

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
MIKE SHUMATE

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
OCTOBER 30, 2007

1 BY MR. PAVLOVICH :

2 Q. Of course, Ernie and I are former MSHA employees that were asked to come
3 back to do an independent review of the events at Crandall Canyon. And all of these
4 others are your compatriots here in MSHA, still working for MSHA, but we needed
5 their expertise to assist us so we selected them to work with us. Most of them have
6 worked on internal reviews before with the agency.

7 And I'll just read you a statement here so that you'll kind of understand. But if
8 you have any questions about what we're doing, feel free to ask at any time or --- and
9 if, you know, we start the interview, if you need a break or whatever, just let us know.
10 I mean, we'll try to be as informal and relaxed as possible. Okay? I mean, this is not
11 an interrogation. We're here just to talk to you and find out what you can tell us about
12 this. The Secretary has assigned this group the task of evaluating MSHA's
13 performance during the period preceding the August 6th, 2007 coal bounce at the
14 Crandall Canyon Mine and the subsequent rescue effort. We will also be evaluating
15 issues that were raised during this time period regarding Bob Murray and his
16 interaction with MSHA. This is not an investigation or review of any individual person.
17 It is an administrative review of MSHA's actions as an agency. This evaluation will be
18 presented to the Secretary in the near future, and it is intended that the results of the
19 evaluation will be made public.

20 This interview is being conducted to gather information for this assignment.
21 We also intend to interview a number of other MSHA employees. So that we may
22 obtain unbiased information from all persons to be interviewed, we ask that you not
23 discuss this interview with anyone until all the interviews are completed.

24 A. Okay.

25 Q. Now, are you a bargaining unit person? Are you an inspector ---

1 A. Yes.

2 Q. --- or supervisor? You're bargaining unit?

3 A. Yes.

4 Q. You knew you had a right to a representative if you wanted one?

5 A. Right.

6 Q. Okay. And you elect not to have one?

7 A. Yeah.

8 MR. TEASTER:

9 Mike, we also want to inform you that we are going to tape
10 this interview. Do you have a problem with that?

11 A. No.

12 MR. TEASTER:

13 Thank you.

14 BY MR. PAVLOVICH:

15 Q. Mike, can you state your full name for us, please?

16 A. It's Michael William Shumate.

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

18 A. Coal mine inspector.

19 Q. And what office do you work out of?

20 A. Mount Carbon, West Virginia.

21 Q. Mount Carbon in District Four?

22 A. District Four.

23 Q. Okay. And how long have you been with the agency?

24 A. Since November of 1998.

25 Q. Okay. And you're a coal mine inspector, but you also serve on the MSHA

1 MEU team?

2 A. Yes.

3 Q. Okay.

4 A. Yes, I do.

5 Q. And how long have you been with the MEU unit?

6 A. I've been on it since 2003.

7 Q. 2003, okay. And you had no mine rescue experience prior to that, but you ---?

8 A. Yes, I did have.

9 Q. Oh, you did have. Okay. And who was that with?

10 A. Eastern Associated Coal.

11 Q. Oh, with Eastern, okay. What operation?

12 A. Kopperston.

13 Q. Kopperston, okay. So that was part of your motivation for joining the MEU
14 unit here?

15 A. Yes.

16 Q. Okay. How and when were you notified of the accident at Crandall Canyon,
17 the one that occurred on the 6th?

18 A. I was notified that morning, the morning of August the 6th.

19 Q. The morning of August the 6th, okay.

20 A. And I was at Remington-Stockburg Number Two Mine, and our secretary from
21 the field office called and left a message --- got a hold --- now, I called back, and they
22 told me to come back to the office.

23 Q. So were you underground at the time?

24 A. I was just --- I was on my way. I was in the mantrip.

25 Q. Oh, okay. Okay. And so you --- they just left a message for you to come

1 back to the office?

2 A. Yes.

3 Q. And so you went back to the office. And then what was your briefing on that?

4 A. I was just told that they had six miners trapped, and they were in the process
5 of trying to get our transportation fixed up.

6 Q. Get transportation for you to get to Utah?

7 A. Utah.

8 Q. So they told you right off you would be going to Utah?

9 A. Yes.

10 Q. Who told you that; do you remember?

11 A. It was Terry Willis, if I'm not mistaken. Terry was --- at that time, he was kind
12 of the acting supervisor there in the office.

13 Q. And so you then traveled to Crandall Canyon?

14 A. Yes, after a delay. It took E Solutions a day and a half to get the travel
15 authorized, which I thought was really a sad situation.

16 Q. So they notified you and then it took a day and a half ---

17 A. It was Tuesday.

18 Q. --- before you could travel out there because of the E Solutions ---? How did
19 you feel about that?

20 A. Not too good. No, it was kind of --- I don't know. This was my first experience
21 as far as doing any kind of traveling, as far as flying or anything. Because all the
22 other events that I've been to I've traveled by GOV. And you know, whenever we got
23 back to the office, the secretary, she was --- she --- I think I got back in the office, it
24 was a little bit between 10:00 and 10:30 that morning, and she said, will you be able to
25 catch a flight at noon out of Charleston. And I said, well, no, not really, because I had

1 to go --- I had to come back to Beckley and get my stuff and then travel to Charleston
2 for the flight. And then time went by. She found another flight, I think it was like at
3 4:30 that afternoon, which would have been feasible. And then in the time that I was
4 there trying to get my stuff together and get out, she come back and said, well, I don't
5 know if you're going to be able to do it or not, trying to get authorization. And by the
6 time I got home, she called and left a message and said that it would be Tuesday
7 morning before we'd be able to leave because of the snafu there with the authorization
8 and stuff.

9 MR. TEASTER:

10 Mike, I used to be on MSHA's rescue team, and when we had
11 a mine emergency we had an agreement with the military and they would get a
12 military flight somewhere and fly us to the scene. They'd never bring us back because
13 it was out of emergency status. We used to fly these C130s, them big planes. They
14 would come and pick us up in Pittsburgh. They must not have that anymore.

15 A. Evidently not. I know we brought this up here two weeks ago, when --- at our
16 MEU training. And evidently, some districts have an open authorization for
17 emergency, but District Four, we don't have.

18 BY MR. PAVLOVICH:

19 Q. Oh, I see.

20 A. So it has to go through the system to --- that's --- I know John Urosek, who's
21 now over the MEU, he said that he was going to --- that was one of the things he was
22 going to address and try to get it to where --- as far as the MEU was concerned, we
23 would ---.

24 Q. So they realize then it's a concern, and John said he was going to try and work
25 it out?

- 1 A. Yeah.
- 2 Q. Okay. So when did you actually get to the mine then?
- 3 A. It was --- that would have been on Tuesday.
- 4 Q. The 7th?
- 5 A. The 7th. By the time --- I got there --- we left out of Charleston at noon. By
6 the time we got to Utah, to Salt Lake City, it was --- I think it was around four o'clock
7 local time there. And then we --- it was about a two-hour drive. By the time we got
8 through getting the rental car and everything it was right around 7:00 or so by the time
9 we got to the hotel at Price.
- 10 Q. And when you say we, who ---?
- 11 A. Edward Matthews.
- 12 Q. Okay.
- 13 A. He's also in the field office with me.
- 14 Q. Is he the one they call Otis?
- 15 A. Yes.
- 16 Q. Okay.
- 17 A. And we traveled together.
- 18 Q. So he was also delayed ---
- 19 A. Right.
- 20 Q. --- because of the E Travel thing?
- 21 A. Yes.
- 22 Q. Okay.
- 23 A. We got to the hotel and got --- caught up with Virgil Brown, who was already
24 there. He --- I went out as far --- on the midnight shift, so I went right --- went out
25 about 9:00, 9:30. So we got to the mine, to answer your question, around 10:00 ---

1 between 10:00 and 10:30 ---.

2 Q. On the 7th?

3 A. On the 7th, that evening.

4 Q. So you went out to the mine that evening then ---

5 A. Yes.

6 Q. --- and worked the midnight shift? Okay. And when you got to the mine, what
7 was your assignment?

8 A. At that time, they were on a --- kind of a stand-down, you know, didn't have
9 anything --- they had already had another bounce that had stopped their progress, and
10 so we had --- we stayed outside ---

11 Q. Okay.

12 A. --- that morning and just waiting until they could get everything squared away
13 to get back to doing their recovery.

14 Q. So that first night, on the --- I guess when you went out the night of the 7th, ---

15 A. The 7th.

16 Q. --- until the morning of the 8th, basically you were just on standby, waiting for
17 orders to go underground because another ---

18 A. Yes.

19 Q. --- bounce had pulled everyone out? And were you there at the mine when
20 that bounce had occurred or ---?

21 A. No.

22 Q. No, you weren't. Okay. It had occurred previously?

23 A. Previously.

24 Q. Okay. Did you understand that --- what did you understand your role would be
25 when they got back to working underground?

1 A. Really didn't know at that time, you know, exactly. You know, we wasn't ---
2 that's --- which it ended up all we were doing was monitoring.

3 MR. TEASTER:

4 Mike, who did you report to at the mine?

5 A. Let's see. Tommy Hooker.

6 MR. TEASTER:

7 When you first ---?

8 A. When I first went there, Ron Hixson in the MEU, he was our --- I guess you
9 would call our supervisor at that time.

10 MR. TEASTER:

11 In the MEU?

12 A. In the MEU, yes. And like I said, there wasn't anything --- at that time, there
13 wasn't anything going on.

14 BY MR. PAVLOVICH:

15 Q. So where were you --- I mean, where did you guys stay during ---?

16 A. There in the command center.

17 Q. You were in the command center?

18 A. In the Blue Goose.

19 Q. Okay. And so who else was in there?

20 A. Let's see. Scott Johnson ---

21 Q. Okay.

22 A. --- Ron Hixson and --- let's see, Tommy Hooker and --- oh, shoot. I just ---
23 he's a field office supervisor out west from here in West Virginia.

24 Q. Would have been maybe Ted Farmer?

25 A. No.

1 Q. Larry Ramey (phonetic)?

2 A. No, not Larry.

3 Q. Bill ---?

4 A. I should have known him.

5 UNIDENTIFIED SPEAKER:

6 Bill Taylor?

7 A. Who?

8 UNIDENTIFIED SPEAKER:

9 Bill Taylor?

10 BY MR. PAVLOVICH:

11 Q. Bill Taylor?

12 A. No. Bill was on day shift.

13 MR. TEASTER:

14 Danny Frye?

15 A. Nope. I know him --- Gibson. Don Gibson.

16 BY MR. PAVLOVICH:

17 Q. Oh, Don Gibson, okay.

18 A. Don Gibson.

19 Q. Don Gibson was there.

20 A. Right.

21 Q. So that was the actual command center. And was there only MSHA in there,
22 only MSHA people?

23 A. Yes.

24 Q. Okay. And how was --- how were things being organized; do you know? I
25 mean, was there --- you had all those people sitting in there, okay.

1 A. Right.

2 Q. Was there any decision making going on?

3 A. As the days went by and there was progress, yeah, there was ---.

4 Q. And how was that handled?

5 A. That was --- they were going through Don and Tommy Hooker. And then, you
6 know, if there was something that they needed, you know, guidance on, they were
7 getting in touch with district people.

8 Q. With the district people?

9 A. Yes.

10 Q. Where was the company people?

11 A. They were in the offices and in the shop area.

12 Q. Somewhere else?

13 A. Yes.

14 Q. They were not there in the command center?

15 A. No. The only --- like I said, the only people in there was pretty much us.
16 Every once in a while, you know, company people would come in for their computers.
17 You know, they did all the tracking of the individuals and everything and they
18 maintained an hourly list of who was underground.

19 Q. The company did?

20 A. The company did. And you know, we, as the agency, you know, we were
21 getting a copy of that, you know. Every hour, one of the people from the --- would
22 come in and bring the list.

23 Q. But to your knowledge, there was no joint --- a room or a location where the
24 company and MSHA were sitting jointly?

25 A. Now, they were --- I think that was in the engineering, up in the upstairs part of

1 that shop, where the bathhouse --- where the warehouse and, you know, the complex
2 --- their building there. I know on several occasions during the week that --- especially
3 in the morning, they would have a meeting, I think the day shift. Bill Taylor, he would
4 attend those.

5 Q. So he would be called over to the shop or the engineering office when they
6 needed him?

7 A. Wherever they were having a meeting. I never did see ---.

8 Q. You never went to any of those?

9 A. No.

10 Q. Was it clear to you who was in charge from MSHA and how the organizational
11 structure was set up?

12 A. Pretty much. It was the district manager. He was pretty much calling the ---.

13 Q. So Al Davis was there when you were there?

14 A. He would be there at some point. Usually, like I said, I worked midnight shift.
15 And you know, only if something out of the ordinary --- which really I don't remember
16 them being there as far as on the hoot owl like on a regular basis or anything. You
17 had the --- you know, if anything come up, that's who they contacted.

18 Q. And how was the MEU unit receiving orders on what to do, from who?

19 A. Through the district people, you know, just whoever was in charge on that
20 shift.

21 Q. So like on your shift most of the time who was in charge?

22 A. It was Tommy Hooker ---

23 Q. Tommy Hooker. So Tommy Hooker ---?

24 A. --- and Don Gibson.

25 Q. And Don Gibson?

1 A. Right.

2 Q. So they were giving you, as an individual, instructions as to what to do that
3 shift or where to go that shift?

4 A. We would usually --- as it went on, you know, we were --- like I said
5 previously, we were monitoring.

6 Q. Where were you monitoring?

7 A. Underground. We were monitoring ventilation and in doing --- taking gas ---
8 monitoring gas checks in the return. And then they set up some pumps, pumping out
9 of the sealed area that was adjacent to these works. Where we were set up it was ---.

10 MR. PAVLOVICH:

11 Do one of you have a map?

12 UNIDENTIFIED SPEAKER:

13 No, sir. I'll go get one.

14 MR. PAVLOVICH:

15 Would you run down and get one because I think that would
16 probably help us with Mike when he's explaining where he's taking gas readings and
17 all for us to understand. I mean, we're familiar with it, but ---.

18 A. Right. We were taking air readings. We took an intake air reading at
19 Crosscut 120, which was just inby where ---.

20 BY MR. PAVLOVICH:

21 Q. What entry?

22 A. That was in Number One entry, ---

23 Q. Okay, Number One.

24 A. --- the entry that they were cleaning.

25 Q. So by the time you got there they had already stopped cleaning Number Four

1 entry?

2 A. Yeah.

3 Q. Okay.

4 A. Yeah. The only thing --- the only work that was being done when we got there
5 was in Number One.

6 Q. Number One, okay.

7 MR. TEASTER:

8 Mike, did you keep any notes?

9 A. All the notes that I took, I left them there in the command center, the morning
10 whenever I left.

11 MR. TEASTER:

12 Every morning you would leave them?

13 A. Which primarily the only notes that --- well, really the only notes that I had was
14 my air readings and my air quality, you know, my gas checks.

15 BY MR. PAVLOVICH:

16 Q. Now, were you still there, Mike, when the people from headquarters arrived,
17 like Kevin Stricklin or Richard Stickler?

18 A. They --- on a couple of occasions.

19 Q. Okay. Did the structure of the command center change any when they
20 arrived? I mean, were they now in charge or ---?

21 A. I really couldn't --- I never did ---

22 Q. Never did ---?

23 A. --- see anything to indicate ---

24 Q. Okay.

25 A. --- anything different.

1 Q. Okay.

2 A. I mean, of course, everybody would kind of do their step-back whenever ---
3 you know, respect their positions.

4 Q. Okay.

5 A. But no, as far as anything going on, you know, I couldn't --- where I was at I
6 didn't see anything.

7 Q. Do you feel that the structure of managing the operation was adequate? I
8 mean, did it appear to you it was well organized and there was good structure to it or
9 was there confusion?

10 A. There didn't appear to be any confusion. I mean, it was ---.

11 Q. So you felt you were getting orders that were ---

12 A. Yes.

13 Q. --- explicit, ---

14 A. Yeah. There wasn't ---.

15 Q. --- told you what to do and where to go and all that and that things were well
16 organized?

17 A. It was pretty much cut and dry, I mean, because you know, everything was
18 right there in that one area. There wasn't any really --- myself, after about the second
19 day, you know, I wondered, you know, what am I doing here myself, you know, as an
20 MEU individual, because we ended up, like I said, doing this monitoring work, you
21 know. That was --- in my mind, this should have been district people doing it, ---

22 Q. Okay.

23 A. --- you know, themselves because there wasn't any --- there was no need ---.

24 Q. It wasn't really a mine rescue?

25 A. No, there wasn't any mine rescue work. There wasn't any mine rescue teams

1 there, other than us.

2 Q. Okay.

3 A. A couple of times the company team come in and checked their equipment
4 and stuff, but I think they were still working at whatever mines they were working at.

5 Q. Oh, so their company mine rescue teams weren't even there most of the
6 time?

7 A. Uh-uh (no). No, sir.

8 Q. So it was mostly the miners and MSHA inspectors from the western states and
9 then you guys as a MEU unit doing monitoring?

10 A. Right.

11 Q. Did you ever wear an apparatus there?

12 A. No.

13 Q. So you never went to the sealed area that was broken and ---?

14 A. No. No, I didn't. There was a couple of others.

15 Q. Okay.

16 MR. TEASTER:

17 Mike, when you reported to the mine, once you got into your
18 routine there, what typically would you do when you first arrived at the mine, how long
19 would you go and then what all would you do before you went underground? On the
20 surface, what would transpire?

21 A. Pretty much just get dressed and get a light and rescuer and then get a
22 briefing of sorts.

23 MR. TEASTER:

24 Who would brief you?

25 A. It would be usually somebody off of the second shift there in the command

1 center. You know, they would --- we would just go over, you know, what had went on,
2 you know, if there's anything, you know, out of the ordinary that had occurred during
3 their shift.

4 MR. TEASTER:

5 And how long would that normally take for your briefing?

6 A. I would say probably 15, 20 minutes, you know. That would be a long time
7 because, like I said, once they got going, it was pretty much straight out, you know,
8 just repetition.

9 BY MR. PAVLOVICH:

10 Q. Were you ever up where the roof supports were being installed, ---

11 A. Yes.

12 Q. --- the water jacks?

13 A. Yes.

14 Q. So you did spend time at the continuous miner, where they were loading and
15 all that ---?

16 A. Well, that's not while they were loading.

17 Q. Okay.

18 A. The only persons up there was the operator and the helper ---

19 Q. Okay.

20 A. --- and the shuttle car operator.

21 Q. So no one else was permitted in that area while loading?

22 A. Not while they were loading.

23 Q. Okay.

24 A. And once they got where they were going to set their supports and stuff, then
25 that's when everybody else would go in. But I did go in and observe, watch them do

1 some of the supports and stuff.

2 Q. And who primarily was doing that?

3 A. That was the company.

4 Q. The miners?

5 A. Yes, that was the miners.

6 Q. So you guys were not physically ---

7 A. No.

8 Q. --- helping set supports or anything like that? You were just ---?

9 A. No. We might help them drag something or do something, you know, just to
10 help them out, to get them going. But no, we weren't physically doing any of the labor.

11 MR. TEASTER:

12 Where were you located when they were loading? Where
13 were the other people, the jack setters?

14 A. They usually stayed out Crosscut 119, which was where the power center was
15 located. Myself, I was either there or at 120. We were taking air and gas readings
16 hourly.

17 BY MR. PAVLOVICH:

18 Q. Oh, every hour?

19 A. Yes.

20 Q. Okay.

21 A. And so, you know, by the time you get done doing --- get done with your
22 readings and stuff and call them out, you just had a little bit of time until you went back
23 and did it again.

24 Q. So when was really the first time that you went underground?

25 A. Would have been on the night of the 8th.

1 Q. The night of the 8th?

2 A. I believe.

3 MR. TEASTER:

4 You said earlier the 7th and you came out on the 8th.

5 A. Right. Well, on the 7th we just stayed outside, on the surface, ---

6 BY MR. PAVLOVICH:

7 Q. Right.

8 A. --- the 7th and the 8th. But then on the evening of the 8th, which would have
9 been the shift for the 9th, ---.

10 Q. Okay. And they were loading where when you went underground there?

11 A. If I'm --- they were right up in the area of 121.

12 Q. In the Number One entry?

13 A. Right. Yes, sir.

14 Q. Okay. So what did you observe up there when you went in? Your first time
15 in, what did you think of?

16 A. It looked like a coal face totally.

17 Q. Did the area where they were loading look like a coal face to you?

18 A. That's all it was. It was just --- the only difference was is as they were loading
19 out, it was still supported. The roof bolts and your mesh and everything was still in
20 place.

21 Q. But the coal was ---

22 A. But the coal was ---.

23 Q. --- to the roof?

24 A. Oh, it wasn't --- there wasn't no almost. It was. It was packed.

25 Q. It was to the roof?

1 A. It was to the roof.

2 Q. Had you ever seen a bump before?

3 A. No, sir.

4 Q. Or a bounce or ---?

5 A. That's what I was getting ready to say, I've never experienced anything. I had
6 heard of them --- I know back when I first started in the mines in 1970, I know down
7 here in --- it seemed to me like in western Virginia and down here in southwest West
8 Virginia had a couple of places down in McDowell County and in that area that would
9 experience some bumps. I mean, you know, just reading about it and stuff, you know,
10 what was said there, you know, that was --- but no, this was a first for me.

11 Q. That it was literally all the way to the roof?

12 A. It was.

13 Q. So when they loaded it out, it looked like they were loading the coal face but
14 the roof was already supported?

15 A. Right. It was ---.

16 Q. Did anybody brief you as to where they thought the location of the missing
17 miners were?

18 A. They --- they told us, you know, they thought that they were working over here
19 in the Number One entry at that time, when it occurred.

20 Q. Way up here?

21 A. I'm thinking they were saying, well, 137, somewhere in that neighborhood. I'm
22 not really sure.

23 Q. Okay. And so what did you think about the fact that it was full of coal way
24 back to here?

25 A. It's just hard to --- it was hard to imagine, you know, what --- you know, what it

1 would be like up there, inby. Like I say myself, you know, it was --- as you walked
2 over, you know --- now, Number Two, Number Three and Number Four entries, you
3 know, they were right here which 120, that was where the tail piece was set up, and
4 that's where they were dumping the material that they loaded out of the faces. But
5 you know, the first trip across through here, you know, all three of those entries had
6 coal, you know, and rock material, but it was --- you probably had about two two-and-
7 a-half foot of clearance between the top and the material in those three entries.

8 Q. What was the height outby there, where you were standing?

9 A. Roughly six-and-a-half, seven foot.

10 Q. Okay. So it was walking height for you?

11 A. Yes.

12 Q. So those entries --- all three of these entries, Two, Three and Four, were all
13 full, pretty much full with all sorts of ---?

14 A. Pretty much.

15 Q. Were you ever there when it bumped?

16 A. One time.

17 Q. Okay.

18 A. And I don't know what day it was, but I was there in Crosscut 120. I just was
19 getting ready to take my air readings and stuff, and it hit. It literally hit. And you
20 know, myself, I took off.

21 Q. Okay.

22 A. I had that rabbit blood and I ----.

23 Q. That's a good term for it.

24 A. I was gone.

25 Q. Now, what did that feel like to you, Mike?

1 A. Well, it was just I guess really a bump, I mean, but it --- you know, you feel the
2 air. You know, it literally --- the air kind of moved, if you would, for lack of a better
3 term.

4 Q. Okay. So you could feel something even in the flow of air ---

5 A. Yes.

6 Q. --- change? And the noise, how loud? Was it very loud, I mean ---?

7 A. It was a good pop.

8 Q. Okay.

9 A. But yeah, it was --- you know, I ---.

10 Q. It wasn't like working up in the roof, like the pillar line ---

11 A. No.

12 Q. --- somewhere?

13 A. Uh-uh (no).

14 Q. It sounded like it was close to you?

15 A. It sounded like it was everywhere.

16 Q. Okay.

17 A. You know, it's ---.

18 Q. And did coal come off the ribs then?

19 A. It really --- it shook just a little bit, but no --- you know, you heard a little bit of
20 sloughage, you know, just in --- right there where I was at, you know, right there
21 around the corners and stuff it did just a little bit, but nothing major. But I did at that
22 time, whenever it did it, I think it was a six-by-eight wooden timber that was set beside
23 the power center in Break 119, it jarred it loose, and it fell. And when it fell, it come
24 over and struck the side of the power center and it bent the lid right where the ---
25 where your little switch is for the --- you know, your lid switch.

1 Q. Right.

2 A. It knocked the power.

3 Q. Oh.

4 A. It took power out to outby. And so they had to --- the electricians, they had to
5 do a little bit of body work on the lid to get it to set back up.

6 Q. Okay. How about up by the miner when it bumped that time, did it --- any
7 more coal come out in the entry, if you remember?

8 A. Not that I'm aware of.

9 Q. Not that you're aware of, okay.

10 A. That's --- you know, whenever it happened, you know, especially whenever
11 the power went off like it did, because it was almost immediate, you had the bump and
12 it was just a matter of seconds then the power knocked. You know, everybody started
13 calling to see if everybody was all right.

14 MR. TEASTER:

15 Did it get real dusty?

16 A. No. No, sure didn't.

17 BY MR. PAVLOVICH;

18 Q. When they were calling, where were they calling?

19 A. What I'm saying, it was ----

20 Q. The men were calling each other?

21 A. --- the miners were hollering at each other ---

22 Q. Oh, okay.

23 A. --- to make sure that everybody was all right.

24 Q. Okay. So then they kind of like took a head count ---

25 A. Right.

1 Q. --- to make sure everything --- everybody was okay and nobody was injured?

2 MR. TEASTER:

3 Could you tell what direction that bump came from? You was
4 in 120?

5 A. Like I said, it was like it was all over, seriously. I mean, it was just --- it was
6 just a ---.

7 BY MR. PAVLOVICH:

8 Q. Did the ground shake?

9 A. Yeah.

10 Q. Okay.

11 A. Yes, it did.

12 MR. TEASTER:

13 How far did you run outby before you stopped?

14 A. I got over in the --- I was in Number Two and I got over to Number One. All
15 them people were standing around looking at me kind of funny.

16 BY MR. PAVLOVICH;

17 Q. So you stopped?

18 A. Yeah. And whenever nothing else happened, that's --- I had to assess and
19 see what was going on. But that was --- like I said, that was --- to the best of my
20 memory, that was the only one that we experienced there when I was underground.

21 Q. How many shifts were you actually underground? When did you come back
22 home; do you remember?

23 A. We come back home on the --- it would have been the 18th because we
24 worked the 17th, getting the equipment and everything cleaned up and stored.

25 Q. Okay. So you were there when the second accident occurred?

- 1 A. Well, I was at the hotel.
- 2 Q. Okay. You weren't necessarily at the mine, but you were still there?
- 3 A. I wasn't at the mine, but yes.
- 4 Q. Okay. When you would come out to work your shift --- and you always
5 worked, I guess, the graveyard shift, right, the whole time?
- 6 A. Uh-huh (yes).
- 7 Q. When you came out to work your shift you said that you were normally
8 briefed. When they briefed you, would they tell you about bumps that had occurred on
9 previous shifts and ---
- 10 A. Yeah.
- 11 Q. --- that they had to back up or repair equipment or ---? They did. So they
12 briefed you on that?
- 13 A. Yes.
- 14 Q. And what did you think about that?
- 15 A. Really, I guess it was just part of it. I mean, I was part of the situation there.
16 Like I said, from just, you know, talking with the miners there and everything, it was
17 something that they were used to.
- 18 Q. The miners there were used to that?
- 19 A. Yeah. And that's why I say whenever I took off running and they stood there
20 and watched me, you know, that was a pretty good indication, you know, that they had
21 experienced it before.
- 22 Q. Were you concerned for your own safety because of those bumps?
- 23 A. Actually, no, I wasn't.
- 24 Q. No? Okay.
- 25 A. Again, like I said, I just --- you know, you go and you do.

1 Q. Okay.

2 A. And that's --- to look at the conditions, you know, the physical conditions of the
3 mine, you know, outby and everything going up to that area, you know, there wasn't
4 anything to indicate, you know, anything the worse, you know, that really would throw
5 up a red flag.

6 Q. Okay.

7 A. Because the mine appeared to be in good condition. You know, it was
8 maintained.

9 Q. In the outby area?

10 A. Yes.

11 Q. What did you think when you first saw the map of this with the gobs to both
12 the north and south and the fact that mining was going on in that barrier?

13 A. Well, it was questioned. You know, it was questioned. In my mind it was
14 questioned, you know, so it's hard to believe ---.

15 Q. Hard to believe in what regard?

16 A. That we had a gob on both sides and was mining ---

17 Q. Mining in there?

18 A. --- like we were.

19 Q. Did anybody ever talk to you about the amount of overburden there or cover
20 that they had, that it was over 2,000 ---?

21 A. Not until after the fact there of the 16th.

22 Q. After the 16th is when they told you how much overburden?

23 A. That's ---.

24 Q. So you never knew ---?

25 A. That's ---.

1 Q. You never knew prior to that time that there was 2,000 feet of overburden?

2 No?

3 A. Nope. Which that was, you know, from being here from the east, you know, I
4 think about the maximum that we work with as far as cover is 1,300 feet. You know,
5 that's --- never had experienced anything. And then --- well, no, I take that back. Let
6 me retract that. That's Joe and Mike from Tech Support.

7 Q. Joe Zelanko and Mike Gauna?

8 A. Yeah. That's right. They were in. We were talking about --- they were talking
9 about that --- it was probably --- that was during that first week. That's right. They did
10 mention it.

11 Q. Okay. So they were ---?

12 A. Because they were amazed at what they were looking at there as far as that
13 entry. And you know, that's ---.

14 Q. In what way did they seem to be amazed?

15 A. Well, one thing was this --- back in here. Where are we? Yeah. This barrier
16 block had shifted. It had knocked it over into the entry.

17 Q. Okay.

18 A. That's really --- it looked like it was four to five foot or more.

19 Q. Into the entry?

20 A. That was part of that solid coal face. On that left side was --- it was the solid
21 coal from the rib because they got to looking and they started seeing stems of roof
22 bolts sticking out right at the --- right on the edge of the block.

23 Q. Oh, okay. And you know they couldn't have bolted that close to it.

24 A. Oh, no. It had taken the --- it had --- the head and plate and everything was
25 gone.

1 Q. It blew those off? It popped them off?

2 A. It had popped them off.

3 Q. And the bolts were ---?

4 A. And the bolt, it was bent towards the entry.

5 Q. And that was almost like under solid coal rib or over solid coal rib?

6 A. Right. And that was --- which that was the first time that I'd seen --- noticed it.

7 Q. So did you ---?

8 A. See, because that was --- that had all been --- that was in an area where it had
9 already been rock propped and ---.

10 Q. So when you were talking to Joe and Mike, were they just talking among
11 themselves or were you actually discussing it with them?

12 A. No, were just --- yeah, we were talking.

13 Q. Okay. So they were kind of briefing you guys on what they saw, too?

14 A. Yes, sir.

15 Q. And did they appear to be concerned about that?

16 A. Yeah, because they said that --- you know, one of them, I don't know if it was
17 Joe or Mike, you know, made --- you know, he made the statement, he said, this is
18 one for the books. He said, we've never seen anything like this.

19 Q. That it had moved so much and so much had bumped off ---

20 A. Right.

21 Q. --- or bounced off?

22 MR. TEASTER:

23 Mike, did you get to see the other side of the rib in that area
24 over there? I mean, was it --- you had apparently a horizontal shift moved over to that
25 edge of the roof bolts. What did it look like on the other side?

1 A. Oh, that was in the --- that would have been in that gob. Are you talking about
2 in the entry?

3 MR. TEASTER:

4 On the entry, yes.

5 A. On that entry?

6 MR. TEASTER:

7 Yeah. You said the roof bolt was right against the rib and
8 sheared off.

9 A. Right.

10 MR. TEASTER:

11 What did it look like on --- I'm visualizing.

12 A. They were only taking ---

13 MR. TEASTER:

14 So many feet.

15 A. --- about 11 --- about 12, 13 foot total right out. And so, you know, they were
16 trying to leave as much undisturbed on those --- on the block side.

17 BY MR. PAVLOVICH;

18 Q. Okay. So they weren't cleaning all the way to the rib, ---

19 A. No, they weren't on the rib.

20 Q. --- just up the middle?

21 A. They were just --- they were cleaning wide enough for the miner and bolter
22 and stuff to clear through.

23 Q. Okay. And they were leaving a lot of the coal that had bumped just ---

24 A. Yes.

25 Q. --- piled up off the rib side?

1 A. And that's --- I heard the remarks they made that they didn't want to disturb
2 any more than they had to, you know.

3 Q. Were you ever concerned about the safety of the rescue workers that were
4 working underground there with all that activity going on?

5 A. That's --- you know, again, like I said, you know, ---.

6 Q. Did any of the miners there ever express concern that we're kind of scared
7 about this?

8 A. No.

9 Q. They never did?

10 A. Not to me. That's --- you know, their concern was getting their buddies out.

11 Q. Did any of them every refuse to continue working underground that you know
12 of?

13 A. Not ---.

14 Q. Never heard of any of that?

15 A. Not while I was there.

16 Q. Okay.

17 A. I know we read in the newspaper and heard it on the news, you know, that
18 there was some that had made those concerns, but I never was personally hearing it
19 from any of the miners.

20 Q. You never heard it from any of the miners or any of your other rescue team
21 members, ---

22 A. No.

23 Q. --- anybody that was concerned? Were you ever consulted or asked about the
24 supports that were being put in or ---?

25 A. No.

1 Q. No. You mean, they just had a plan and that's what was being followed?

2 A. That's what was being done.

3 UNIDENTIFIED SPEAKER:

4 Joe, do you care to address number 19 with him?

5 MR. PAVLOVICH:

6 Oh, okay.

7 BY MR. PAVLOVICH:

8 Q. I'm trying to figure out how to ask it. The question is, what weight was given
9 to the bumps you experienced or determined in continuing with the rescue effort? And
10 I guess, you know, you weren't ---.

11 A. You know, to answer your question, I never did hear --- I mean, I never was
12 privy to any of the discussions or any of the meetings that were ---.

13 Q. As far as ---

14 A. As far as ---.

15 Q. --- to continue or not to continue or anything else?

16 A. Right.

17 Q. You basically showed up, went underground, and even after they had the
18 bump that you experienced, everybody went right back to work?

19 A. Right.

20 Q. Nobody sat around and said, maybe we should go out or anything like that?

21 A. No.

22 Q. No.

23 A. I never did hear it if they did.

24 Q. Okay. And the miners from there, from the company, didn't seem real
25 concerned about that?

- 1 A. I didn't see it.
- 2 Q. Okay.
- 3 A. That's why I say I didn't see it in their demeanor or anything.
- 4 Q. Usually when you were underground on the nightshift was there other MSHA
5 people there or were you the only MSHA person there?
- 6 A. No, there was --- two of us off the MEU went, and then there was usually one
7 or two from district.
- 8 Q. From the district office, okay. So who would you usually work with at night
9 from the MEU team?
- 10 A. Scott Johnson.
- 11 Q. You and Scott would work together most of the time? Did Scott ever express
12 any concerns about ---?
- 13 A. No, not --- no, sir, not that I can remember.
- 14 Q. Okay.
- 15 A. I was just trying to remember because I know Scott, he ended up --- they put
16 him on the evening shift.
- 17 Q. How about the local guys there, did they seem to respond that these bumps
18 were a common thing?
- 19 A. Pretty much, yeah. That's ---.
- 20 Q. They didn't seem to be too concerned?
- 21 A. Not that I heard.
- 22 Q. So you never got involved in anybody asking you as far as, you know, there's
23 so many bumps, do you think we should stop or ---
- 24 A. No.
- 25 Q. --- keep going or anything like that?

- 1 A. No, sir.
- 2 Q. Did you ever meet Bob Murray while you were there?
- 3 A. Yes, I did.
- 4 Q. Did you get the chance to talk to him at all or ---?
- 5 A. Yes, I did.
- 6 Q. And ---?
- 7 A. And that was the day after --- that was on the 17th. That was the morning of
- 8 the 17th.
- 9 Q. That was the first time you met him after ---?
- 10 A. After the three fatalities that occurred on the 16th.
- 11 Q. And how did you hear about that accident?
- 12 A. We got called there at the hotel ---
- 13 Q. They called you at the hotel?
- 14 A. --- and told them they had six --- had another event occur and had six people
- 15 unaccounted for. And that was our initial ---.
- 16 Q. That was your initial communication?
- 17 A. So we --- Ron Hixson and myself and Virgil Brown and Rodney Adamson, we
- 18 all went back out to the mine.
- 19 Q. So you were called back to the mine then?
- 20 A. Yes.
- 21 Q. And when you got back to the mine, what did you find out or what was your
- 22 assignment?
- 23 A. They were in the process of bringing the people out.
- 24 Q. Okay. So you got there before they even brought them out?
- 25 A. Yes.

1 Q. Did you guys get underground at all to assist or ---?

2 A. No. They were --- by the time we got there and got our stuff on, we were
3 getting ready to go and then they called us back and said they were loading up the last
4 injured and coming out at that time.

5 Q. Okay. And then were you there when the trucks got outside with the ---?

6 A. Yes.

7 Q. And they were bringing them out in a pickup truck, I guess, or ---?

8 A. Yes.

9 Q. And did you assist in any way of ---

10 A. No, not as far as ---.

11 Q. --- moving them into the ambulances or ---?

12 A. No. There was --- they had plenty of help there then. There was ---.

13 Q. Did you talk to any of the guys that were up there?

14 A. Uh-uh (no).

15 Q. No?

16 A. No.

17 Q. Was there any of the MEU guys in the mine?

18 A. Yeah, Scott Johnson.

19 Q. Okay.

20 A. Scott was and I'm not sure who --- there was one other one. I know Otis was
21 outside that evening.

22 Q. Okay.

23 A. But that's --- like I said, Scott, he come out right with us.

24 Q. Did you talk to Scott?

25 A. A little bit, not initially. Not at first. They kind of sequestered everybody into

1 the shop.

2 Q. All the people that had been underground to recover them?

3 A. Yeah, they ---.

4 Q. So you didn't get a chance to talk to him?

5 A. No. Mr. Stickler, Mr. Stricklin and Mr. Murray, they wanted to --- which I ---
6 you know, it was fact finding at that time. They were trying to get information from
7 everybody that was there when it occurred.

8 Q. Okay.

9 A. They had everybody in the shop there, which we stayed out since we weren't
10 --- you know, they wanted everybody that was involved.

11 Q. Okay. So you guys weren't invited in?

12 A. Right.

13 Q. You stayed out. And then how long did you stay at the mine that ---?

14 A. I stayed the remainder of the night.

15 Q. You stayed on through your shift?

16 A. Yes.

17 Q. Because you were called out before your shift, actually?

18 A. Right.

19 Q. So you say you met with them I guess sometime the next day, and Mr. Murray
20 came and talked to you?

21 A. Well, we were --- it was that following morning. And he --- you know, they had
22 him --- a camper set up there ---

23 Q. Okay.

24 A. --- right across the lot from where our command center was. And he come
25 out, going over to the shop there, shop area. And he just stopped and talked for a

1 minute or so.

2 Q. Okay. He just stopped and talked to you all?

3 A. Yeah.

4 Q. It wasn't like a group discussion, where he was ---?

5 A. No, he --- you know, he just --- you know, he was --- he's pretty much
6 distraught. That was ---.

7 Q. And what did he say to you?

8 A. He was just talking about, you know, the events ---

9 Q. That had happened?

10 A. --- that had happened and everything. You know, he didn't know --- you know,
11 he was just telling us he didn't know what was going to take place, you know, what we
12 were going to do now. He wasn't sure.

13 Q. So he expressed he didn't know what was going to happen. You didn't go into
14 the mine that night?

15 A. No.

16 Q. Okay.

17 A. No. There was --- nobody was in the mine.

18 Q. Okay. So what did you think of his attitude that morning or his demeanor?

19 A. Like I said, he was --- I know --- in my mind now, whenever I seen him and
20 stuff, you know, I just --- you know, I thought he kind of reminded you of a whipped
21 pup. He was, you know, emotional. You could tell he was just drained.

22 Q. How were the company management to work with, the foremen, the
23 superintendent, the mine foreman? Did you get to meet or work with any of those
24 people?

25 A. The shift foreman there on the --- the midnight shift foreman, he was --- you

1 know, they were --- they were just regular miners. I mean, they weren't --- you know,
2 they weren't trying --- they were just ---.

3 Q. So they weren't driving the men extra hard or ---?

4 A. No. They were --- you know, they --- which I heard them on several
5 occasions, you know, tell them to make sure that everything was right, you know, keep
6 everything --- keep it going, you know, keep it straight, keep it right, you know, make
7 sure that they kept themselves safe.

8 Q. So you felt they were trying to do a ---?

9 A. What I seen, they were trying.

10 Q. And they were good to work with? If you saw something that needed
11 addressed, you could bring it up and ---?

12 A. They took care of it.

13 Q. And they did?

14 A. Yes.

15 Q. Okay.

16 A. They'd whine about it, but they'd take care of it.

17 Q. Whine a little bit?

18 A. Yeah.

19 Q. Okay. Did they ever argue ---? I'm sorry, go ahead.

20 MR. TEASTER:

21 Were you familiar with the plan that was in effect as to how
22 they were going to address the rescue effort?

23 A. You know, other than, you know, just the cleanup of that one entry. You
24 know, that was --- from my understanding, that was the plan, you know. Once they
25 had ---.

MR. TEASTER:

- 1 Q. No?
- 2 A. No, sir.
- 3 Q. How about with the press?
- 4 A. No.
- 5 Q. None at all with the press?
- 6 A. I waved at them whenever we went by down at the bottom of the hill when we
7 was coming into the mine or leaving, but that was my communication.
- 8 Q. Did you ever hear about the press going underground with Bob Murray?
- 9 A. Oh, yeah.
- 10 Q. You heard about that?
- 11 A. Yeah. I watched it on the news.
- 12 Q. What did you think about it?
- 13 A. Well, you know, that's --- I guess it was like a lot of other --- most people,
14 surprised.
- 15 Q. You were surprised when you saw it?
- 16 A. That ---.
- 17 Q. And what about it surprised you, I guess?
- 18 A. Well, the fact of taking press and family members in to an emergency area.
- 19 Q. And with the conditions as you saw them up there ---?
- 20 A. You know, as far as what I had been to before in the past, you know, it's been
21 a situation where, you know, it's just been mine rescue people, you know, because
22 irrespirable atmospheres and stuff like that. You know, this is the first time I had ever
23 experienced an event like this that --- you know, where you had miners, had just
24 regular miners doing the work.
- 25 Q. How did you think about taking those people in with a K Order in effect?

1 A. Well, that's --- you know, I figured that --- in my mind I thought that they had
2 had --- had to modify the K Order to allow them to do it.

3 Q. Okay. I guess you're familiar with a K Order. You probably issued K Orders
4 as an inspector; right?

5 A. Yes, sir.

6 Q. And basically what does a K Order say?

7 A. It's maintaining that area ---

8 Q. And who's allowed to go in?

9 A. --- normally for, you know, MSHA, company, state and miners' representatives
10 and anyone that would be needed to do the work.

11 Q. To do the corrective action?

12 A. Right.

13 Q. And do you feel the press was needed to do corrective action?

14 A. Not really.

15 Q. Okay.

16 MR. TEASTER:

17 Do you know if the K Order was modified?

18 A. No, I don't know to say ---.

19 BY MR. PAVLOVICH:

20 Q. Do you feel that your training with MSHA and as an MEU member, that you
21 were --- had been properly trained to handle the situation that you were in at Crandall
22 Canyon?

23 A. You know, that's --- you know, like I said previously, it was --- that was a totally
24 new experience for me. And just, you know, in the condition and what you brought up
25 there as far as the coverage, you know, that there --- and to --- I guess really to see

1 what could happen with that type of pressure. Like I said, I had never experienced it.
2 But as far as --- you know, I don't know if --- you know, the only training that's really
3 going to do any good there is experience. And I had --- that was --- for me, that was a
4 first time.

5 Q. How about as far as, you know, like the job you were assigned to do in
6 working with miners as opposed to a rescue team operation, it was more like an
7 inspector's role?

8 A. Right. It was, yes.

9 Q. Did anybody explain to you afterward of why the rescue effort was stopped
10 after the 16th, the accident on the 16th, and then --- how did you know they were
11 going to stop?

12 A. By Virgil Brown. Virgil, he ---.

13 Q. What did Virgil tell you?

14 A. He told us that at the time they were standing down and it didn't appear that
15 they were going to go back in.

16 Q. Someone had told Virgil that?

17 A. Evidently.

18 Q. Okay. And did they tell you why? Did he tell you the reasons why?

19 A. Not really. I'm just ---.

20 Q. You just assumed it was because of the other accident?

21 A. Just because of the accident fatalities.

22 Q. They never gave you any specifics as far as experts that said we shouldn't do
23 anything or ---?

24 A., Uh-uh (no). No, sir.

25 Q. Do you think it should have been stopped before then, before the second

1 accident, based on what you saw or did underground?

2 A. No, sir.

3 Q. No? Okay.

4 A. No, sir. I mean, hindsight is 20/20. We can say, yeah, we should have, but
5 you know, from what I seen up there and stuff, you know, ---.

6 Q. From what you were experiencing, what you saw up there, ---

7 A. What I was experiencing.

8 Q. --- you didn't feel like there was any reason to do anything any different?

9 A. No, sir.

10 Q. Were you aware that there was ever any low oxygen readings that were ---?

11 A. Yes. And that was on the morning of the 16th.

12 Q. The morning of the 16th until you ---?

13 A. Right before we changed shifts, which you know, we were working an eight-
14 hour shift.

15 Q. Okay.

16 A. The miners were working 12.

17 Q. Oh, okay. So there was an overlap?

18 A. They were working two 12s. And right before we went outside on that morning
19 of the 16th the miner had opened up a cavity on the right corner of the face, probably
20 about ten foot wide by about three foot high, and they were in the process of putting ---
21 setting their rock props and everything, and detectors started going off, you know,
22 personal detectors. Just about everybody had one. And whenever we started looking,
23 it was coming up on low O2. And we ---.

24 Q. What percentage did they get; do you remember?

25 A. I think it ---.

1 Q. So that was actually in the Number One entry when they kind of opened up
2 that cavity?

3 A. Yes.

4 Q. And so did they tell you what they had to do then to take care of that or did
5 they just come out or ---?

6 A. No, we --- they ventilated. They just ---.

7 Q. Okay. And that was on the morning of the 16th, when you were coming out of
8 the mine?

9 A. That was probably around 7:00, 7:30 that morning, because we come out on
10 the ---.

11 Q. Did you ever hear the results of any bore hole readings, where they drilled the
12 bore holes down in?

13 A. Yeah.

14 Q. And what did you hear about those air analyses or results?

15 A. You know, just you know, the low O2 and ---.

16 Q. Knowing that and with your experience in mine rescue and knowledge in
17 gasses, what did that lead you to believe?

18 A. It was just kind of questionable whether anyone was alive inby.

19 Q. And where did you think that low O2 may have been coming from? Did you
20 have any idea?

21 A. At first I didn't, but then, you know, after you look and you get to talking and
22 stuff, that was --- pretty much looked like gob air.

23 Q. Okay.

24 A. And evidently it appeared that one or both of the barrier blocks had broken,
25 broken through.

1 Q. And it was coming out of the ---

2 A. Coming out of the ---

3 Q. --- old works?

4 A. --- old sealed areas.

5 Q. Okay. And so at that time did you feel you were more of a recovery mission
6 than a rescue operation?

7 A. That's --- pretty much, yeah.

8 Q. Okay.

9 MR. TEASTER:

10 When did you learn of that bore hole reading; do you
11 remember?

12 A. Well, as they were going down.

13 BY MR. PAVLOVICH:

14 Q. Okay. So they were keeping you guys briefed of the readings ---

15 A. Right.

16 Q. --- they were getting? As they punched through, they told you what readings
17 they got ---

18 A. Right.

19 Q. --- that day, when they went through?

20 A. Uh-huh (yes).

21 Q. And that was part of your briefing every day when you came in?

22 A. And then you were briefed on the TV, you know. If you watched the news any
23 at all, you know, it was there, too.

24 Q. They were getting accurate briefings ---

25 A. Somebody was.

1 Q. --- quicker than we were?

2 UNIDENTIFIED SPEAKER:

3 Did you ever hear anyone else discussing those low readings
4 and the possibility of ---?

5 A. Amongst ourselves, you know, us on the team and stuff, you know. We'd ---
6 but as far as, you know, the miners, I don't think they --- I never did hear much of
7 anything from them, you know, to indicate that they were even considering that.

8 UNIDENTIFIED SPEAKER:

9 But you discussed it amongst the mine rescue team
10 members?

11 A. Yes, sir.

12 UNIDENTIFIED SPEAKER:

13 Did you ever share that with anybody in the command center
14 or discuss it with anybody at the command center?

15 A. Well, you know, they were getting the readings there in the command center,
16 you know, hourly, from the bore holes, as well as what we were doing underground.
17 And that was all being logged and ---.

18 BY MR. PAVLOVICH;

19 Q. So they knew?

20 A. Yeah.

21 Q. There was no doubt they knew, and that discussion that you guys were having
22 was --- that was there?

23 A. That's pretty much --- it was ---.

24 Q. Common knowledge in the command center?

25 A. Right.

1 UNIDENTIFIED SPEAKER:

2 Just to clear me up, Mike, common knowledge in the
3 command center? I mean, were there other discussions from people in the command
4 center that the low oxygen --- I mean, that there was an understanding ---?

5 A. I couldn't say that there was. I wasn't privy to it, but like I'm saying, you know,
6 common knowledge being, you know, that they were taking the --- getting the readings
7 hourly and logging them, you know, and it was in the logbook there and that was ---.

8 UNIDENTIFIED SPEAKER:

9 Okay. But you didn't hear anybody in the command center ---

10 A. Not personally.

11 UNIDENTIFIED SPEAKER:

12 --- say those words? Okay.

13 A. Not personally. Not that I can remember.

14 BY MR. PAVLOVICH:

15 Q. What did you think about the roof support that was being installed, the water
16 jacks and ---?

17 A. It appeared to be --- you know, again, you know, I'm going back and using my
18 experiences, which is from here. And you know, a 40-ton jack is pretty substantial as
19 far as --- and really what you're looking at is it was rib support. And it really wasn't
20 roof support because the roof was supported. You had your primary support there.
21 And you know, again, going back to my experience, you know, it looked good.

22 Q. So you felt comfortable with those jacks and the wire rope ---

23 A. Yeah.

24 Q. --- and the screen with the ---

25 A. Chain link fence.

- 1 Q. --- chain link fence, I mean.
- 2 A. Right.
- 3 Q. Okay.
- 4 A. Yes, sir.
- 5 Q. So you never had --- did you ever have any other ideas about additional
6 supports that may have been ---?
- 7 A. No, sir. No.
- 8 Q. No? Okay.
- 9 A. Not really.
- 10 Q. Our question in the next one is have you received any training on mine
11 emergencies. And you being an MEU member, I'm sure you have, so ---. But I guess
12 have you been at any of the other like Sago or ---
- 13 A. I was at Sago.
- 14 Q. --- Aracoma?
- 15 A. I was at Sago twice. I was there for the rescue and recovery work and then
16 went back for re-establishing the ventilation and stuff.
- 17 Q. How about Darby, were you there?
- 18 A. Nope.
- 19 Q. No?
- 20 A. No, sir.
- 21 Q. Nor at Aracoma either?
- 22 A. No, sir.
- 23 Q. Was there any way that you could think that you would --- could improve on
24 the training that you receive either as an inspector or a MEU member to help you
25 better deal with an event like this?

1 A. Not really. That's a --- whenever you go out as an MEU or mine rescue, you
2 know, every situation is, you know, different. And that's --- you try to have your
3 contingency plans to deal with the situations, but you know, you're always going to run
4 into something that you've never thought about or experienced.

5 Q. And so you feel the overall training helps you deal with that?

6 A. Yes.

7 Q. And you feel that it's good training?

8 A. Yes.

9 Q. Okay.

10 A. Yes, sir, sure is.

11 Q. Do you think that MSHA's managers are properly trained to manage an event
12 like this?

13 A. That's --- like I said myself, where I was at, I didn't really get that --- any
14 firsthand knowledge, you know, or experience, you know, watching or seeing what was
15 going on, you know, with this situation. You know, being there on the hoot owl was ---

16 Q. Different.

17 A. --- you didn't see them, ---

18 Q. Okay. You didn't see it.

19 A. --- unless there was something going on that they were there.

20 Q. And was there times that you did see them there because of something going
21 on?

22 A. Well, other than the 16th, I can't remember seeing them there.

23 Q. Okay. Did anybody ever talk to you about a bump that occurred that maybe
24 broke some of the shafts on the miner, on the continuous miner?

25 A. Yeah.

1 Q. Do you remember hearing about that?

2 A. Yes, sir.

3 Q. And what did you think about that?

4 A. Again, that goes back to something new, you know, as far as myself. That
5 was --- after seeing what it had done, you know, it was ---.

6 Q. I mean, you're familiar with continuous miners?

7 A. Oh, yeah.

8 Q. That's something that would take a lot of force to break?

9 A. Right.

10 Q. Did any of the people ever talk to you about having bumps that knocked
11 people down prior to the second accident, I mean, during the rescue?

12 A. No, not that I ---.

13 Q. Never heard anything about that, about guys being knocked down or struck
14 with any coal or anything like that?

15 A. No, sir.

16 Q. No? Okay.

17 UNIDENTIFIED SPEAKER:

18 Did you hear any discussion during your time there about
19 concerns with these bumps taking place?

20 A. Well, yes, it was discussed. I mean, that's --- as far as particulars of what was
21 being said, no, I couldn't remember. I can't --- but you know, like I said, you know,
22 from myself, you know, I know guys would come from here, went out there and stuff,
23 you know, they were --- it was a new experience for them. It was --- we talked about
24 it. But as far as --- no. No question. That's all.

25 BY MR. PAVLOVICH:

1 Q. So I guess did you ever question with the low oxygen readings, the amount of
2 coal and all that you saw in those entries the possibility that there may not be
3 survivors, that why are we continuing with this?

4 A. Well, you know, I guess in my mind, you know, the reason why it was
5 continuing was just trying to do the recovery.

6 Q. Okay.

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

8 May I ask one question?

9 MR. PAVLOVICH:

10 Sure Ex. (b)(6) and Ex. (b)(7)(C)

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

12 You mentioned, Mike, that you all --- that you felt it was a
13 recovery, and you guys had discussions on the MEU, but you said the miners didn't
14 really have any of those discussions. Did any of the miners think that there were
15 survivors or were they just ---?

16 A. I think they were holding out hope that possibly those guys had got into an
17 area where there might not have been the low O2 and with what rescuers and stuff
18 they had, that ---.

19 BY MR. PAVLOVICH:

20 Q. Even after ten days --- basically it happened on the 6th ---

21 A. Right.

22 Q. --- and this was the 16th.

23 A. The 16th.

24 Q. And you were pretty much there the whole time. You never heard them
25 express that ---?

1 A. No.

2 Q. Okay. They always tried to stay positive that we're still going to get
3 somebody?

4 A. Yes, sir.

5 MR. TEASTER:

6 Did you hear any concerns about any of the district people
7 about the bumps or any concerns about safety?

8 A. No, sir, not ---.

9 UNIDENTIFIED SPEAKER:

10 Did you hear of any problems between management and the
11 other MSHA officials, or inspectors or anything?

12 A. What do you mean problems?

13 UNIDENTIFIED SPEAKER:

14 That they didn't get a long or there was a conflict between
15 them, what one was wanting to do versus the other?

16 A. No, sir.

17 BY MR. PAVLOVICH:

18 Q. So you feel during the --- I guess the rescue operation, Mike, there was a
19 pretty good working relationship going on ---

20 A. It appeared to be, you know.

21 Q. --- from your perspective?

22 A. From my perspective, it was, you know, ---.

23 Q. Okay.

24 A. Of course, you know, when you're dealing --- you know, which we didn't --- I
25 wasn't really dealing with any management personnel, per se, other than, you know,

1 shift foremen or a section boss that was up there. But you know, as far as the higher-
2 ups and stuff, you know, that's usually where the axes are getting ground pretty hard.

3 Q. Okay.

4 A. But no, that's ---.

5 Q. Not from your perspective?

6 A. No, I never did really see it or hear it.

7 Q. Okay.

8 UNIDENTIFIED SPEAKER:

9 Where was that barrier at that shifted?

10 A. It was right there in the area of 120, 121, 122 crosscuts.

11 UNIDENTIFIED SPEAKER:

12 Was it in a crosscut?

13 A. No. This was --- that's the locations there. In Number One entry.

14 UNIDENTIFIED SPEAKER:

15 In the Number One entry, in that area?

16 A. Yeah. It was that left --- this left --- the left rib.

17 UNIDENTIFIED SPEAKER:

18 For how long of a distance?

19 A. I'm not really sure. I never did measure it and look. I know Joe and Mike, I'm
20 pretty sure they did.

21 UNIDENTIFIED SPEAKER:

22 You said when they had that little bump underground that
23 knocked the timber to the power center, do you remember how it was set? Was it
24 wedged or did they have one of them metal things that ---?

25 A. No, it was wedged. It was --- it just had a regular ---

1 UNIDENTIFIED SPEAKER:

2 Judge a regular wedge?

3 A. --- wedge, yes.

4 UNIDENTIFIED SPEAKER:

5 I just have one more on the mining with Mike. The 11, 12
6 feet that they were trying to take, was that equal distance? They were trying to leave
7 the loose coal on left and right, or were they shaving one side or the other more?

8 A. It was more to the left. They were mining closer to the ---

9 UNIDENTIFIED SPEAKER:

10 Tighter to the barrier side?

11 A. --- barrier side. Now, not all the way over, though. They were leaving some
12 loose coal there or were they trying to get to the original rib line on that left?

13 A. No. No. They were leaving.

14 UNIDENTIFIED SPEAKER:

15 Leaving some but not as much as ---?

16 A. That's why I say. That's --- whenever we started, I seen those roof bolts
17 sticking out of the rib, out of the top right there at the rib. You know, that's when I first
18 noticed it. And you know, that's --- but yeah, they were staying --- they were trying to
19 hug that left side a little bit tighter, just hoping for a little bit better support.

20 UNIDENTIFIED SPEAKER:

21 Thanks.

22 UNIDENTIFIED SPEAKER:

23 Mike, I just have one more question on setting those props.

24 You had the chain link fence and you also had the steel cables ---

25 A. Yes.

1 UNIDENTIFIED SPEAKER:

2 --- that ran in front of the props. Do you know how those
3 cables were anchored? I know you said ---.

4 A. They were tying them off and using --- they were clamping them, clamping,
5 you know, one to the other, the next one. Once they stretched out their length, you
6 know, they'd clamp it down to the last prop.

7 BY MR. PAVLOVICH:

8 Q. Just wrap it around and put like a Crosby clamp, Mike?

9 A. Right. They were using three --- I think they were using three Crosbys.

10 UNIDENTIFIED SPEAKER:

11 How about outby, Mike, was it anchored into the bottom or
12 anywhere ---

13 A. No. No, it wasn't.

14 UNIDENTIFIED SPEAKER:

15 --- or was it just from one prop to the next?

16 A. It was from one prop to the other, yeah.

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

18 I have a couple questions.

19 MR. PAVLOVICH:

20 Ex. (b)(6) and Ex. (b)(7)(C) Okay.

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

22 You spoke in some detail, Mike, about being underground
23 when a bounce occurred. Do you remember when that bounce was?

24 A. No, ma'am, I do not. I don't remember the day.

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

1 Okay.

2 A. Sure don't.

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

4 In the second question you talked some about your thoughts
5 on the survivability with respect to the low O2 readings. But even before those low
6 readings, did you ever think to yourself that there's no way that these guys could have
7 survived the original bump or did you ever hear any conversations in which people
8 discussed ---?

9 A. Myself personally, no. At the onset, you know, I'm an optimist, and I thought
10 that there was a possibility that there could still be survivors. And you know, as time
11 goes on, whenever that first bore hole went down, when it went through and they
12 started pulling their samples and we started getting the low O2, you know, then you
13 know, myself, I started questioning whether there would be ---.

14 UNIDENTIFIED SPEAKER:

15 Was there any problem with the rock props?

16 A. I think there was a few of them that had some bad seals or something. You
17 know, whenever they pressurized them, they'd just blow out, you know, wherever
18 they ---.

19 UNIDENTIFIED SPEAKER:

20 Where the two pipes held together before that?

21 A. Right. There was a few of them, so I don't --- you know, really, a number I
22 couldn't tell you, but I seen some laying and stuff, and I asked them why they wasn't
23 using them, and they said they were bad ones.

24 UNIDENTIFIED SPEAKER:

25 Did anybody figure out what ---?

1 A. Not that I'm aware of.

2 UNIDENTIFIED SPEAKER:

3 Do you feel or did you hear anything like maybe the families
4 or the press were pressuring the recovery operation to continue, even after the low
5 oxygen was discovered in those bore holes?

6 A. Other than what I heard on the news. You know, personally, I never did hear
7 anything, like I said, other than what was on the news.

8 BY MR. PAVLOVICH:

9 Q. Well, Mike, I think this is probably all the questions we have for you at this
10 time. If we have any questions in the future, we'll contact you and ask you to address
11 them. We appreciate your coming in and talking to us today. I mean, I know that it
12 had to be certainly a bad experience for everybody out there, and I appreciate the
13 work you did and your courage to do that and to be on an MEU team. And you know,
14 I've done a lot of work with mine rescue. I know Ernie has been on a team. I've been
15 on a team Ex. (b)(6) and Ex. (b)(7) has been on a team. And I certainly respect what you guys do and
16 the effort you put worth. So thank you. I appreciate your objectivity and your
17 honesty in your answers and your opinions and feelings. And you know, we would
18 ask you again, don't discuss the interview with others so that everybody gives us an
19 unbiased opinion, but I really thank you for what you've done. And is there anything
20 else that you'd like to tell us that we haven't asked you about that you know of or you
21 feel may have gone on there?

22 A. No, that's --- sure don't.

23 Q. Okay. All right. Thanks a lot, Mike. We really appreciate it.

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