and the
6 seal. Was there any discussion whether the gob to the north was breached or the gob
7 to the south or did everybody assume it was just the north?

8 A. I don't know that there was any assumption one way or the other, because it
9 could have been either. And there was nothing to indicate one more than the other, I
10 don't believe.

11 UNIDENTIFIED SPEAKER:

12 But if you were using the tracer gases and just got a sample
13 from the west mains ---?

14 A. We were readily able to get to that seal one to sample. It would have taken
15 some more maneuvering to get set up to sample from the south set of seals.

16 UNIDENTIFIED SPEAKER:

17 Was that talked about, to collect --- if you did use a tracer
18 gas, would you go and sample it?

19 A. It was talked about, but the last word was from the north set of seals in the
20 section.

21 UNIDENTIFIED SPEAKER:

22 Did you ever talk to the command center from up on the hill or
23 was ---?

24 A. I did, yeah.

25 UNIDENTIFIED SPEAKER:

1 Did you relay readings or ---?

2 A. A drill depth is one ---. And I'm sure if there were readings and there was
3 questions about the sampling method, yeah. We talked a little bit before about
4 running tubing down with that microphone cable, which we had to kind of talk them out
5 of because nobody thought --- on the hill thought it was a good idea, because you just
6 have that lightweight communication cable, and it would, you know, put a big strain on
7 it to carry all that weight and such. That'd be the most of what I talked ---.

8 UNIDENTIFIED SPEAKER:

9 Was there like a --- you said something about a field inspector
10 that was up there that ---

11 A. Yeah.

12 UNIDENTIFIED SPEAKER:

13 --- came by? What did he do?

14 A. They had somebody around the clock up there just to keep them posted on
15 progress.

16 UNIDENTIFIED SPEAKER:

17 Keep who?

18 A. Keep the command center posted. His job was, on the hour, to call down to
19 the command center and say, you know, bore hole three is at 515 feet and bore hole
20 two has got three compressors injecting air, and the last reading I have on bore hole
21 one is still eight percent or whatever. That was their function.

22 UNIDENTIFIED SPEAKER:

23 Thanks.

24 UNIDENTIFIED SPEAKER:

25 Hi, Kim. You said that you'd overheard some conversations

1 from the roof support or the roof-control guys about the roof support being used
2 underground. What were those conversations?

3 A. I really don't remember. I just know that that's what they were talking about.

4 UNIDENTIFIED SPEAKER:

5 Okay. So you didn't hear them have an opinion, these ain't
6 working, these ain't going to work?

7 A. No, no.

8 UNIDENTIFIED SPEAKER:

9 Was the command center informed that they should expect
10 low O2 readings from the first hole, or was that just something that you and Jeff and
11 the other Jeff was talking about?

12 A. There was no conversation with them. I don't know what they were expecting.
13 But we suspected it would be something less than 20.6. That just seemed like that
14 was too high a number for that area of the mine that's been isolated.

15 UNIDENTIFIED SPEAKER:

16 Okay. I guess I was just wondering, you know, if you guys
17 was expecting that --- I mean, they was awfully readily acceptable of the 20.6, and
18 they had no reservations, as far as you know, that that would have been correct or
19 not?

20 A. I don't know what they were anticipating, but I think they were --- their hopes
21 were buoyed by getting a higher oxygen level.

22 UNIDENTIFIED SPEAKER:

23 Okay. You mentioned earlier that some of the old-timers
24 were nervous.

25 A. Yeah.

1 UNIDENTIFIED SPEAKER:

2 Was that because of their safety or because they didn't want
3 to find bodies or what?

4 A. No. Safety.

5 UNIDENTIFIED SPEAKER:

6 Safety. Was there ever any talk that you overheard that there
7 was bodies, that they don't think they survived, that there's no way they survived?

8 A. You talk a lot about what the possibilities are and such, but, you know, I didn't
9 have a lot of interaction with anybody down at the portal. My main people that I was
10 talking with on the hill would be Kravitz and Jeff Waggett and then also that Dave
11 Canning with the --- for the company. And for certain --- you know, none of the
12 company guys ever said anything negative. I mean, they were all as positive as could
13 be.

14 UNIDENTIFIED SPEAKER:

15 Just one last thing, just to make sure we get everybody. You
16 said three people rode out, you and two other people? Just so we make sure we talk
17 to everybody that might have something to do with it.

18 A. Yeah.

19 UNIDENTIFIED SPEAKER:

20 Who was the other two?

21 A. Jeff Waggett and myself and Don Solkowski (phonetic). And Don didn't make
22 it, because what happened, we got to Indianapolis and our transmission went out on
23 our highway truck.

24 UNIDENTIFIED SPEAKER:

25 Okay.

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MR. PAVLOVICH:

So you never got the IRs there?

A. No. Well --- no. No. And we had a GC with us. They took one GC out and then we were transporting another one. So we found a shop and did some scrambling, spent the night in Indianapolis, offloaded the GC and tubing and some various parts that we thought we might need into the pickup truck. Jeff Waggett and I continued the next morning to keep coming out, and Don stayed with the IR truck until it was repaired.

MR. PAVLOVICH:

Okay.

A. And he went back to Pittsburgh.

MR. PAVLOVICH:

We didn't need it bad, huh?

A. We have a new one coming.

MR. PAVLOVICH:

Okay. Well, that's good.

UNIDENTIFIED SPEAKER:

Thanks, Kim.

UNIDENTIFIED SPEAKER:

Just a couple questions, Kim. You mentioned you were there and you got there on the first Thursday.

A. Right.

UNIDENTIFIED SPEAKER:

And you were there for a good bit of time. You were home somewhere in between for four or five days and then went back out?

1 A. Right.

2 UNIDENTIFIED SPEAKER:

3 Do you roughly remember when the four or five days were
4 that you weren't there? Here's a calendar here.

5 A. Oh.

6 UNIDENTIFIED SPEAKER:

7 You were there on the 16th, though?

8 A. Yes. That was August 6th that it happened; right?

9 MR. PAVLOVICH:

10 Yes.

11 A. Two full weeks. I left to come home, I believe, on the 22nd and then came
12 back out on the 28th.

13 UNIDENTIFIED SPEAKER:

14 And were you paired with Jeff Waggett the entire time you
15 were there?

16 A. Until Jeff left. He wasn't there as long as I was on the first stint, and he went
17 home.

18 UNIDENTIFIED SPEAKER:

19 Okay. And when Jeff went home, did you then have
20 somebody else ---

21 A. No.

22 UNIDENTIFIED SPEAKER:

23 --- that you were teamed up with?

24 A. No. I'm not sure about all of our personnel. But we did send a couple more
25 guys out about the time Jeff was going home. C.W. Moore and Bill Frankhart

1 (phonetic) came out, Jeff went home, I stayed.

2 UNIDENTIFIED SPEAKER:

3 But somebody coming out never really teamed up with you
4 like Jeff had been?

5 A. Correct.

6 UNIDENTIFIED SPEAKER:

7 The field office personnel that were there, did they typically
8 have the same guy assigned to your shift or were they rotating out? You really don't
9 remember who was there or was it one guy most of the time?

10 A. No. They moved some guys around. They were working like eight-hour shifts
11 on the hill. And it wasn't that one guy was always there on midnight. He might work a
12 few midnights and then we might see him on afternoon shift. I don't really recall what
13 all their rotation was and stuff. And I kind of was on a, we'll let you know when you're
14 allowed to leave --- you know, because we did a lot of real long days, because you
15 know, they'd say, well, we want you to still be here when the hole is through.

16 UNIDENTIFIED SPEAKER:

17 Did the field office personnel ---? Okay, I understand it might
18 have changed, but did they always have somebody there? At some point, I thought
19 we had heard reports that they pulled the field people back from the drill site and they
20 weren't assigned there anymore. Do you remember anything about that?

21 A. Oh. Maybe toward the very, very end. But for the most --- for the bulk of the
22 time I was there, there was always somebody up there, is my recollection.

23 UNIDENTIFIED SPEAKER:

24 And what they were doing, reporting this information down to
25 the command center, if you were running the show, was that something that you guys

1 could have done? Was there a need for that? It seems almost like there was some
2 duplication there with the communication aspect.

3 A. No. Actually, I think what they did was very necessary, because that's all they
4 did. And that's not to say that if they were down at the bottom of the hill or involved in
5 something, that I couldn't run up and call the drill depths down, because, you know, I
6 could do that, but I think you're better off to have one person who knows that come the
7 stroke of 11:00, ---

8 UNIDENTIFIED SPEAKER:

9 That's their job.

10 A. --- I better be on the phone. Whereas what we were doing was more of a
11 freelancing, let's see what needs done right now.

12 UNIDENTIFIED SPEAKER:

13 Okay. And you mentioned the phone. One of my questions,
14 what was the communication setup, cell phone, satellite phone? You mentioned a
15 satellite phone.

16 A. They had satellite phones on a couple of vehicles. Jeff had one, and they
17 ended up that the inspectors had one that has a magnetic mount on it. Then late in
18 the operation, three weeks or more into it, they got a mobile office trailer that they took
19 up on top of the hill, and then they hooked up our big dish satellite system and you
20 could use a phone in there.

21 UNIDENTIFIED SPEAKER:

22 The miscommunication aspect with the first reading, do you
23 attribute any of that to not having good communication? Satellite phone --- would that
24 have helped prevent some of that communication aspect if you had something from
25 the beginning that would have been there for your use?

1 A. Perhaps. I mean, if they were counting on readings coming just from the
2 ventilation guys that, you know, actually took them instead of somebody asking you
3 what you had or whatever, that might have been a clarifier. But I don't think it would
4 have been a step forward to remove the three inspectors who were assigned that duty.

5 UNIDENTIFIED SPEAKER:

6 Just one last one on the roads, the access roads. We heard
7 different things, you know, as far as the road. Did you ever feel that it was too
8 dangerous for you to do what you were doing as far as traveling on some of these
9 roads?

10 A. I kind of liked it. They were rough, but, no, I never felt concerned that, you
11 know, I'm going to roll down off the hill or something. Now, I will tell you this. There
12 was times when if it rained, you sat, because it was bad.

13 UNIDENTIFIED SPEAKER:

14 Was that clear to everybody, that you sat if it was bad, or
15 were there some people who didn't quite get that message?

16 A. I didn't see anybody pushing the limits too much. You learned to sit the first
17 time you tried not to. That's the way I learned. I tried to leave a drill pad and it was
18 just greasier than anything, you slid back down, so you waited.

19 UNIDENTIFIED SPEAKER:

20 When John Urosek got there, did that change anything with
21 the relationship with Kravitz or was John's role separate from what you guys were
22 communicating with Kravitz on?

23 A. Yeah. Now, they're going through a change and such, but once John was
24 there, I would work more with John than Jeff, just because I'm more --- I've worked for
25 John and I'm more familiar with him and such. But Kravitz was the guru for the

1 seismic, which I was trying to get a little bit involved with that, too, and see what some
2 of those guys were doing and I was helping them out.

3 One of the things, you know --- it's kind of hard to describe what all you're
4 doing, because it's just whatever happens at the moment. But as they were
5 progressing through, you know, this hole, didn't get a response, okay, now we want to
6 relocate all the seismic equipment, so we go and grab it, towed it across the hill and
7 set it up somewhere else. Now, that would have been what Jeff said. You know, if
8 Jeff said, okay, we need it set up down here, then we'd do what Jeff said.

9 UNIDENTIFIED SPEAKER:

10 That's all I have. Thanks.

11 BY MR. TEASTER:

12 Q. Kim, were you at the mine on the 16th of August?

13 A. I was, yes.

14 Q. Was you there when the accident occurred?

15 A. I was on the hill or coming down off of the hill, I'm not sure which, when it
16 actually occurred. And the cell-phone communication was poor. And as I got down
17 onto the hard top road, I had got a message that John Urosek had called me. And
18 when I had a good signal, I called him and back and he said head to the mine office,
19 something has happened. And he was also on his way there, because he was at the
20 hotel, I think, when the call actually came that there'd been an accident.

21 Q. So what did you do after you received the call from John?

22 A. Well, I went to the mine office, you know, which was somewhat on the way
23 back out. I was actually coming off the hill and headed ---.

24 Q. And the mine office as opposed to the command center?

25 A. Command center was at the mine office. I was coming off the hill where the

1 drill rigs were and was intending to go back to the motel. But when I got the call, I
2 went there.

3 Q. What did you do when you arrived at the command center?

4 A. Not a whole lot. I mean, I got there and they had already started to bring guys
5 out. I met up with C.W. Moore. He was assigned the task of identifying the injured as
6 they came out, along with --- the company's doing the same thing, you know, so that
7 he was working with somebody. And I just kind of hooked up with him. And I think
8 there was only one time when like two guys came out at one time when I went and got
9 one guy's name while he did the other ones.

10 Q. So you didn't report to anyone in particular when you arrived at the mine, you
11 just kind of joined up with C.W.?

12 A. Correct.

13 Q. And what did you do after that?

14 A. Went back to the hotel. I mean, after the dust cleared and everybody was out
15 and done.

16 Q. Did you get a feel for what had occurred underground?

17 A. You're asking questions when you get there, and they said, you know, there
18 was another bump and, you know, a bunch of guys are hurt, some of them pretty bad.

19 UNIDENTIFIED SPEAKER:

20 Did you sit in on that big briefing that occurred, Kim, after ---?

21 A. Right after everybody got out and they all went in there and --- no, I did not. It
22 was, I thought, by invitation. I think they brought the guys in who were underground,
23 the team members and such that were underground.

24 UNIDENTIFIED SPEAKER:

25 I have one more question. Do you have anything else on that

1 subject?

2 MR. TEASTER:

3 I don't have anything.

4 MR. PAVLOVICH:

5 Were you there when they lowered the cameras down some
6 of the holes, or all the holes?

7 A. Yes. Some. Most.

8 MR. PAVLOVICH:

9 Did you ever remember a hole where they lowered the
10 camera down, about 400 or 500 feet down, and just found a big void?

11 A. 400 or 500 feet and found a void?

12 MR. PAVLOVICH:

13 Uh-huh (yes).

14 A. No, I don't remember that.

15 MR. PAVLOVICH:

16 You don't remember anything like that?

17 A. No.

18 MR. PAVLOVICH:

19 And a pretty big void, not a foot or two, but 10 or 15 feet.

20 A. No.

21 MR. PAVLOVICH:

22 Don't remember anything like that?

23 A. No. Had a temporary flashback. Deserado had that the next month we were
24 out there and they had a big void above ---.

25 MR. PAVLOVICH:

1 And they had ---?

2 A. Yeah. But no, I don't ---.

3 MR. PAVLOVICH:

4 You don't remember any of these holes?

5 A. No.

6 MR. PAVLOVICH:

7 Okay.

8 BY MR. TEASTER:

9 Q. Any voids as you was going down there, what type of voids did you encounter,
10 any?

11 A. Nothing of substance that I recall.

12 MR. PAVLOVICH:

13 I'm just looking --- these are your notes. And we certainly
14 would like to get a copy of those.

15 A. That's yours.

16 MR. PAVLOVICH:

17 Okay. You make a reference here of a temperature reading,
18 and I don't know if that's ---

19 A. Compressor.

20 MR. PAVLOVICH:

21 --- 90 degrees or a number one ---.

22 A. Compressor air.

23 MR. PAVLOVICH:

24 Oh, compressor reading temperature. Okay.

25 A. Yeah.

1 MR. PAVLOVICH:

2 Did you ever take a temperature reading ---

3 A. In the mines?

4 MR. PAVLOVICH:

5 --- in the mines through lowering an instrument or anything?

6 A. Well, we didn't.

7 MR. PAVLOVICH:

8 Do you know if anybody did?

9 A. I don't know if anybody did or --- I don't recollect any conversation with the
10 camera guys having temperatures. They might have had temperature probes there
11 that they ran after the cameras were out. I don't know.

12 MR. PAVLOVICH:

13 Okay. I was just wondering, at 2,000 foot of depth in a
14 unventilated area how warm that could possibly be.

15 A. How warm it would get.

16 MR. PAVLOVICH:

17 And I wondered if anybody had lowered any --- took any
18 temperatures.

19 A. I don't have any knowledge of that.

20 MR. PAVLOVICH:

21 If we close this room off totally, totally sealed and left with no
22 one in here and came back and collected a sample after four or five days, what would
23 you assume the oxygen content to be?

24 A. In here?

25 MR. PAVLOVICH:

1 MR. PAVLOVICH:

2 --- one, bore hole two, and you've got some numbers there.

3 A. Coordinates.

4 MR. PAVLOVICH:

5 Coordinates. X and Y coordinates.

6 A. Right.

7 MR. PAVLOVICH:

8 And you've got north and west.

9 A. Those are off of a GPS.

10 MR. PAVLOVICH:

11 Okay. And so this is the location of the bore hole. But then
12 you reference a crack.

13 A. Right.

14 MR. PAVLOVICH:

15 What is that crack?

16 A. Well, that was a surface crack. And from talking to the --- Joe Zelanko,
17 primarily, the roof-control guy that was out there, he talked about finding --- or looking
18 for cracks to the surface to see if this bump had propagated on up through.

19 MR. PAVLOVICH:

20 And so you found one?

21 A. Yeah. And I didn't think much of it when he was talking about that. I said, you
22 really think, you know, you could find something like that? He said, oh, yeah. So I'm
23 going out to the staging area and I'm meeting the truck. And the roads are, you know,
24 one lane, and then periodically you have a place you can pull off. So I pull off to the
25 left and I look out there. There's a darn crack. So ---.

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MR. PAVLOVICH:

Would you describe it for us? I mean, how ---?

A. Well, where I saw it, it was ranging from, I don't know, eight inches to a foot, foot and a half wide. And it was running north-south. I got out and I marked it on my GPS and walked a little bit with it. It was going through some brush and it went on up toward where the drill rigs were and went into some rocks that were clear to the surface. And it had a real nice, sharp, well-defined, about four to six-feet deep opening, void, yeah.

MR. PAVLOVICH:

And it would have been running ---

A. Cracked apart.

MR. PAVLOVICH:

--- parallel with ---

A. It was running north to south.

MR. PAVLOVICH:

--- the entries?

A. It was going this way.

MR. PAVLOVICH:

Oh, north to south. Okay.

A. Yeah.

MR. PAVLOVICH:

And would it have been in the location of ---?

A. No. It would have been down here.

MR. PAVLOVICH:

Oh, it was that far down?

1 A. Yeah, it was pretty far.

2 MR. PAVLOVICH:

3 Down over the old longwall gobs?

4 A. Yeah.

5 MR. PAVLOVICH:

6 Not over the area that ---?

7 A. Right.

8 MR. PAVLOVICH:

9 So did you report that to Joe Zelanko?

10 A. Oh, yeah.

11 MR. PAVLOVICH:

12 And what did Joe say?

13 A. He said, well, we got to explore that some more. And the Sheriff's Office had
14 a helicopter. And he got in touch with them. And now, he was --- at that point ---.
15 Now, this happened somewhere closer to that 16th date, because he was trying to put
16 together that meeting of the industry and academia people. So Joe Cybulski was
17 there and he had us go in his helicopter and do a flyover and try and, you know, trace
18 this out to see if it did propagate all the way up. Because he had flown over before
19 that and found some other rock top stuff, you know, circulars or something, you know,
20 depressions and all that, he was saying could be associated with this.

21 But he was really excited about that big crack. And it didn't go all the way up.
22 We flew over. I drove up with them and we walked it, and it just kind of petered out
23 as it got close to this. It probably came within, I don't know, I would say 500 to 800
24 feet of it was the last that we could say, we think this is it.

25 MR. PAVLOVICH:

1 put it in an exact location.

2 UNIDENTIFIED SPEAKER:

3 How long did the crack run for?

4 A. Several hundred feet, that it was well-defined.

5 UNIDENTIFIED SPEAKER:

6 How deep? Can you estimate it?

7 A. I'd say it's probably about six feet at the most.

8 UNIDENTIFIED SPEAKER:

9 How wide was it?

10 A. Well, where I was at is where it was going through those rocks, and it wasn't
11 real wide. And at one point, it actually split into two cracks that were about like six and
12 six.

13 UNIDENTIFIED SPEAKER:

14 You could see down, measure down in there?

15 A. Could have. I didn't measure down.

16 UNIDENTIFIED SPEAKER:

17 Would it just keep --- I mean, if it hit something six feet down?

18 A. Well, yeah. The mine silt had washed down there.

19 UNIDENTIFIED SPEAKER:

20 What was it determined to be, or was it ---?

21 A. Probably from the previously longwall mining where it had ---

22 UNIDENTIFIED SPEAKER:

23 Subsidence?

24 A. --- subsidence and ---.

25 MR. PAVLOVICH:

1 MR. PAVLOVICH:

2 No response?

3 A. Yeah. Like I said, I wasn't really involved in that part of the conversation.

4 MR. PAVLOVICH:

5 Okay.

6 A. At that stage, when that was created, they were going into like a radio silence
7 kind of mode. They wanted everybody to throw their cell phones in a bag and only
8 have just a select few people who were actually going to hear firsthand, you know,
9 what the response was.

10 MR. PAVLOVICH:

11 Okay.

12 MR. TEASTER:

13 Do you have another now?

14 UNIDENTIFIED SPEAKER:

15 I do. Were you aware, Kim, of the press going underground?

16 A. Yeah. Not before, but I knew it happened after.

17 UNIDENTIFIED SPEAKER:

18 You knew it happened after the fact?

19 A. Yeah.

20 UNIDENTIFIED SPEAKER:

21 Had you ever seen that before at any other emergencies
22 you've been on?

23 A. No.

24 UNIDENTIFIED SPEAKER:

25 What is your opinion on them going underground?

1 A. I'd like to see them kept out of the county. They're a deterrent to the whole
2 operation, and going underground I don't think is any better. I mean, just getting
3 through the press, you know, you have to wait in the car to get --- merge your way up
4 so they can let you in and, you know, everybody's taking pictures and all that kind of
5 stuff. I think the press, as an operation, has hurt rescue operations severely.

6 MR. PAVLOVICH:

7 Why do you say that?

8 A. Well, they just slow everything down. And then, you know, just everybody's
9 cautious. Even when you talk about that oxygen reading, you know, now it's out to the
10 press, now we have a different number and we're afraid of how the press is going to
11 react if we release the new number. And a similar thing happened at Sago where the
12 information gets out. They force you to do this code word crap instead of just
13 communicating.

14 UNIDENTIFIED SPEAKER:

15 Did you have any direct dealings with them yourself, Kim?

16 A. No **Ex. (b)(6) and Ex. (b)(7)(C)**

17 UNIDENTIFIED SPEAKER:

18 You say you didn't think it was a good idea for them to go
19 underground. I don't want to put words in your mouth, but I think you alluded to that.

20 A. Yeah.

21 UNIDENTIFIED SPEAKER:

22 Did you guys have any discussions amongst yourselves as to
23 what you thought about that or what the other guys thought about it? I know we talk a
24 lot on these emergencies.

25 A. And that would be the extent of it. I'm sure that would have been a --- didn't

1 seem like a good idea would probably have been the extent of, you know, the
2 discussions.

3 MR. PAVLOVICH:

4 Were you aware of the press coming out to the bore hole site
5 also, or if they ever did come out to the site?

6 A. It seemed to me they did some flyovers early, and then I think the Sheriff's
7 Office wouldn't even let them fly over it. I don't know if they made it out to the bore
8 hole site on down the line or not, but I don't remember them being in the way over
9 here at all.

10 UNIDENTIFIED SPEAKER:

11 What shift did you work, Kim?

12 A. Primarily day, but it was long.

13 UNIDENTIFIED SPEAKER:

14 What hours did you --- like, as the normal shift, what did you
15 work?

16 A. The first day we were there, you know, we went to work probably 6:30 or 7:00,
17 and we got back to the hotel at 6:00 the next morning. And the next day we went back
18 to the hill at 9:00 in the morning. I mean, it was long.

19 UNIDENTIFIED SPEAKER:

20 Twelve (12), 14-hour days normally, would you say?

21 A. I'd say easily averaged 14 to 16, some 20s.

22 UNIDENTIFIED SPEAKER:

23 Were you the one onsite when every bore hole went down or
24 did ---?

25 A. I don't know that I was there for every bore hole, but I'd say the majority,

1 probably at least five of them. I mean, I wasn't designated as the bore hole guy that
2 had to be there or --- you know. There was ---

3 UNIDENTIFIED SPEAKER:

4 But someone, ---

5 A. --- a number of people that ---.

6 UNIDENTIFIED SPEAKER:

7 --- either you or Jeff ---

8 A. Right.

9 UNIDENTIFIED SPEAKER:

10 --- Waggett ---

11 A. Right.

12 UNIDENTIFIED SPEAKER:

13 --- or someone from your group was there each time?

14 A. Correct. Or if you include John. John might have been there for the one or
15 two that I missed. Somebody that could hook up the sampling line. Do you
16 understand?

17 UNIDENTIFIED SPEAKER:

18 Did you have any dealings with Murray?

19 A. None whatsoever.

20 MR. TEASTER:

21 Kim, that's all the questions we have right now. Is there
22 anything that you'd like to share with us that we haven't asked?

23 A. Not that I'm aware of. Are you going to provide a transcript for the interview?

24 MR. TEASTER:

25 We don't intend to, no.

1 A. Okay. And as far as follow-up, you need a set of all of our ---?

2 MR. TEASTER:

3 Ex. (b)(6) and Ex. (b)(7)(C)
4
5

6 A. Okay. Is there anything else that you need from us?

7 UNIDENTIFIED SPEAKER:

8 Did you guys draft anything, Kim, from your analysis?

9 A. We did very, very little --- no, I don't think --- there might have been
10 somebody that put a chart or a graph together, but it just wasn't a fire scenario. That
11 kind of pushed us out.

12 MR. PAVLOVICH:

13 Kim, about how many of these type events --- and I know
14 usually you respond to fires or explosions.

15 A. Right.

16 MR. PAVLOVICH:

17 But in your ten years with MSHA, about how many have you
18 responded to?

19 A. However many there were. I imagine we've done five or eight a year.

20 MR. PAVLOVICH:

21 Okay. So maybe 50?

22 A. Of some sort. That seems like a high number, but somewhere in that range.

23 MR. PAVLOVICH:

24 Okay. So like the fires at Loveridge and ---

25 A. I was there.

1 MR. PAVLOVICH:

2 --- Sago I guess you were there?

3 A. I wasn't there for the initial event, but I was there on the ---

4 MR. PAVLOVICH:

5 Aracoma?

6 A. --- mapping and ---.

7 MR. PAVLOVICH:

8 Darby?

9 A. I'm familiar with Aracoma. Darby I didn't make it to. We responded. They
10 actually turned us around at Charleston when they got to the guys.

11 MR. PAVLOVICH:

12 And usually when you respond to one of these events, what
13 role are you in?

14 A. Well, typically it's a fire, and then we would set up and be watching the gases
15 and ---

16 MR. PAVLOVICH:

17 When you say ---?

18 A. --- a lot of supervisors, so normally I would just be grinding through, getting
19 the data from the GC folks, plotting charts and stuff and preparing to update the
20 command center decision-makers on ---.

21 MR. PAVLOVICH:

22 Okay. So you would be updating the command center
23 decision-makers?

24 A. Correct.

25 MR. PAVLOVICH:

1 asked --- and this might be of interest to you, shortly after Mr. Stickler arrived, he
2 started asking about that, you know, high nitrogen.

3 MR. PAVLOVICH:

4 Okay.

5 A. You know, what are the possibilities, and quizzing to the point that, you know,
6 I threw out a couple answers that I thought were possibilities. And he kind of led me to
7 say, well, I will call back to Pittsburgh tech support and see if any of the guys back
8 there have any further input, you know, which we did and ---.

9 MR. PAVLOVICH:

10 So you said you would call back or he said he would call
11 back?

12 A. No. He had asked me enough questions that it seemed that that was the thing
13 for me to say, is I'm going to check with the hierarchy back at Pittsburgh and see if
14 they have anything additional for you.

15 MR. PAVLOVICH:

16 I guess what kind of questions was he asking you?

17 A. Well, you know, he was asking like, where could this elevated nitrogen come
18 from, you know, how could that happen? And we threw out the possibility of
19 absorption. Another real wild theory was equipment that continued to run and
20 combusted the oxygen down to the point that you couldn't account for the other
21 byproducts of combustion.

22 MR. PAVLOVICH:

23 Okay. So they weren't picking up the whatever, N₂S or ---

24 A. Right.

25 MR. PAVLOVICH:

1 --- that would be from diesel exhaust?

2 A. Right.

3 MR. PAVLOVICH:

4 And so ---.

5 A. And he was just asking, you know, what kind of numbers, what would you
6 expect, you know, how long would it take.

7 MR. PAVLOVICH:

8 And so apparently, if you --- he didn't appear to be satisfied
9 with your answers and you said, I'll go back and call the other guys?

10 A. I'll call. I'll call. And I'm not sure --- this is Ex. (b)(6) and Ex. (b)(7)(C)

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

12

13

14

15 That came out in the press just like that. When he did the interview and was
16 on camera, he said, you know, we've been in contact with Pittsburgh tech support.

17 MR. PAVLOVICH:

18 Who did you call?

19 A. Well, I called Rich Stoltz.

20 MR. PAVLOVICH:

21 So Rich never did come to the mine?

22 A. I don't think so. John came out and then Bill Frankhart and C.W.

23 MR. PAVLOVICH:

24 And so what answers did they give you when you called Rich?

25 A. Pretty much the same thing. But it came from an authority now.

1 MR. PAVLOVICH:

2 It came from Pittsburgh.

3 A. Yeah. Yeah. That's right. I forgot.

4 MR. TEASTER:

5 Well, that's what you was looking for, confirmation on what
6 you'd shared; right?

7 A. Right. And just not one person's opinion, too. And that's worth something.
8 And, you know, the more people you contact --- you know, somebody might have a
9 fresh spin on it that you didn't think of.

10 MR. PAVLOVICH:

11 How was it that he cornered you to ask you these questions?
12 I mean, where were you at at the time?

13 A. I was hidden --- well, not hidden enough, up in the front end of the Blue
14 Goose.

15 MR. PAVLOVICH:

16 Okay. And you just happened to be there?

17 A. Well ---.

18 MR. PAVLOVICH:

19 Was this sometime shortly after this reading?

20 A. The conversation started on barometric pressure and, you know, could that
21 have had an effect and, you know, like a fool, I hit print, put out the forecast and hand
22 it to him. Okay. Now you're in the loop.

23 MR. PAVLOVICH:

24 Okay.

25 A. So that's how ---.

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MR. PAVLOVICH:

Just like, who are you and why are you doing this; right?

A. Right. Well, you know, then, you know, the conversation went on from there. Said, okay, good, thanks, now what else? And he was talking to, you know, pretty much everybody that was in there and just, you know, picking whatever brain he could.

MR. PAVLOVICH:

Was this shortly after those readings came out or was it like the next day? Do you remember?

A. I don't. I don't. Do you know when he arrived? It was shortly after ---.

MR. PAVLOVICH:

I think he arrived on the 7th, so I think he was there prior to you.

A. Oh, he was there before me?

MR. PAVLOVICH:

Yeah, I believe so.

A. Okay.

MR. PAVLOVICH:

So he certainly would have been privy to the information that first came out about the 20 percent.

A. Right.

MR. PAVLOVICH:

And then it subsequently was passed on that it's really only seven percent.

A. Uh-huh (yes).

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MR. PAVLOVICH:

So I guess what I'm trying to pinpoint was, was this discussion he had with you between the time they reported 20 percent to the families and the time they further clarified to the families it's really only seven percent?

A. It was not in that time frame.

MR. PAVLOVICH:

It was not in that time frame? Sometime after that?

A. That was only a period of half a day or something like that.

MR. PAVLOVICH:

Well, we're not sure. We don't know that to be a fact yet. But it's a period of time. But when you said you saw him give a press conference and say, we contacted the people in tech support and here's ---.

A. Right.

MR. PAVLOVICH:

I guess the thing is, why would that still have been an issue if it was several days later? Was the press still asking about the erroneous readings to begin with?

A. I'm not sure.

MR. PAVLOVICH:

Okay. You just don't remember?

A. I really don't know.

MR. PAVLOVICH:

So it may have been a few days after you were there, because this ---.

A. I thought it was soon after we got there. I would have expected that

1 conversation with him to have happened like Friday or possibly Thursday. But I would
2 think Friday.

3 MR. PAVLOVICH:

4 Okay. Well, that's fairly quickly then after you collected that
5 sample.

6 A. Yeah.

7 MR. PAVLOVICH:

8 It's like that day, maybe.

9 A. Yeah. And the reason I'm saying Friday is because there was somebody in
10 the office, because I called the office. So that makes it Friday or a loop around a
11 Monday, and I think Monday is way ---.

12 MR. PAVLOVICH:

13 Too long. So you're thinking you got there on Thursday.

14 A. Yeah.

15 MR. PAVLOVICH:

16 The hole went through Thursday night?

17 A. Real late Thursday night.

18 MR. PAVLOVICH:

19 Real late Thursday night. And you originally got the samples
20 at ---.

21 MR. TEASTER:

22 11:00 something was the 20, and 1:45 ---.

23 MR. PAVLOVICH:

24 11:15 was the first one at 20.9, and it looks like ---

25 A. 1:45.

1 MR. PAVLOVICH:

2 --- 1:35, 1:45, ---

3 A. Confirmed that it's less.

4 MR. PAVLOVICH:

5 --- you got 7.2 and 7.6 and 7.9. Why would there have been
6 that much fluctuation on those?

7 A. Well, it would take a while to get a good sample out of that, because your pipe
8 is still big, so as you're starting to draw it in, it'll take a while to get all settled down.

9 MR. PAVLOVICH:

10 It actually went up, though, from 7.2 to 7.9.

11 A. Yeah. They would dance around a little bit. That wouldn't surprise me.

12 MR. PAVLOVICH:

13 And where do you think the parts per million of CO came
14 from, from five parts per million to 236?

15 A. Don't really know. One of the scenarios is if you had diesel equipment
16 running after this event, it would sit and run until it, you know, ran out of oxygen or
17 fuel. And you could throw a lot of CO in as that burned down. You wouldn't
18 necessarily have to have a fire, per se.

19 MR. PAVLOVICH:

20 Right. So do you feel that's where the CO came from, that
21 the equipment was still running?

22 A. I think that's a possibility.

23 MR. PAVLOVICH:

24 Is there any other ---?

25 A. There was some in the gob there, too. There was some CO. I can't

1 remember exactly what it was, but there was some there.

2 MR. PAVLOVICH:

3 And where would that come from?

4 A. In the gob?

5 MR. PAVLOVICH:

6 Uh-huh (yes).

7 A. Just from some oxidation byproducts.

8 MR. PAVLOVICH:

9 Of timber, wood, coal?

10 A. Some coal there.

11 MR. PAVLOVICH:

12 Would it be that high? I mean, 236 parts per million almost

13 sounds to me like ---

14 A. Yeah.

15 MR. PAVLOVICH:

16 --- you've got a --- what did Jim Walters call them?

17 UNIDENTIFIED SPEAKER:

18 Thermal event.

19 MR. PAVLOVICH:

20 Thermal event. Okay. It's never a fire there, it's always a

21 thermal event.

22 A. Well, that's closer than a roof fall.

23 MR. PAVLOVICH:

24 Well, yeah. I mean, those numbers, if I saw them coming out

25 of the gob, I would say there's something heating in there.

1 A. Yeah.

2 MR. PAVLOVICH:

3 But obviously, there wasn't here. I mean, would it have been
4 more likely they would have been from diesel equipment running than from ---?

5 A. It'd be a guess if I ---.

6 MR. PAVLOVICH:

7 Okay. You just didn't have any idea? I don't want to get
8 like ---.

9 A. A couple possibilities, yeah.

10 MR. PAVLOVICH:

11 Was Stickler asking you about that, too?

12 A. No. I don't remember him asking too much about the CO.

13 MR. PAVLOVICH:

14 Nothing about the CO, just mostly the elevated nitrogen?

15 A. Elevated nitrogen.

16 UNIDENTIFIED SPEAKER:

17 He was waiting on the nitrogen answer first.

18 A. Yeah.

19 MR. TEASTER:

20 You may have answered this, Kim, but did you get back to Mr.
21 Stickler and tell him that you had no further ---

22 A. Yes.

23 MR. TEASTER:

24 --- information?

25 A. Yeah, I did.

1 MR. PAVLOVICH:

2 Did you tell him you talked to Rich Stoltz and ---?

3 A. Yeah. I talked to Rich, and he called in, you know, the rest of the guys that
4 were there and ---

5 MR. PAVLOVICH:

6 They basically didn't know?

7 A. --- we all had a discussion and ---.

8 MR. PAVLOVICH:

9 Nobody really knew? I mean, nobody said, ---

10 A. No. They're all ---.

11 MR. PAVLOVICH:

12 --- here's the reason?

13 A. Everybody's guessing.

14 MR. PAVLOVICH:

15 Okay. I mean, it wasn't that anybody could come back and
16 say, Mr. Stickler, here's where that nitrogen comes from?

17 A. Right.

18 MR. PAVLOVICH:

19 You weren't able to give him a definitive answer that ---

20 A. No.

21 MR. PAVLOVICH:

22 --- this is where the elevated nitrogen ---?

23 A. Right.

24 MR. TEASTER:

25 Kim, that's all the questions, like I said, that we have at this

1 point. But if there's something that comes up later, we'd like to get ahold of you and
2 schedule another interview, if that'd be all right.

3 A. No problem.

4 MR. TEASTER:

5 Likewise, if you come up with something that you didn't think
6 of that you'd like to share that you think would be useful for us in completing this
7 project, we'd appreciate you getting ahold of us.

8 A. Okay.

9 MR. TEASTER:

10 And again, we would ask you if you would not share this
11 interview with anyone until we've completed all the interviews so that we can get
12 unbiased information.

13 MR. PAVLOVICH:

14 Let me just ask you one more thing, Kim. Did you hear, while
15 you were there --- I know you talked to other people and you were in the command
16 center periodically, obviously. Did you hear about the continuing bumps that were
17 going on underground?

18 A. No, I didn't.

19 MR. PAVLOVICH:

20 You didn't hear anything about that?

21 A. No.

22 MR. PAVLOVICH:

23 I mean, you thought they were just basically cleaning up the
24 entry, resupporting and advancing with no problems?

25 A. Right.

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MR. PAVLOVICH:

And no one ever said, boy, they're having a lot of bumps in there, or anything like that?

A. No.

MR. PAVLOVICH:

Okay.

MR. TEASTER:

Okay? Kim, thanks for coming down. We appreciate it, especially on the short notice.