

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
PETER SAINT

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
DECEMBER 11, 2007

1 BY MR. PAVLOVICH:

2 Q. Tell you land of where we're coming from on this thing, Pete, just to start out.

3 All right?

4 A. Okay.

5 Q. Ernie and I both had over 30 years with MSHA. Most of us retired a few years
6 ago and because Mr. Stickler and Kevin Stricklin were out at Crandall Canyon when
7 they decided to do the internal review on this, they said well, we really can't do an
8 internal review because they were there. So the Secretary of Labor said let's do an
9 independent review, and they called Ernie and I and asked us if we'd come out of
10 retirement and work for the Secretary's office and head this thing up, so that's how we
11 got involved in it. The people behind you here all work presently for MSHA. I think
12 you've met them all already, but ---

13 A. Yeah.

14 Q. --- we needed their help to do this, to help us facilitate all the information that
15 we need to get and gather, and also to get us up to speed on all the new stuff that's
16 happened in the last five years or so since we've been gone. So that's pretty much
17 where we're at. Let me read a brief statement to you. What we're going to do, Pete,
18 is we're going to tape this. Is that okay with you?

19 A. That is.

20 Q. That way we're sure that we've got all the right answers and we can go back
21 and check if we have any questions about what was said. The Secretary of Labor has
22 assigned this group the task of evaluating MSHA's performance during the period
23 preceding the August 6th, 2007 coal bounce at the Crandall Canyon Mine and
24 subsequent rescue effort. We will also be evaluating issues that were raised during
25 this time period regarding Bob Murray and his interaction with MSHA. This is not an

1 investigation or a review of any individual person. It's an administrative review of
2 MSHA's actions as an agency. This evaluation will be presented to the Secretary in
3 the near future, and it's intended that the results of the evaluation will be made public.

4 The interview is being conducted to gather information for this assignment. We also
5 intend to interview a number of other MSHA employees. So that we may obtain
6 unbiased information from all persons to be interviewed, we ask that you not discuss
7 this interview with anyone until all the interviews have been completed. So I know no
8 one has discussed it with you and give you any answers; right, Pete?

9 A. I have made a point of it not to talk to anybody else at MSHA about this, about
10 what was done or whatever.

11 Q. Okay. Very good. Are you a bargaining unit person, Pete?

12 A. I'll bargain with anybody.

13 Q. Are you a bargaining unit person? That's a yes or no answer.

14 A. Yes.

15 Q. You're entitled to a representative, and so you've not --- therefore I assume ---

16 A. I've waived that.

17 Q. --- you've waived that. Okay. Could you state your full name for me?

18 A. Peter Paul Saint.

19 Q. Peter Paul Saint. There's something religious about that for some reason.

20 A. It has that kind of tone. I'm not sure what it is. It's either that or a candy bar,
21 one or the other.

22 Q. Okay. And what is your present job title, Pete?

23 A. It just changed. Wait a minute. Oh, CMI/E.

24 Q. CMI/ ---?

25 A. E.

- 1 Q. --- E. What's the E stand for?
- 2 A. Electrical.
- 3 Q. So you're an electrical inspector?
- 4 A. Uh-huh (yes).
- 5 Q. Okay. How long have you been an electrical inspector?
- 6 A. It would be five, six, and then now going on six months --- it's about five,
7 almost six years. I came in as an electrical.
- 8 Q. You came in as electrical?
- 9 A. Right. And then I went over to health, then I've just recently come back as an
10 electrical.
- 11 Q. Okay. So your total MSHA experience is how long?
- 12 A. I'm looking, I'm thinking going on 12 years.
- 13 Q. Twelve (12) years?
- 14 A. I believe that to be right. I'm not too good on keeping track of years.
- 15 Q. Okay. Well, you did hire in at some period, though, some point?
- 16 A. Yeah. They did hire me, I believe it was back in '79.
- 17 Q. You remember signing on somewhere.
- 18 A. Somewhere I remember agreeing.
- 19 Q. Okay. And who is your present supervisor?
- 20 A. Jim Kirk.
- 21 Q. Jim Kirk. And what office are you stationed in?
- 22 A. Aztec, New Mexico.
- 23 Q. Okay. And where is Jim Kirk located?
- 24 A. Denver, Colorado, District Nine, in the district office.
- 25 Q. So you're supervised remotely; right?

1 A. Uh-huh (yes).

2 OFF RECORD DISCUSSION

3 BY MR. PAVLOVICH:

4 Q. All right. Can you give us a brief description of your mining experience, Pete?

5 A. I've got roughly 32 years of mining experience. I had 20 years underground
6 mining experience prior to coming in with MSHA.

7 Q. Okay.

8 A. I've worked mining sections, longwalls, you name it, I've pretty much done it in
9 the mines.

10 Q. Where at? What areas?

11 A. I started off in the Island Mine and then went to the Golden Eagle, and my
12 time is --- 20 years been there.

13 Q. Okay.

14 A. I signed on with MSHA. I worked as an electrical inspector in Trinidad, then I
15 was assigned to Denver as a health specialist and worked in Denver for a health
16 specialist. And then I was sent down to Aztec, New Mexico as a regular CMI for a
17 while and then an opening came back in the electrical department, and I moved back
18 over to the electrical.

19 Q. Okay. All right. Pete, as a regular inspector and I guess even as an
20 electrical, you do get to do regular EO-1 inspections. Is that true or do you just strictly
21 devote all your time doing electrical?

22 A. I do regular inspections. Even right now, I just finished up a regular inspection
23 at King Coal and also the one down there in Arkansas. I go all over the place to do
24 regulars.

25 Q. Okay.

1 A. Right now, until I get a trainee, the two trainees, they just hired on, until they
2 come online, I'm pretty much assigned to doing regular inspections. And the electrical
3 is mainly dealing with 103-Gs, complaints, electrical complaints and stuff like that, so
4 right now it's more regulars.

5 Q. Okay. So I guess you have out of your field office in Aztec, the San Juan
6 Mine and King Coal underground mine?

7 A. Yes, sir.

8 Q. Do you ever get a chance to review plan submittals prior to Denver approving
9 them?

10 A. Yes, sir. I do.

11 Q. Okay. And how does that go about being done?

12 A. Well, San Juan is really good about it and same as King Coal. They both will
13 --- as they're making changes, they will present them to me when I'm at the mine or
14 they'll send me a copy over to the office and ask me to look it over.

15 Q. Okay.

16 A. See if I can find any deficiencies or anything that I don't personally agree with.
17 They like to deal with the office, the local office and the local inspectors first, and kind
18 of keep us abreast of what's going on. And then they send it up to Denver.

19 Q. Okay. So the operator affords you that opportunity?

20 A. Yes.

21 Q. Does the district ever afford you that opportunity after they get it?

22 A. No.

23 Q. Okay.

24 A. When we receive it, it's an approved one from the district.

25 Q. Okay.

1 A. And then we evaluate it on our inspections.

2 Q. Okay. Do you ever have any disagreements or concerns about the plans that
3 are approved in the district and do you ever voice those concerns to anyone?

4 A. Yes, sir, I have.

5 Q. Okay. And could you tell us a little bit about that?

6 A. I've had ventilation problems, plans where I've actually pulled people, shut
7 down the mine. And whether it's my authority or not, I've said that nobody will go in
8 the mine until these deficiencies are corrected.

9 Q. Things that you felt were in the approved plan that were already approved but
10 you felt were something wrong or unsafe so you just pulled the miners out?

11 A. I shut the mine down, pulled them out and said you're not allowed to go under.
12 Put an order on the portal and said that's it.

13 Q. Okay. Do you remember what mine that would have been at?

14 A. King Coal.

15 Q. King Coal? And what ended up being the result of that?

16 A. A new ventilation plan was submitted, and then it was approved and the
17 miners were allowed to go back in.

18 Q. Okay. And what did Denver say about you shutting down the mine even
19 though they had approved the plan? Anything?

20 A. Not really. There was --- it was a good catch. It was something that had
21 managed to get through the crack, and as far as I was concerned, it was a potential of
22 blowing the mine up.

23 Q. Okay. So do you get pretty good response out of the district if you've got a
24 problem with a plan?

25 A. Yes, I do.

1 Q. Okay. So if you call them and tell them you've got a problem, what do they
2 normally do with it?

3 A. We immediately talk on the phone.

4 Q. Okay.

5 A. Like in this case we talked on the phone. Immediately they got the map out. I
6 had a map of the mine sitting there with me. We were calling from the mine. I talked
7 to the district, and we got the maps out. They had the map I had. I showed them my
8 concern. They agreed with my concern and immediately the plan was revoked. And
9 the new plan was submitted instantly by the company. Me and the company sat down
10 and went over it. The new plan was sent back, the mine to the district. The district
11 reviewed that and a new plan was issued immediately via phone and fax machines.
12 And then the miners were allowed to go back in the next day.

13 Q. Do you ever write on that ---

14 A. Yes, I do.

15 Q. --- 204 form? How did you know I was going to ask you that? Did somebody
16 talk to you about this interview before?

17 A. No, because being an inspector, I know where --- I know where my rights are
18 as far as how I can reject ---.

19 Q. Okay. So you've added comments onto that ---

20 A. Yes, I do.

21 Q. --- pertaining to ---? Did you ever say there was deficiencies in the plan on
22 that form?

23 A. Yes, I have.

24 Q. And what was the district's response to that?

25 A. They reviewed it and the mine addressed the concerns. And I would have to

1 assume that the mine and the district got together and talked about it.

2 Q. Did you ever get a response back from the district concerning those written
3 concerns you had?

4 A. A phone call. I've gotten phone calls back on it.

5 Q. Sometimes or all the time?

6 A. I would have to say the majority of times.

7 Q. Okay.

8 A. I'm not going to say every time because I'm not in the office, you know, to ---.

9 Q. Okay. But they don't send it in writing, but usually a phone call?

10 A. Usually they'll call and ask and talk to me about why I feel this is wrong or you
11 know, and then ---.

12 Q. Okay. Who usually calls you? Do you remember?

13 A. Sometimes Mr. Reitze does or Mr. Owens.

14 Q. Okay.

15 A. A lot of time it'll just be like Jeff or you know, one of the under ---.

16 Q. Okay. One of the specialists, we'll call them?

17 A. Uh-huh (yes).

18 Q. Do you feel then that they've listened to your concerns or do they usually
19 argue with you and just tell you you're wrong?

20 A. No. They listen.

21 Q. Okay.

22 A. I'm a pretty vocal person ---

23 Q. I can't imagine that.

24 A. --- that I really don't give them that option. You know? I don't.

25 Q. What happens, Pete, if you would happen to look at, say, a roof control plan

1 for a mine and a vent plan for a mine and see that there was some inconsistencies in
2 those? How would you handle that?

3 A. Well, it depends on the concerns. Like at King Coal, my concerns were
4 enough that I shut the mine down.

5 Q. Okay.

6 A. If it is a procedure or something that's going on, which I don't feel that it's an
7 immediate danger to life or, you know, an explosion or something like that, then I will
8 put it into the writing. But if it is a concern that I feel it has to take immediate action, I
9 don't have a problem with shutting the mine down and pulling everybody down. I've
10 done that at San Juan. I've done it at King Coal. I've done it at other mines. I have
11 no problem with it.

12 Q. Okay.

13 A. I figure I can take the heat afterwards even if I'm wrong on it. It'll be ---
14 nobody will get hurt.

15 Q. Okay. You're familiar with some of the Crandall Canyon Mine areas, primarily
16 the south barrier mining that was going on. Is that true?

17 A. Yes, sir.

18 Q. Let me ask you a question. Yes, go ahead. Put your glasses on so you can
19 see. I don't remember telling you you can get your glasses out. Did you just do that
20 on your own?

21 A. I really don't remember asking either, but I mean, ---.

22 Q. You better maybe think about that next time.

23 A. I've been told that.

24 Q. This is a roof control plan that was approved for mining the south barrier. And
25 you can see the regional plan shows --- or the plan shows leaving a row of pillars

1 between the Three and Four entry to protect the Four entry as a bleeder. And to slab
2 the barrier and take pillars one, two, three, four back to number 14. And then it shows
3 leaving all the pillars intact for three rows around the offset entry in Number Four.

4 Okay? And also not slabbing the barrier there.

5 A. Okay.

6 Q. Now, the ventilation plan that was approved for that same area again shows
7 leaving the pillars between Three and Four entry to protect the bleeder entry, but it
8 shows pulling the pillars and the barrier all the way through, even through the offset
9 area, and only leaving one row of pillars there through the offset. Would you say
10 that's a discrepancy in the plan?

11 A. Define what you mean by discrepancy.

12 Q. Well, do they contradict each other? In other words, if they pulled the pillars
13 and the barrier through this area ---

14 A. Yes. Yes. I see it.

15 Q. --- as opposed to this, which one would you say they could do or should do?
16 How would you enforce that if you were inspecting there and they were getting ready
17 to pull those?

18 A. If they started pulling these, I'd shut them down.

19 Q. Okay.

20 A. I would not let them do it.

21 Q. Why?

22 A. Well, first of all, if this is the approved plan and this is what they're mining ---.

23 Q. Well, no. This is an approved vent plan. This is an approved roof plan.

24 A. Well, the vent plan ---.

25 Q. Does one supercede the other, do you think?

1 A. No. No, it doesn't supercede.

2 Q. Okay.

3 A. They have to work with each other, and if this plan here is the ground control
4 plan and this is the ventilation plan, the ventilation plan is contradicting the ground
5 control because the ground control says they will not pull it.

6 Q. Okay.

7 A. And you cannot ---

8 Q. So what would you do ---

9 A. --- at this rate.

10 Q. --- if you saw those two plans and you were inspecting this mine?

11 A. The section would be down.

12 Q. Okay. Would you talk to anyone in Denver, your supervisor about them or
13 would you just shut the section down and go home?

14 A. I would shut it down and immediately pull everybody back, and then I would
15 go outside and place a phone call.

16 Q. Okay. Well, what if it hadn't got to that point yet? What if they were just
17 starting the number one pillar, but you noticed that? What would you do then? You
18 wouldn't shut them down then, would you?

19 A. Yeah, I might, but ---. Because the two plans contradict each other, and as
20 long as you have contradicting plans, you don't --- neither one of them are right.

21 Q. Okay.

22 A. They both can't be right and they both can't be wrong. They either --- you
23 know what I'm saying? They either have to match or they don't match, and if they
24 don't match, then one of them is no good. And as far as I'm concerned, you can't
25 mine if one of them is no good.

1 Q. Okay. So you would take some action on that, though; right?

2 A. At the least, the least amount of action would be to get on the phone and call
3 Denver and bring both parties in the same room via phone call.

4 Q. Okay.

5 A. That would be the least I would do.

6 Q. Okay. Well, on this plan here, it describes the bleeder system, and the
7 bleeder system is the Number Four entry; okay? That's the bleeder entry. And it calls
8 it a wraparound bleeder. Would that be a wraparound bleeder to you, leaving one
9 entry?

10 A. No. This is not a wraparound because first of all, this is not going to --- it's not
11 going to wrap around the pillar because as you pull it, the weight of the pillars are
12 going to disintegrate this. This is all going to disappear. You can't pull and maintain
13 this, so you don't have a wraparound. They're not putting cans in here. I don't see
14 any provisions for cans or anything or cribbing along here. So this is not a
15 wraparound. This is --- all this is is just a pillar of section and you're only going to be
16 ventilating across the front. You're going to be bringing your air up here. You're going
17 to have to continue to open this up, and you're not going to ventilate. And I don't care
18 how well planned this is. Because of the terrain and the mine itself is not going to let
19 you do this. This is not going to stay up. This is coming down.

20 Q. Okay.

21 A. So you don't have a wraparound ---.

22 Q. This plan also said that as water builds up at the back end here that the
23 examiner only has to examine to the toe of the water, so it's like a floating evaluation
24 point all the way out. What do you think about that? Do you have any mines that you
25 inspect that have floating evaluation points ---

1 A. No, sir.

2 Q. --- approved? If you had one, would you disagree with it in the plan approval
3 process or talk to Denver about it or ---?

4 A. Well, I don't ---.

5 Q. Do you understand what I mean by floating ---?

6 A. Yeah. I do understand what you're saying, and I believe that you cannot issue
7 a floating evaluation point at the discrepancy of the mine.

8 Q. Okay.

9 A. I think that each time the evaluation point gets moved, it needs to be looked at
10 and evaluated.

11 Q. Approved individually ---

12 A. Yeah.

13 Q. --- each time? So you just can't give them a blanket floating point ---

14 A. No, sir.

15 Q. --- in your opinion?

16 A. In my opinion, every time --- at the minimum, each time the evaluation point
17 gets moved, an inspector should evaluate that there is a need for that and that all
18 avenues have been utilized to maintain the existing evaluation point.

19 Q. Okay.

20 A. The only reason you would do an evaluation point is because that area
21 becomes unsafe to travel.

22 Q. Okay.

23 A. And that is deemed by two people. The company puts a request saying that
24 it's unsafe and MSHA evaluates it and agrees that that is unsafe to travel.

25 Q. Okay. What do you think about a bleeder for a panel that is only one way in

1 and one way out? Do you have many of those, where, you know, you have to walk up
2 an entry a long way and then walk out the same entry? It's the only way you've got?
3 If there was a roof fall outby you or something, you'd be trapped? Do you have many
4 of those type bleeders?

5 A. One way ins, one way outs? No. Wait a minute. San Juan. No, you can still
6 go around the back but you'd have to break a seal. No. That's bleederless. No. Sure
7 don't.

8 Q. Okay. Do most of the ones you have have --- you can go all the way around
9 or two entries where you wouldn't ---

10 A. Right.

11 Q. --- get trapped if you had a fall in one?

12 A. You can go to the next one over.

13 Q. So what do you think about this one?

14 A. Any time you have one way in, one way out, that's not a good situation.

15 Q. Okay. Would you maybe mention that to someone in Denver if you saw a
16 plan like that approved at one of your mines ---

17 A. Yes, I would.

18 Q. --- and express your concern? Pete, do you have any plans that the mines
19 that you inspected have a whole lot of addendums attached to them, like 18, 20, 25
20 addendums?

21 A. I probably have. San Juan has the biggest vent plan and ground control plan
22 in MSHA.

23 Q. Okay.

24 A. They're just addendums --- every little thing they do has a plan that's sent in
25 and approved. It's like 130 --- well, now we're --- well, I take it back. We just got

1 some more 150-some pages.

2 Q. Okay. And is there a lot of addendums attached to that? Does that make it
3 hard to inspect the mine and keep up with all those addendums?

4 A. You have to be right on top of it constantly reading it. Like I said, I carry ---
5 well, I carry two books. One is a ground control and one is a ventilation plan.

6 Q. Okay.

7 A. When I do those mines, I keep them in my vehicle so that I can refer to them.
8 And any time I have a concern, I can pull back out of the mine, go up there and pull
9 the books out and review it.

10 Q. Okay. So do you think it'd be better if periodically on a regular basis all the
11 addendums were incorporated into the base plan? Would that make it easier for you
12 to --- and also to get rid of the site specific addendums?

13 A. I think it would. Once we've already achieved that site specific, I think it
14 should be cleaned from the plans.

15 Q. Okay. Do you get a lot of site specific approvals in the plans?

16 A. Yes. At the mines --- San Juan. They're very ---.

17 Q. A lot of them?

18 A. Oh, yeah, because it's just hard to remember as an inspector, you know, you
19 do one mine. I may get sent up to 20 mile and I have to read that plan, but if, --- you
20 know, if you're talking about a vent plan that's 150 pages or 100-and some pages
21 thick, it really makes it hard to be able to read it once, go into a mine and do that mine
22 and remember everything. It just --- for me, it's physically impossible. I just ---.

23 Q. Okay.

24 A. I can only retain so much, and then the rest falls out.

25 Q. Okay. That's a very good reason to clean them up. Plans that are too big are

1 too hard to enforce because you can't remember what's in them? Is that ---?

2 A. It's just too hard.

3 Q. Have you had a chance to look at the whole map of the Crandall Canyon Mine
4 when you were there at the mine? First of all, did you ever inspect this mine during
5 your career with MSHA?

6 A. I think I did about 15 years ago, ---

7 Q. Okay. Anything that ---

8 A. --- somewhere in there, a long time ---.

9 Q. --- would be electrical or a regular inspection? Do you remember?

10 A. I believe I was there on a health issue.

11 Q. Okay.

12 A. And I thought I was in there when we were doing the noise, when noise regs
13 came out.

14 Q. Okay.

15 A. I believe I was sent there to do some noise surveys, but like I told them,
16 honestly, unless I could get to records and look back there, I don't remember.

17 Q. Okay. When you went to the mine, when you had the mine fire, did you --- or
18 not mine fire. When you had the bump, did you get to look at the overall mine map
19 then?

20 A. About the third day, I managed to get my hands on a map.

21 Q. So it took three days before you were able to look at a map?

22 A. A complete map.

23 Q. Okay. What did you think when you saw this longwall area to the north and
24 this big longwall area to the south and the fact that they were mining those barriers?

25 A. My exact words is why are we mining in a gob pile?

1 Q. Okay. And why would you say that?

2 A. That was said on the first day.

3 Q. Okay. Had you ever seen barriers mined like that under high cover?

4 A. No.

5 Q. Okay. Have you been around a lot of mines in the west since your career
6 started with ---

7 A. Yes, sir.

8 Q. --- MSHA or prior to?

9 A. Yes, sir.

10 Q. And have you ever seen that type of mining done before where you had high
11 cover where ---

12 A. No, sir.

13 Q. --- barriers were being mined out? Do you know why?

14 A. Well, if you look at --- if you take a look at the map here, and I'll just point
15 here and I'll try to speak it.

16 Q. Okay.

17 A. If you take a look at this barrier here and you look at what's caved here and
18 here, and then the barrier between them?

19 Q. And Pete is pointing at the longwall panels caved to the north and to the
20 south.

21 A. The weight is going to be kind of an arch.

22 Q. Overtop of the main west?

23 A. Right. Going from caved on the north and the south, it's going to create an
24 arch, and your weight is going to be pushing on the outside of these barriers. And
25 these barriers then, because of the weight coming out, are going to push in this way

1 (indicating).

2 Q. Uh-huh (yes).

3 A. And once you start taking these out, they're going to move lateral.

4 Q. Okay. So you think you're going to see lateral movement there because of
5 the ---

6 A. There's no doubt in ---.

7 Q. --- overriding gobs on either side?

8 A. Well, not overriding gobs. Because the two barriers are the only support
9 pillars.

10 Q. Okay.

11 A. And if you think of the pressure as an arch, then the pressure is on the outside
12 coming inwards, and if you start removing that, then you have the opportunity of
13 lateral movement in my opinion.

14 Q. Okay. That's all I'm asking for.

15 A. Yeah, in my opinion.

16 Q. How do you feel about retreat mining in barrier pillars like that where you've
17 got longwall gobs on both sides and high cover?

18 A. I don't have --- I don't like it.

19 Q. Okay. How familiar are you with bumps?

20 A. Pretty familiar.

21 Q. Have you ever been in one?

22 A. Yes, sir.

23 Q. You've seen them? You've seen coal fly off the ribs? Have you ever been
24 knocked down or hit by any of that stuff?

25 A. I've been beaten up it pretty good.

- 1 Q. Okay. All right.
- 2 A. I've taken my licks.
- 3 Q. So you've been underground when bumps have occurred?
- 4 A. Yes, sir.
- 5 Q. And have you ever investigated an area after a bump, investigated an
6 accident after a bump?
- 7 A. No, sir.
- 8 Q. Okay. So with MSHA you never did?
- 9 A. No, sir.
- 10 Q. What mines were you in when you were hit by bumps or you were in the
11 middle of them and pushed around pretty good?
- 12 A. I'm trying to think of the mine. It was ---.
- 13 Q. Was it here in Utah or was it over in the Trinidad area? Do you remember?
- 14 A. I'm thinking it was --- I'm trying to remember the mine. We were about 1,000,
15 a little over 1,000 feet of cover. I remember that. I believe it was in the --- geez, I'm
16 trying to remember the name. I'm sorry. It just ---.
- 17 Q. That's all right.
- 18 A. It's been a while.
- 19 Q. That's okay. It's not --- it was somewhere out west here where you were at?
- 20 A. Yes, sir.
- 21 Q. Okay.
- 22 A. And I believe it was --- I want to say it was out of the Craig office.
- 23 Q. Okay. Deserado (phonetic), Twenty Mile?
- 24 A. It may have been ---.
- 25 Q. Eagle Five?

1 A. It might have been Twenty Mile. I apologize. I just can't remember. It's been
2 a while back.

3 Q. Okay. Have you been in a lot of them or pretty much just a few?

4 A. I've experienced --- as an inspector, I've been in several mines where bumps
5 occur and ---.

6 Q. Okay. In what year --- in your opinion, what would be considered a reportable
7 bump, that the operator would have to report immediately?

8 A. To me, displacement of material.

9 Q. Okay. To what extent? If you've just got some coal fall off the rib, would that
10 be reportable?

11 A. No.

12 Q. Okay.

13 A. Where you would actually displace enough material that it would compromise
14 the support system.

15 Q. Okay. How about if it impedes the passage of man or stops production for a
16 period of time or ---

17 A. Yes, sir.

18 Q. --- disrupts ventilation? You're familiar with those things?

19 A. Yes. If it blows out stoppings or anything like that or it --- if it is --- I mean, if
20 you displace enough material that you open up your roof, that you're going to put
21 additional support in, if it takes out ventilation or, you know, like I say, you know, it
22 brings the floor up or the roof down where your mining machines are caught and stuff
23 like that.

24 Q. Okay.

25 A. I believe those things ---.

1 Q. You think they should report that immediately?

2 A. Yeah. And I think if you get a big enough bump that pushes you back out of
3 an area, unfortunately, too many mines believe unless somebody gets hurt or the
4 ventilation is blown completely out, they shouldn't report it, but I believe that ---.

5 Q. What makes you think that, that mines believe that unless someone is hurt or
6 you get something major that they don't need to report it? Is that kind of --- in your
7 experience is that fairly common out here, or do you think they report religiously?

8 A. I think there's a discrepancy on what --- and I shouldn't say discrepancy. I
9 would prefer to say it more this way. That mines that have a lot of bumps become
10 used to the bumps, and then to them what would be --- what would scare me is a
11 common occurrence to them so they don't feel that that's a big thing.

12 Q. Okay.

13 A. Where a person that's never experienced a bump would probably need to go
14 out and change his clothes.

15 Q. Okay.

16 A. You know? And to the guy that has to go back outside, that was a major
17 event. To a person that gets used to it, that's not that big of a deal, you know? I
18 mean, you get used to --- unfortunately, you get used to your environment and you
19 accept things that you normally wouldn't as normal mining practice for that mine.

20 Q. Okay. Would you think that the inspectors fall into that same thing, kind of get
21 used to things happening in a certain area, and it doesn't seem as bad to you as
22 somewhere else?

23 A. If I was at a mine and I inspected and they get, you know, four or five bumps
24 during a shift, I would believe that I would kind of get used to it, where if I was at a
25 mine that doesn't have bumps and I felt probably the same magnitude, I would think,

1 whoa, wait a minute.

2 Q. Okay.

3 A. Something is going on here, guys, because we don't get these here.

4 Unfortunately, again, we're no different than any other miner out there. We get
5 indoctrinated right into the mine as it changes, especially when you spend a lot of time
6 there. You kind of get drawn down the same path.

7 Q. Okay. What do you think about in lieu of preventing bumps you allow miners
8 to wear body armor and face shields and all that stuff? Do you think that's kind of the
9 right way to go?

10 A. No.

11 Q. How do you think it should be?

12 A. Well, I think we need to enforce that the same way we enforce hearing and
13 any other protection device.

14 Q. So for hearing, we don't allow them to wear earmuffs when you've got loud
15 noise; right?

16 A. We don't count it as a ---.

17 Q. You don't count it. Okay.

18 A. We don't count it as a ---.

19 Q. They can wear them if they want to, but we don't count it?

20 A. Yes. I mean, at Crandall Canyon, I wore a bulletproof vest.

21 Q. Okay. But you weren't inspecting at the time?

22 A. No, I wasn't.

23 Q. You were overseeing a rescue operation?

24 A. Right. But I wore it where, you know, some of the other people felt they didn't
25 need to. I told --- like I felt --- you know, I'm wearing it.

1 Q. Okay.

2 A. Just like hearing protection, you know, it's not mandatory, but you're foolish
3 not to.

4 Q. Okay.

5 A. I do believe there are things that need to be in place. I do believe that there's
6 some coal that God just didn't mean for us to take. It's not ours.

7 Q. Okay.

8 A. And those situations, well, it's just not --- it doesn't belong to us and we need
9 to leave it.

10 Q. Okay. While you were at Crandall Canyon, did you ever hear anyone talk
11 about a bump that had occurred in the north barrier?

12 A. Yes, sir.

13 Q. Okay. Did you ever hear anything about the extent of that bump or what kind
14 of bump they had there?

15 A. They took --- some of the miners said that when they were on the north side,
16 that the bumps got to the point that it pushed them out.

17 Q. Okay. Let me show you a little map and some pictures.

18 A. Cool.

19 Q. This would be toward the face.

20 A. Okay.

21 Q. All right? Then the orientation is laying according to this map.

22 A. Is this the north?

23 Q. This is the north, yeah, right up where these blocks are would be where that
24 would be.

25 A. Okay.

1 Q. And you see the pillars here. There was retreat mining to this point, and then
2 when these blocks were skipped, then some more retreat mining and the bump
3 occurred and you could see these purple lines are the pillars that were involved in the
4 bump. Okay. And I just want you to --- here's some pictures to look at. The arrow on
5 the little inset shows the rib line or the area ---

6 A. Location.

7 Q. --- that you're looking at; okay?

8 A. Okay.

9 Q. So you will look through those quick, Pete, while I get some coffee?

10 SHORT BREAK TAKEN

11 A. It's not releasing the pressure at two.

12 BY ATTORNEY PAVLOVICH:

13 Q. Well, some of those are just looking into the gob, but ---.

14 A. Yeah, but it's not releasing the pressure.

15 Q. So you'd say it's not caved in the gob to where it would ---.

16 A. The pressure is not coming off.

17 MR. TEASTER:

18 What do you mean, the pressure is not coming off?

19 Something's throwing that coal out in the middle?

20 A. No. No.

21 MR. PAVLOVICH:

22 He's saying the gob is hanging.

23 MR. TEASTER:

24 Oh.

25 MR. PAVLOVICH:

1 And it's causing the blocks to load up.

2 BY ATTORNEY PAVLOVICH:

3 Q. Right?

4 A. Yeah. It's ---.

5 Q. I think that's what you mean.

6 A. Yeah. If you don't --- if you don't get --- if you have these kind of situations,
7 your pillars are still holding. Your pressure isn't coming off your top. And again, this is
8 what I would expect to see in that kind of pillaring.

9 Q. Do you think a major roof fall vector is going to relieve the pressure in that
10 area?

11 A. I would prefer to go up on top of the mountain and see if the earth moved. If
12 you go up on top of the mountain and you don't have subsidence, you haven't relieved
13 the pressure. It would be like having a refrigerator on top of you and you're pulling the
14 legs out from underneath it one at a time. If you don't shear it off, if you don't release
15 it, if you don't see subsidence, I don't care what anybody says, if you don't see
16 subsidence on the top of the earth, ---.

17 Q. Even under 2,000 feet of cover, you're going to see subsidence?

18 A. Oh, you betcha. You get good cave, it'll walk up. It's got to. It has no choice
19 but to move upwards. A good release of pressure will show on the --- and I'm going to
20 --- only speaking my opinion.

21 Q. Okay.

22 A. If you --- at 2,000 feet cover, you will see some subsidence. The thing that ---
23 my biggest concern here is the terrain on the top surface. We did not have a
24 mountain on us. We had sheer ledges, so all the pressure is directly above you.
25 Where you have a normal mountain like this, it's displaced. When you have a straight

1 up and down, again, it's like being underneath a big refrigerator and pulling the legs
2 out. It's all straight down. It doesn't spread out. And when you blow out this way ---
3 when you have blow out this way, this is lateral pressure. This is not coming straight
4 down. This is lateral, and that's developed, from what I told you over here on the big
5 map, because the way the pressure is being held, it creates an arch. And then when
6 you have pressure down here, it's trying to collapse it inwards. It's trying to roll it
7 inwards because the pressure is on the outside of these things and they're trying to
8 come in. So that means it's going to try to shove the coal inwards. Well, that's going
9 to load up the pillars and the pillars are going to explode.

10 Q. Do you think from what you're looking at there, Pete, that that would have
11 been a reportable bounce?

12 A. Oh, definitely. Definitely.

13 Q. And if you went in there as an inspector and looked at that, would you ask
14 them why they didn't report that?

15 A. Yes, I would have.

16 Q. Okay.

17 A. Amongst other things.

18 Q. What other things?

19 A. Well, and I don't know if it's my right, and I've never known if it's my right, but
20 I've pulled people out of mining sections or pillaring sections for less than ---.

21 Q. Okay.

22 A. And said now, as far as I'm concerned, until you get a different plan or Denver
23 supercedes me, we're done.

24 Q. Okay.

25 A. I've got no problem with taking that kind of avenue.

1 Q. Okay.

2 A. That is definitely reportable. I would have considered that a reportable if it
3 would have only happened one crosscut.

4 Q. Okay. Okay.

5 A. That kind of displacement.

6 Q. Pete, have you ever seen anybody mark on a mine map where bumps have
7 occurred or bounces? Let me ask you this. Have you ever seen anybody mark roof
8 falls on a mine map?

9 A. Yes, sir.

10 Q. Is that required by law to keep a map that shows roof falls?

11 A. I don't know if it's by law, but I ---.

12 Q. It is.

13 A. Okay.

14 Q. How about bounces? Have you ever seen anybody mark them on a map?

15 A. Not bounces.

16 Q. Okay. Outbursts? Is that required? A bounce is basically an outburst; right?

17 A. Okay.

18 Q. Is that required to be marked on a map?

19 A. You know, to be honest with you, I don't know.

20 Q. Do you got the book there? We'll let Pete read it. It's section 223, I think.

21 You'd Ex. (b)(6) and Ex. (b)(7)(C) would've marked that on there.

22 A. Yeah. It's required to be on it.

23 Q. Okay. Well, do you think you as an inspector, if you went to the mine and ---
24 have you ever asked anybody, let me see your roof fall map?

25 A. Yes.

- 1 Q. Okay. And that helps you determine how many roof falls they've had; right?
- 2 A. Right.
- 3 Q. And what kind of roof problems they have? If you had ever gone and said let
- 4 me see your roof fall map and your bounce map, and you could see the number of
- 5 bounces, would that help you ---
- 6 A. Yes, it would.
- 7 Q. --- on your inspection?
- 8 A. Yes, it would.
- 9 Q. Okay.
- 10 A. Also, I like to look at the --- they have faults. I like to look at the faults when
- 11 they put them on the maps.
- 12 Q. Okay. All right. Well, it's very common that most people didn't know you had
- 13 to plot outbursts; okay? But now you know.
- 14 A. One more thing to do.
- 15 Q. There you go.
- 16 A. Or make note of and to ensure of.
- 17 Q. All right. I'll tell you what. Before we --- are you on the rescue team, Pete?
- 18 A. Yes, sir, I am.
- 19 Q. You're on the MSHA rescue team in the west?
- 20 A. Yes, sir.
- 21 Q. And that's how you were ---
- 22 A. Called to come to it.
- 23 Q. --- called to come to the Crandall Canyon Mine ---
- 24 A. Yes, sir.
- 25 Q. --- when the August 6th bounce occurred?

1 A. Yes, sir.

2 Q. All right. We've got a bunch of questions to ask you about that, so why don't
3 we take about a ten-minute break before we start on those?

4 A. Sounds good to me.

5 SHORT BREAK TAKEN

6 BY ATTORNEY PAVLOVICH:

7 Q. Okay. Pete, before we took the break, you said you were on the MSHA mine
8 rescue team in District Nine.

9 A. Yes, sir.

10 Q. How long have you been a team member?

11 A. Close to a year.

12 Q. A year. Okay.

13 A. With MSHA.

14 Q. Okay. Were you ever a mine rescue team member prior to coming into
15 MSHA?

16 A. Yes, sir, I was.

17 Q. On whose team?

18 A. The Golden Eagles Mine.

19 Q. Okay. All right. Can you tell us how and when you were notified of the
20 accident that occurred at Crandall Canyon on August the 6th?

21 A. I was just getting ready to return to my duty station, and I was in Trinidad,
22 Colorado and received a phone call saying that we had a cave-in and that I needed to
23 proceed to Price, Utah to the Crandall Canyon Mine.

24 Q. Who called you?

25 A. Larry Ramey (phonetic) called me somewhere around 6:00, between 6:00 and

1 6:30.

2 Q. And so he told you to come right over to Price?

3 A. Yes.

4 Q. And so what did you do then?

5 A. I had called the duty station office and I was going to have one of the other
6 inspectors take off with my government vehicle, and I would intercept him at a more
7 convenient intercepting point and give him my personal car. And then I would take
8 the government vehicle and proceed from there. It would have saved time.

9 Q. Okay. And is that also with your apparatus and mine rescue equipment ---

10 A. Yeah.

11 Q. --- which is stored where?

12 A. With me at my duty station office.

13 Q. In?

14 A. Aztec, New Mexico.

15 Q. Okay. So did that happen? Did you meet someone there?

16 A. No, sir. I blew the engine in my car.

17 Q. You blew the engine in your car?

18 A. Yes, \$4,000.

19 Q. So how did you get to Aztec?

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

21

22

23 Q. Okay.

24 A. And I proceeded to go to Aztec because I'd already felt that I was going to be
25 running late, so --- because of that. And so then I went to Aztec and got to Aztec, got

1 my stuff loaded up, but several supervisors had other jobs they wanted me to do
2 before taking off.

3 Q. Like what?

4 A. Paperwork.

5 Q. So before you left for the mine accident, they told you, no, you need to do this
6 paperwork first?

7 A. Yes, sir.

8 Q. Who was that?

9 A. Cord Costando (phonetic) and Jim Kirk.

10 Q. Okay.

11 A. So I did all of that that they wanted, got it all done, took off from there. I left
12 there at --- I can tell you the exact time here, two o'clock.

13 Q. So you left Aztec at two o'clock in the afternoon?

14 A. Got to Price, Utah at 11:00 in the evening. I was to work the midnight shift,
15 but my supervisor --- or one of my supervisors, which would be Cord Costando, called
16 Larry and said that it would be unfair for me to be driving all day and then work the
17 midnight shift. So could they rearrange the schedule to have me work day shift?

18 Q. So Cord requested that ---

19 A. Yeah.

20 Q. --- for you to work day shift?

21 A. Right.

22 Q. Okay.

23 A. Just because ---.

24 Q. You were gone that day ---?

25 A. I would be dead on my feet already.

- 1 Q. He was worried about your safety?
- 2 A. Yeah.
- 3 Q. Okay.
- 4 A. So they swapped me over to day shift and that's ---.
- 5 Q. Okay.
- 6 A. Then I showed up on the 7th is when I actually ---.
- 7 Q. Okay. So you showed up for day shift on the 7th.
- 8 A. Right.
- 9 Q. And when you showed up at the mine, who did you report to?
- 10 A. I went immediately to the command vehicle.
- 11 Q. Okay.
- 12 A. They told me that I would be going underground with --- to the section.
- 13 Q. Okay. Did anyone brief you on the circumstances and what had happened
- 14 and what was going on at the time?
- 15 A. They handed me a piece of paper with the approved plan at the time that was
- 16 going on, and I proceeded underground.
- 17 Q. That's all they gave you, a piece of paper? Here, go do your job?
- 18 A. Yes, sir.
- 19 Q. Did they review the map with you in detail?
- 20 A. No, sir.
- 21 Q. Did they give you any specific instructions as to what they wanted you to do
- 22 when you went in there?
- 23 A. No, sir.
- 24 Q. Nothing?
- 25 A. Gave me the plan that was to be followed and I went underground.

1 Q. Who gave you that plan?

2 A. I believe it was Mr. Taylor.

3 Q. So in essence, you being a mine rescue team member and obviously having
4 been some training on briefings and debriefings and that sort of --- did you feel this
5 was an adequate briefing for the situation, by giving you a piece of paper?

6 A. No, sir.

7 Q. Okay. So who did you go underground with?

8 A. I went underground with the section and I'm trying to remember the MSHA
9 guy. Geez.

10 Q. Was it another rescue team member or was it ---

11 A. No.

12 Q. --- somebody locally from Price?

13 A. From Price.

14 Q. Local inspector from Price?

15 A. Local inspector from Price.

16 Q. Okay.

17 A. And when we got underground, then me and him took a moment of time to
18 talk about it because he was there the day before. And then me and him talked over
19 what was going on and what was happening and there were some things that I didn't
20 agree with that I changed when I got under there.

21 Q. Okay.

22 A. And we kind of set up what each of us, our roles were going to be.

23 Q. And what were your roles that day?

24 A. My role was I was going to take care of everything outby the face and he
25 would take care of the face area because he was already in there and he was ---.

1 Q. Okay. So when you say take care of things outby, what was going on outby?

2 A. There were --- I would be taking care of the outby readings, air readings and
3 monitoring the gas levels. Also keeping control of how many people were allowed to
4 come up into the face, just generally try to keep everything outby away from the face.

5 Q. Any reconstruction or ventilation controls?

6 A. Controls? Yeah.

7 Q. Were you watching those, too?

8 A. Yes, sir. Also, I had them reposition the --- they were pumping air through a
9 diesel compressor into the --- through the water line. Hopefully, it was getting to the
10 face. That was the intention.

11 Q. Okay.

12 A. I didn't like that. I immediately had them redo that because as far as I was
13 concerned, if they were alive, they were killing them.

14 Q. Why is that?

15 A. Because they had a piece of diesel equipment with curtains all the way around
16 it, and the diesel exhaust was coming out of the machine, getting sucked back in the
17 intake, and being blown in the pipe.

18 Q. So they weren't ventilating the diesel?

19 A. It wasn't ---.

20 Q. The exhaust that was coming off of it was enclosed in an area and it was
21 going right back into the intake?

22 A. If you ---.

23 UNIDENTIFIED SPEAKER:

24 Pete, while you're drawing that, who was the other inspector?

25 A. I'm trying to remember.

1 BY MR. PAVLOVICH:

2 Q. Was it Donnie Durrante?

3 A. Donnie Durrante. There you go. Thank you. Sorry. I'm just a little nervous,
4 but ---.

5 Q. That's all right.

6 A. Here's the belt entry and then this crosscut back here, they had the diesel and
7 they had a curtain like this and they had a curtain like --- well, like going across here
8 and the diesel is running right here. They were attached to the line that was going up
9 like this.

10 Q. So it was totally blocked off?

11 A. As far as I was concerned.

12 Q. Was there a lot of --- when you walked in there, was it smoky? I mean,
13 was ---?

14 A. My meter immediately sounded off.

15 Q. As soon as you walked in there?

16 A. Right. And this machine was not maintained as far as I was concerned, for
17 the purpose that it was being used.

18 Q. So basically, your determination was if it's actually pumping that line all the
19 way to where the men are, you're suffocating them with bad air?

20 A. You're killing them. And that's what I told them.

21 Q. Okay.

22 A. I told them that you were ---.

23 Q. Do you know how long that had been running, Pete?

24 A. No, sir, I don't. But I know how long it ran --- it continually ran after I was
25 there, but not in the same situation.

1 Q. Okay.

2 A. I immediately had them come in here and remove this curtain to across here
3 because this was going into return over here. I had them open this up so that any air
4 that was coming in here would go towards the return. I immediately had all ventilation
5 --- they said, well, we have this because it's cold. I says I don't care if you freeze.

6 Q. Okay.

7 A. I really don't.

8 Q. They blocked it off because it was cold.

9 A. Cold.

10 Q. Is this where they were kind of hanging out?

11 A. There was a guy standing right here.

12 Q. Okay.

13 A. And I said, you're not only killing them, but you're killing yourself. I said, it
14 doesn't happen on my watch. I said, listen. You do this. And so I immediately
15 changed the ventilation of this and got it to what I felt was acceptable.

16 Q. When you were given that piece of paper outside, did it have any description
17 in there of how that compressor should be installed?

18 A. No, sir.

19 Q. Nothing?

20 A. Nothing.

21 Q. Just that a compressor was running? Or did it even say that?

22 A. I found it.

23 Q. It didn't even say that on the paper?

24 A. It didn't, not that I remember.

25 Q. Okay.

1 A. So immediately when I got into the section, Donnie went up to the face and I
2 immediately started going around the area to find out what I actually had.

3 Q. Okay.

4 A. I just felt that in order for me to control what was going on, I needed to know
5 everything I could, and the best way I could do it was walk there and look.

6 Q. Okay. So you walked all around the area, made an evaluation of what you
7 had?

8 A. Evaluation.

9 Q. Did you do any mapping while you were in there, Pete? Did anyone give you
10 a map of the area?

11 A. No, sir.

12 Q. So you didn't even have a map?

13 A. No, sir. I just mentally took evaluation of what was going on.

14 UNIDENTIFIED SPEAKER:

15 Did you make the map, Pete, or did you do a ventilation map?

16 A. No, sir. I did not. I just --- I do what I call site changes. In other words, when
17 I would into an area, I would determine, well, okay, this appears to be safe or this
18 procedure seems to be working. And I would make judgment calls on each area as I
19 walked into it and out of it. I'm going to get myself in trouble. I have to kind of
20 assume that on initial expiration and setup that there were maps of it already. And so
21 I thought in order for me to control what was going on around me, I needed to mentally
22 see it.

23 BY MR. PAVLOVICH:

24 Q. Okay.

25 A. And make changes as I seen fit.

1 Q. So was this just you and Donnie as the MSHA guys on that shift?

2 A. Yes, sir.

3 Q. Okay. So after you walked all around the area and kind of saw what was
4 going on, took care of this compressor, was there any other instructions you gave
5 people on what to do or how to do it safely?

6 A. There were some other things that I ran across. Mainly as far as my notes go,
7 like all I took was write down my air readings.

8 Q. Okay.

9 A. And so I wouldn't forget them so I could do my call out.

10 Q. Okay.

11 A. There were some other things, some work procedures that I felt uncomfortable
12 with the way they were doing it. They didn't understand the process of clamping
13 cables correctly. They were settling dead horses, you know, putting the clamps on
14 wrong so I immediately shut that down and explained to them how to properly put
15 clevises on. There were people in areas ---.

16 Q. What kind of cables was this?

17 A. One inch. The one-inch cables that they were stringing through the rock
18 props.

19 Q. Now, were they setting rock props that first day that you were in there?

20 A. Yes, sir.

21 Q. The 7th?

22 A. On the 7th day, they had rock props.

23 Q. Where were they working at? Do you remember, Pete? What were they
24 doing on the 7th, because the morning of the 7th --- let me just go through some stuff
25 for you. The accident occurred on the morning of the 6th.

- 1 A. Right.
- 2 Q. Okay? And you were en route on the 6th and got there late at night. You got
3 there at 11:00 and they sent you back to get some sleep. Okay. About 1:30 in the
4 morning, they were loading with a scoop in the Number Four entry.
- 5 A. Uh-huh (yes).
- 6 Q. And the best we can tell right now, maybe they loaded about 300 feet of
7 material up with the scoop and at 1:13, they had another bump in the section that
8 completely filled that entry back up. Well, it filled it back up somewhat. They couldn't
9 mine it --- they couldn't load in it any more; right?
- 10 A. Well, I don't know. I traveled up to here, but go ahead.
- 11 Q. The Number Four entry?
- 12 A. Yeah.
- 13 Q. The Number Four?
- 14 A. I did, but we'll get to that probably later on in this thing.
- 15 Q. Okay. All right. So anyway, they quit loading in Number Four, and then they
16 started to prepare to load the material in Number One.
- 17 A. Right. And they were rock propping. They were putting props in here.
- 18 Q. Was that around the feeder, kind of towards the feeder?
- 19 A. Around the feeder. We were trying to establish a safe area or line feeder.
- 20 Q. Okay.
- 21 A. And they were putting rock props in here.
- 22 Q. Okay.
- 23 A. And they were putting rock props in on the corner.
- 24 Q. Okay. So was the miner operating yet?
- 25 A. Just to help clean up areas right in there.

1 Q. Okay. So it wasn't really loading or ---?

2 A. No. We weren't in full ---.

3 MR. TEASTER:

4 Do you want to mark ---?

5 BY MR. PAVLOVICH:

6 Q. Yes. Please.

7 A. What color do you want?

8 MR. TEASTER:

9 Take your pick.

10 BY MR. PAVLOVICH:

11 Q. He wants you to mark it.

12 A. Oh, he wants me to mark it?

13 Q. Yeah.

14 A. Oh, man.

15 Q. Do you want to try to mark where you examined that?

16 UNIDENTIFIED SPEAKER:

17 You don't know where he was at, Peter.

18 UNIDENTIFIED SPEAKER:

19 That's why we're interviewing him.

20 A. Well, that made two of us. We were establishing ---.

21 BY MR. PAVLOVICH:

22 Q. Okay. So that's rock props in the crosscut. Peter is marking rock props being
23 installed in the crosscut 119 between the One and Two entry to the approach to the
24 feeder and also out by 119 in Number One entry.

25 MR. TEASTER:

1 hoping that extended all the way in.

2 Q. Okay.

3 A. And even if it didn't, anything that we could get in there ---.

4 Q. Okay. All right. So then you made an examination of the outby area and you
5 watched the guys ---?

6 A. I traveled all the way out the belt entry.

7 Q. Uh-huh (yes).

8 A. And I traveled the intake.

9 Q. Okay.

10 A. And I traveled the ---.

11 Q. Do you want to mark maybe your route of travel with this one?

12 A. Okay.

13 Q. And kind of show us where you examined on that shift?

14 A. Came down like this.

15 Q. Then you also examined the Number One entry in its entirety up to the toe of
16 the material? Number Two, Number Three. Okay. So you went over to the seals that
17 were across the main west entries. Okay. And you also examined two of the seals
18 that were across the north barrier?

19 A. Yeah.

20 Q. Okay.

21 A. And then I examined, you know, kind of looked around out here.

22 Q. Okay.

23 A. Then I came back in.

24 Q. Okay. And the team people or miners were installing ventilation where?

25 A. They were in ---.

1 Q. Back in here somewhere?

2 A. They had put curtains --- they were putting curtains up. The curtains were up
3 here. They were in the process of reestablishing the hard stoppings for Kennedy
4 panels.

5 Q. Okay.

6 A. So that was going on at the same time. They were also repairing on both
7 sides, so they were repairing on both sides.

8 Q. Okay. So during that shift, did you attempt to crawl over the coal outburst
9 material in any of the entries?

10 A. That actually occurred probably about three days, four days in.

11 Q. Okay. So it didn't happen on that first day?

12 A. No. I was sent --- I had taken --- where are we? Nineteen (19) comes in, up,
13 about here I had taken some bottle samples, and then they had requested that I take
14 some bag samples. And they said go into here as far as I feel safe, and get bag
15 samples.

16 Q. Okay.

17 A. So I went to 127 ---.

18 Q. Now, wait. What day is this now?

19 A. The third day would be seven, eight, nine --- around the 9th or 10th.

20 Q. On the 9th or 10th?

21 A. Yeah.

22 Q. Okay. All right. Do you have any notes that say that, Pete?

23 A. No.

24 Q. Would you happen to have --- no?

25 A. No.

1 Q. Okay. But you're guessing on the 9th or 10th. Let's use maybe a yellow
2 marker for --- and I'll tell you what I'm going to do here, Pete. I'm going to kind of
3 make a map legend, if we can, that shows the orange, shows the green.

4 UNIDENTIFIED SPEAKER:

5 Just to help us recreate, because this is real helpful for us.
6 We're trying to recreate the recovery, you know, day by day. If you could walk us
7 through like each day, the major things that happened, because I know Joe and Ernie
8 have got some questions for you on like debriefing and stuff like that, but we're just
9 trying to follow the progress each day, and I know you were a key part of that, so just
10 to the best of your knowledge, just walk us through like what happened on the 7th and
11 then the 8th and ---.

12 A. Well, on the 7th, like I say, I mainly spent my time oriented myself and getting
13 myself oriented. There was a conflict that occurred on the --- I believe it would have
14 been the 6th, but I walked into it on the 7th, between the company and some MSHA
15 inspectors.

16 BY MR. PAVLOVICH:

17 Q. Okay. Wait a minute. Let me write upside down here, Pete.

18 A. You go ahead. Do you need the map to turn right --- you just do what you
19 need.

20 Q. No. No. I can write upside down.

21 A. Yeah, but if it's misspelled, don't you be blaming me.

22 Q. I tell you what. I can spell upside down better than you can spell right side up.

23 A. I wouldn't doubt that.

24 MR. TEASTER:

25 While he updates that, Pete, I just want to go back. On the

1 first day, you got notified early morning by Larry Ramey. How long did it take you to
2 get your car situated?

3 A. Probably another --- probably another hour. I would say I was back on the
4 way in about an hour.

5 MR. TEASTER:

6 So you only lost about an hour ---

7 A. About an hour.

8 MR. TEASTER:

9 --- going all the way to Aztec?

10 A. And it takes exactly six hours to travel the mountain to get to Aztec.

11 MR. TEASTER:

12 So you had to drive six hours to Aztec and then you had to
13 get back --- come back through that same area so ---?

14 A. Uh-huh (yes).

15 MR. TEASTER:

16 That was a long day.

17 A. Yes, it was.

18 BY MR. PAVLOVICH:

19 Q. Okay. Now, let me continue on with that first day; okay?

20 A. Okay.

21 Q. I'll mark that later. When ---?

22 A. Go ahead.

23 Q. Go ahead. You were going to finish something?

24 A. Yeah. There was a --- when I got into there on that day, there was a conflict
25 going on between some MSHA people ---.

1 Q. This is on the first day?

2 A. Uh-huh (yes).

3 Q. Okay.

4 A. MSHA people --- company people and MSHA people.

5 Q. Okay. What were they arguing about?

6 A. They were arguing on the --- let's see how politely to put this. Well, the
7 company didn't agree with the MSHA inspector, one of them, that had given them
8 directions on some things to do. And some MSHA people sided with the company
9 people, and that inspector was removed, which, again, ---.

10 Q. Now, did that happen on your first day in the mine or was that later?

11 A. The first day. That conflict ---.

12 Q. On the 7th?

13 A. That conflict happened --- I believe the actual conflict occurred on the 6th.

14 Q. Who was this inspector? Ex. (b)(6) and Ex. (b)(7)(C)

15 A. Yeah, Ex. (b)(6) and Ex. (b)(7)(C)

16 Q. Okay.

17 A. And there was some conflict ---.

18 Q. Did you know Ex. (b)(6) and Ex. (b)(7)(C)

19 A. Yes, I do.

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

21 A.

22 Q. Okay. And so what had Ex. (b)(6) and Ex. (b)(7)(C) told them to do? Do you remember?

23 A. He felt that there was not adequate rock dust because of the outburst. He felt
24 that more rock dust needed to be put down to ensure --- as far as I was concerned, to
25 ensure that the outby was safe for us to continue.

1 Q. Okay.

2 A. They felt that --- and I'm going to have to back that up. I'm not sure if it was
3 the 7th. I think it might have been the 8th that that occurred. Anyway, he was
4 removed and he was sent back to his duty station, which ---.

5 Q. Now, you said there was some controversy. Was there actually an argument
6 going on underground?

7 A. I believe that there was a discussion between management and that inspector,
8 and there was another inspector present. Danny was there, I believe. Danny was
9 there because Danny told me about this the next --- as soon as I got there, he started
10 telling me about this, and he told me, he says, well, I'm not going to have the same
11 problem with you. And I said you're not going to have a problem with me because ---.

12 Q. Was this Donnie Durrante?

13 A. Donnie. Yeah. Donnie. And I said you won't have a problem with me, I said,
14 because I make my own decisions as far as what I consider safe or not safe as far as
15 rock dust goes. And if it's not safe, in my opinion, it ain't safe. And there won't be an
16 argument. It'll be made safe.

17 Q. Did you know Donnie from before or is that the first time you'd ever met him?

18 A. I've known Donnie. I've never traveled with Donnie, but I know him from the
19 office. I see him in the office.

20 Q. Okay.

21 MR. TEASTER:

22 How dusty was the roadway when they --- talking about
23 airborne dust?

24 A. To me, I felt more rock dust should be applied also.

25 MR. TEASTER:

1 Do you know what issues Ex. (b)(6) and Ex. (b)(7)(C) had brought up?

2 A. The rock --- my understanding was that the rock dust was the issue.

3 BY MR. PAVLOVICH:

4 Q. Was there several other things that he was telling him to do or just rock dust,
5 to your knowledge?

6 A. To my knowledge, ---

7 Q. Rock dust was the thing?

8 A. --- the only issue that was brought to my attention was the rock dust and that
9 they would do it as a mined --- they would put props up and the rock dust would be put
10 in. Ex. (b)(6) and Ex. (b)(7)(C) wanted more rock dust put outby here. And there was this discrepancy
11 whether they should take the time to do it because we're on a rescue mission and
12 whether that would slow down the process of getting in here and mining.

13 Q. Okay. So did you think it needed rock dust?

14 A. Yes.

15 Q. Okay.

16 A. And yes, there was more rock dust put down while I was there.

17 Q. Do you know if he said anything to them about additional roof bolts or cleaning
18 up loose coal that was being run over or any of that kind of stuff?

19 A. I don't ---.

20 Q. Okay.

21 A. I really don't know. It was just my understanding that there had been previous
22 issues between certain management people and Ex. (b)(6) and Ex. (b)(7)(C) they felt that it would be ---
23 that that kind of conflict would continue because of the past history between them.

24 Q. Okay.

25 A. And so my understanding is I was going to replace Ex. (b)(6) and E in the section

1 because I was originally going to take care of all of this, but I would be staying more in
2 this location.

3 Q. Okay. So on that first day, did you get any instruction as to what to report
4 outside and when to report?

5 A. Every hour on the hour.

6 Q. So that first day, they were telling you to report every hour on the hour?

7 A. No, not on the first day. That came a little bit later.

8 Q. Okay.

9 A. That would have been ---.

10 Q. What did they tell you the first day on when to report?

11 A. Well, Danny (sic) ---.

12 Q. Anything?

13 A. No. Danny was --- they told me go in here. And I'm going to have to correct
14 myself and I do apologize for this because it just now --- the light just came on. They
15 told me to come in here and map every one of these crosscuts on the map and I did.
16 And I gave the map in. I handed the map up to ---.

17 Q. So they did give you a map the first day?

18 A. Yeah, a blank map to fill in.

19 Q. Okay.

20 A. Or you know, to mark whether the stoppings were in or out. I have to correct
21 myself on that. And I do apologize but some things come to me a little bit later.

22 That's why I had walked all of this.

23 Q. Okay. So you were mapping the vent controls then?

24 A. Yes, sir.

25 Q. And you turned that map in when you got outside?

1 A. Yes, sir, I turned it in.

2 Q. Okay. So did they also tell you, Pete, report in every so often with air
3 readings and gas readings and that sort of thing or did they not?

4 A. Not on the first day.

5 Q. Not on the first day?

6 A. No.

7 Q. Okay. All right.

8 A. I believe it was about the second day that I started calling in readings.

9 Q. Okay. Did you go over to the number one seal on the main west?

10 A. Yes, I did.

11 Q. Did you see that --- was there any ventilation controls there in addition to the
12 seal and that curtain?

13 A. It had been breached.

14 Q. Okay. That seal had been breached, and was it covered back over?

15 A. Yeah.

16 Q. Well, you kind of ---.

17 A. Yeah.

18 Q. Well covered or just was it leaking?

19 A. Well, there was spads knocked into the seal. They had put just a piece of
20 curtain, one piece of curtain and spadded it across the hole.

21 Q. Okay. Was there any ventilation curtains outby that were directing air up to
22 the seal or ---?

23 A. Well, this was pretty --- there wasn't much air movement through here at all.

24 Q. Okay. Did you get any bad air over there?

25 A. When I checked this with my meter and a smoke tube, the best I could tell, it

1 was in-gassing at the time.

2 Q. Okay. All right. So that was in-gassing?

3 A. Yeah.

4 Q. Okay. All right. When you came outside after that first day, who debriefed
5 you? Did anybody debrief you?

6 A. I turned the map in to --- I think it was Mr. Gibson had taken over at that time.

7 Q. Okay.

8 A. I believe it was Mr. Gibson. I told him what I seen.

9 Q. Okay.

10 A. And Larry ---.

11 Q. So you took the map and turned it in and then told them what you saw?

12 A. Right. And Larry was there.

13 Q. Okay. But would it be an actual debriefing? Did they really sit down with you
14 and whoever was in there, Donnie Durrante or whatever, and say tell us everything
15 that happened today?

16 A. They actually did more debriefing with Donnie than they did me.

17 Q. Okay.

18 A. I just turned in what I seen and told them what I had done as far as the
19 compressor goes, and what I had felt and the conditions of what I seen and the seals
20 and everything back here.

21 Q. Okay. All right. About what time was that that you came out, Pete? Do you
22 remember?

23 A. 4:30.

24 Q. Were you relieved underground, hot-seated underground?

25 A. No, not on the first day.

- 1 Q. So you guys just came out. Did you talk to the inspectors who were coming in
2 on the next shift?
- 3 A. Not as far as anything ---.
- 4 Q. That was going on?
- 5 A. Right.
- 6 Q. So there was not an exchange of information?
- 7 A. No.
- 8 Q. Okay.
- 9 A. I handed in the map and I proceeded on.
- 10 Q. Okay. So then you came back out day shift on the 8th?
- 11 A. Uh-huh (yes).
- 12 Q. So did you pretty much work day shift the whole time?
- 13 A. Yes, sir.
- 14 Q. Okay.
- 15 A. Except for the 16th. I worked both shifts.
- 16 Q. Okay. Was there ever a time miners were working underground without
17 MSHA being in there that you know of? I mean, you guys would come out of the
18 section. If you didn't wait in the section to be relieved, if you just rode out, then the
19 other guys rode in, would the miners have been in there working in between rides, so
20 to speak or ---?
- 21 A. It could have --- there could have been. I cannot ---.
- 22 Q. I mean, was it real well organized, that, you know, you guys stay there in the
23 section until somebody relieves you?
- 24 A. No.
- 25 Q. Did anybody ever tell you that?

- 1 A. Uh-uh (no).
- 2 Q. It was like get a ride out when you can?
- 3 A. Yes, sir.
- 4 Q. The best you can do?
- 5 A. Do the best you can.
- 6 Q. Okay. So you weren't always sitting there waiting until the end of your shift?
- 7 A. I got chastised a couple of times for not being outside at a certain time, and
- 8 my point ---.
- 9 Q. For not being outside at a certain time?
- 10 A. Yes, sir.
- 11 Q. And what was that about?
- 12 A. I was told that I need to come outside by ---
- 13 Q. By such and such a time?
- 14 A. --- such time. Yeah.
- 15 Q. To do what?
- 16 A. My shift was over.
- 17 Q. Oh. It wasn't that they wanted to know anything, it was just your shift is over
- 18 and you better be out because we're not paying you no more? Is that kind of what it
- 19 was?
- 20 A. Kind of.
- 21 Q. Okay. And you were chastised by who? Do you remember?
- 22 A. Yeah.
- 23 Q. Who was it?
- 24 A. Larry.
- 25 Q. Larry Ramey?

- 1 A. Uh-huh (yes).
- 2 Q. So he told you, Pete, you be out by four o'clock or else?
- 3 A. Well, he said your --- you need to be outside at four o'clock.
- 4 Q. That's your shift change, end of your shift?
- 5 A. Yeah.
- 6 Q. It doesn't matter if anybody relieved you or not?
- 7 A. Right. He said you need to be out. You need to be getting a ride out.
- 8 Q. Okay.
- 9 A. And my response to him was I will be outside when I get outside and I'll be
10 outside when I get through talking to the inspectors that are coming in because my
11 only opportunity to talk to them is down there and however long it takes, it takes.
- 12 Q. Okay. And what did Ramey say?
- 13 A. Well, you need to try to get out.
- 14 Q. Okay.
- 15 A. And I said I will get out when I get a ride.
- 16 Q. So was there a time then you got to talk to the inspectors on the shift change?
- 17 A. Every time down underground, I would stay there to ---.
- 18 Q. Well, except that first day?
- 19 A. The first day I wasn't part of the --- I really --- on the first day, I really wasn't
20 part of the face area.
- 21 Q. Okay.
- 22 A. I took over that when ^{Ex. (b)(6) and Ex. (b)(7)(C)} [REDACTED] was sent ---.
- 23 Q. Did you think that was being done regular, this exchange of information on all
24 shifts? Was anybody waiting underground to brief you when you came in, in the
25 morning?

1 A. There really wasn't a briefing, per se. It was just kind of an exchange and
2 they left ---.

3 Q. Okay.

4 A. We took over and they kind of just ---.

5 Q. Have at it? Good luck?

6 A. Yeah. It's your turn.

7 MR. TEASTER:

8 But they were waiting underground until you arrived?

9 A. Yes, sir. Now, there was a couple times when --- I do know there was a
10 couple times we didn't meet them, so I'm going to have to say, yeah, there was
11 probably a couple times there wasn't nobody because we did ---.

12 BY MR. PAVLOVICH:

13 Q. Okay. So maybe you passed them on the way or something?

14 A. No. We talked to them on the surface.

15 Q. On the surface?

16 A. There was a couple times we did talk to them on the surface.

17 Q. Okay. So you were going in and they were already outside and you just
18 talked to them on the surface?

19 A. Right. And then we went in.

20 Q. But miners were still in there working; right?

21 A. Yes, sir.

22 Q. Okay.

23 A. One of the hard parts was transportation. We were pretty much fend for
24 yourself, grab a ride when you can. The mine, the guys there, were good about trying
25 to get us under and you know, accommodate us, but they had a limited amount of

1 vehicles and a limited amount of people to drive the vehicles.

2 Q. Did that ever get any better organized, Pete, throughout the operation or was
3 it always that way?

4 A. Always.

5 Q. Always. So nobody ever sat down and said, okay, here's how we're going to
6 transport people? And these things are designated for certain times and here's when,
7 you know, the trip goes in and --- nothing? It was just hit and miss?

8 A. As far as ---.

9 Q. If I can catch a ride, I'll catch one?

10 A. As far as the inspectors were to go, we grabbed what we could when we could
11 and the mine accommodated us when they had drivers.

12 Q. Okay.

13 A. I do know I got in trouble for driving my own self.

14 Q. So one day you drove your own self? You took a truck and drove your own
15 self?

16 A. They said we got a truck, we don't have a driver. I said I don't care.

17 Q. Okay. So you went --- you drove in or drove out?

18 A. I drove in.

19 Q. You drove in the ---.

20 A. I was --- we were going to breach the seal and half the part of the team had
21 already gone in. There wasn't drivers for the other half of the team.

22 Q. Now, when were going to breach the seal?

23 A. That was like about the second week. We were going to put in --- we were
24 putting in the monitoring systems.

25 Q. Okay.

1 A. And we didn't have --- they didn't have ample drivers, so half the team was
2 already taking off and the company couldn't get another one. They said, well, if you
3 want to go, there's the vehicle. They keys are in it. So I started it up and followed the
4 other truck in.

5 Q. Okay.

6 A. And I had nothing but MSHA employees in the back.

7 Q. You had all MSHA people and you were driving the truck. Did anybody ever
8 say anything to you about that?

9 A. Yeah. I got ripped for that one, too.

10 Q. Who ripped you on that?

11 A. Who didn't? Let's put it that way.

12 Q. Let me start at the top. Did Mr. Stickler ever ---?

13 A. No. It was --- Larry chastised me.

14 Q. Larry did?

15 A. Mr. Virgil Brown chastised me about it.

16 Q. Larry and Virgil did?

17 A. Yeah.

18 Q. All right.

19 A. I hate to disillusion anybody but when we're in a situation like that, I feel
20 personally that abnormal conditions require sometimes people ---.

21 Q. So you felt like --- I'm trying to get the work done?

22 A. I'm trying to achieve my objective.

23 Q. And you weren't worried about political ramifications?

24 A. Right. And I had --- you know, I was going to be following another vehicle and
25 I was not transporting any company people. I was only transporting MSHA people.

1 Q. Okay. Well, if it was company people, they would have drove.

2 A. That's what I felt. If we'd have had any company people, they could have
3 drove.

4 Q. Okay. Were you ever in the command center ---

5 A. Yes, sir.

6 Q. --- for any length of time? Or did you just kind of stop by and get your paper
7 and ---?

8 A. I do believe they put me in there one day.

9 Q. Okay. Was it --- would you say it was a well-organized command center and
10 everything was ---?

11 A. For my part.

12 Q. Okay.

13 A. I believe ---.

14 Q. Did you know who was in charge for MSHA?

15 A. No. Well, I just assumed it was Mr. Stricklin.

16 Q. Mr. Stricklin or Mr. Stickler?

17 A. Stickler, Stickler.

18 Q. Mr. Stickler. So you assumed when he got there he was in charge?

19 A. Yes.

20 Q. Okay. Did he ever give you any indication that he was in charge or was it just
21 by his actions and his direction that you felt he was in charge?

22 A. The immediate supervisors indicated that by nothing will happen without his
23 approval.

24 Q. Oh, so someone told you that?

25 A. Yes.

- 1 Q. And who was that?
- 2 A. Taylor.
- 3 Q. Taylor? And also, did Ramey ever say anything to you or ---?
- 4 A. No.
- 5 Q. No? Just Bill Taylor told you nothing will happen with Mr. Stickler's approval?
- 6 A. Right.
- 7 Q. While you were in there, was there a --- the area continuing to somewhat
- 8 bounce and bump and make a lot of noise?
- 9 A. Every day.
- 10 Q. Did you see material throwed off the ribs?
- 11 A. On the 15th.
- 12 Q. The 15th you were in a pretty big bounce?
- 13 A. Yes, sir, buried the miner.
- 14 Q. Buried the miner?
- 15 A. Up to the top plates.
- 16 Q. Okay. But that was on the 15th. But throughout the operation, there was
- 17 continuing to be some activity?
- 18 A. Yes. It was continually bumping and popping.
- 19 Q. Okay. Did anybody ever sit down and brief you on, look, Pete, here's the
- 20 number of bounces we had yesterday, today, this shift? No? Nobody ever said
- 21 anything about that?
- 22 A. No.
- 23 Q. Did anybody ever ask you about the footage that was being advanced?
- 24 A. Every hour we would call out. I would call the gas readings out and Donnie
- 25 would call the footage out.

1 Q. Okay. So in your opinion then, was the bump activity and the hazard of the
2 area of more concern or was the footage of more concern to the people in the
3 command center?

4 A. Footage.

5 Q. Okay.

6 A. Because if you didn't get that right exactly how they wanted it measured, you
7 would hear about it.

8 Q. You would?

9 A. Exactly. It had to be done exactly how they wanted you to measure.

10 Q. Okay. And so did you ever take those measurements?

11 A. Yes, I had.

12 Q. And was it difficult or was it tedious to do that, to make it exactly as they
13 wanted? You had to string a tape from a spad or something to the bumper of the
14 miner?

15 A. And then string the --- then you --- you couldn't just say, okay, it's 30 feet from
16 the spad to the last prop, and the miner is ten feet more.

17 Q. Oh, they didn't want that?

18 A. No. You had to say --- you had to take a measurement exactly from the spad
19 to the miner and exactly from the spad to the rock prop.

20 Q. And every hour you had to do that, so did the --- like you ever have to stop the
21 shuttle cars from running so you could take that measurement?

22 A. All the time.

23 Q. You did?

24 A. Yes, sir.

25 Q. So that slowed down the advance then because you had to stop a car and

1 say, wait, let me get my measurements?

2 A. And for me to take air readings every hour on the hour, I had to be in the
3 roadway.

4 Q. What was so critical about the hourly measurements and air reading?

5 A. Mr. Strickler (sic) wanted it.

6 Q. Mr. Strickler wanted it and nobody questioned it? Did they really never move
7 that far in an hour, Pete? I mean, some hours you didn't move at all; right?

8 A. Correct.

9 Q. When you called that out, was there any concern about why?

10 A. There was never a concern. There was never a response. It was a call out.
11 The gentleman wrote it in the book and said thank you, and then we went about our
12 business.

13 Q. And started getting the readings for the next hour?

14 A. And started --- we'd get about a 15, 20 minute break and then we would start
15 the process again.

16 Q. How did you feel about that?

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

18 Q. Okay. In what regard?

19 A. I believe that there could have been measurements noon and prior to the end
20 of the shift.

21 Q. Okay. So you thought that would have been ---

22 A. Sufficient.

23 Q. --- sufficient?

24 A. Or if there would have been a major change.

25 Q. Okay.

1 A. I believe that information needed to be called out.

2 Q. But to stop the mining every hour ---?

3 A. Air readings. If you look at my sheet here of my air readings, nothing
4 changed.

5 Q. Okay.

6 A. I mean, if you look at that there, first page, second page, third page. They're
7 all pretty much exactly the same. The air wasn't changing.

8 Q. Okay.

9 A. If an event would have occurred, I do not believe that any air changes would
10 occur from like if --- from here to here?

11 Q. Uh-huh (yes).

12 A. There's nothing that could change. I believe that when you go over here, this
13 could change it.

14 Q. Okay.

15 A. But from here it here, it could not. There's nothing to change it. I just believe
16 that there was a lot of emphasis on things that didn't necessarily benefit.

17 Q. Okay. And was it your impression from the people you talked to that this was
18 what Mr. Stickler wanted?

19 A. Yeah, because I called outside and I said it is 30 feet from the spad to the
20 timber, and the miner is about ten feet more, And they said that is not what you were
21 told to measure. You go back and measure it. You will measure from the spad to the
22 miner and you will measure from the spad to the prop.

23 Q. Okay.

24 A. And you will call it out exactly that way.

25 Q. And it was --- was you told why you had to call it out that way?

1 A. Mr. Strickler wanted it that way.

2 Q. Mr. Stickler wanted it that way.

3 MR. TEASTER:

4 Do you know why he wanted that information that way? Do
5 you have any idea why he wanted all that information?

6 A. I assumed that this was to do with the hourly briefing.

7 BY MR. PAVLOVICH:

8 Q. The hourly ---?

9 A. The media.

10 Q. Okay. The family and media briefing, is that --- it wasn't done hourly, but you
11 think that's what it was for?

12 A. But what I'm saying --- I really --- it was so that --- two folds to this. One, they
13 could track what was going on underground and if anything had changed. But it was
14 also to make sure the information that was being delivered was being delivered
15 accurately and precisely.

16 Q. Okay.

17 A. I do believe that this was an abnormal condition for MSHA to be in because
18 we've always maintained a barrier between us and the public information.

19 Q. Uh-huh (yes).

20 A. And unfortunately the public information was sitting next to us.

21 Q. Okay.

22 A. That did --- that hinders --- as far as I was concerned, that whole process
23 hindered us from ---.

24 Q. So worried (sic) about the families and the news media was hindering the
25 operation ---

1 A. As far as I ---.

2 Q. --- because they were too concerned with appeasing them ---

3 A. Right.

4 Q. --- and providing them information as opposed to worrying about what we
5 were doing here?

6 A. I believe ---.

7 Q. Did you get that impression?

8 A. Yes. I believe this was a PR nightmare.

9 Q. So it was being driven by those things as opposed to driven by what we
10 needed to do right?

11 A. Right. Because I really believe that a lot of manpower was being utilized to
12 get information to be given out as far as to making sure certain things were exactly as
13 is so when it would be delivered to the media ---.

14 Q. So could it be said that you were so tied up with taking measurements and air
15 readings and footage that you really didn't have time to evaluate what was going on
16 for the safety of the operation?

17 A. I believe we got bogged down in that.

18 MR. PAVLOVICH:

19 Okay. Well, with that being said, let's take a ten-minute
20 break.

21 MR. TEASTER:

22 Good idea, Joe.

23 SHORT BREAK TAKEN

24 BY MR. PAVLOVICH:

25 Q. Okay. Would you care to elaborate? You were just mentioning to me that

1 there was some differences of instructions and some other things that five supervisors
2 had all told you to do something different. Can you tell us what that was about?

3 A. They would --- one would tell me to take measurements this way, another one
4 said this, another supervisor would come up and tell me, he says, well, you got to be
5 doing this.

6 Q. Now, who were these supervisors? Do you remember?

7 A. Well, Ted Farmer was one.

8 Q. Okay.

9 A. Larry Ramey and Virgil, but I found out Virgil really wasn't a supervisor, so I
10 really didn't have to --- which I didn't know ---.

11 Q. Okay.

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

13 Q. Okay.

14 A. And this had to do with getting a ride in and out of the mine and what time I
15 should be on the surface and that. And everybody was kind of telling me off for
16 everything that day, and I just --- it was one of those days that I just couldn't seem to
17 do what everybody wanted me to get done. And finally, I popped it.

18 Q. Did they tell you come in the command center and explain yourself or
19 something to that effect?

20 A. Well, when I come in, Mr. Farmer said you need to debrief and I was headed
21 to my vehicle and one of the engineers that were there for ground control, when Ted
22 said that, said come over here. And he informed Ted that it would be best to just
23 leave me alone.

24 Q. The engineer said that?

25 A. Yes. He says ---.

1 Q. Why? Did he know you were already upset?

2 A. Yes. He was underground when a lot of this was going on, and he informed
3 them that it would behoove them to talk to me in the morning and not tonight because
4 I was so ---.

5 Q. Was this because of instructions you were receiving while you were
6 underground, that ---

7 A. Right.

8 Q. --- you were doing things wrong?

9 A. There was some conflicting --- everything conflicted what --- one person would
10 tell me to do, another supervisor would tell me something to do, and/or people that
11 were passing instructions over to me.

12 Q. By the phone?

13 A. Through phone or in person.

14 Q. Okay.

15 A. Just no matter which way I turned that day, I just couldn't seem to do anything
16 right for anybody except for, I guess, the last one, because he wasn't mad at me.

17 Q. Okay.

18 A. Because he was the only one --- I guess I was --- that was the only one I
19 managed to please.

20 Q. Was there anybody higher than Ted Farmer or Larry or --- was it like Mr.
21 Davis? Did he tell you to do anything?

22 A. Mr. Davis? No, sir. If the instructions were coming from him, they would
23 have been coming through Ted because ---.

24 Q. Okay. You never really talked to Al Davis there much?

25 A. I did, but not as far as getting instructions of what to do. Those were already

1 set forth in the plans and that. And he would ask me the, you know, kind of questions,
2 well, what do you think or what do you see or stuff like that.

3 Q. Okay.

4 A. He was very concerned about kind of what I seen. Again, I do think some of
5 my concerns, when I spoke to all of the upper management kind of fell on deaf ears.

6 Q. Okay. So the things you were telling them about your concerns with the
7 safety of the people working down there, nobody really paid any attention?

8 A. Well, some of them kind of, you know --- I mean, I know that I present myself
9 sometimes not well, but I've got 32 years of mining experience and I do believe when I
10 say something, even if you don't agree with the way I put it, it needs to be taken under
11 consideration because, for instance, like I had told them when I was back here with the
12 ground control people, the engineers, and I was back here helping them, you know,
13 making sure that they were safe and didn't get into any bad areas because I was more
14 familiar with it, I told them, I said, we got problems. I said all the tracks that I find are
15 all headed this way. I said, we got a crosscut over here which is our fresh air base full
16 of food but all the mice tracks are going this way.

17 Q. All the mouse tracks?

18 A. Every mouse track is going away and we enough food in this crosscut thrown
19 around that every mouse in the whole county ought to be coming to this mine.

20 Q. So the mice were leaving is what you're saying?

21 A. That's right. And they kind of made fun of it as it being an old wife's tale and
22 like I told them, I said, well, all I can tell you is one of the mice I seen behind his tracks
23 two wheel marks. He loaded up everything and he's taking ---.

24 BRIEF INTERRUPTION

25 BY MR. PAVLOVICH:

1 Q. And you were referring this, you were referring it --- you know, you were
2 concerned ---.

3 A. It's loading up.

4 Q. It's loading up. And did they laugh at you or did they ---?

5 A. Same response.

6 Q. Okay.

7 A. But I come from an old mine. I was taught by old miners, and I have old
8 beliefs when it comes to mining. I don't supercede the new innovations with my old
9 beliefs, but I do believe there are certain things that tell you what a mine is going to
10 do.

11 Q. So you were --- based on your 32 years of experience in areas like this?

12 A. Right. I was telling them it's loading up.

13 Q. Okay.

14 A. And like I did tell them --- at one point, I told them, I said, you know, I cannot
15 swear to it, but I just watched the pillar move.

16 Q. Okay.

17 A. And it looked like it had moved, but what it did is it swailed, you know?

18 Q. Okay.

19 A. But I had voiced my opinion several times that I'm seeing it loading. We're
20 loading up here, and I had voiced my opinion prior to the 15th. I voiced it again. I
21 called the ground control people back in on the 15th and told them it's loading up. And
22 they measured the props, the rock props. And I said, I don't care, the rock props are --
23 - they said, well, it's no movement. And I said, I don't care. It's loading up. The rock
24 props, in my opinion, were put in wrong, and they would not show subsidence.

25 Q. How were they put in wrong, Pete?

- 1 A. Wood was put on top of a rock prop.
- 2 Q. Okay. So they put wood on top of it.
- 3 A. So what is going to yield?
- 4 Q. Okay.
- 5 A. The wood.
- 6 Q. The wood.
- 7 A. So you're going to have to yield the wood out completely before the rock
8 props would load.
- 9 Q. Okay.
- 10 A. That's wrong, in my opinion.
- 11 Q. Did you think they should have put a bearing surface straight against the roof
12 with no wood?
- 13 A. No wood. Straight up.
- 14 Q. Okay. Did you ever see any of them sit not straight?
- 15 A. Yes, sir.
- 16 Q. Did you ever see any of them that would sit straight and subsequently move
17 later or tilted or looked like they were moved out?
- 18 A. Not moved out, no.
- 19 Q. Okay.
- 20 A. I just believe that a rock prop is exactly what it says, rock to rock.
- 21 Q. Okay. Did you really think a rock prop was designed to control ribs?
- 22 A. No, but I did afford them the information that I knew where lateral pressure,
23 rock support --- rock prop supports, were. There was a shitload of them laying on the
24 ground and they could be here within ten hours, and they were designed for lateral
25 pressure.

1 Q. Rock props?

2 A. There's a special rock prop design that you put them in, and the keepers for it,
3 the thing that goes on the ground and on the roof, were sitting on the ground. There
4 was probably a few hundred of them.

5 Q. Where were those located?

6 A. They were located --- they're sitting at the San Juan Coal Mine on the surface.

7 Q. And you've seen those used for lateral support?

8 A. You put them in to --- during the longwall move to prevent the cave from
9 overwhelming the rock props and pushing them out.

10 Q. Okay.

11 A. They're designed for that ---.

12 Q. That's what they're designed for.

13 A. They're designed for lateral pressure.

14 Q. And when you told the --- who did you tell this to, Pete?

15 A. I mentioned it to the --- there was a group of us sitting at the table, and I
16 mentioned it to the engineers.

17 Q. Mike Gauna and Joe Zelanko?

18 A. The Joe's and Mike.

19 Q. Okay. And Joe Sibulski (phonetic). And what was their response?

20 A. They had never heard of them.

21 Q. Never heard of them. And so did anybody investigate to see if they should
22 get some, that you know of?

23 A. (Indicates no.)

24 Q. Nobody said anything?

25 A. No. So I took ---.

1 Q. Did you ever tell Al Davis about these rock props?

2 A. No, sir.

3 Q. How about anybody else in authority there like Kevin Stricklin or Mr. ---?

4 A. No, sir.

5 Q. No? Just the ---.

6 A. I brought it to the people that I would --- because I took them back here to
7 survey all this area, and I mentioned it to them, that there were (sic) a device,
8 because we were talking about that there is nothing really in our arsenal for lateral
9 pressure. And I said, yes, there is.

10 Q. Okay. You'd seen these used before?

11 A. Yes, sir. And I knew exactly ---. I could tell them within five feet where the
12 pile of these were sitting on the ground because I was aware of them and seen them.

13 Q. But basically your suggestion was ignored, in your opinion?

14 A. Whether it was ignored or felt that it would not be beneficial, I don't know.

15 Q. Okay. Nobody ever commented?

16 A. No. I threw it out there, and never heard another thing about it.

17 Q. Okay.

18 A. And it takes two rock props, in my opinion, that we could have put these like
19 every five --- every five props, set them up, do horizontal rock props and then about
20 every four or five put one of these laterals up. And then run the cables through these,
21 and these would have given us our support if they blew out because the cables
22 would've helped take the hit.

23 UNIDENTIFIED SPEAKER:

24 What are these lateral --- I've never seen them.

25 A. That's my problem. MSHA had never seen them.

1 UNIDENTIFIED SPEAKER:

2 I mean, ---.

3 MR. PAVLOVICH:

4 Including you now.

5 UNIDENTIFIED SPEAKER:

6 Who makes those, Peter?

7 A. Huh?

8 UNIDENTIFIED SPEAKER:

9 Do you know who manufactures those?

10 A. Yeah. There's a little welding company that manufactures them for San Juan.

11 It cost \$68 for the bracket.

12 BY MR. PAVLOVICH:

13 Q. And they modify a regular rock prop to support laterally?

14 A. What you have is the bracket, and I wish I would have brought the camera
15 because I have pictures of them.

16 Q. Okay. You have pictures of them? We may be able to get those pictures
17 from you.

18 A. Well, what the design ---.

19 Q. If you would give them to us.

20 A. I'm not an artist, so please excuse it.

21 Q. Okay.

22 A. And this is the base (indicating). The one rock prop sits at just a slight, slight
23 angle like this.

24 Q. Okay.

25 A. It's just a very slight angle like this.

1 Q. Okay. Now, where's the rib here? Where's the rib you're ---? I mean, what
2 was --- kind of show me. If you show me a mine entry, how is it setting in an entry?

3 A. This is the straight up and down. I'll redo it this way, straight up and down.
4 And then this is the angle that comes out like this.

5 Q. Uh-huh (yes).

6 A. So this is set at a slight angle, so when this --- when it takes the hit in that, this
7 --- when it takes the hit, this thing wedges it tighter.

8 Q. Maybe I'm still confused. Here's the entryway.

9 A. Okay.

10 Q. Okay? And of course, this is the roof bottom and the ribs. Okay? You're
11 setting it to protect this rib. Show me how it sets.

12 A. Okay. This is the roof?

13 Q. Yes.

14 A. And this is the rib. Okay. So it's going to sit --- let me see if I can get this
15 right.

16 Q. Show me your base first, where you put your base in. Which way does the
17 angle point, out toward the entry or toward the rib? This angle here.

18 A. Oh, this angle here?

19 Q. Yeah. Is that pointing toward the rib that you're trying to protect or is that
20 pointing out toward the entry?

21 A. This is pointing towards the entry.

22 Q. All right.

23 A. Okay. So this is going to point out towards the entry. This is going to be your
24 coal side.

25 Q. Well, this is the rib.

1 A. Oh, I'm sorry. Okay. So here's your one that's going to be offset just a little
2 bit, just a couple of degrees offset. And then your ---.

3 Q. Okay. You got a base then that --- so actually, this comes all the way to the
4 roof and this one sets to the roof?

5 A. Uh-huh (yes).

6 Q. And then if this is struck against, it has this lateral support, too?

7 A. Right. And then this has teeth on the bottom of it, like this (indicating).

8 Q. So it can't kick out that way?

9 A. So it can't kick out.

10 Q. And what do you put at the top?

11 A. And there's a plate that goes up here and that has the teeth?

12 Q. So it kind of digs into the top and bottom to oppose the forces of the rib
13 blowing out?

14 A. Right. And so --- and because this is at just a slight, little angle, so when this
15 blows in, it shoves this up.

16 Q. And this tightens it?

17 A. Tightens it up, and this also tightens.

18 Q. Does this also have teeth that ---?

19 A. And you put your plates up on top, but it's rock to rock. There is no wood.

20 Q. Okay. No wood.

21 A. No wood. This is a lateral support. That takes a lateral hit.

22 Q. Okay.

23 A. And the more lateral pressure you put on it, the tighter it gets because it's got
24 to overcome all of this.

25 Q. Now, have you ever seen those where a bump has occurred?

- 1 A. No. I've seen them used to stop the --- on the recovery of longwalls ---
- 2 Q. Okay.
- 3 A. --- to stop the progression of movement of the material coming in at it.
- 4 Q. Okay. So the stuff coming in from the rib ---.
- 5 A. That rib movement.
- 6 Q. Have you ever seen one of those blowed out?
- 7 A. No.
- 8 Q. Never?
- 9 A. I've never seen one of them fail.
- 10 Q. Okay. Have you ever seen a lot of material ---?
- 11 A. Piled up against them, because they put screen all the way across here, chain
12 link, and then ---.
- 13 Q. Okay. Similar to this, but chain link and all that holds it in?
- 14 A. Uh-huh (yes).
- 15 Q. And when you explained that and told them they had these --- and it's made
16 apparently locally for a particular mine. It's not something that rock prop makes.
- 17 A. No.
- 18 Q. It's just some adaptation of the rock props. Did anybody say, gee, Pete, that's
19 a good idea, we'll try them or did they say ---?
- 20 A. And the rock props --- the rock props are the same ones we used. There's no
21 modification of the rock props.
- 22 Q. There's just two of them?
- 23 A. It's just this collar that's made like this. This is the --- goes on the ground.
- 24 Q. Okay.
- 25 A. And then this goes like this.

1 Q. Okay.

2 A. And this is what they make. This is \$68.

3 Q. Okay. And then you just put two rock props in them?

4 A. It sits right --- the rock prop sits in here and it sits in here.

5 Q. Okay.

6 A. And then that goes to the roof.

7 UNIDENTIFIED SPEAKER:

8 That's the cap piece, with the teeth, for the roof?

9 A. Yeah. You can ---.

10 UNIDENTIFIED SPEAKER:

11 Do they make that, too? Do they make the top piece?

12 A. Yes. They make the whole thing.

13 UNIDENTIFIED SPEAKER:

14 I mean, they make this piece here?

15 A. Uh-huh (yes). And they'll make --- they'll change this angle to whatever you
16 want. They'll do whatever you want. I mean, these guys will pump them out and
17 they'll --- whatever you want. They'll put them on the ground for you, but there was
18 probably a few hundred of them sitting on the ground, which would have locked us in
19 at that point. We could have had enough while they were manufacturing more.

20 BY MR. PAVLOVICH:

21 Q. Sure. You could have got them from San Juan Mine. In other words, what
22 you're saying, if they borrowed them or bought them, whatever ---.

23 A. San Juan would've given them to you.

24 Q. They would've given them.

25 UNIDENTIFIED SPEAKER:

1 Do you know whose idea that was, that came with it?

2 A. Yeah. I believe San Juan, but there was a company who made that, like I
3 said, because I even checked with San Juan to make sure they had them sitting on
4 the ground. And when I got back over to this side of the mountain, I asked them, you
5 know, to bring one up so that I could get some pictures of it, and they said, well, here.
6 I came back up and they had it in my car. And they said, well, just take one. And I
7 said --- it's 100, like almost 80 pounds. I can see me putting a stamp on this one and
8 sending it.

9 UNIDENTIFIED SPEAKER:

10 How long were you in the rescue/recovery --- did you have
11 that conversation with the guys about this?

12 A. Somewhere during the first week when I took the guys back here, but the
13 same sense that was put out to me then or the same sense now, we've never heard or
14 seen of nothing like that. There's no --- there are (sic) nothing for lateral support.
15 Again, I don't --- maybe I don't present myself well enough or good enough, but I know
16 what I see in my mind and I know what words, and so I put these on the --- you know, I
17 put it out there. It didn't spark any interest, so it was turn the page and let's go to
18 another one.

19 BY MR. PAVLOVICH:

20 Q. Did you feel, Pete, that anybody was really taking into consideration the
21 comments or suggestions or concerns of the mine rescue people and the inspectors
22 that were actually underground, or was this being just managed from somewhere
23 regardless?

24 A. I really felt like there was pressure being brought to bear that were unseen.

25 Q. Okay. Like what?

1 A. There were things that we were doing that the people that I felt should have
2 had the say were being overridden.

3 Q. Okay. By who?

4 A. I don't know where it was coming from, but I do know that the day the media
5 was --- we were told the media was coming underground and we said no, no, no. And
6 they said it will be coming. They will --- got permission to come in. We will let them
7 in.

8 Q. Okay. Were you there then, when they brought them in?

9 A. I had just come out of the mine.

10 Q. Okay.

11 A. And they were assembling to go under.

12 Q. And what did you --- did you say anything to anybody about it?

13 A. Yeah.

14 Q. What did you say and to who?

15 A. I said I've never heard of this before, I says, and this is unfair to the inspectors
16 underground because now they not only have to worry about the safety of the men
17 that are working there, now they're going to have a bunch of untrained people with
18 bright lights and camera and you're just injecting an element that cannot be controlled
19 into our environment, which is a rescue.

20 Q. Who did you tell that to, Pete?

21 A. Oh, I'm trying to remember who was there.

22 Q. Anybody that you would consider top management?

23 A. I think I even mentioned it to Bob Cornett and Bob Cornett --- because even
24 Bob Cornett, I believe said no, but he was overridden, too.

25 Q. Okay. So you think even Bob said no, but ---.

1 A. Well, I had conversation to Bob and Bob had said --- Bob told me later that he
2 had said no, and he was told that it would happen. I think Mr. Don Gibson also said
3 no, but he was told it would happen. Several inspectors --- there was --- it was the
4 consensus of the lower management and inspectors that this was an unacceptable
5 condition we were being asked to deal with. And then they said, well, the company
6 will assume all responsibility and my opinion is, so what? They're still coming in, in
7 my environment. And I felt sorry for Gibbs and these guys because they were going
8 to have to manage it, and you know, you take media people coming in with these
9 lights, I mean, you know they're going to --- you know they want the best shot they can
10 get. They want something and they don't care where they point the lights. I

11 understand that --- Ex. (b)(6) and Ex. (b)(7)(C)

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

13
14 Q. Okay.

15 A. You know, because to me it disrupted the whole process. I mean, it was like
16 we didn't have control, and it is my opinion that nobody should ever supercede the
17 onsite inspector. If he doesn't agree with it, it shouldn't happen.

18 Q. Okay. But it happened in this case.

19 A. A couple of times.

20 Q. Okay.

21 A. I do now believe we should have brought the family down. I do not believe we
22 should have brought the media down. It is their right to know what's going on. It's
23 their right to have access to information, but it is not their right to be in the middle of
24 harm's way. If this bump would have occurred that occurred on the 16th, would have
25 occurred on that day, we not only would have had to deal with the people that --- or

1 during the rescue, but we would have to deal with the people getting the media out.
2 And of course, you don't --- when push comes to shove, it's just like any military
3 operation. You get the noncombatants out first, so that would have held our rescue
4 people up from getting out, too. There was not --- if we are fighting to get rides in and
5 out, by adding this other element in there, now created a transportation bog-down. So
6 by injecting this into our work environment to me put us all at risk, even though it
7 managed to be pulled off without too much incident, it's still an element that, as far as
8 I'm concerned, endangered every single worker in that mine because now, before we
9 could deal with our own people, we would have to deal with the noncombatants.

10 Q. Okay.

11 A. That's just the way I look at it.

12 Q. Do you think it violated the K order and what a K order stands for?

13 A. Yes, I do.

14 Q. Because they weren't in there to correct a condition or to assist with the
15 rescue attempt. They were ---.

16 A. It hindered everything that went on, as far as I was concerned.

17 Q. Okay. Did it create a lot of bad blood?

18 A. You want to talk about one move that put a damper on everything? That was
19 it.

20 Q. Okay.

21 A. I do not believe that that should have been open ---.

22 Q. So you were in there looking to hopefully rescue people and somebody was
23 putting on a show, is how you feel?

24 A. You turn the flame up enough, we'll dance.

25 Q. Okay.

1 A. I believe that at some point in time this turned into a dog and pony show.

2 Q. Okay. Pete, there was --- what we did was we went through the log and we
3 didn't --- we didn't make our own list of footage or measurements to --- what we did
4 was look at how many bumps were occurring.

5 A. Yeah.

6 Q. And I realize this --- maybe it's not very important, but we kind of felt maybe it
7 should have been so ---.

8 A. Well, I do know that Donnie would call out --- if there was a good bump,
9 Donnie would call it out and say we had a good bump, but a lot of the minor ones, they
10 were happening very often. You know, like they'd say, oh, we had a couple little ones.

11

12 Q. Okay. Well, kind of just briefly, I'll show you --- and we took some of, also, the
13 University of Utah seismic --- back here, maybe. I mean, they provided a list of
14 seismic ---. So if we could find the documentation of a pretty good-sized bump and it
15 correlated to the same time, we added the number in; okay? So like on the 3rd of
16 August, do you see at 4:39 there was a 1.5 magnitude bump that occurred somewhere
17 in this area?

18 A. Uh-huh (yes).

19 Q. On the 5th of August, there was a 1.6 and a 1.8 bump, so bumps were
20 happening in here.

21 A. Constantly.

22 Q. All right. On the 6th, the day of the accident, the one that trapped the six
23 miners was a 3.9; okay? Later on that day, the rescue teams went into the seals, and
24 I guess you heard they went into the seals. And just as they came out of the seal,
25 there was a 1.9 bounce that actually blew out the curtains in the fresh air base.

1 A. Right.

2 Q. Okay. You heard of that?

3 A. Yes, sir.

4 Q. Okay. At 1:13 on the morning of the 7th, this is before you actually went in,
5 but that night there was a 2.2 magnitude bounce and that's the one that Ron Paletta
6 was standing in front of the feeder and got knocked down.

7 A. Uh-huh (yes).

8 Q. And it also caused the coal to bounce again in the Number Four entry. Okay.
9 You heard about that one. Okay. At 2:43, there was a 1.6 bounce, and then you can
10 see a lot of --- mild bouncing, bouncing still occurring, bouncing still occurring, a lot of
11 time recording there that shows bounces. Then you see on the 8th and 9th, there was
12 no bounces reported. We don't know why that is or maybe there were none, but it's
13 hard for me to believe with all this activity, all of a sudden there's total quiet. Okay.
14 On the 10th, again there was a bounce at 1:30, at 3:00, at 9:30, at 1630, at 1750, 1760
15 and again, some of them are bounce occurred, small bounce occurred, small bump,
16 don't know. On the 11th, 1:17, 2:26, 1425, 1452, 1455, 1515, 2106, 2103, 2254, 2313.
17 There's always stuff happening. The 12th, more bounces. The 13th, ---.

18 A. The 17th ---.

19 Q. Huh?

20 A. Oh, okay. That word just caught me. I seen where it said killed and I was
21 going to say ---.

22 Q. Oh, no.

23 A. No. I was there then and I don't remember anybody getting killed on that day.

24 Q. No. No. It was ---.

25 A. Miner shut --- it bounced enough ---.

1 Q. Right. Conducted power. 13th, more bumps. 14th, more bumps. Here's one
2 that was a 1.2 magnitude. It talks about --- and apparently, you know, these are
3 severe enough that when the area dusts up, they have to go and take a head count to
4 make sure that ---.

5 A. Not on all of them.

6 Q. Not on all, but on some of them.

7 A. Some of them.

8 Q. Usually the ones that show a magnitude --- I mean, there's a little just
9 information ---

10 A. Yeah.

11 Q. --- there about kind of blowing out some stoppings or some panels. Here's
12 one that says blew out some Kennedy panels, dusted up, did a head count.

13 UNIDENTIFIED SPEAKER:

14 Here's some from Peter's notes on the 16th.

15 MR. PAVLOVICH:

16 Yeah. Okay.

17 BY MR. PAVLOVICH:

18 Q. And so --- and this takes us to the 15th. On the 16th, at 12:30 a.m., there was
19 a bump, 8:30 a.m., 8:31, and this is Rodney Adamson. I guess Rodney was working
20 with you at the time.

21 A. Yeah. Rodney came in, yeah.

22 Q. I think Rodney said you told him that he was getting pretty good at pointing out
23 where these bumps were occurring at.

24 A. Yeah. We talked about it. I told him, I says, now, if you --- because when he
25 first came, he'd jump every time they'd bump. And I told him, sit still. I said just sit

1 here. I said, now, I'll tell you when it's a big one and when it's time to run.

2 Q. By then, it's too late.

3 A. I says, but don't worry about it, just stay seated because if we get a big one,
4 you ain't got no place to go anyway, so just sit there. I says, but I will tell you it's a big
5 one, so you'll know that ---.

6 Q. That you got hit by a big one or not.

7 A. Yeah. That'll be the end of it.

8 Q. And so Rodney was actually even putting in where the bounces were as best
9 he could?

10 A. Yeah. Well, I would --- I kind of tried to teach him to tell whether it was
11 coming from the top or bottom.

12 Q. Okay.

13 A. I was working with him and he was calling them out and keeping track of
14 them.

15 Q. Okay.

16 A. And I would kind of tell him, okay, now, this one occurred right here. This one
17 is up high, this one is under us, trying to, you know, get him to --- teach him what little
18 I do know about mining.

19 Q. Okay. All right. So you know, those were going on continuously. 8:50, 9:00.
20 10:02, 10:04, you had a 1.5 bump at the miner Number One entry, right rib covered by
21 body of the miner. They backed the miner out and back cleaning up barrier hill. This
22 bump was also reported by Peter Saint at crosscut 120 and Rodney Adamson,
23 Number Three entry. Okay. So you documented that one, too, in your note. And
24 someone else said Donnie Durrante said good bump on Shane (phonetic) pillar at the
25 same time. So 10:13, Peter Saint, you documented another one. Okay. Let air flow

1 in, popped the ears.

2 A. Well, actually, this is misstated in this log. Right here. This is where me and
3 the log ---.

4 Q. Well, this is in your notes, not in the log.

5 A. Yeah, but what I'm saying is when it was originally called out, this is the same
6 bump.

7 Q. Okay. It's the same bump.

8 A. Yeah. In other words, it was like --- we just had a major bump. I'll get back to
9 you.

10 Q. Okay.

11 A. They logged it. And then as the information from Donnie and me started
12 coming in, ---.

13 Q. You wrote it in your notes.

14 A. Right.

15 Q. Okay.

16 A. And this is the actual --- it actually stalled the air. It stalled it completely,
17 popped the ear things. We were trying to get a quick head count. We were trying to
18 find out that --- this is all going on at the same time. And fortunately, the calls were
19 going out up to the surface, but this is all the same bump and this is also when I called
20 for ground control to come back in.

21 Q. Okay.

22 A. I believe. I don't think it was ---

23 Q. Well, let's see here.

24 A. --- the 12:30 one.

25 Q. And there's three more, 10:18, 10:25, 10:33, happening pretty fast now.

1 A. Uh-huh (yes).

2 Q. Here's one. Peter Saint, pop at 1:20, 10:33, 10:42, 11:08, 12:50, 12:45, 12:57

3 --- you know, I'm assuming, Pete, that if these were serious enough to call out, they
4 weren't just little pops?

5 A. No.

6 Q. Did something actually shake?

7 A. Shakes. Right.

8 Q. Okay. Because you guys are familiar. I mean, maybe Rodney, when he first
9 got there would have called out every --- but by now, you guys are calling out what's
10 really happening; right?

11 A. And at this time, I was asked if I was calling the rescue.

12 Q. Okay.

13 A. They asked me if I was going to shut down the rescue.

14 Q. Who asked you that?

15 A. Ted Farmer asked me. He says, are you calling the rescue?

16 Q. So Ted Farmer talked to you on the phone.

17 A. And asked me if I was going to call the rescue.

18 Q. Because of all these bumps?

19 A. Right.

20 Q. And what did you say?

21 A. I said, I will discuss it. Right now, me and Donnie Durrante are discussing it. I
22 will get back to you as soon as I can, but we're going to talk it out.

23 Q. So Ted Farmer actually asked you that?

24 A. Asked me if I was going to call it.

25 Q. Call it off?

- 1 A. Call it.
- 2 Q. Stop it. Okay.
- 3 A. If I was going to call it, which I felt was kind of ---.
- 4 Q. Why would Ted ask you that?
- 5 A. I don't know, but see, that's what he asked me on the phone.
- 6 Q. Were you calling out information to ---?
- 7 A. I called up and I said I want the ground control people. I want them
- 8 underground. I wanted to --- is this the 15th? Is this on the 15th?
- 9 Q. Let's just go back a few pages. Maybe ---
- 10 A. Because it was ---.
- 11 Q. --- it was the 16th.
- 12 A. Okay. Now, ---.
- 13 Q. Here's the 15th.
- 14 A. It would be the 15th, the one on the 15th, when I called out on the 15th, they
- 15 asked me if I was going to call it on the 15th.
- 16 Q. Is this the one about the ---?
- 17 A. No. I'm sorry. I'm sorry. It was the 16th. It was the 16th, on the 16th.
- 18 Q. Now, wait a minute.
- 19 A. I called them in on the 15th.
- 20 Q. On the 15th, there's some ---.
- 21 A. Yeah.
- 22 Q. Here's one that says bumps coming more regularly over 15 minutes from 1:17
- 23 to --- roof control Zelanko is suiting up to go check.
- 24 A. Right. I called him back in on this day here.
- 25 Q. Okay. Then at 9:55, it says MSHA going underground to travel outby from

1 120. Zelanko is on his way to check the roof conditions. Is that the time you're talking
2 about or was there a next time, too?

3 A. I called ground control in on this day because there was too much movement.

4 Q. That's the 15th?

5 A. On the 15th. I wanted ground control. I wanted them underground now.

6 Q. Okay.

7 A. And they came under.

8 Q. Zelanko came right in.

9 A. Right.

10 Q. Okay.

11 A. I don't --- the guy was great. He came every time I called him.

12 Q. Okay.

13 A. On the 16th, at around --- this one on the 16th, that was when I was asked if I
14 was going to call it.

15 Q. By who? Ted?

16 A. Ted.

17 Q. And so you had called outside to report a bump and Ted asked you are you
18 going to call it off now, Pete?

19 A. Right. And I told him I wanted ground control so Zelanko came back in again.

20 Q. Okay. On the 16th?

21 A. On the 16th. And they had asked me if I was calling it, shutting down
22 operations.

23 Q. Zelanko asked you that?

24 A. No, Ted.

25 Q. Ted did; okay.

1 A. He asked me are you going to shut it down?

2 Q. And what did you say?

3 A. I said I'm going to discuss it with Donnie because he's the local inspector and
4 he's more familiar with the mine here and try to ascertain what are --- you know, what
5 is normal and what isn't and try to make a decision.

6 Q. Okay. So then what happened?

7 A. And there will be a decision I will live with the rest of my life, that I didn't shut
8 it down.

9 Q. I understand. Did you talk to Donnie about it?

10 A. Me and Donnie had a talk about it and Donnie said that he felt pretty confident
11 that we could continue. I voiced my concerns, he voiced his opinion. We called
12 ground control and we decided we'd wait until the ground control came in and
13 evaluated it.

14 Q. Did they come in?

15 A. Yes. Mr. ---.

16 Q. What did the ground control ---?

17 A. He took measurements of the rock props and said none of them had moved.
18 And I did voice my opinion that I felt that this was loaded.

19 Q. Okay.

20 A. Again, I didn't put faith in the rock props because we had wood.

21 Q. Did you feel, Pete, that you had the authority, if you wanted to, you could stop
22 the operation right then and pull everybody out?

23 A. I didn't feel it was sole --- should have solely been on my shoulders.

24 Q. Okay. Did you talk to --- I mean, you talked to Donnie about it, but I mean,
25 Donnie probably felt the same way. I mean, it's not on --- he's an inspector there.

1 There's management people. Everybody is seeing this; right?

2 A. Uh-huh (yes).

3 Q. Did anybody --- did you ever talk to anybody at command center that said, you
4 know, you guys might want to think about pulling the plug on this thing?

5 A. Not that I was aware of.

6 Q. You never did, though?

7 A. No. I would voice my opinion on the conditions that I was seeing, what was
8 happening.

9 Q. Okay.

10 A. My fears.

11 Q. So did you express those fears out in the command center when you come
12 outside and ---

13 A. Yes, sir. I did.

14 Q. --- that you were concerned for the safety of people? And what? How were
15 those --- did they fall on deaf ears or ---?

16 A. Well, they said that they would --- you know, they took under consideration the
17 rock props. Again, a lot of the opinion was being placed on rock props, and ---.

18 Q. Did you feel those rock props were going to hold up a bounce if a good one
19 happened?

20 A. No.

21 Q. Okay.

22 A. Because ---.

23 Q. Are they designed for lateral pressure like ---?

24 A. No. They were designed for horizontal.

25 Q. Okay.

1 A. And then with the wood on top, I didn't feel that we'd ever get a true
2 compression until the wood was gone.

3 Q. Okay.

4 A. That was just my opinion. Past experience and what I've dealt with rock
5 props.

6 Q. So it's still moving as long as you've got wood there that ---.

7 A. That I can't measure.

8 Q. Okay.

9 A. And you know, the information that was put on there, that the rock props
10 hadn't yielded. Well, ---.

11 Q. I'm just curious. When you talked to Ted, what (sic) would Ted get the
12 impression when he asked you are you thinking about pulling the plug on this, Pete? I
13 mean, what made Ted ask you ---?

14 A. That one --- that one come clear out of the blue. I don't have ---.

15 Q. I mean, you were just calling out to report, hey, we had another bump, Ted.
16 And Ted said to you, are you thinking about pulling the plug?

17 A. My conversation to Ted was, we've had a major bump down here. It stopped
18 ventilation, it stopped the air movement, the miner's buried. I want ground control. I
19 want them now.

20 Q. Okay.

21 A. And Ted said, well, are you calling it?

22 Q. Okay. Meaning, stop it?

23 A. Are you calling --- are you stopping the rescue? And it was like --- uh, let me
24 talk with Donnie. I'll get back to you.

25 Q. Okay.

- 1 A. I mean, you know, this is a major decision.
- 2 Q. Did you get the feeling Ted was concerned?
- 3 A. I got the feeling that it was going to be my decision.
- 4 Q. Okay.
- 5 A. In other words, if that was the wrong one, it would have been mine.
- 6 Q. Okay. All right. I understand what you're saying.
- 7 A. In other words, they just took ---.
- 8 Q. You take it on yourself, Pete. If you're wrong, ---.
- 9 A. You're wrong and you'll ---.
- 10 Q. They'll send your butt home.
- 11 A. Right. You're going to be the one that bears this one.
- 12 Q. Okay. And so it was more of if you're calling this, you know, you understand,
13 you're going to bear the brunt of this.
- 14 A. This will be your ---.
- 15 Q. It wasn't like he was really saying, Pete, do you want to stop this or not?
- 16 A. Right. In other words, this is --- are you ---?
- 17 Q. Okay.
- 18 A. It wasn't do we need to call it or ---.
- 19 Q. It wasn't anything like that. It was are you calling it?
- 20 A. Are you ---. I felt that ---
- 21 Q. I understand.
- 22 A. --- at that moment, the whole decision, ---.
- 23 Q. He's putting it on you.
- 24 A. The whole decision was mine, mine alone to make, and if I made the call and
25 nothing else occurred, then how would it be that I called operations and --- it was a big

1 decision.

2 Q. Sure.

3 A. I felt as an inspector ---.

4 Q. Is that really your decision as an inspector? In your experience in mine
5 emergencies, would --- or is that information that should be relayed to the people in
6 the command center who make that call?

7 A. I believe they ultimate call should be in the command center, but the
8 immediate call ---.

9 Q. Well, if you're the one they're looking at ---.

10 A. I'm going to take ---.

11 Q. Right.

12 A. I got to take the responsibility for the immediate call.

13 Q. Okay.

14 A. Which we did stop all production until we reevaluated and made a
15 determination whether or not to proceed.

16 Q. Okay. So you were evaluating these bumps as they happen. You were
17 concerned. You were concerned for the safety of the people up there?

18 A. Enough to call ground control in.

19 Q. Did you also feel like the people in the command center were looking at those
20 same bumps and evaluating should we continue or not? Did you really think they
21 were?

22 A. I believe that sometimes the information that we put down is so overwhelming
23 that ---.

24 Q. Well, did you think they were more worried about footage as opposed to the
25 bumps that were occurring?

1 A. Footage.

2 Q. You think that was their primary concern, is how much footage we're getting,
3 not we just had 50 bumps the last shift, let's think about it? You don't think that ever
4 really got to the top people?

5 A. I'm not sure whether that played a factor or not. I just know where the
6 emphasis were (sic) being put on pressure to make sure it was exact.

7 Q. Was Donnie concerned? Did he express any concern when you talked to him
8 about the number of bumps that were happening or did he just blow it off and say, oh,
9 Pete, that's nothing?

10 A. That those kind of bumps are common to this mine.

11 Q. So these guys didn't think ---?

12 A. No.

13 Q. To this mine?

14 A. To this mine.

15 Q. It was common to this mine or to this area?

16 A. To this area.

17 Q. Okay.

18 A. These are just common bumps.

19 Q. That's what he told you?

20 A. Yeah.

21 Q. These are just common bumps for this area and don't worry about it?

22 A. It's not that big of a ---.

23 Q. Okay.

24 A. To me, it was.

25 MR. TEASTER:

1 because it's relieved itself. We should be good to go for right now. I told him I had
2 ground control coming in and they can reevaluate it and he says, well, we're going to
3 dig the miner out and get these props put up here. And we're going to proceed. And
4 at that time, I was kind of in agreement that, well, maybe it has relieved itself some
5 way. We had a good one. We should have a little bit of time after the, you know, one
6 ---.

7 Q. So you agreed with Donnie's approach of going back and getting the miner
8 out?

9 A. Getting the miner out and digging it out and by that time ground control would
10 be in here and they ---. Mr. Zelanko did the measurements and he had marked --- he
11 marked all the props on the 15th so we could see. And none of them had moved, but
12 then again, like I said, I was not scared of the roof because at no place where we were
13 dealing with that the roof had really taken a hit. It was all ribs. It was that lateral
14 pressure that was being introduced by --- and I don't know if I'm right in the way I think
15 about how the pressure is put on it, but in my opinion, that was how the pressure was
16 being put on the section from what I could see. I think it was unfair to put that on me.
17 I think the call of whether or not we will continue mining at that moment in time was
18 my decision but whether I was pulling the plug on the operation, I do not believe it
19 should have been put on my plate at all.

20 Q. Okay.

21 A. But I will live with that decision.

22 Q. Okay. So during this operation, Peter, were you concerned about the safety
23 of the rescue workers and your own safety?

24 A. Yes, I was.

25 Q. Did you express those concerns to the people outside?

1 A. Yes, I did.

2 Q. Okay. Did you feel they took heed of your concerns or not?

3 A. They --- when I brought several different issues up, they said that if you have
4 a problem, then you make it happen.

5 Q. You make it happen? You got a problem, you do it? Don't tell us?

6 A. Well, you told us, now what did you do about it? Well, I'll deal with it when I
7 get back down there.

8 Q. Okay.

9 A. You won't --- you know, it may happen once, but it won't happen twice.

10 Q. Did any of the miners ever tell you, Pete, we're scared up here?

11 A. Yes.

12 Q. They did?

13 A. Uh-huh (yes).

14 Q. Was it who, the miner operator, the car operators, the guys setting supports?
15 I mean, who was it?

16 A. Mine operator voiced his opinion. Sometimes he'd say, you know, he says,
17 uh, I just can't find a safe place that I feel safe to stand. We talked about different
18 options, what he should be doing. There was a couple of times that management,
19 upper management for the company, came in and they were headed to the face, and I
20 told them, no, you are not going in the face. I said, nobody goes past this point
21 without a flak jacket.

22 Q. Was this Murray?

23 A. Mine manager, not Murray.

24 Q. Okay.

25 A. Me and Murray only had a couple of run-ins, and neither one of them were

1 pleasant.

2 Q. Okay.

3 A. But some of the, you know, immediate supervisors at the mine came in and
4 they were going to go up the face and I told them, no, nobody goes past this point
5 without a flak jacket on.

6 Q. Okay.

7 A. I says, I will take mine off. I will stay out here. You will go in. You will see
8 what you got to see. You'll come back and give me the flak jacket, but nobody goes in
9 past this point without proper gear.

10 Q. Okay.

11 UNIDENTIFIED SPEAKER:

12 Was that Dale Black or was that the younger miner operator
13 that couldn't find a safe place to stand?

14 A. The younger one. He told me he didn't feel safe.

15 UNIDENTIFIED SPEAKER:

16 Did Dale Black ever say anything that he felt uncomfortable?

17 A. He never really voiced that opinion to me. He just, --- you know, I mean, he
18 could see that people were very --- you know what I mean? He could see it in the
19 faces. You can tell just by the actions, how they react when even a minor bump
20 occurs. It's like --- okay. You know? You can see the tension. Not only was there a
21 sense of urgency to get the mission done, but there was a sense of fear. You could
22 also see that that was there, too. And you know, like when we ran into the block of
23 coal that had moved, the whole block moved, that scared the living bejesus out of me
24 because if you move a block of coal from point A to point B, now, and we're going to
25 have to mine through this block of coal, in my opinion now the barrier that we're

1 depending on isn't there.

2 BY MR. PAVLOVICH:

3 Q. Okay.

4 A. It's smaller so when we get into that part, in those areas there, that really
5 scared me a lot because now what I was depending on to be my support isn't there.

6 Q. Okay.

7 A. So you know, I voiced my opinions on that, too, that, okay, we're saying we
8 got 87 feet of coal holding this top up, but now a chunk of it moved so it's not solid.

9 Q. And you're cutting it out.

10 A. And I'm cutting it out, and it's skinnier. What's up with that? You know what I
11 mean? It was the weirdest thing. In my entire career, I've never mined a solid face of
12 coal and have it pre-bolted.

13 Q. It's pretty nice, though.

14 A. I mean, if we could just figure out how to do it, we could actually mine coal
15 fast. I mean, we'd get the coal if it's pre-bolted.

16 UNIDENTIFIED SPEAKER:

17 Never stop.

18 A. Never stop. It's the weirdest thing in the world. I've never seen it, you know,
19 but in the same sense, everybody was talking about that, but my concern wasn't
20 mining the coal face. It's now my barrier that I'm basing every --- I'm putting my life
21 that it's going to hold. Well, it ain't there. It's 15 feet, ten feet, whatever, towards me.
22 It's that much smaller. And if there's enough lateral pressure at this area to move a
23 solid block of coal, my ribs on the other side, there ain't nothing left of them either. So
24 when we hit that area, it was like, people, we need to slow down. We're going to have
25 to go through this one with a lot of care. I mean, I will tell you this. I made the

1 company get me a flak jacket. When I got down there, there wasn't one for me, and I
2 said, ---.

3 BY MR. PAVLOVICH:

4 Q. Why didn't MSHA provide you with one?

5 A. Don't know.

6 Q. You weren't as valuable as the miners, do you think, or ---?

7 A. Do we really want to put that opinion on the record?

8 Q. Well, I want you to tell me. Why didn't MSHA provide you with a flak jacket?

9 A. I have never agreed with MSHA's policy as we don't count. I fell through a
10 deck 30 feet in the air. The deck underneath me gave way, the walkway, catwalk
11 gave way. I was hanging from the handrailing 30 feet above the air and the miner's
12 rep was hanging on my feet and we were dangling 30 feet in the air. I issued the
13 citation as occurred and they told me, no, that I would modify that citation because I
14 didn't count. And I was told that early in my career, that if ---.

15 Q. Do you remember who told you that?

16 A. Oh, yes.

17 Q. Who was it?

18 A. Mr. Larry Ramey.

19 Q. Ramey told you you didn't count?

20 A. I didn't count. I could ---.

21 Q. So if an accident happened to you because of an unsafe condition in the
22 mine, and you wrote a violation and said the accident occurred, you don't count?

23 A. I don't count. I got messed up, hurt on that one. I still pay dearly for that one
24 because **Ex. (b)(6) and Ex. (b)(7)(C)** because of that incident and I put occurred
25 and I went for the jugular vein, and I was told no.

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UNIDENTIFIED SPEAKER:

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

A.

UNIDENTIFIED SPEAKER:

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

BY MR. PAVLOVICH:

Q. Did you file an accident report?

A. No.

Q. Not even an accident report?

A. No. I was told I didn't count, so phooey on them. Kiss my ---.

Q. Okay.

UNIDENTIFIED SPEAKER:

How long ago was that?

A. Let me see. That'd be 12, 11 --- 11 years ago and I still pay dearly for it because the union guy, Ex. (b)(6) and Ex. (b)(7)(C) and he did --- it did puff my knee pretty good and it swoll (sic) up pretty bad because we were hanging by my leg. And he climbed up me and got to the handrail, and he got back onto safe catwalk, and then he helped me get back up onto the catwalk. And he said, see, I told you it was unsafe. And I said, well, I kind of figured that out. You didn't have to jump. Because when he jumped is when it broke free.

BY MR. PAVLOVICH:

Q. Oh, okay. He jumped up and down to show you how ---?

A. How loose it was. And when he did, the catwalk went out from underneath us.

UNIDENTIFIED SPEAKER:

So he convinced you.

1 A. Well, I was convinced before he did that. I didn't want to go out there in the
2 first place. I said, I can see the point. I don't need --- he said, well, come look. So I
3 took and walked out there and that's when he did that thump and it broke away.

4 BY MR. PAVLOVICH:

5 Q. Okay. Pete, you mentioned the miner operator, the young guy that was
6 operating. When all of a sudden one day he just didn't show up underground or did he
7 tell you, Pete, I'm quitting this. I'm withdrawing myself?

8 A. Well, two conversations with most --- a lot of the miners, they told me that
9 there were several people that asked to be reassigned in the mine to different
10 locations because they felt it was unsafe, and these people were given the opportunity
11 to work in the belt or ---

12 Q. Somewhere else?

13 A. --- to find ---?

14 Q. But not up in the face area.

15 A. Other employment; right.

16 Q. Okay.

17 A. But they felt that they didn't want to no longer be there.

18 Q. Okay. And so did you ever talk to those people or provide any names to
19 MSHA management, that, hey, you need to talk to these guys, they're scared?

20 A. I assumed that they were aware of it, and I use that word ---.

21 Q. You think somebody briefed them or talked to them, debriefed them and
22 asked them why?

23 A. Because it was pretty --- it was a conversation that was going on a lot.

24 Q. Regularly. So you actually knew guys that withdrew themselves?

25 A. Yeah.

1 Q. Asked to be taken out?

2 A. They had --- when I talked to the miner operator and some of the guys in the
3 section, he said, well, these guys up here are new to the face. And I said, well, what
4 do you mean, new? He said, well, they guys that were --- a lot of the guys that were in
5 here before asked to be reassigned and the only reason they're not in there is because
6 they had asked to be reassigned prior to the first ---?

7 Q. So did they usually reassign supervisors to fill those jobs, like Dale Black?

8 A. No. They ---.

9 Q. Well, was he running the miner?

10 A. Dale was?

11 Q. Yeah.

12 A. No. Well, yeah, he was. He was the guy running it, so ---.

13 Q. And he was a supervisor; right?

14 A. Yeah. Yeah. He was a supervisor.

15 Q. So it's like this guy quit and now we can't get any miner to do it, so we'll assign
16 a supervisor?

17 A. Well, we'll put somebody that has --- doesn't have a choice.

18 Q. They didn't have a choice. Supervisors had to do it.

19 A. Either that or get another job.

20 Q. Okay. Did anybody ever tell you that or did you just make that assumption?

21 A. Well, they told me --- a couple of the supervisors did tell me this, that I've
22 never gotten an out --- because one day, it was that day that I was kind of
23 disheartened about what was going on, they said, well, don't feel bad. You never had
24 an ass-chewing until you have a Murray-chewing.

25 Q. Okay.

1 A. So I have to assume that ---.

2 Q. They were forced to go in.

3 A. They were --- when they got told to do something, they either did it or ---.

4 Q. Got fired.

5 A. Yeah. They also told me that they weren't into the barrier up here. They were
6 allowed to go X amount of feet, but like they told me, who in the world is going to go in
7 there and measure it?

8 Q. Okay. So where they were hitting the barrier to the left up there, you think
9 they were hitting more than --- did they kind of tell you we were hitting it deeper than
10 we were supposed to?

11 A. Yeah.

12 Q. They admitted to it.

13 A. Yeah. Like they said, who's going to go in there and measure it?

14 Q. Okay.

15 A. Once we pillar it out, who was going to go in there and find out how much of
16 the barrier that we actually ---. I think they were allowed to take 47 feet.

17 Q. I'm not exactly sure.

18 A. They were going ---.

19 Q. They were running to ---.

20 MR. TEASTER:

21 I think 40 feet is what the plan was.

22 A. Uh-huh (yes).

23 BY MR. PAVLOVICH:

24 Q. Do you think they were cutting it through, Pete?

25 A. No. I don't think they were cutting it through, but they had said they were up

1 there in the 50s, high 50s.

2 Q. Okay.

3 A. Now, like you said, you know, like I says, who's going to prove it one way or
4 another?

5 Q. Pete, while you were in there, did anyone ever talk to you about the gas
6 readings they got out of the number one borehole being seven percent, low oxygen up
7 there?

8 A. The first borehole they drilled?

9 Q. Yeah.

10 A. Yeah.

11 Q. Someone told you that?

12 A. Well, I was --- I heard it when it was --- when they called in.

13 Q. Okay. You've been in bumps before. You ever seen a bump like this before -
14 --

15 A. Not with ---.

16 Q. --- with filled entries like this?

17 A. Not ---.

18 Q. Moved offset the whole block?

19 A. No. I've never seen a block of coal moved in ---.

20 Q. You ever seen the bump to the extent of this one?

21 A. No.

22 Q. That length?

23 A. No.

24 Q. And that many pillars bounced at once?

25 A. I have seen ---.

1 Q. With the forces that you felt in smaller bumps that you've been knocked down
2 and everything else, they weren't near the magnitude of a bump this was?

3 A. I've never --- I have never been in bumps that had done this much
4 destruction.

5 Q. Okay. Could you imagine the force when this bump occurred and what kind of
6 force would have been up there being close to it?

7 A. I believe if you would have been standing anywhere near the epicenter of this
8 bump, your legs would have broke.

9 Q. Just standing there?

10 A. If you'd have been standing with the knee locked, you'd have broke them.

11 Q. What do you think about the entry being --- the coal flying out?

12 A. That much material that laid in there that come off of it and filled it the way it
13 did, it had to be un-survivable because, first of all, you wouldn't be able to breathe it.
14 You couldn't breathe. There wouldn't be no air. In order for it to displace that much
15 air to take these stoppings out coming this way, that same force had to go this way.

16 Q. Okay.

17 A. And I don't know, but I've been told that ten PSI will take a body apart. Ten
18 PSI can put --- explosion compression will take a body apart. In order to do this kind
19 of destruction, there had to be twice that much pressure.

20 Q. Okay. Well, knowing all that, Pete, did you think that there was a chance that
21 those six miners survived that original blow?

22 A. No.

23 Q. Okay. So did you feel right off when you saw the destruction here and heard
24 the gas readings and everything, did you feel this was a recovery of bodies or was it
25 still a rescue to you?

1 A. It was a recovery.

2 Q. Okay. Did you feel like maybe we were taking unnecessary risks of exposing
3 workmen in that Number One entry to clean that up with all the activity that was going
4 on just to recover bodies?

5 A. At that point, ---

6 Q. Yes?

7 A. --- we were in a recovery.

8 Q. Okay. Did you express that to anybody?

9 A. That was the consensus of everybody ---.

10 Q. The consensus of everybody --- go ahead. Finish what you were going to ---.

11 A. That was the consensus, that the chances of anybody surviving with that kind
12 of air readings in there, that there would be no survivors, though they could not be
13 sure until they could get a camera down and make sure there was --- that they had not
14 just gotten in a pocket.

15 Q. So you're saying the consensus of everybody was those guys probably weren't
16 alive?

17 A. Right.

18 Q. And when you say everybody, who is the everybody? Who were you talking
19 to?

20 A. Talking more to the people that I dealt with.

21 Q. Underground, the miners?

22 A. The miners and I believe that was ---.

23 Q. How about the other MSHA guys underground?

24 A. Uh-huh (yes).

25 Q. Did they agree with you?

1 A. That we were most likely on a recovery, but until we were sure, absolutely 100
2 percent sure, that they had not barricaded someplace, we could not call it a rescue
3 until --- or a recovery until we were sure that all ---.

4 Q. How would you ever be sure without mining all the way up there and cleaning
5 up every bit of coal?

6 A. Well, over here --- and I can't prove it, but I would love to be able to get
7 another map --- there's another mine.

8 Q. I don't know.

9 A. There's another mine that was bidding for this reserve. And I really think ---.

10 Q. Out here somewhere is another mine, you're saying?

11 A. Yeah, which isn't that far. They had less distance to travel than we did.

12 Q. Okay. So you think they could have mined into it from another mine?

13 A. I think we could have come in from a --- and it's just --- trying to remember all
14 the different maps I've seen over the years. I believe we could have come into it
15 through an active mine from another coal mine. We could have safely breached into
16 it from another mine.

17 Q. Okay.

18 A. But I don't know the distances. It was just something I remembered seeing,
19 that there might have been an opportunity --- there's a --- because they were not the
20 only ones bidding for this coal.

21 Q. Was the ---?

22 A. There were some coal reserves that they were going after.

23 Q. Okay. When you discussed this about, you know, maybe we're just in a
24 recovery here, was that kind of something nobody wanted to talk about?

25 A. Nobody wanted to talk about that.

1 Q. I mean, everybody wanted to keep positive that we're still going to rescue
2 people?

3 BRIEF INTERRUPTION

4 A. Well, come on in. You knocked.

5 MR. PAVLOVICH:

6 Oh, okay. Hey **Ex. (b)(6) and Ex. (b)(7)(C)**

7 MR. TEASTER:

8 Thank you, **Ex. (b)(6) and Ex. (b)(7)**
9 **(C)**

9 BY MR. PAVLOVICH:

10 Q. So don't talk about the ---?

11 A. Well, everybody said it from the beginning.

12 Q. Yeah.

13 A. But the opinion is this. They're not dead until I place my hand on them and
14 say they're dead.

15 Q. Okay.

16 A. In other words, you --- when you're ---.

17 Q. What did they think as they were mining up the Number One entry? What if
18 there would have been a man in that Number One entry?

19 A. Would have been standing there?

20 Q. No. What if he'd have been covered up in the coal? I mean, was there any
21 attempt to say what if we cut into a guy? Anybody ever think of that?

22 A. I did. You know, I mean, the bottom line is what I had ---.

23 Q. I mean, you know, just continuing, was anybody ever said a plan, oh, when we
24 get within a certain point, we're going to start moving it by hand?

25 A. Well, this was discussed, and what it was was that the way the coal had laid

1 out out here that ---.

2 Q. That when you'd get up here you'd find it open, a void.

3 A. Right. It would be --- the same thing we had on this side would be on the back
4 side.

5 Q. Did you think that? Did you think you were going to mine up here so far and a
6 void where it was not filled up up there?

7 A. Well, because of what I seen over here, I had good belief that it was opened.
8 It could have been.

9 Q. Okay. All right. You've mentioned that before. Let's get to that Number Four
10 entry. What started the fact that you started to explore the Number Four entry? What
11 day was that and who instructed you to do it or did you do it on your own?

12 A. The day ---- I'm going to have to go with the day is --- I don't remember it, but
13 it would be the day that the air sample --- so it would be in the log on the day that I
14 took the air and bag readings up there. It would have to be in the log.

15 Q. Okay.

16 A. Because when you take the bag samples, ---.

17 Q. So it was a few days?

18 A. Yeah, it was a ---. Yeah.

19 Q. Okay. And so can you kind of tell us what happened there? Who went with
20 you?

21 A. The first time I went in here, I went back about a crosscut and took bottle
22 samples.

23 Q. Okay. What was the oxygen reading then?

24 A. 28. ---.

25 Q. So it was better than fresh air, 28?

- 1 A. Yeah, 28.7, something like ---.
- 2 Q. Was it 20.7?
- 3 A. I'm sorry. 20.8.
- 4 Q. It couldn't be 28., not unless somebody was pumping oxygen in there.
- 5 A. Well, I had my own bottle.
- 6 Q. What bottle was that, a tequila bottle?
- 7 A. Yeah. Me and Jose went in there.
- 8 Q. Okay. 20.7. It was fresh air.
- 9 A. 20.7, 20.8.
- 10 Q. And you went how far, Pete?
- 11 A. The first time I only went in about --- almost a crosscut.
- 12 Q. Okay. Say to 120 maybe, something like that?
- 13 A. Yeah.
- 14 Q. All right. 121?
- 15 A. Yeah.
- 16 Q. Which is ---?
- 17 A. Yeah, somewhere right in here.
- 18 Q. All right. And then you came back out and ---?
- 19 A. Came out and sent those out.
- 20 Q. And did you crawl over material in there?
- 21 A. Yes, I did. I crawled back in there.
- 22 Q. How high was it where you crawled?
- 23 A. Within about three feet of the roof.
- 24 Q. Okay. So you had about three feet to crawl?
- 25 A. Right. And so I took the readings and then I sent the bottles out. I brought the

1 bottles out and they sent them in for ---.

2 Q. Okay.

3 A. Then they came back the next day and said they wanted bag samples.

4 Q. Bag samples?

5 A. Yeah.

6 Q. Bottles weren't good enough?

7 A. Bottles weren't good enough.

8 Q. They wanted bags.

9 A. Right. So they gave me the bags. And my instructions were simply this. To
10 go as far as I felt safe and take the bag samples.

11 Q. Okay. Now, who told you that? Who told you --- who gave you the
12 instructions to go as far as you could, go where you felt safe?

13 A. As far as I feel safe and take the bag samples.

14 Q. Okay.

15 A. That was given to me by Bill Taylor and I believe Stricklin was in the
16 command center at that time, and I'm trying to remember who was all --- but they said
17 just go as far as you feel safe.

18 Q. So you think Kevin Stricklin was in there. Maybe Al Davis was in there?

19 A. I don't think Al Davis was there.

20 Q. How about Stickler? Was he ---?

21 A. No, Stickler was outside. He was ---.

22 Q. Okay. But Kevin was in there ---

23 A. I believe Kevin was.

24 Q. --- and Bill Taylor?

25 A. And Bill Taylor.

1 Q. Was this at the start of your shift, Pete?

2 A. At the start of the shift.

3 Q. Okay. So what did you do?

4 A. So me and one of the Joe's ---.

5 Q. Zelanko or Sibulski?

6 A. I think the skinny one.

7 Q. Zelanko?

8 A. The tall, skinny one.

9 UNIDENTIFIED SPEAKER:

10 What's that make the other one, Sibulski?

11 MR. PAVLOVICH:

12 The short, fat one.

13 UNIDENTIFIED SPEAKER:

14 Mike Gauna?

15 A. Gauna.

16 BY MR. PAVLOVICH:

17 Q. Oh, Gauna?

18 A. I'm sorry. It was Mike Gauna.

19 Q. Okay. So Mike Gauna.

20 A. Gauna. So we came in here. Now, I dropped ---.

21 Q. The skinny one.

22 A. I'm sorry.

23 Q. I love you, Pete.

24 A. No. I dropped Mike right here.

25 Q. Okay.

- 1 A. By 119 at the --- or 119.
- 2 Q. Right here?
- 3 A. Right here, at the beginning of where the material was piled.
- 4 Q. Okay.
- 5 A. Then me and the safety guy, ---.
- 6 Q. Bodee Allred?
- 7 A. Bodee, yeah. Bodee. We went in and he went with me.
- 8 Q. Okay. So you and Bodee start crawling?
- 9 A. Me and Bodee started crawling.
- 10 Q. Okay. And Gauna stayed out back?
- 11 A. Right. So that as long as we could communicate with him verbally or visually,
- 12 we dropped him off.
- 13 Q. So what day would have that been, 8/10? It says Peter Saint brought air
- 14 samples out that he got from Number Four entry. Is that it?
- 15 A. That's the ---.
- 16 Q. It was on 8/10.
- 17 A. 8/10.
- 18 Q. Yeah, 8/10.
- 19 A. So I proceeded in and then once we got to where I felt that ---.
- 20 Q. I'm going to write here, Pete, 8/10, expiration. Okay. Go on.
- 21 A. So once we got in here where we were starting to lose visual with Mr. --- Mike,
- 22 I dropped Bodee off.
- 23 Q. Okay.
- 24 A. Then Bodee stayed, I believe it was right about 125.
- 25 Q. 125? You could still see Mike from 125 overtop of the material?

- 1 A. Oh, yeah. Yeah. No problem. It was straight shot.
- 2 Q. Okay. Still about three foot high?
- 3 A. Two and a half to three foot.
- 4 Q. It's getting smaller. Are you kind of crawling on your belly now or ---?
- 5 A. Well, you crawl into the crosscut and you stand up and you walk across the
- 6 crosscut and you crawl up on top of the material and you ---.
- 7 Q. So the crosscut was ---
- 8 A. Open.
- 9 Q. --- open.
- 10 A. I could stand straight up.
- 11 Q. The crosscut, you could stand straight up.
- 12 A. Yeah. And then you ---.
- 13 Q. But the entry was full?
- 14 A. Right. And then you start crawling up the peak and then down the middle it
- 15 would get about three foot and then you'd go down again and then you'd stand up and
- 16 walk and go up again.
- 17 Q. Okay.
- 18 A. So about right around 125 or 124, right in here is where I dropped Bodee off.
- 19 Q. Okay.
- 20 A. And I said, okay, you got visual, Bodee, to him? And you keep visual on me.
- 21 And I will proceed further on in. Bodee tells me that I made it because he was
- 22 keeping track of the crosscuts. You know, he's more familiar with the mine than I am.
- 23 Bodee tells me I made it to 127 and a half.
- 24 Q. Okay. Because he's watching you go up?
- 25 A. Right.

- 1 Q. So he went --- you dropped him off where?
- 2 A. Something ---.
- 3 Q. 124 or 125?
- 4 A. I'm going to say 125.
- 5 Q. Okay. Let's put an arrow there. And Gauna stayed at 119; right?
- 6 A. 119.
- 7 Q. Okay.
- 8 A. And he kind of crawled up on top so he could ---.
- 9 Q. So he could see.
- 10 A. Good visual.
- 11 Q. And you went to 127 and a half?
- 12 A. Right.
- 13 Q. All right. What was the conditions there?
- 14 A. Still travelable. As far as what I was traveling through, it had not really
- 15 changed.
- 16 Q. Okay.
- 17 A. I stopped because at 128, my opening --- I didn't proceed into here because
- 18 my opening was blocked with wire mesh ---
- 19 Q. Okay.
- 20 A. --- that had ---. And I felt I probably could have made it through it, but the last
- 21 thing I wanted to do was get entangled into that material and get caught, so I elected
- 22 to go ahead and take my samples here and then I pulled back out.
- 23 Q. Was there still fresh air on your meter?
- 24 A. Yes.
- 25 Q. Okay. So you were getting good air movement there?

1 A. What I would do is I would put the meter in front of me and go up to it and
2 extend it.

3 Q. When you looked --- could you look through the wire mesh?

4 A. Yes. I could see up in here.

5 Q. What did it look like up there?

6 A. If I would have had a pair of bolt cutters, I would have been able to proceed.
7 It was the exact same material that I was going through.

8 Q. Okay. So it wasn't packed to the top like Number One was?

9 A. No. Number One was packed to the top because the coal block shifted.

10 Q. Okay.

11 A. And we had a solid coal face.

12 Q. Right.

13 A. And it was --- when it blew in, it blew in tight. And everybody said, well, you
14 know, geez, this was dumb. I contradict them.

15 Q. That who was --- that it was dumb for you to go that far?

16 A. Yeah. I contradicted them because ---.

17 Q. Who told you it was dumb?

18 A. Well, several people said you didn't make no brownie points. I said I wasn't
19 making brownie points.

20 Q. By going in there, you didn't make any brownie points?

21 A. Yeah.

22 Q. In other words, nobody wanted to hear what was up in there?

23 A. Well, I guess they thought I was doing it to be a Lone Ranger, but I wasn't.
24 We had an opportunity to explore in here and get information of what we were going
25 into, and I felt that it would be good information to know.

1 Q. Sure. And you think if you had had some way to cut that mesh, ---.

2 A. I would have cleaned the lens on that camera for them.

3 Q. Okay. You think you could have went all the way up ovetop of the material?

4 A. I would have gone until the material said no.

5 Q. Okay.

6 A. Or the gases or once --- if the thing started going south, I would have turned
7 around. I'm not stupid.

8 Q. Okay.

9 A. But like I tried to explain to them, that was the safest condition that that mine
10 would ever be in because where is the ribs going to blow? It's full.

11 Q. It's already full.

12 A. Short of the top coming down completely, there was nothing that could have
13 happened to me. That was the safest I ever felt in that mine the whole time I was
14 there, when I was in that, because the ribs couldn't blow in on me. Nothing could
15 happen to me, short of the top coming flat.

16 Q. Okay. Now, when did you come outside and report what you saw there?

17 A. I brought the bags out --- once I crawled back out, I brought the bags back out
18 and told them ---.

19 Q. Did you crawl outside or did you go outside?

20 A. No. I brought them out.

21 Q. You brought them bags out and then you told the people in the command
22 center, here's where I got to and here's what I saw ---

23 A. Right.

24 Q. --- and I think I could have went further?

25 A. No doubt, if I had bolt cutters.

1 Q. And what did they say?

2 A. They just kind of not commented about it, but then a couple of days later
3 somebody told me you know, that was, you know, you didn't make no brownie points
4 by that. And I says I wasn't making brownie points. I was trying ---.

5 Q. A couple days later somebody said you didn't make any brownie points by
6 telling them you got up that far?

7 A. That was ---.

8 Q. Who told you that? Do you remember?

9 A. Yeah. I think it was Bob.

10 Q. Bob Cornett?

11 A. I think it was him. I'm not going to bank it 100 percent because there was a lot
12 of conversations, a lot of people.

13 Q. But did anybody say somebody didn't like Peter going up that far?

14 A. The only thing I was told was, well, that wasn't the intent of our instructions.

15 Q. Well, what was the intent if they said go as far as you can and take bags?

16 A. They said go as far as you can that you feel safe.

17 Q. Well, ---.

18 A. I felt safe.

19 Q. Isn't that what you did?

20 A. That's what I thought I did.

21 Q. But they said you went too far?

22 A. I would've taken it up to here if I'd have had bolt cutters.

23 Q. But they said you went too far?

24 A. Well, they kind of like denial-ability, you know.

25 Q. You couldn't have went that far?

- 1 A. Right. That you didn't ---.
- 2 Q. Is that what they said?
- 3 A. Yeah.
- 4 Q. They didn't really believe you, that you went that far?
- 5 A. Right. But I had a witness, Bodee. He's the one --- he said, well, we went up
6 to here.
- 7 Q. But nobody asked Bodee, did they?
- 8 A. Huh?
- 9 Q. Did anybody ask him?
- 10 A. No, but Bodee did request that we go --- we make another shot at it ---
- 11 Q. And what happened?
- 12 A. --- with bolt cutters.
- 13 Q. And what was ---?
- 14 A. They said no.
- 15 Q. Who said no?
- 16 A. Well, it came down from command center. No.
- 17 Q. Okay.
- 18 A. That's all I know, is I was told no. Because somebody said, would you do it
19 again? I said, in a heartbeat.
- 20 Q. Okay.
- 21 A. I have not a problem with it.
- 22 Q. Did you look over toward Number Three at that last crosscut and see if that
23 was a possibility?
- 24 A. Well, that was the thing --- and it was a mistake on my part. Each crosscut,
25 what I should have done was cut across here, but I should have kept cutting across

1 and look to see if --- you know, if we could have done one of these kind of things. And
2 my mission was to get the bag samples of Number Four as far as possible. I kind of
3 held to it. I should have taken it on my own to come across and look.

4 Q. So did you think the possibility of crawling up over that material and working
5 your way through there was a lot more feasible than trying to mine all that stuff out of
6 Number One entry?

7 A. I think we should have --- I think I should have been allowed to ---.

8 Q. You would have attempted it?

9 A. I should have been allowed to take bolt cutters and go back or at least explore
10 this in more detail.

11 Q. Okay. But nobody wanted to do that?

12 A. Right.

13 Q. Nobody wanted to hear it?

14 A. It never came back to me, that it was even on the table. But towards the end,
15 I was called back in to command center and Mr. Stickler talked to me in detail of what
16 I seen, but that was already towards the end.

17 Q. Was it after the 16th?

18 A. No, it was before the 16th. I was called in to ask what ---.

19 Q. Mr. Stickler asked you?

20 A. Mr. Stickler called me in.

21 Q. And what did he say when you told him what you saw?

22 A. Didn't comment one way or another. He just asked me how far did you get? I
23 told him, I says, according to Bodee, I says, I thought it was 126 and a half, but Bodee
24 tells me that I was at 127 and a half. He says I was looking at 128 where the mesh
25 was and that's what Mr. Bodee said.

1 Q. Okay.

2 A. He said, okay. He said, what did you see? And I told him. He said, could you
3 see farther on? I says, I could see at least another crosscut in there from where I was.
4 I says I don't know how far I could have went, I says, but if I get the okay, I'll do it
5 again.

6 Q. And what did he say?

7 A. He says thank you for your information and that was on the same day that we
8 were going to breach the seals and put in ---

9 Q. Tubing.

10 A. --- tubing.

11 Q. Okay.

12 A. So the day that we put the tubing in is the day I had this conversation with Mr.
13 Stickler.

14 Q. Okay.

15 A. And that's the day I got in trouble for driving the truck.

16 Q. Big day.

17 A. Oh, yeah.

18 Q. You kind of got good points and bad points, Pete.

19 A. Obviously, you know, for every that a boy I get, I get a half a dozen oh, shits.
20 I can't win.

21 Q. Well, at least you didn't have a whole lot of atta boys to lose when you got all
22 those oh, shits.

23 A. Those oh, shits. Yeah. I would have ---

24 Q. Maybe one or two at a time.

25 A. --- liked to have gone farther. Bodee was --- of course, you know, I can

1 understand Bodee's motivation, you know. This was his friends.

2 Q. Sure.

3 A. And if ---.

4 Q. If you'd have had more guys to string out and said about the bolt cutters,
5 would you have went further, where you had guys positioned periodically or had a
6 radio that you could talk to?

7 A. Yes.

8 Q. Okay.

9 A. And with a pair of bolt cutters, I'd have cut that ---.

10 Q. But nobody would give you a shot to that, to your knowledge?

11 A. No. Nobody would give me the okay to do it again. We asked. Me and
12 Bodee asked.

13 Q. You asked people ---

14 A. Yes, sir.

15 Q. --- can we go in there and do it again and what did they tell you?

16 A. No.

17 Q. Okay.

18 A. We were told no. But I would have done it again because again, in my mind,
19 whether I'm right or wrong, I could be wrong as the day is long, but I felt I was safe.
20 The rib couldn't get me. There was nothing that could get me other than the roof and
21 the roof could get me standing here as it could here.

22 Q. Right.

23 A. I mean, ---.

24 Q. Well, your personal safety was what your concern was. You wouldn't have
25 went somewhere you thought was unsafe.

1 A. And I felt I could have went farther in here and we'd come out and we'd talked,
2 me and Bodee and Mike talked about it. And I says, well, we'll take the air bags out
3 and see if we get permission. We'll come back in with bolt cutters ---

4 Q. Okay.

5 A. --- and we'll go through it.

6 Q. Okay.

7 A. I don't know how far I could have gotten up in here, and with that kind of air
8 readings at some point I'm sure I would have been turned around. I would've had to
9 have been turned around, but we could have established fresh air between if it's
10 opened all the way up, then most likely we would have had another entry. In order for
11 me to have fresh air, we had to have ventilation, and we could have established and
12 then moved on. And I think the --- I think we could have worked us a ---.

13 Q. Was the coal up through here fairly loose, Pete, where you could kind of push
14 it as you went?

15 A. Yeah.

16 Q. Small pieces or big?

17 A. Well, there were some bigger pieces, but I think we could have ---.

18 Q. You could have moved some away if you had to, though; right?

19 A. If I had to drag a basket through there, I think I could have.

20 Q. Okay.

21 A. I could have set up a series of ropes where we could have moved them over
22 the piles if needed to be, but I believe that I could have gotten farther in and I would
23 have liked to have known what was ---.

24 Q. Another couple crosscuts.

25 A. You know, I believe, other than the boreholes, I got the closest to these guys

1 that anybody did.

2 MR. PAVLOVICH:

3 Okay. Cut that off there.

4 OFF RECORD DISCUSSION

5 BY MR. PAVLOVICH:

6 Q. So the family members was a miner from San Juan ---

7 A. Uh-huh (yes).

8 Q. --- who was also a San Juan mine rescue team member; is that true, Pete?

9 A. Uh-huh (yes).

10 Q. So the management people at San Juan were they interested in this operation
11 of what was going on in your opinion?

12 A. Once this occurred and they told this guy that you need to be there and you
13 would be on salary just like if you were here, you get there. We will encompass all
14 your expenses, you go. Also on my return back to San Juan, San Juan had told me
15 several time from several different people at San Juan Mine that they had called
16 several times offering their full engineering support team.

17 Q. They called Murray Energy ---

18 A. Murray Energy.

19 Q. --- or Utah American, whatever it's called?

20 A. Whatever it's called, and they had offered their engineers because their
21 engineers were not only from the United States but from other countries, which would
22 bring in a very wide knowledge of different mining conditions, and some of them felt
23 that they had ---.

24 Q. They had some insight into what they could do?

25 A. Because the one thing that San Juan has done is they've tested a lot of new

1 products. That's a lot of these snaps that are in these plans. They do bring in more
2 ideals try and see how they're going to work, what they will and will not do, so they do
3 on mine testing of a lot of this equipment. They felt that they had a lot to offer and
4 they had called several times and offered.

5 Q. So they offered help but nobody ever took them up on it?

6 A. No.

7 Q. Nobody ever asked them come down and help?

8 A. No.

9 Q. They had a plane sitting on a runway ready to bring people?

10 A. They told me they had a plane ready --- when this first occurred they had a
11 plane locked in ready to send people, and they had called and offered.

12 Q. And nobody took them up on it?

13 A. No.

14 Q. Did you ever meet Bob Murray?

15 A. Yes, I did.

16 Q. Did you meet him prior to the accident on August the 6th?

17 A. No, sir, I didn't.

18 Q. Did you meet him after the accident on August the 6th?

19 A. I met him, my only two conversations with him or two meetings with him, one
20 was on the 16th of the accident.

21 Q. Uh-huh (yes). On the 16th, after the second accident. That was the first
22 meeting?

23 A. No, that would be the second meeting.

24 Q. Okay. Could you tell us about the first meeting?

25 A. Well the first meeting I was coming out of the mine rescue vehicle and I seen

1 him place his hand on my district manager, and I went after him, but when I got up to
2 there it was obvious that Al Davis wasn't taken offense of it, so I didn't do what I had
3 planned on doing when I got there.

4 Q. Well let me ask you this, what do you mean you saw him place his hand on
5 your district manager?

6 A. I seen him grab my district manager by the back of the neck, and pull him
7 forward.

8 Q. Grabbed him by the back of the neck and pulled him forward. Could you
9 demonstrate on Ex. (b)(6) and Ex. (b)(7) Oh, okay.

10 A. He was ~~(S)~~ standing here, he reached up, placed his hand, pulled him forward
11 and told him something in the sense that I thought we were on the same side or we
12 weren't going to be working against each other, grabbed him and pulled him forward.

13 Q. And so ---?

14 A. I took that as a hostile movement. I came out of the mine rescue vehicle and
15 I stopped right behind, one step behind Al and once I seen it went no further than that
16 then I felt that I didn't need to take any further action.

17 Q. What action would you have wanted to take?

18 A. I would've hit him.

19 Q. Okay. So if you think he was attacking Al in any way you would've hit him?

20 A. I would've hit him, I would've hit square in the head. The old man would've bit
21 pavement. Whether he got up or not that was immaterial. I had full intention of when
22 I came out of the command center to take him out. I only know one way to fight.

23 Q. Why was that, Pete?

24 A. Because to me the way he grabbed him, I believe that there's a barrier that
25 you don't cross and the minute he reached up and grabbed him from behind the neck,

1 that's an aggressive movement to me. In my experience if somebody grabs me by
2 the back of the neck usually there's a fist coming forward. So in my opinion that was
3 an aggressive move. When I covered the short distance between the door to where
4 they were standing.

5 Q. Were you fairly close to it at the time?

6 A. About four steps, five steps. I was there within --- he may have gotten the first
7 swing off, but he would never have gotten a second, in my opinion, I would've taken
8 him out.

9 Q. Did you say anything to him at that time?

10 A. No, I stopped right behind Al.

11 Q. Did Al say anything to you, like it's okay?

12 A. No. Al faced him, I came in from behind.

13 Q. So Al didn't even see you?

14 A. I don't believe Al seen me come in from behind.

15 Q. Did Murray see you coming?

16 A. Yeah.

17 Q. Did he say anything?

18 A. No. He just kind of brought his eyes back to Al, because they were talking
19 about something. It had to do something about one of the news media things that they
20 both didn't agree on, what was being said.

21 Q. Okay. He was disagreeing with Al on what else they had heard, something
22 that Al wasn't saying the same thing ---?

23 A. Right. Company position versus MSHA's position.

24 Q. Okay. All right, so that was the first meeting you had with him, although it
25 wasn't really a meeting, but almost a meeting, a near meeting we'll put it that way?

1 A. Me and him almost had a very personal conversation with some sign
2 language.

3 Q. All right. Your fist almost met his nose; is that what you're saying? Okay. All
4 right, can you tell me about the second meeting you had on the 16th?

5 A. The day of the second bump, which stopped all the operations we were going
6 in with the mine rescue team, he was coming out. He told me that I need to turn
7 around, told us we were in the vehicle, he told us we need to turn around and go back
8 outside. I told him, I said listen you old man, you don't fucking tell me what to, I don't
9 work for you, I work for MSHA. MSHA sent me down here, we're going into the face,
10 and you need to just get out of our way and go outside. You don't control us.

11 Q. So he actually stopped you on your way into the mine, this is when the second
12 accident happened?

13 A. Right.

14 Q. Were all the men outside yet?

15 A. No. We still had mine rescue personnel under ground and MSHA employees
16 and I was not going to come back out of that mine this time until everybody was
17 accounted for.

18 Q. Murray was on his way out, and he told you just get back outside?

19 A. He said, everybody's coming out, you need to turn around and go back
20 outside and I said, no.

21 Q. What did he say?

22 A. He said, well I got --- and I says, you don't control us. You don't control us
23 and you don't tell us what to do, I work for MSHA. MSHA told me to come in here and
24 I'm coming in. I'm going to the face.

25 Q. So did he say anymore to you?

1 A. No. He kind of gave me that look like well you little --- you know in other
2 words, you should be doing what I tell you kind of like, and I just flat told him no.

3 Q. So did you go onto the face or to wherever you were going to?

4 A. Yes, I did.

5 Q. What did you find when you got there?

6 A. I ran into a couple of the MSHA people, the last ones that were still and we
7 met them just as turned the corner and started into the section right over in here some
8 place where we ran into them. Made sure that everybody --- I asked him, I says are
9 you guys the last ones, and they said, yeah. So then they went outside and I didn't
10 leave the mine until I was assured that everybody was out of the mine. I checked the
11 boards.

12 Q. Who were you with?

13 A. I was with Virgil Brown, Anderson was with me, and I was the last one to break
14 the portal on the second one.

15 Q. Who was it you met there, would it have been maybe Otis and ---?

16 A. Otis was there.

17 Q. Otis was there, how about Scott Johnson, was he there?

18 A. I think, Otis and there was someone else, and I can't remember who the other
19 person was, but I know Otis was. I asked him, he says everybody's accounted for and
20 we're the last ones. I said, okay you guys go ahead and we'll follow you out. So we
21 followed them back out, I got outside and they were trying to get us, they wanted us all
22 in the shop to talk about what was going on.

23 Q. Okay. So did you go in there?

24 A. No, I told him, I said I'll be in there as soon as I make a phone call. Then I
25 made my phone call and then I went in there. I called my wife and told her that I was

1 still alive, and then I went in.

2 Q. On what occasion, while you were still on the evening shift, did you come out
3 of the mine at one time and then go back in?

4 A. I came out of the mine and I had went back to the motel, and I was at the front
5 desk talking to the girls at the front desk, I know them here at the place, and Al Davis
6 came running into the lobby and he said, Pete, there's been another collapse, we've
7 lost all communications. He says, we've got miners underground, he says call Virgil
8 and call Larry and tell them to activate the teams again, get them going. He said, I
9 got to get to the mine. I said, yes, sir. Then he said, no, I'll call Virgil, you call Larry,
10 and I said okay. He called on the house phone and I used my cell phone to call Larry.

11

12 I called Larry and told Larry that this is happening and he needs to go ahead
13 and activate the team, but I'm headed to the mine. Larry told me, no, don't go to the
14 mine, wait for me. He says I was just going to take a shower, I need to get dressed.
15 So I said, okay, so I waited outside. He came out of the motel and I said, okay, let's
16 go. I went to get in my vehicle, and he said, no, we'll take my vehicle. I said, but all
17 my equipment is in my vehicle that I need. He said, well put it in my vehicle. So then
18 I unloaded my car and put it in his car, and then he told me, he says, you drive. I said,
19 okay, I'll drive.

20 So then we take off and we're going and then he tells me, he says slow down,
21 and I said if you didn't want to travel the speed that I'm going to travel you should've
22 drove yourself, sit there and shut up. I commenced to get there. As soon as I got to
23 the mine he ran over towards the command center, they were landing a helicopter and
24 they were loading Gibbs. I got dressed, I came over there, I sat and talked to Gibbs.
25 Gibbs, he was concerned about the guys underground still. I told him, I said don't

1 worry about it, we'll take care of that, you just take care of yourself. I walked over
2 there, there was some guys standing there with their apparatuses, they had them over.

3 I walked over, through them on my shoulder, jumped in the truck and went under.

4 Q. Did you ever have any communications with any of the family members while
5 you were there at this site?

6 A. Yes, I did.

7 Q. Who would that have been?

8 A. That would be the family members they brought underground.

9 Q. Okay. So the ones that Murray brought in?

10 A. Yeah.

11 Q. Did you talk to them personally?

12 A. Yes, I did, because he's from San Juan.

13 Q. You knew the man?

14 A. I knew the man personally from the mine that I do.

15 Q. What dealings did you have with him, what did you talk to him about?

16 A. We hugged for a little bit, and I told him, I said we're giving it our best, he says
17 I can see that. I said, everything we could think to do we're doing right now. I told
18 him, I said right now everybody --- nobody is walking anywhere in the mine, everybody
19 runs from point A to point B, I says we're doing the best. He said, I can see that, Pete.
20 That was about it. I says, we're going to give it our best, and that was about all I
21 talked to him about.

22 Q. Did he tell you any reason why they were underground, or did you ask him
23 why are you guys in here?

24 A. He told me that they had asked to come under and Murray said it was okay.

25 Q. Okay. So they had asked to come under to see what it looked like so they

1 could tell the family?

2 A. Right. The family had just wanted somebody to actually go under to see and
3 him and another guy were elected to go under because they were miners.

4 Q. Because they were experienced miners?

5 A. Experienced miners.

6 Q. Pete, do you think your training with MSHA and the MEU was adequate to
7 prepare you for an event like this?

8 A. Are you asking have I had enough disaster training for me to try to deal with
9 this?

10 Q. Yeah.

11 A. No.

12 Q. No? Okay. Well if not, do you think more training should be provided to the
13 MEU people?

14 A. Yes.

15 Q. How about the MSHA management, do you think they need more training on
16 managing a disaster like this?

17 A. You know, you can have a lot of training, but experience has a lot to do with
18 how you're going to act. I know people that could sit down here and take the test and
19 pass it, but still couldn't change the lightbulb. I think when the rubber hits the
20 pavement experience is like about 65 percent of it, you can follow the book, you can
21 check it off as you go down, but there are decisions you have to make even
22 underground when we were at the face and stuff like that, decisions that have to be
23 made now. It was like when they came in and asked about the miner, how were they
24 going to get --- there's no place for the power center. How are we going to keep
25 mining, there's no place to put a power center, you know, the cable's only 800 foot, so

1 what. Put the mine cable on, splice it on, leave your settings the same, it will still
2 carry the same current. That kind of decision and, for right or wrong, I made that
3 decision, too.

4 I said, we'll put the cable on, we'll leave the power center where it is, and we'll
5 make the cable however long, if we need 3,000 feet of cable, it would be 3,000 foot
6 long, and we'll just make it work. As long as we don't violate the settings at the power
7 center, we'll go whatever length of cable we need, as long as it will carry it, if it won't
8 then we're going to have to move it up. We're not going to adjust the safety settings,
9 but the length of the cable really doesn't matter. As long as we oversize it and step it
10 down we'll be good to go, we protect the smallest, and that's what we did. We made
11 those kind of decisions. Those kind of decisions have to be made instantly and for
12 better or worse some of those kind of decisions I just made them. I think experience
13 has a lot to do with it.

14 I don't believe that MSHA has ever been presented with this kind of situation
15 before. This is a situation that we've never had to deal with. We deal with cave-ins,
16 we deal with explosions, but I do not believe we ever --- to the best of my knowledge, I
17 do not recall a lateral collapse, and I call this a lateral collapse because every hit we
18 took come from the sides. We never took a hit from the roof or floor, it was all lateral.

19 I do not believe in MSHA's experience that we've ever had this situation, and you
20 guys have been in it a lot longer than I have, but I don't believe we've had to deal with
21 this kind of operation.

22 I would like to say this, and I'd like to put it on the record. I do believe the
23 ground control people that were in there I believe that they did the best they could with
24 the knowledge they had, and the experience they could draw on. I do not believe this
25 situation was --- like anything else, it's not like they could reach in their pocket and

1 say, oh yeah remember when we did --- I don't believe that MSHA had any experience
2 of this kind of condition to be able to draw on, and that hindered us. I think the next
3 time we will have knowledge of it now, because we've gone through it. As an agency,
4 and I can't speak as an agency, but I think for the people that were there, the people I
5 dealt directly with, I think they were doing the best they could with the knowledge they
6 had and the resources they had.

7 Q. Did you ever wonder why the district roof control people weren't there?

8 A. As far as Denver?

9 Q. Yeah.

10 A. Yeah, I did.

11 Q. Did anybody ever say why? Did you ever ask anybody?

12 A. I just assumed it was isolation.

13 Q. From what?

14 A. Well going into this I felt this was a one way street that there was no coming
15 back out of.

16 Q. What do you mean by that, Pete?

17 A. Short of us bringing out everyone of them alive, we were going to take a hit,
18 we're going to take the brunt of it. It's going to be us, Murray's going to take his hit,
19 but Murray's going to say ---.

20 Q. Why was it going to be us, because of what?

21 A. We approved the plan.

22 Q. Okay. So MSHA approved the plan, you felt like?

23 A. Right. And I believe bringing the people in to the situation that approved the
24 plan would compromise any later investigation of it, because you wouldn't be able to
25 isolate them from it, you're too personal, and if it becomes personal, and I'm not

1 saying that this wasn't personal to me this rescue, it was very personal, and I took it as
2 such. But it's also more personal if I'm the one that went, it's good. I believe that
3 bringing outside ground control people in was a wise decision in the sense that they're
4 not going to be swayed by any emotion to make decisions or try to protect your ---.

5 Q. Also, do they have the bump experience and the deep cover experience that
6 local people have, in your opinion?

7 A. No.

8 Q. Do you want your most experienced people there?

9 A. But I don't know how much experience that these guys have either.

10 Q. Okay.

11 A. You understand what I'm saying?

12 Q. Yeah, you don't know, so ---.

13 A. I don't know what they could've brought to the table. I mean, I can second
14 guess it a thousand different ways but most plans are approved through information
15 that is gathered through --- from the mines. The mines submit a plan, they submit all
16 their data, most plans are reviewed by the data that's submitted, they make an onsite,
17 and depending on what is happening during their onsite, you may or may not see
18 bumps. They might not have ever even come into this area during the time that it was
19 bumping. I have to assume they probably went into the mains or at least out to the
20 mouth and looked at it there, and reviewed the data and the information given to us by
21 the mines.

22 It's a situation we rely on the mine information to be accurate and be
23 forthcoming, and if the mine isn't forthcoming then what we approve is not going to be
24 accurate because we don't have all the facts and information. So I'm not sure what
25 they couldn't have brought because the information they got wasn't everything that I

1 heard. And I did hear other things about the process of Murray buying the mine.
2 Everybody's pretty forth coming afterwards, they throw a lot of information out after. I
3 can't be a 100 percent sure, but I'm not positive that we have all the information we
4 should've had prior to approving this plan. So I'm not sure what these guys could've
5 brought to the table.

6 Q. Let me ask you to clear up one more thing for us, Pete, before I turn it over to
7 Ernie here for some questions. You made a comment earlier that when the bump
8 happened on the 15th and you were underground, you asked for Zelanko to come in,
9 and you said that you were talking to Ted Farmer on the phone, and Ted said are you
10 going to pull the plug on this or are you going to stop. Was it really Ted or was it Bill
11 Taylor; do you remember?

12 A. Well I call Bill, Ted, so Bill Taylor.

13 Q. So it was Bill Taylor, it wasn't Ted?

14 A. Not Ted Farmer.

15 Q. Okay.

16 A. This is just a nickname, I just want to note that.

17 Q. I just wanted to straighten that up for the record, it was Bill Taylor that you
18 talked to?

19 A. Yes, Bill, not Ted Farmer, Bill.

20 MR. TEASTER:

21 Okay. Ernie.

22 BY MR. PAVLOVICH:

23 Q. I just have a few clarifying questions, but before we get into them I just wanted
24 to say based on, Pete, what you've shared with us today, your actions and your
25 recommendations and thought processing, I think that you're a credit to yourself and to

1 this agency.

2 A. Thank you.

3 Q. I would much rather have you on my team than a spelling B champion.

4 A. I thank you for that.

5 Q. I just wanted to say that, but don't short yourself on spelling, because you've
6 got a lot to offer. You had mentioned earlier that you got a lot of specificity about how
7 to report these measurements and about air readings and things of that nature. Did
8 anyone discuss about how to report bumps? Did you get any specificity on that at all?

9 A. No. The main emphasis was the precision on how we were to measure, and if
10 we deviated from that procedure of making the measurements we were called to task.
11 I do know this, that it was said, and I will not put names on the table, but I will tell you
12 it was said that if the people in the command center cannot follow and enter the data
13 into the book exactly as Mr. Stickler wants, they can all find new jobs and he'll find
14 somebody that will put the information exactly how he wants it. That had to do with
15 the measurements. It was not precise the way he wanted them taken, and they would
16 be entered. If not, they would all be replaced. I don't know the proper word to use for
17 it, but that kind of emphasis or mentality or whatever, when you're in a situation like
18 this this kind of stuff puts people scared, and when people are scared nobody will
19 make a decision.

20 Q. You don't want to share who said that?

21 A. No, sir, I would prefer not to, because I was not part of the conversation. I
22 was just in the vicinity when the people were being told that. In other words, I was not
23 a participating party. If I was I wouldn't have an issue, but it was a conversation that I
24 overhead that I was not invited to. I don't mind sharing what I was invited into, but I
25 was not invited to that conversation.

1 Q. Did you overhead Mr. Stickler telling Bill Taylor that?

2 A. I overhead Mr. Stickler say that he wants it done and he wants it done the way
3 he wants it.

4 Q. Or you won't be here? Okay.

5 A. I was eating a meal at that time.

6 MR. PAVLOVICH:

7 So if you can't record it right, you can't stay?

8 A. If you can't verify who all was inside the vehicle, and who was actually doing
9 the speaking, it would be inappropriate for me to try to put a name to it. In other
10 words, I was outside the vehicle on the picnic table, and that conversation was going
11 on inside the vehicle.

12 BY MR. TEASTER:

13 Q. But you were outside?

14 A. Right. It would be inappropriate for me to try to put a name to the person.

15 MR. PAVLOVICH:

16 Did you ever think, Pete, that it was unsafe to continue that
17 operation?

18 A. When we hit the solid face, yes.

19 MR. PAVLOVICH:

20 Did you voice that concern to anybody?

21 A. Yes, I did.

22 MR. PAVLOVICH:

23 Who was that?

24 A. I did talk to the ground control and I'm trying to remember who was all in ---
25 when I also voiced it out there in the recovery vehicle. I think Bill was there and there

1 was some other people, and I don't want to put all the blame on Bill, because Bill he
2 really didn't have much authority other than taking notes and relaying the phone calls.

3 But I know the ground control was there. We were all sitting at the picnic table when I
4 voiced my opinion about the block of coal shifting. If this shift, then we're folding this
5 up. If there's that much pressure to move it, where did all of it go?

6 BY MR. TEASTER:

7 Q. Did you ever get a satisfactory explanation from anybody?

8 A. No, I didn't. Nobody ever set my mind at ease on anything that I ever brought
9 up. I'm a low man at the totem pole, and I felt that I just didn't carry the same clout, so
10 my concerns were not as powerful as somebody else would've been.

11 Q. Did you find it unusual not to have at least a 13 supervisor in charge
12 underground?

13 A. No. Thirteen (13) in every disaster that I've been in, and I've been in a couple
14 of them, it is quite common that the 13s are locked in on the command center.
15 They're the ones relaying the data, making the calls, at least in the previous ones I've
16 been on, and poor Bill I always seem to match up with him. That he was required to
17 be there and make the phone calls and relay the data to Arlington, and they kind of get
18 tied up right there in that capacity, they lock them in.

19 MR. PAVLOVICH:

20 Who was the decision makers --- are you reporting this stuff to
21 Bill? I don't know who Bill was reporting, but who was making decisions as far as you
22 was concerned as far as what to do next, whether to continue on?

23 A. I believe Mr. Stickler was, everything went through him as far as I knew. I
24 know I modified the K order --- well I didn't, but I signed off on it, because I was told to,
25 the 13 wouldn't sign it.

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MR. PAVLOVICH:

Which modification was it?

A. It's the only one with my name on it.

BY MR. TEASTER:

Q. They ordered you to sign it because the 13 said I'm not signing it?

A. The 13 wrote it up, said come over here Pete, and I walked over and he said read this, he said what do you think? Well I don't like this and I don't like that. He said, well what would you do? I said, I'd word it this way. He said, okay. I went back over and sat down, and he said well come over here and look at this. He said, what do you think? I said, sounds pretty good to me. He says, okay, Pete, he said what's your AR number? I said, well it's 2731. He said, okay, printed and said sign in.

Q. Who was this?

A. Neil. They wrote it up, I signed it.

Q. Was he an AR as far as you know?

A. As far as I know he's an AR.

Q. Are you familiar with any prohibition of supervisors signing a K order?

A. I don't know of anything that would prevent them from signing it or a citation.

Q. Do you know why he wanted you to sign it as opposed to him signing it?

A. No. All I know is he told me to sign it and I signed it.

MR. PAVLOVICH:

What kind of reaction did you get when you reported that bad air at that air compressor that was being piped in to the area where the miners were last known to be?

A. Well, when I brought it up they said, well we got this blocked off because of coal, and I told you all of that. When I went outside and told him about it, well did you

1 correct it, yeah, okay. That was ---.

2 BY MR. TEASTER:

3 Q. That was it?

4 A. I never heard about it again.

5 MR. TEASTER:

6 That's all I have. Thank you. Ex. (b)(6) and Ex. (b)(7)(C)

7 UNIDENTIFIED SPEAKER:

8 I guess just a couple clarifying ones. Going back to the date
9 of the 7th that was your first day there. When you went underground did you relieve
10 anybody?

11 A. No sir. As I corrected a little later, I mentioned that. My first task was to map
12 all the ventilation controls and what state they were in, which ones were up and which
13 ones were still down, and to map that belt entry, and that's when I found the
14 compressor.

15 UNIDENTIFIED SPEAKER:

16 When you were describing you being overwhelmed by the five
17 supervisors all telling you something different, what day was that, do you roughly
18 know, was that early on?

19 A. That happened I'm thinking around the 10th or 11th, somewhere in there.

20 UNIDENTIFIED SPEAKER:

21 Then the other thing, you said something about knowing ---
22 having knowledge about miners getting reassigned and somewhere in there I got a
23 sense that there's more than just on the recovery, you actually knew somebody who
24 withdrew before the bump and kind of quit that section or quit the mine?

25 A. The north side. On the north side when they got pushed out of there,

1 according to the miners they told me there was a couple of miners asking to be
2 reassigned when they were on the north side, and then they got pushed out of there.
3 One of the biggest questions that the miners asking me time and time again, is if we
4 got pushed out on the north side why did we turn around and do the exact same thing
5 again on the south side? The conditions didn't change.

6 MR. TEASTER:

7 Miners asked you that?

8 A. Yeah, and I told them I ---.

9 MR. TEASTER:

10 So they were concerned about it?

11 A. Yeah, I told them I didn't have an answer. Again, I suggest falling on dead
12 ears here because as far as I'm concerned I don't understand whatever we're mining
13 in the gob pile. On the first day that I walked in when I come out for better or worse
14 and how much trouble I got into for saying it, it was my opinion as I walked out and I
15 says, who in the hell would ever let somebody mine in a gob pile? That's where we
16 were. Do not think Murray didn't make money during this mine rescue --- or this
17 rescue operation. Do not ever think that man didn't make some money, everything we
18 mined was free coal. Every bit of that was free coal, and it's not dirty coal either,
19 because it's all clean rib.

20 MR. TEASTER:

21 There wasn't much of it though, Pete.

22 A. It was pretty full, yeah, for the amount he was putting out. But I mean all
23 that's going into a pile. I mean, I look at things like this where the chip falls, it falls.

24 MR. TEASTER:

25 Was that all you had, Ex. (b)(6) and Ex. (b)(7)(C)

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UNIDENTIFIED SPEAKER:

Yeah. Okay.

MR. TEASTER:

Ex. (b)(6) and Ex. (b)(7)(C) do you have anything?

UNIDENTIFIED SPEAKER:

I don't have any questions, Pete, I just want to say I agree with Ernie. I think you're a great at MSHA.

A. I try my best for what it's worth.

UNIDENTIFIED SPEAKER:

I know Ernie, Joe, and myself, we're on mine rescue teams, and I want to tell you that it makes us proud to have guys like you on MSHA's mine rescue team.

A. Well, thank you.

UNIDENTIFIED SPEAKER:

So we appreciate what you did.

A. I try my best. And like I said, I get myself in trouble because I just speak up. I do speak my mind. I may never be a 13 or 14 or any of those because I do speak it.

MR. PAVLOVICH:

We could control that.

A. Well. Like I told you, I called on the ventilation plan. I walked into the mine and there's gob there manipulating the pillar face and they're mining away, and they're following the approved plan. I don't know if it's my right or not, I just shut the mine down and make my phone calls and voice my opinion.

UNIDENTIFIED SPEAKER:

You just do what you think is right, and that's the most

1 important thing.

2 MR. TEASTER:

3 So if you can do what you think is right.

4 A. I've done it to San Juan. To the 30 guys there that I'm an asshole. I'm a fair
5 one, but I'm an asshole.

6 MR. TEASTER:

7 Ex. (b)(6) and Ex. (b)(7)(C) from one asshole to another, do you have any
8 questions. I wasn't referring to you, I was referring to myself.

9 UNIDENTIFIED SPEAKER:

10 Comments too I've got, I sure got a lot of good information
11 because some people --- I don't make many notes, but you about wore my ink pen out.
12 Anyway, I got a couple of things. When you said when you run into the solid face, and
13 you thought at that time you didn't really feel safe, do you remember when that was?

14 A. I don't remember the exact date. I do remember one thing, why we weren't
15 moving over to entry Number Two or moving over, why we were going to mine
16 through it, because it's the only thing holding up the roof.

17 UNIDENTIFIED SPEAKER:

18 Was that the first week or the second week?

19 A. I believe we went in on the second week.

20 UNIDENTIFIED SPEAKER:

21 When you told some of the tech support guys and other
22 people about the devise for the lateral protection on the props, do you remember
23 when that was and who exactly it was?

24 A. I believe it was the ground control people I had mentioned it to, and I believe it
25 was during the first week, still there in the first week that I brought this up.

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UNIDENTIFIED SPEAKER:

Pretty early on?

A. Yeah. Like I said, I didn't take notes. Somebody asked me how come I didn't take notes, and I said I didn't know I was on an inspection.

UNIDENTIFIED SPEAKER:

Did you ever bring those up to Raymond? Did you ever tell Raymond he's something they used down at San Juan?

A. No. After my little tantrum about who's in control, things got a little bit better. Only one person would tell me something to do at a time, which made my life a little bit better.

UNIDENTIFIED SPEAKER:

All right. Do you remember who all was there besides the tech support guy?

A. I believe I just brought it up to tech support. Like I said, I'm not going --- it was done at a picnic table outside. So there was several claims that Stickler or Striklin. There was a lot of different times that these people would be there at this table when we were eating at the end of the shift, because the food was there, so we'd get our food and sit at that little table. To be able to say who all was there, Striklin might have been there. Stickler, he didn't much talk to us, except he talked to me about --- well there was a table there, and he called me a pansy too, about four times.

UNIDENTIFIED SPEAKER:

He called you what?

A. Pansy.

UNIDENTIFIED SPEAKER:

Stickler did?

1 A. Yeah.

2 MR. PAVLOVICH:

3 For what? What did he call him? A pansy?

4 A. Yeah, pansy.

5 MR. PAVLOVICH:

6 He called you a pansy?

7 A. Pansy.

8 MR. PAVLOVICH:

9 Stickler did?

10 A. Yeah.

11 MR. PAVLOVICH:

12 For what reason, what occasion?

13 A. Well because when I called in here to take the bottle samples, I come out and
14 I said I wasn't going to crawl in there again without knee pads, and he said back where
15 I come from people who wear kneepads in low coal are called pansies. I said, I guess
16 I'm a pansy then, because I ain't going back in there without kneepads.

17 UNIDENTIFIED SPEAKER:

18 So he was very appreciative what you did at the mines?

19 A. Well I think that was his one --- we only had a couple of moments where he
20 would, as far as interacting with me ---.

21 MR. PAVLOVICH:

22 Relaxed a little bit?

23 A. Relaxed and just, it was like --- it is human, you know. I guess because of the
24 way my nature is and my upbringing in coal mining in the old Italian mines we
25 slammed everybody all day long.

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MR. PAVLOVICH:

You didn't take it as a derogatory comment?

A. No, I took it for what it was ---.

MR. PAVLOVICH:

It was the one time he was more like a normal guy; is that what you're saying?

A. Right. I mean it was like, dam, he is human. Let me put it this way, it was a nice change. It was like the day I was sent in there to do the bottle readings. I was on my way in and they called me from the command center and said they wanted me to do bottle readings, do I have bottles? I said, yes. They said, we need two. I said, I got three bottles with me, and they said do you have enough bottles? I said, yes, I have enough. They said, well are you sure? I said, yes. They said, do you have the thing to put on the end of the bottles. I said, yes, I have it with me. They said, are you sure you have enough bottles? I said, I have three bottles, you want two samples, I've got enough. Then he said, well they want to make sure you have enough. I says, tell him, and I hit the page button, and I said tell him that I have three bottles, I have enough. But just in case I have two bottles of water, if I need more I'll empty the water and fill up the water jugs with air and bring them out with me.

At that point that came over the PA system and everybody in the offices where it had been really solemn, when I came out of the mine, Bodee, come up, the safety director come up and hugged me, he says that was the best thing in the world we could've had over the PA system. He said, because that's the first time anybody's laughed at this mine since it happened, and he says I just want to thank you, and he gave me a big old hug. Those kind of things you get frustrated, I told you I got enough bottles, how many times do you got to ask me? You know, you've asked me ten times

1 and I told you ten times that I can take this sample.

2 MR. PAVLOVICH:

3 Who was you talking to at that time?

4 A. The command trailer, the command center.

5 MR. PAVLOVICH:

6 Was you talking to the trailer or somebody in the trailer?

7 A. Well obviously to the trailer, because the guy that was talking to me on the
8 phone ---.

9 MR. TEASTER:

10 The trailer was listening more than the people were?

11 A. Right. It was those kind of things that would get me frustrated.

12 MR. TEASTER:

13 I can understand.

14 A. You know finally I just pushed the bottom and I said as I loud as I could, well
15 don't worry about it, if I don't have enough air sample bottles I'll drain a couple of
16 water bottles and fill them up and bring them out. Oh, and then right away Larry got
17 on the phone, don't do that, don't do that. I says, I'm not that stupid, leave me alone.
18 It was things like that that would happen that would get you so frustrated. Sometimes
19 you just got to pop off, and I'm not above doing that.

20 MR. PAVLOVICH:

21 Ex. (b)(6) and Ex. (b)(7)(C) do you have anything?

22 UNIDENTIFIED SPEAKER:

23 Have you ever seen anybody use rock props with wire ropes
24 before?

25 A. Yes, I have. And if it's done correctly, they will hold coal, but they won't take a

1 lateral hit. In other words, if you got sloughage you can put the boards or wire ropes
2 with the screened mesh and you can put it up there and as the coal rib slough off it will
3 hold it, and if you allow the coal to build between the ribs and there it will support the
4 rib somewhat, and it does work that way, but it's a sloughage. It's for sloughage.
5 When you have a (makes noise) they're going. The fact that you have wooden
6 wedges. If you take this solid top here like this, this is your roof, okay, it's solid, flat
7 solid and sandstone, and you put a piece of wood here like this and it's a ridge, and
8 you put the rock prop like this, it would be easy to believe that this rock prop would
9 tighten up like this. But if you look at --- whenever you're doing and that's fine if
10 there's something up here for the wood to get into, to wedge into, but when you got a
11 smooth top like this all that's going to happen is this wedge will travel with the prop.
12 Just wait, it's not going to tighten, it's just going to move.

13 UNIDENTIFIED SPEAKER:

14 It's going to slide?

15 A. Right. And if you look at the direction of rock props it tells you roof to floor, it
16 doesn't say roof to crib.

17 UNIDENTIFIED SPEAKER:

18 Okay. You've seen them kick out then before?

19 A. When you put that in there they're going to come out.

20 UNIDENTIFIED SPEAKER:

21 Did you tell this the same time you told about the lateral ---?

22 A. Well I had asked once we started putting them in, why are we putting wedges
23 up, and they said well it will wedge in. Of course, like I said, I never hold my tongue,
24 and I said no, they won't. If a solid piece of coal will slide on this roof top like that,
25 why would you think a wedge would stick?

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UNIDENTIFIED SPEAKER:

Let me ask you something, have you ever seen a roof go up?

We've had people tell us right prior to a bump they'd seen the roof go up and any standing support would be just be standing there by itself. You ever seen that happen?

A. Well yeah, on a bump, yeah.

UNIDENTIFIED SPEAKER:

It would just be standing there loose ---

A. Well it doesn't ---.

UNIDENTIFIED SPEAKER:

--- prior to a bump?

A. On a bump it loads up and then when it relieves it expands and then it collapses on a bump. I mean anybody knows that bump isn't (makes noise) like that, it loads up and then it keeps loading up and what it does it fractures, it relieves and comes in. I mean that's what bumps do, it's a release of pressure. During the moment of a bump all pressure is relieved for that instant. I mean that's the nature of the beast.

UNIDENTIFIED SPEAKER:

Have you ever seen them get loose before a bump, like if the roof was ---?

A. I've seen them where they have to go back and tighten them up after the bump.

UNIDENTIFIED SPEAKER:

But not before?

A. Not before. I've seen them once the bump has occurred you have to go back

1 and reset because they release the pressure and they'll fall over or they won't be tight
2 anymore. You'll go there and you'll see the wood just dangling, you know, they're kind
3 of just dangling, you have to tighten them back up. I've seen that many of times. All
4 pressure gets released off during the bump. I'm not saying, go back up right away,
5 you can have multiple bumps, but it's just the nature of the bump is to release the
6 pressure.

7 UNIDENTIFIED SPEAKER:

8 When you were taking all these exact measurements, who
9 helped you do the measurements? Did you have to take one of the workers and take
10 him away from his job duty? Somebody has to hold our end of the tape and ---?

11 A. We would utilize the foreman to take that measurement or anybody there that
12 was present. Most time we had just a mark on the screen because the tape would
13 hook on it and we could just run down the side rib like.

14 MR. TEASTER:

15 Mostly were you just eyeballing them, Pete?

16 A. No.

17 MR. TEASTER:

18 You were actually taking a precise measurement?

19 A. We would make --- like here would be the spad, we'd and the door over here
20 and hook onto it and then what we did is we would just continue to tie that to the mesh.

21 MR. PAVLOVICH:

22 Did somebody give you like a 100 foot tape or a 200 foot tape
23 to do?

24 A. 200 foot tape.

25 MR. PAVLOVICH:

1 out like that and they said no, you'll give us exact measurements of each.

2 MR. TEASTER:

3 Okay. You couldn't just measure it in from the end of the prop
4 up to the miner and just say 15 plus 132 equal 147?

5 A. Well that's when I called them, they say they'd ran it, and I said it's 147, and
6 they said, no, you'll go back and take the two different measurements.

7 MR. TEASTER:

8 Did it come out different?

9 A. No. Not where I was standing, and not for the five minutes it took me to go
10 back there and do that again, didn't change, because they were putting rock props up.
11 We tried to do this right after the mining cycle, we tried to get our measurements right
12 after the mess, so when they were putting props up we went and took these two
13 measurements. Which unfortunately to me was not as accurate as my eye, because
14 of the fact that well we would shove the machine up to get it out of the way to do the
15 prop work, so we were kind of twisting and shoving the machine in there as far as we
16 could get. So it would not be actually what we had mined versus where we could get
17 the machine twisted to get it out of our way. So I always felt that 132 plus 15 feet to
18 the miner was close enough.

19 MR. TEASTER:

20 Wasn't really that critical, was it?

21 A. I'm not sure that ---.

22 MR. TEASTER:

23 You still have far away from the men?

24 A. Yeah, I'm still not sure, and again it's like --- well I did say this one time, in
25 order for me to get this measurement at the miner I've got to go past the last rock

1 prop.

2 MR. TEASTER:

3 Okay. That's right. Which was not safe for you; right?

4 A. Go back to my original statement, I can't open a citation just because I fell
5 through. If I won't let the miner ---.

6 MR. TEASTER:

7 You wouldn't let miners go in by the last rock prop to set one,
8 but you were having to go up there to measure to the miner?

9 A. Right.

10 MR. TEASTER:

11 That was okay? I thought they had more inspectors?

12 A. Well I understand you guys can hire more.

13 MR. TEASTER:

14 You can bring them in from all over.

15 A. That's what they can tell me, that they can train another one.

16 MR. PAVLOVICH:

17 Well they had a specific rule that no one was to go in by the
18 last rock prop?

19 A. That's right.

20 MR. PAVLOVICH:

21 But yet you was required to go in by it to get that
22 measurement?

23 A. That's right.

24 MR. PAVLOVICH:

25 You had to physically touch that with that end of the

1 measuring tape?

2 A. That's right.

3 MR. PAVLOVICH:

4 You got anymore questions, Ex. (b)(6) and Ex. (b)(7)(C)

5 UNIDENTIFIED SPEAKER:

6 Yeah. Sorry about that.

7 MR. TEASTER:

8 No, you do what you want, I already introduced you. When
9 you went to the diesel generator it was curtailed off, do you remain what CO readings,
10 compressor, I mean, CO readings you were getting, you said the alarm was sounding?
11 Do you have any idea about ---?

12 A. Yeah, let's see if I remember that, it was like 68 parts or 78 --- 60 or 70
13 somewhere in there, it was high. I mean I just kind of --- said, well we got trouble boy,
14 in other words, I felt that I needed to deal with the situation at hand and then I had a
15 conversation with the guy that was staying there checking the oil, maintaining the
16 compressor, and explained to him why this was wrong, and had a conversation with
17 him about it and why it would not be repeated.

18 UNIDENTIFIED SPEAKER:

19 Did he have any detection ---?

20 A. Just there. His job was to check the oil.

21 UNIDENTIFIED SPEAKER:

22 The other thing that kind of made me curious when you
23 activate it and you were called to respond to this emergency and you went to the field
24 office, I was kind of wondering what paperwork was so important that they made you
25 do?

1 A. It was the inspection and my --- well what do you call that, timesheet from the
2 previous week. I hadn't done an upload to download, I needed to finish my paperwork
3 from the week before of the inspection and I hadn't turned it in. So I hadn't finished
4 my because of the way I had worked the week before I had carryover of paperwork
5 that hadn't been filled out and turned in.

6 MR. TEASTER:

7 So what you're telling me, Pete, is someone called you and
8 said we got a mine emergency, we've got six people trapped, and to get over here as
9 quick as you can, and you got to your field office and they said, wait a minute before
10 you can leave you got to fill out your paperwork and enter your activities from last
11 week into the computer so that we can get that straightened out, and then you can go
12 help try and rescue six men?

13 A. And don't forget your upload and download, get that done.

14 MR. PAVLOVICH:

15 How much did that delay you, a couple hours?

16 A. Oh, easy.

17 MR. PAVLOVICH:

18 Three hours?

19 A. I'd say about a four hour delay on my part.

20 MR. PAVLOVICH:

21 Four hour delay. Miners could just wait 'til you get your
22 paperwork done?

23 A. They weren't going nowhere.

24 MR. PAVLOVICH:

25 Well that's true.

1 A. Repeatedly I said, I do have a mine emergency there, there's people there.
2 I'm part of the team, I really need to go. I just said, you know what ---.

3 MR. TEASTER:

4 The upload and download was more important?

5 A. I finally just said, when you guys get through with everything I need to do or
6 you feel I need to do, you let me know if it's okay to take off and I'll take off. I'm not
7 saying that I didn't cop a couple of attitudes during this whole process. I mean I
8 actually blew a \$4,000 engine trying to get there faster, so I could get my stuff and get
9 going, a cost to me.

10 MR. PAVLOVICH:

11 But then you could sit here and do your upload and download
12 before you, because that's more important than those six guys?

13 A. Uh-huh (yes). I had a feeling you guys weren't going to like what I had to say.

14 MR. PAVLOVICH:

15 Well it's not what we like or don't like, we want the truth. We
16 want the truth.

17 A. Yeah, I mean you guys are hearing everything that happened. But there are
18 things, you're going to be standing in the wrong place, wrong time, kind of hear, what,
19 see, do, and mainly because, like I said, I voice my opinion and I'm a strong willed
20 guy. If I don't like something I voice it and then I get the wrath of my voicing it, but
21 yeah, the same thing here, I didn't like things that I said. I felt that pressure was about
22 to bear, me making certain decisions I don't think should've been me, but hey I'll live
23 with it, I have no choice. I sit here at night especially after I lost my friend Gibbs and
24 I'll be the first person to admit the next day when I was at the mine I was just --- water
25 was flowing because I felt in my mind that if I would've called it, they put that in my

1 plate, if I would've made the call to shut it down would he still be alive, you know,
2 that's a hell of a burden to bear.

3 MR. PAVLOVICH:

4 Yes, it is.

5 A. So it's taken me a while to come to terms with it. They brought in counselors
6 to talk to us and told me to go ahead and go home. So they brought the counselors in
7 to talk to the people that weren't at the mine rescue.

8 MR. PAVLOVICH:

9 So they brought counselors but they told you to go home
10 before they got there, so you didn't get to talk to them, the guys that ---

11 A. Weren't there.

12 MR. PAVLOVICH:

13 --- didn't apply were talked to?

14 A. Right, and the field office people.

15 MR. PAVLOVICH:

16 You never got a counselor?

17 A. No, I was told to go home. I was told that I could stay to go to Gibb's funeral.

18 **Ex. (b)(6) and Ex. (b)(7)(C)** could drive me a suit out here to Price,
19 because unfortunately the way the news media did it as far as the people in Trinidad
20 was concerned it was me that got killed, and they were all calling her, because they
21 said mine rescue personnel went underground and he's been fatally injured. Well
22 guess who they showed going underground?

23 MR. PAVLOVICH:

24 You.

25 A. That's right. So everybody in Trinidad was calling **Ex. (b)(6) and Ex. (b)(7)(C)** and telling her how

1 So that was to keep him from having drive 80 miles back and
2 forth and work 12 hours or whatever?

3 A. Yeah, work 12 hours and then having to drive 80 miles to go back home, not
4 right, and so I do realize it, we create our own circumstances but, you know,
5 sometimes hey we do what we do to keep harmony in our family, and keep from
6 moving our kids around. So I told him, it's his for as long as he needs it.

7 MR. PAVLOVICH:

8 Ex. (b)(6) and Ex. (b)(7)(C) you got any?

9 A. Cool. No wonder I didn't have my phone.

10 MR. PAVLOVICH:

11 You're in trouble. What was Debbie doing answering your
12 phone?

13 A. It doesn't matter, Ex. (b)(6) and Ex. (b)(7)(C)

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

15 MR. PAVLOVICH:

16 Did they let you go to the funeral, stay long enough or did they
17 send you back?

18 A. Well, they said I could. But the day before the funeral I had to drive all the
19 way back to Aztec, and then I could drive that next morning back out here for the
20 funeral.

21 MR. PAVLOVICH:

22 What, they didn't let you stay?

23 A. No.

24 MR. PAVLOVICH:

25 Told you to go back to Aztec the day before the funeral, but

1 you can drive back if you want to?

2 A. One more day, it wouldn't hurt nothing.

3 MR. PAVLOVICH:

4 They were still drilling holes, weren't they?

5 A. They were stilling drilling holes, there was still things that I could've done.

6 MR. PAVLOVICH:

7 Were they still pulling equipment out? Was I aware that
8 Kevin had told you he could use you?

9 A. I told him. And he just told me it wouldn't look right. I mean like I tried to tell
10 them, that's my friend, that's the guy that's on my rescue team, he's part of my team.
11 I said, you can't do this to me. The next day, because Striklin knew I was out there
12 and I was sitting outside and when everything caught up to me and I was pretty broken
13 up, and he said, you want to go back to the motel. I says, you know what if I go to the
14 motel it's going to hit me twice as hard, at least here I've got friends or at least people
15 I work with. I says, I've got some support here, at the motel I won't have nothing. I
16 says, I'll get destroyed in the motel. He said, you just sit there, and this is on the 17th,
17 he said sit there or whatever, he says, and I talked to him at that time, he says you're
18 going to need to go to the funeral. I said, yes, sir ---.

19 MR. PAVLOVICH:

20 Who said this, Kevin Stickler?

21 A. Uh-huh (yes). I said, yes sir. He says, well you just do whatever you find
22 something to do, show up whatever, do work here, and then after the funeral go back.

23 MR. PAVLOVICH:

24 Ex. (b)(6) and Ex. (b)(7)(C) and
25 then Al told you to get back?

1 A. [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C)

2 [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C)

3 [REDACTED] Ex. (b)(6) and Ex. (b)(7)(C) I said, again ---.

4 MR. PAVLOVICH:

5 Are you still a member of the rescue team?

6 A. Yes, I am. A lot of the others have quit, but I don't do it for MSHA, I do it for
7 the miners. The reason I'm on the mine rescue competition and do that, it's not for
8 MSHA, I do it for the miners because of my love for the coal mining and the industry
9 in itself, that's what I do it for.

10 MR. TEASTER:

11 Pete, I don't think we have anymore questions for you. We
12 certainly appreciate ---.

13 A. You know this is my vacation, you know this?

14 MR. TEASTER:

15 It's not a vacation, but we appreciate you talking to us and we
16 appreciate you ---.

17 A. No, I am on vacation.

18 MR. TEASTER:

19 Oh, you actually on vacation?

20 A. Yeah, this is in the middle of my vacation I drove out here.

21 MR. TEASTER:

22 Oh, I'm sorry, I thought you meant you were calling this a
23 vacation.

24 A. No, no, no, no, no, I'm on vacation. I cut off my vacation to come here.

25 MR. TEASTER:

1 We appreciate that much more. Okay.

2 A. Well I know it's important.

3 MR. TEASTER:

4 Thank you for your sincerity, for your honesty, for your
5 answering all of our questions as freely as you can, we certainly sympathize with you
6 on losing a friend. I mean I know Gibb too, not as well as you, but I knew him from
7 years ago when I was out here and he was the captain at SUFCO and certainly was a
8 fine man.

9 A. Yes, he is.

10 MR. TEASTER:

11 I appreciate everything you tried to do. I know the rest of the
12 team has also expressed that, but once again we appreciate what you did.

13 A. I do thank you.

14 MR. TEASTER:

15 What you try and do, and I think you're a fine man and you're
16 certainly a credit to our mine rescue effort and our inspection effort, and I'd be proud
17 to have you work for me and I think everybody in this room would be proud to have
18 you. Thank you very much, we appreciate it. You take care of yourself and enjoy the
19 rest of your vacation.

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