

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
RONALD HIXSON

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
JANUARY 7, 2007

1 BY MR. PAVLOVICH:

2 Q. How are you doing?

3 A. All right. How are you doing?

4 Q. Good, good. Well, Ron, just to kind of introduce --- how we got started on
5 this, I think you probably know everybody that's in here, but you know, when this
6 accident occurred at Crandall Canyon, you know MSHA's always done internal
7 reviews in the past of accidents. And because Mr. Stickler and Kevin Stricklin were
8 heavily involved in the rescue operation here at Crandall Canyon prior to the second
9 accident, the Secretary felt like it probably wasn't appropriate to pick an internal
10 review team headed up by people that worked directly for that. So they contacted us
11 from the Secretary's office about Ernie and I heading this up since we were retired and
12 we no longer had any affiliation with MSHA. And we agreed to do that. Ernie's been
13 gone from MSHA about five years, me about three years. And you know our history
14 and our background. We've known you for a long time so we don't need to get into
15 that.

16 We agreed to take this on and we asked for assistance of these people that
17 are with us here for their expertise and knowledge, and background, ability to help us
18 do this, because the two of us couldn't certainly do it ourselves. So having said all
19 that, we agreed to take it on and our intent is to, after we finish our interviews and
20 everything, to write a report. We'll present that to the Secretary's office. And then
21 she'll do with it what she will. And so it'll be somewhat significant and different, I
22 guess, than the normal internal reviews that are done.

23 I have just a brief statement here to read the opening. Ron, what we're doing
24 is we're taping these interviews, if that's okay with you, so that we can reference, as
25 we write our report, if there's some discussion about what somebody said, we can go

1 back and look that up. So is that okay?

2 A. That's fine.

3 Q. Okay. Now, the Secretary of Labor has assigned this group the task of
4 evaluating MSHA's performance during the period preceding the August 6, 2007 coal
5 bounce at the Crandall Canyon Mine and the subsequent rescue effort. We will also
6 be evaluating issues that were raised during this time period regarding Bob Murray
7 and his interaction with MSHA. This is not an investigation and review of any
8 individual person. It is an administrative review of MSHA's actions as an agency. This
9 evaluation will be presented to the Secretary in the near future. And it is intended that
10 the results of the evaluation will be made public. This interview is being conducted to
11 gather information for this assignment. So that we may obtain unbiased information
12 from all persons to be interviewed, we ask that you not discuss this interview with
13 anyone until all the interviews have been completed; okay?

14 A. Okay.

15 Q. You are a bargaining unit person?

16 A. Yes.

17 Q. And you are entitled to a representative if you want one. You've elected not
18 to.

19 A. I don't. I don't need one.

20 Q. Okay. Do you have any questions, Ron, before we start?

21 A. No.

22 Q. Okay. Can you state your full name for me, please?

23 A. Ronald E. Hixson.

24 Q. Okay. And what is your position with MSHA right now, Ron?

25 A. I'm a ventilation specialist working in Hunker District Two office.

- 1 Q. Okay. And how long have you been a ventilation specialist now?
- 2 A. Since 1993, a ventilation specialist. Since 2003, in the district.
- 3 Q. Okay. Prior to '93, what was your position with MSHA?
- 4 A. I was at CMI working out of Rough Creek.
- 5 Q. Okay. And when did you start your career as a CMI with MSHA?
- 6 A. 1987, March of 1987.
- 7 Q. And that was when you initially started with MSHA; is that true?
- 8 A. Yes.
- 9 Q. Okay. Who is your present supervisor?
- 10 A. Denny Swintoski (phonetic).
- 11 Q. Okay. And you are a member of the MSHA MEU team?
- 12 A. Yes.
- 13 Q. Okay. And so that is how you were involved in the Crandall Canyon accident?
- 14 A. Yes.
- 15 Q. Okay. How were you first notified of the accident at Crandall Canyon?
- 16 A. We were having mine rescue practice at Brewston, and we were getting ready
- 17 to wear the apparatus in the experimental mine. And they told us to hold up, that they
- 18 had something going on. And they weren't sure whether we were going to go or what
- 19 was going to happen yet, so they told us to wait.
- 20 Q. Okay. And who was that that told you to wait? Was it --- was your supervisor
- 21 on the team? Who was the supervisor on the team?
- 22 A. It was pretty much Virgil Brown.
- 23 Q. Virgil Brown?
- 24 A. You know, it was through Virgil, who was talking to Jeff Kravitz (phonetic) ---.
- 25 Q. Okay.

1 A. So it was somewhere in that vicinity.

2 Q. Okay. And was that sometime Monday morning on the 6th ---

3 A. Yes.

4 Q. --- of August?

5 A. Yes.

6 Q. Okay. When did they tell you that you did need to respond to the accident?

7 A. I don't remember, exactly. It was around 10:00 or 10:30, because they had
8 our flights arranged, and I had enough time to go home and pack a suitcase and get
9 back down to the Pittsburgh airport, to fly out.

10 Q. Okay. Okay, so you flew out on the 6th?

11 A. Yes.

12 Q. All right. And when did you get to Price, Utah?

13 A. It was pretty close to midnight. I'm not sure whether it was midnight our time,
14 or midnight their time. I don't know where I had set my watch.

15 Q. Okay.

16 A. But it was pretty close to midnight.

17 Q. On the 6th?

18 A. Yes.

19 Q. Okay. When did you first report to the mine, Ron? Did you go out that night
20 when you got there? Did you check in the hotel? Did you go to the mine the next
21 morning, or ---

22 A. Well, we checked in at the motel, because we didn't know how to get to the
23 mine ---

24 Q. Okay.

25 A. --- so we checked in at the motel first. We got our gear around, and we were

1 getting things straightened up. Virgil had the mini-seismic with him, and airport
2 security kind of tore that thing all apart. So we put it back together and got it working
3 again. And we were ready to go back out, I --- and for some reason, I think we did go
4 out that night. I can't remember if we went out that night or first thing in the morning.

5 Q. Okay. So you don't remember if it was that night or first thing in the morning
6 you responded?

7 A. No, I was put on the midnight shift. And I think that we went out in the
8 morning. We went out that morning.

9 Q. Okay.

10 A. They showed us a way to the mine and everything.

11 Q. Okay. When you got to the mine on your first day, what as your assignment,
12 Ron?

13 A. Well, when we go out on a mine rescue event, there's usually three of us on a
14 shift.

15 Q. Okay.

16 A. One guy usually stays on the surface. He handles the surface duties. He'll
17 deal with apparatuses and take care of them, make sure they're ready to go, whatever.
18 If we're wearing the apparatus, or whatever they do. When they come out, we'll make
19 sure they're cleaned, and turned around, ready to go. One guy will usually go in and
20 explore with the team, one guy back up. This was a little bit different, because we
21 weren't wearing --- we didn't take the apparatuses with us, so one guy stayed outside
22 and basically monitored in the command center and would do anything that needed to
23 be done as far as getting detectors ready, or doing anything for the next shift coming
24 on. Two guys went underground. The two guys that went underground would --- one
25 of them would go up near the monitor and observe what was going on there according

1 to whatever plan we were under at that time, and one guy would usually stay back and
2 take care of readings across the entries at 119.

3 Q. Okay. So even on your first shift, that was what was going on is one guy
4 would be observing the miner operating and the conditions? The other was taking air
5 readings? And the third guy was outside?

6 A. In some form. In some form, because when we first got there, everything was
7 relatively close. So, you know, we could have both guys up at the miner, and then
8 whenever it comes time to take the readings, one would split off and go back and take
9 the readings. Sometimes we both went back and took the readings.

10 Q. Okay.

11 A. Depending on what was going on. But then, as it got stretched out, as we
12 were near 125 and on in, it become too cumbersome to walk that far all the time.
13 Because they were wanting readings every hour, so we were leaving one guy at 119.
14 He would take the air readings across the intakes and the returns, the beltline, and
15 then the other guy would stay up in the miner. Maybe two hours later, we'd switch off,
16 you know ---

17 Q. Okay.

18 A. --- he would come back, I would go up, or whoever was under at that time.

19 Q. Okay. How many days did you stay there at Crandall Canyon?

20 A. I was there full time. I was there 'til after Gary's ---

21 Q. Okay, after the ---

22 A. --- funeral.

23 Q. --- accident on the 16th, you were still there?

24 A. Yes.

25 Q. When the accident on the 16th occurred?

- 1 A. Yes.
- 2 Q. Okay. When you got to the mine, did you get some kind of a briefing in the
3 command center or by someone? A. formal briefing of here's what we're going to do
4 today, here's what the task is, here's the job?
- 5 A. You mean daily ---
- 6 Q. Yeah.
- 7 A. --- or the first day there?
- 8 Q. Both.
- 9 A. Well, yeah, we were briefed.
- 10 Q. Usually by who?
- 11 A. I was trying to think of who our shift supervisor was, and I can't remember who
12 --- what his name was. He was from out that area, but he wasn't from ---.
- 13 Q. Bill Taylor? Ted Farmer?
- 14 A. No.
- 15 Q. Don Gibson?
- 16 A. Don Gibson.
- 17 Q. Don Gibson, okay.
- 18 A. Don was usually in charge of us. And he usually had a copy of the plan for us
19 or whatever we were doing. He would tell us any changes in the plan, what we were
20 doing. You know, whether there was something new or something added.
- 21 Q. Okay.
- 22 A. So he'd pretty much tell us ---
- 23 Q. You'd kind of get together as a group and do that ---
- 24 A. --- what was expected ---.
- 25 Q. --- in the command center, or ---.

1 A. Pretty much. I mean sometimes it would be just like the lead guy who was
2 going to stay outside. He would get it, and he'd let the guys know, as they got dressed
3 and got their lights, and got checked in and everything.

4 Q. Okay.

5 A. But wasn't --- it wasn't a formal briefing like we do in a mine rescue, where we
6 would be with the captain of the mine rescue team.

7 Q. Okay.

8 A. I mean we weren't briefed like that. We were usually briefed just as MSHA, or
9 ---.

10 Q. Okay. So basically, Don Gibson then, you assumed, is the one that was really
11 assigning your duties on a day by day? Although, they didn't change a whole lot after
12 the first couple days; right?

13 A. No.

14 Q. Okay.

15 A. There was different things in the plan come up, like, you know, like how often
16 they wanted the air readings, or where they wanted us to take them, or something like
17 that. And he would just inform us of the change or anything that was going on.

18 Q. Okay. How about when you came outside? Were you debriefed similar than
19 you would be in mine rescue exercise?

20 A. No, I don't think we were really debriefed.

21 Q. No, I mean, they didn't sit down and say tell us what happened. How many
22 bumps did you see? What kind of concerns did you have? Was there ---?

23 A. See, typically, like before with the rescue team, I mean we have a lot more
24 information. But we really didn't have a lot of information coming back outside. If we
25 have a bump while we were underground, we called it out right away.

1 Q. Okay.

2 A. We took the air measurements across a section, you know, they were phoning
3 those to somebody, I'm going to say Arlington.

4 Q. Okay.

5 A. But they were phoning those air readings all the time, so they wanted them
6 called out every hour, so ---

7 Q. Every hour, okay.

8 A. --- all the information that we were gathering, you know, we would be sending
9 out.

10 Q. Okay.

11 A. The need for debriefing wasn't as great, I don't think so. It wasn't as great at
12 that point.

13 Q. Okay.

14 A. Now, if something peculiar happened, if you saw something, you know, like
15 the roof working somewhere or something that you were concerned about --- I mean
16 guys went up in the truck and would tell Don, or tell whoever was there.

17 Q. Okay.

18 A. Our relief.

19 Q. Okay. What kind of experience do you have with bumps, Ron?

20 A. Up until the time I went to Crandall Canyon, none.

21 Q. Okay. So you'd never been in a bump before?

22 A. No.

23 Q. Never seen a bump?

24 A. No.

25 Q. Never investigated a ---.

1 A. Well, I take it back. I mean I was at Willow Creek. And when we were at
2 Willow Creek, I can't say I was underground when we had any, but they --- we had to
3 make an exam up on, I think it was the D-2 section at Willow Creek. And I went up
4 there, and they showed me where they had a bump, and how it had blown the rib out,
5 and how they had set cribs in it and everything.

6 Q. Okay.

7 A. But I didn't see it, wasn't there when it happened. You know, I just know that it
8 happened.

9 Q. Okay.

10 A. But other than that ---.

11 Q. You've heard of them, that's about it?

12 A. Yes.

13 Q. And seen the results of that one?

14 A. Yes.

15 Q. Okay. So really, any bumps that occurred here, you learned what the bump
16 was from being in here?

17 A. Yes.

18 Q. Okay. In your opinion, and you've been around a lot of mine rescue efforts,
19 how was this command center organized?

20 A. Well, the command center, like, from what I observed and what I saw was ---
21 there was not the joint effort as far as them being right in with the company or
22 anything like that. I think a lot of that has to do with not wearing the apparatus and not
23 being under where we're exploring like that. I mean we were actually pretty much
24 mining coal. We were mining the loose material, trying to make that advance.

25 Q. Uh-huh (yes).

1 A. I know they had gone over there at times and talked to them. Whether that
2 was all the information they needed, or whatever. But it didn't work like a command
3 center where the union and the company, the MSHA, everybody's in the same room
4 and you're ---.

5 Q. Making decisions?

6 A. Yes.

7 Q. Okay.

8 A. Now, I'm not saying they didn't do that, but I'm saying that I didn't see it
9 happening like that all the time.

10 Q. Okay.

11 A. They weren't doing that consistently.

12 Q. Were there clear lines of authority, as far as who was in charge, and who was
13 basically running the operation in your opinion?

14 A. Clear lines of authority. Well, I would have to say I think the company was
15 running the operation. I think we were observing, and we were reporting anything that
16 was questionable, or anything that was going on that we needed to bring out. As long
17 as we were complying with the plan, or following the plan that was developed by
18 everybody. I mean it had all the signatures on it that, you know --- .

19 Q. Uh-huh (yes).

20 A. I don't want to say Mr. Davis, but, you know, whoever would have been in
21 charge of that shift had signed off on the plans, or whoever was doing it. But as long
22 as those were going, I mean we kept an eye on them as far as following the plans and
23 stuff.

24 Q. Okay. So when you first got there, did you feel like Al Davis was in charge of
25 the operation? He was the district manager and ---.

1 A. I think if there was anything that was complicated, or anything that needed his
2 authorization, that it was phoned to him. And I don't know whether he would, you
3 know, give them an answer, or whatever. But then it'd come back. And through Don,
4 you know, we knew what we were supposed to do.

5 Q. Okay.

6 A. I felt like Don might have possibly made the routine, or whatever you want to
7 say, ordinary thing decisions. But then, if it went beyond what he thought was
8 required, he would call ---

9 Q. Okay.

10 A. --- Mr. Davis.

11 Q. Was Bob Cornett in there too?

12 A. Bob worked the other shift, so ---

13 Q. Oh, he was on the other shift? Okay.

14 A. --- I saw Bob a little bit, but I --- not --- I didn't really work for him unless he
15 stayed over, or unless somebody was late or something like that.

16 Q. So it was Don Gibson pretty much in there on the night shift. He was the lead
17 person?

18 A. Don was the lead person, and then there was some --- help me out --- Tommy
19 Hooker?

20 Q. Tommy Hooker, maybe?

21 A. Tommy Hooker, yeah.

22 Q. Tommy Hooker; okay.

23 A. Tommy Hooker was there for a good portion of it, then he --- I think the last
24 week, he might have gone back somewhere.

25 Q. Okay. And that's when maybe Kuzar (phonetic) or somebody came out?

- 1 A. I don't remember ---
- 2 Q. Okay.
- 3 A. --- Kuzar being on midnight shift.
- 4 Q. No? Okay. All right.
- 5 A. I don't --- he, I think, yeah, he showed up on the property, but I don't
- 6 remember him being on midnight shift ---
- 7 Q. No.
- 8 A. --- like a supervisor. I think Gibson was pretty much handling things ---
- 9 Q. Okay.
- 10 A. --- from our shift then.
- 11 Q. Okay. How about when the headquarters' people, Ron, when Kevin and Mr.
- 12 Stickler arrived, did they pretty much assume control then? Were they in charge of
- 13 the rescue operation?
- 14 A. I would say, yes.
- 15 Q. Okay.
- 16 A. They were --- when they were on property, they were in the vehicle in
- 17 Norwood or the Blue Goose command center vehicle. And you know that's not a big
- 18 truck. So, you know, basically, when we come out of the mine or did anything, we'd
- 19 go to our equipment. We'd get our equipment ready to go, or you know, make sure
- 20 our detectors were on charge, or whatever we were doing. And we kind of stayed out
- 21 of the truck until we were asked to come in and do anything really.
- 22 Q. Okay.
- 23 A. But yet, when Kevin and Mr. Stickler were there, they pretty much ---.
- 24 Q. You assumed they were the head ---
- 25 A. Yes.

1 Q. --- person?

2 A. Yes.

3 Q. How did the interaction with your team from the east and the team from the
4 west --- how did that work out? Did you know any of those guys?

5 A. I know Randy Gunderson ---

6 Q. Okay.

7 A. --- from Willow Creek.

8 Q. Yeah.

9 A. From being on the mine rescue team. Randy was --- he was employed at
10 Willow Creek for --- I don't know if that was Foundation Coal at the time, or who that
11 was. That was at Cyprus Emerald, or ---

12 Q. Okay.

13 A. --- so I knew him through that.

14 Q. Okay.

15 A. I knew ---.

16 Q. You all never had worked together or practiced together or anything like that?

17 A. No.

18 Q. Okay.

19 A. No, there was no joint practices.

20 Q. How did --- was there interaction? You know, who was --- I know Larry Ramey
21 is the supervisor of that team?

22 A. Yes.

23 Q. And Virgil? How did they interact, as far as coordinating their team efforts; do
24 you know?

25 A. Not really.

- 1 Q. Okay.
- 2 A. Being on midnight shift ---
- 3 Q. Okay.
- 4 A. --- you know, I was kind of working out of that.
- 5 Q. So you were on midnight shift, and who was your two team members you
- 6 worked with?
- 7 A. Let me think here a minute.
- 8 Q. Were they guys from the east or from the west?
- 9 A. Randy Gunderson.
- 10 Q. Okay. So Randy was ---
- 11 A. Randy was ---
- 12 Q. --- so they intermixed a little bit?
- 13 A. Oh, yeah.
- 14 Q. Okay.
- 15 A. We had guys from the west on all three shifts.
- 16 Q. Okay.
- 17 A. Randy Gunderson was with me and Mike Schumway was with me. I was
- 18 trying to think whether Mike was with me the whole time, or whether he had changed
- 19 out once. But I'm --- Mike was with me the most of the time.
- 20 Q. Okay. And Mike's from District Four?
- 21 A. Yes.
- 22 Q. Okay. So Randy would have been the one that really had the experience in
- 23 the west with bumps and other things on your crew?
- 24 A. Yes.
- 25 Q. Okay.

1 A. And then, what they did out there was, you know, we were getting the bumps
2 underground, when we were underground, major, minor. I mean to me, they were ---
3 they weren't --- although they would make me nervous, but I mean, they didn't --- they
4 weren't major bumps. And at some point in time, along the course of what we were
5 doing, they decided to bring in one of the inspectors out of the Price Field office to be
6 underground also, so that they --- the plans, and we --- they knew a little bit about the
7 characteristics of the mine and what was going on with it.

8 Q. Okay.

9 A. So they did bring us in a person from Price that was more familiar with the ---.

10 Q. An inspector type?

11 A. Yes, sir.

12 Q. Okay. And then how was that interaction with you guys? I mean how did that
13 work out?

14 A. Well, he knew the plans. And he knew what was going on. And he usually
15 would follow the miner and what was going on mostly up at the face. I'm not sure,
16 exactly, how it went, but tech support come in and did some work at the face, and
17 decided that there was a break in the roof and that we needed longer roof bolts. And
18 during the course of that, you know, I started asking questions. I don't know the roof
19 control plan out there. So I started asking questions whether they torqued their resin
20 bolts, whether they had to see a show of resin, you know, what was going on. Didn't
21 really get a satisfactory answer, and you know, they were telling me that they torqued
22 them to a certain degree. They didn't have to have a show of resin. But I basically
23 started asking questions that went up to the miner or to the bolter and asked them if
24 they were getting a show of resin. They weren't getting a show of resin. So I asked
25 them if they were torquing their bolts. And they weren't torquing their bolts. They

1 didn't have a torque wrench that worked. So we kind of --- I don't want to say shut
2 them down, but we told them that they had to make the mine roof safe where we were
3 working. And they had to either torque the bolts, or have a show of resin. Well, that's
4 whenever they kind of got the field office guys in that were familiar with their vent
5 plans and their roof control plans and what was going on.

6 Q. So it wasn't brought in necessarily to ---.

7 A. It was for the bumps too, because ---.

8 Q. For the bumps too? Okay.

9 A. Yeah, it was for the bumps, too, for what was going on.

10 Q. Okay. What kind of work --- outby work was being done while you guys were
11 working up at the face? Did you ever get involved in any of that, or know what was
12 happening in there?

13 A. 119 was the fresh air base, pretty much.

14 Q. Okay.

15 A. What we're calling the fresh air base. Outby 119, you know, when they come
16 in, we were having, like, mini-bumps, or whatever you want to call them, outby. And
17 there was some concern what was going on out there. Basically, the dew jacks or the
18 rock props and the cables and everything like that was basically started at 119 inby.
19 And they decided that it would be a good idea to shore up those outby areas. So what
20 they were doing is they were setting rock props. They were cleaning up. They were
21 making sure that they had supply holes to get other material in. The fact that we had
22 one entry going up through there was a problem. You know, if we had had two entries
23 going up through there, we'd have had a lot more room to store stuff and to put stuff,
24 where ---

25 Q. Uh-huh (yes).

1 A. --- we were using a lot of entries' outby to put stuff.

2 Q. Okay.

3 A. I know we had a couple crosscuts --- I mean I could be off an entry, or
4 whatever, or a crosscut. But, like, at 115, where we had wedges in the roof, where
5 there was cracks and stuff, where we were watching the roof to see if it was working,
6 of if it was doing anything ---

7 Q. Okay.

8 A. --- and so there was work going outby ---.

9 Q. So there was quite a few people in the mine doing a lot of work?

10 A. Yes.

11 Q. Okay. How did they have the check in, check out system, Ron? We've got a
12 --- I guess a log, from a book that was at the portal that people were signing. But how
13 did they go about using that; do you know? Was there an MSHA person there?

14 A. Let me think. I don't remember an MSHA person being there.

15 Q. Okay.

16 A. We went to --- typically, when we go there to work that day ---

17 Q. Okay.

18 A. --- we would get our light, get our spotter, get our belt, get everything on, and
19 we went up into the --- I don't know where they call it, the CO room or the command
20 center, and we told them who was going in.

21 Q. Conspec room, maybe?

22 A. Conspec room, yeah. And they kept track of who was going in. And we did
23 the same thing when we come out. We would go up there and tell them, you know,
24 that we were out of the mine. The sign in/sign out sheet, you know, there's times we
25 didn't even go in, you know, the truck driver, whoever was on the truck would go in

1 and he would sign the five guys in. He would take all of our names and he would go in
2 and he would sign that sheet saying that we were in or out of the mine.

3 Q. So this is the one at the portal?

4 A. That's the one that was in the bath house.

5 Q. Oh, in the bath house? Inside the --- it's actually inside the mine, I guess;
6 right?

7 A. Yes.

8 Q. Okay. So that's where it was --- you'd go in the bath house and somebody
9 would just sign in names?

10 A. Yes, 'cause see, a lot of times, we didn't even go in the bath house. You
11 know, we would just stay in the truck ---

12 Q. Stay in the truck ---.

13 A. --- whatever ride we had, and ---.

14 Q. Okay. Did you have a hard time getting rides?

15 A. Not in the mine. Sometimes coming out of the mine.

16 Q. Okay. You could get in ---.

17 A. But they worked pretty good with us, though. You know, if we told them we
18 had to stay in, or that we were going to be late, or you know, that we had to go get air
19 readings, or something like that, for the most part, I thought they worked pretty good
20 with us.

21 Q. So you didn't just have to hunt a ride somewhere when it was time?

22 A. I don't want to say that all the time, but, you know, for the most part, if we told
23 them what was going on, that we were going to be a little bit later or something --- if
24 we followed our shifts good, which was sometimes difficult to do, but it, like, if you ---
25 we usually like to leave the guy at the face until he was relieved, until the guy that was

1 relieving him went up. Sometimes the guy bringing us in --- he'd have to go out for
2 parts, or something like that. So there may have been a little delay like that ---

3 Q. Okay.

4 A. --- but we usually, basically, knew what was going on and where.

5 Q. So would you guys try and hot seat it on the face? I mean wait 'til the other
6 guys came in before you went out?

7 A. Depending on what was going on.

8 Q. Okay.

9 A. You know, if they were at the face mining, we tried to keep somebody there.

10 Q. Okay.

11 A. If they were, you know, like, there for a while, we had to back equipment up,
12 the miner up, especially, and then pull the bolter in ---

13 Q. Okay.

14 A --- if something like that was going on, or if they were just bolting, or if
15 something was going on, we may just not have a guy up there and be ---

16 Q. Okay.

17 A --- changing up a little bit.

18 Q. When you swapped out with the dayshift coming in, did you have an
19 opportunity to sit down with those guys and brief them on what had happened that
20 night, or sometimes did you not even see them?

21 A. No, you had to see them. You only had one entry there. Unless you were
22 over in the return taking air readings whenever they come by ---.

23 Q. No, I mean as far as --- did you ever meet them outside when you got outside,
24 or along the road on the way in, or on the section, when they got on the section? Was
25 it pretty well coordinated that you always briefed --- met those guys coming in and

1 briefed them?

2 A. I don't want to say we always met them. I don't want to say 100 percent, but
3 for the most part, we were briefing each other at some point.

4 Q. Okay. So when you got there, where would you usually meet the guys that
5 were coming off the evening shift?

6 A. Usually 119.

7 Q. Okay. You'd meet them right on the section?

8 A. 119 at the fresh air base. Sometimes guys would walk out the 117. 117 to
9 maybe 115 on out there was where we were --- where you could turn the trucks around
10 that were taking us in and out ---.

11 Q. Uh-huh (yes).

12 A. So sometimes we'd walk down there and be ready for whenever they got
13 there.

14 Q. Okay. But you ---.

15 A. Like I said, that would be depending on what was going on at the face ---.

16 Q. For the most time, you did try to change out at the section?

17 A. Yes.

18 Q. And somewhere here on the section?

19 A. Yes., and we always, like I said, if we were there, and they come in, we always
20 took the five minutes, or whatever it took, to brief them on what we had. Anything that
21 was ---

22 Q. Okay.

23 A. --- peculiar or anything that was different. We usually asked them if anything
24 had changed. You know, for them coming in. You know, are you guys to do anything
25 different, or what ---.

1 Q. Okay.

2 A. But there was always conversation.

3 Q. Were there scheduled daily meetings with MSHA and the company that you
4 know of?

5 A. Here again, I'm on midnight shift ---

6 Q. Okay, you didn't know.

7 A. --- I don't really know.

8 Q. When they started doing the hourly updates --- and I guess that was fairly
9 quick into the operation where they wanted you to call out every hour, was that pretty
10 much the first day or two you were there when that started? Or was it later on; do you
11 remember?

12 A. No, I'm not sure when they started the hourly. At one time, it was every two
13 hours ---

14 Q. Okay.

15 A. --- one time it was hourly. I'm not exactly sure when we made the change
16 over, but ---.

17 Q. Okay. Sometime during the event?

18 A. Yes.

19 Q. And ---.

20 A. It had to be relatively quick, 'cause you figure from the 6th to the 16th, you
21 know, so it was in those first few days that we went to the hourly readings.

22 Q. Okay. So what you were basically having to do would be travel through the
23 section, the four entries, and take your air readings and gas readings. And also, take
24 a face measurement of advance. And then call that out every hour; right?

25 A. Yeah, and what we did was --- like, I say, we split up. The guy coming out of

1 119, he would usually hang out there until it was time for him to make his run. We
2 would go up to --- it was between 119 and 120, we would get our intake reading going
3 up to the miner. Come out of there, we had --- there was two different readings we
4 were taking on a belt at different times. At one time, we were taking it down the
5 beltline, and then, they made an air change and it put a hole in the regulator inby the
6 --- in the Kennedy wall that they had. And we were taking it there later on in the
7 operation. So we'd take that reading. We'd go through the drop door, and we had two
8 return readings that were taken over number three and number four entry.

9 Q. Okay.

10 A. We would call those out. Then the guy at the face, he would call out the
11 measurement. He would call out, you know, how much advance, what they were
12 doing at the time.

13 Q. Okay.

14 A. They wanted to know breakdowns, you know, what they were doing. Whether,
15 you know ---.

16 Q. Did anybody tell you why they wanted them every hour?

17 A. No.

18 Q. You ever seen much change?

19 A. No, not really.

20 Q. I mean, by the time you finished taking readings and called them out, it was
21 almost time to start again; right?

22 A. Pretty much.

23 Q. I mean you didn't have an hour to the time you'd go and take an air reading
24 here and an air reading at the belt, and you know, to move around there would almost
25 take you an hour?

1 A. The way we were ventilating that, it was pretty critical though to keep an eye
2 on the ventilation ---

3 Q. Okay.

4 A. --- because the crosscuts, a lot of the crosscuts, we weren't cleaning up
5 anything in there, and ---

6 Q. That's right.

7 A. --- and you're only getting in there enough to where you could throw a canvas.
8 For a good portion of the time, we only had canvases up. Well, then we started
9 losing our air at the face, so they come back and said, you know, when we called out,
10 we said we're losing our air, so we built Kennedy walls in the crosscuts going up. Now,
11 the Kennedy walls helped us out a lot and moved more air up there.

12 Q. Okay.

13 A. But we basically knew that there was some low oxygen out there ahead of us,
14 and that, you know, that they had recorded some whenever the bump occurred. So
15 everybody was just keeping an eye on what was going on. And you ---.

16 Q. So did you ever find any low oxygen?

17 A. Low as far as ---

18 Q. I just, listenin' ---.

19 A. --- I got below 19 ---

20 Q. Okay.

21 A. --- 19 and a half --- but I mean not into the 15's or 16's ---.

22 Q. Okay.

23 A. I didn't get anything low like that. And a lot of times, Joe, it depended on
24 where we were mining that in relationship to the crosscut, what we had going on with
25 the ventilation ---.

1 Q. Okay.

2 A. I mean you could tell by some of the air readings, you know, if you were at ---
3 near an intersection, or whether you had passed by it, or whatever.

4 Q. How did you measure this advancement? Were you given strict instructions
5 on how to measure how far the miner advanced?

6 A. It was confusing for a good while. You know, because different people
7 measured from different areas. You know, you'd call it outside. One person says he's
8 measuring from the corner. Well, then it would be eight feet further than what it was,
9 you know, before, so what they did was they started putting spads in for us and we
10 were measuring off the spads.

11 Q. Okay. So you measured off a spad?

12 A. Yes.

13 Q. And did you ever have to stop the cars of the miner to measure?

14 A. Did I? No.

15 Q. Okay. Did anybody?

16 A. I don't want to answer for them, because usually there was enough time. The
17 train was long enough to where --- once that ram car or shuttle car left, you had time
18 to go out there and put your tape on and measure what you had to. You had time to
19 take your air reading. You had time to get stuff done.

20 Q. Okay. Did you ever have to go inby the last rock prop to get your
21 measurement, to the back of the miner?

22 A. No.

23 Q. I just ---.

24 A. Not to get any measurements.

25 Q. How did you get it? Where were you measuring to? The back of the miner, or

- 1 ---.
- 2 A. We measured to the back of the miner.
- 3 Q. Okay.
- 4 A. And ---.
- 5 Q. Were the rock props always advanced inby the tail, or the ---
- 6 A. They were supposed to be up to the boom ---
- 7 Q. --- bumper?
- 8 A. --- or up to the bumper of the miner.
- 9 Q. Okay.
- 10 A. If I recall that right.
- 11 Q. They'd be close; right?
- 12 A. Yeah.
- 13 Q. Did you feel that the real emphasis in this operation was on the advancement
- 14 rate in that number one entry, as opposed to the safety of the people working
- 15 underground?
- 16 A. As opposed to it?
- 17 Q. Uh-huh (yes).
- 18 A. No.
- 19 Q. Was there a lot of emphasis on how far we advanced?
- 20 A. Well, there was emphasis on it ---.
- 21 Q. Okay.
- 22 A. But I mean what we're doing ---.
- 23 Q. Was there as much emphasis on asking you or debriefing you about bumps or
- 24 the safety of the people there?
- 25 A. Well, we were told to call out if we had any kind of bumps or bounce or

1 anything like that. We were told to call them out.

2 Q. Okay.

3 A. We'd get the small ones, you know, we'd call them out, say, you know, we had
4 something minor go on. Or, and if we had something, and I wouldn't say major, but I
5 mean --- whenever I was underground, I mean I had some that scared me. It didn't
6 seem to scare the guys that I was working with, you know, but not being familiar with
7 them. But I called 'em out, you know, and I'd say, you know, we had a bounce, you
8 know, how big was it? I don't really know. It shook some stuff off the roof, shook
9 some stuff off the ribs. You know, you'd feel it coming up through your feet, you know.
10 The guys on the section didn't seem to be concerned about it. They even laughed at
11 me, because, you know, I'd be jerking around there and they'd say if you heard it,
12 you're okay. You know, but ---.

13 Q. Okay.

14 A. You know, the guys that were working there were very dedicated into what
15 they were doing. And they --- I think everybody underground realized that if these
16 guys had a chance, it was through us mining. I mean we had to get that stuff out of
17 there.

18 Q. Okay.

19 A. Was the emphasis on production or advancement? I don't want to say
20 production, but advancement? I think there was a lot of emphasis on it, but it was
21 geared towards getting to those guys.

22 Q. Okay.

23 A. At the cost of safety? I don't want to say that, because, you know, we felt like
24 we were doing --- well, we were doing everything the plan called for. It ended up it
25 wasn't enough, I guess.

1 Q. Okay.

2 A. I mean we were putting in the rock props. We were trying to make sure we
3 were doing them straight as can be. We were trying to tie the ropes on. We were
4 putting the screen behind. The guys up at the face were wearing the chest protectors
5 and the knee pads. We had the Plexiglas on. You know, there was --- I don't want to
6 say we were doing it at the cost of the safety of the guys there, but I mean --- I think
7 everybody knew the risk we were under.

8 Q. Okay. Ron, were you there when the main rescue team went into the west
9 main seals?

10 A. No.

11 Q. That was done before you got there?

12 A. Yeah, that was done. I want to say that was done on daylight, but it might
13 have been, like, daylight to afternoon, or something like that, but it was not done on
14 our shift.

15 Q. Okay. So it may have been done during ---.

16 A. It might be done during the time I was there, but it wasn't done on my shift.

17 Q. Okay. So you ---

18 A. And I wasn't aware ---.

19 Q. --- heard about their excursion in there, I guess; didn't you?

20 A. Just that they went in there, had some low oxygen, and ---.

21 Q. Okay. Did you ever hear about where they originally started cleaning up in
22 the number four entry? And then it bounced and filled that entry back up?

23 A. I knew they had a bounce. And I knew that they had been cleaning in number
24 four entry and changed to number one.

25 Q. Okay.

1 A. Yeah, I did know that. And I was talking to, you know, some of the guys that
2 were underground when they had the second bump, bounce ---

3 Q. Uh-huh (yes).

4 A. --- and they said how dirty and dusty it was and how they crawled over the top
5 of the miner to get back out of there, but ---.

6 Q. Okay. So you were kind of familiar, but nobody really sat down and briefed
7 you all on --- that was just what the other guys told you?

8 A. Basically, from what I picked up underground.

9 Q. Did you know that when that team came out from the West Main seals, they
10 had a major bump back there and it blew the bad air out into the fresh air base, and ---
11 .

12 A. No.

13 Q. Never heard anything about that from the rescue guys? When you said that
14 the guys that were, the miners that were up there working, were putting forth their full
15 effort and working hard, did you ever hear or talk to any of them that asked to be
16 withdrawn or taken out of that area, because of concerns about their safety?

17 A. I heard little rumors of it in the fresh air base, but I mean some of the guys
18 that were working outby didn't want up at the face. I did know that. But I mean ---.

19 Q. Okay.

20 A. I couldn't have told you who they were, or how they split them up ---

21 Q. Okay.

22 A. --- or what they did, but --- and then I did hear it towards the last, that some
23 guys didn't want to go back in there.

24 Q. Okay. Did anybody talk to them and ask them what their concerns were or
25 why, that you know of?

1 A. I did not.

2 Q. You didn't?

3 A. Or none of the guys on midnight shift that I know of.

4 Q. Okay. You just heard about it?

5 A. Yes.

6 Q. But you don't know if anybody? I mean if ---.

7 A. If they did, I don't know about that, Joe.

8 Q. Okay. Did the people working underground seem to have the same plan that
9 you had? I mean did they have the written plan? Were they aware of what they were
10 supposed to be doing? Was there ever instances where the rock props facing was too
11 wide, or other things, because they really didn't know what the plan was?

12 A. I think they knew the plan real well.

13 Q. Okay.

14 A. I mean I think the guys --- the foreman that was under there, I thought he did a
15 real good job with it. Was there times the spacing was too wide? Yes. I mean we'd
16 have to rein them in or have to slow them down or whatever to get it tightened back
17 up. We had more trouble with requiring them to back up and reset rock props, or reset
18 --- there for a while, we were setting timbers, 4 x 4's or 6 x 6 timbers before the rock
19 props come in. And what was happening, was those --- it was so tight getting in there,
20 the ram cars would actually bump them and knock them out. So we had trouble like
21 that. We'd have to get them to come back and reset. It wasn't big trouble. I mean
22 you told the guy, the foreman, and he usually come right back and did it, or he'd have,
23 they had an outby foreman there, he'd come in and take care of it. But I mean as far
24 as them at the face, I thought they had a pretty good handle on the plan, what was
25 required.

- 1 Q. Okay. So you ---
- 2 A. I thought we ---.
- 3 Q. --- you felt like the guys knew what they were supposed to be doing?
- 4 A. Yes.
- 5 Q. They'd been briefed and all that, and ---
- 6 A. Yes.
- 7 Q. --- had a copy of the plan.
- 8 A. I feel they were, yes.
- 9 Q. You said you saw shuttle cars knock out posts? Did you ever seen one knock
10 out a rock prop?
- 11 A. I can't say knocking it out, but I can say that, you know, they were pushed
12 over a little bit or something, tilted, but I can't really say I saw the rock props knocked
13 out.
- 14 Q. Okay.
- 15 A. They was mostly on the --- at 119 crosscut where the change out was. And
16 those were all --- I think they were 6 x 6 timbers, down in that area.
- 17 Q. Okay. Did you kind of have a designated driver or designated ride each day,
18 or did you just have to catch whatever you could catch when you rode in and out?
19 Your transportation in and out?
- 20 A. In and out of the mine?
- 21 Q. Yeah. I mean, was there kind of like, your truck was your driver when you
22 went in and come back out, or you just get whatever you could get?
- 23 A. No, for us, it was usually --- if I could remember what his name was --- he was
24 like, the midnight shift foreman, and he would usually take us in. Now, coming out
25 was a little different. Coming out, you know, they usually had somebody bring the

1 dayshift in and we would catch him coming out.

2 Q. Okay.

3 A. Going in was pretty --- he would look for us and say, you know, you guys
4 going in, how many's going in, and who's going in, or whatever.

5 Q. Okay, so ---

6 A. That was pretty simple.

7 Q. --- it wasn't too bad getting in. Getting out was the worst part?

8 A. Getting out was --- and it really wasn't a problem. I mean you --- one day we
9 were a little bit later coming out, but I mean there was stuff going on, command center
10 would call you at the last minute and say, hey, run over and take this reading again. I
11 want to know, you know, what's going on. Are you taking it at the same spot, or
12 whatever, like that?

13 Q. Okay. Any problems with phone communications between the fresh air base
14 and the outside? Especially early on, the first day or two?

15 A. We had some problems with communications. But I can't remember when it
16 was or --- I can't. I don't even think it was on our shift, because I think it was on
17 afternoon shift where they was really having trouble with it.

18 Q. Okay.

19 A. Or having some trouble with it, but I mean, usually, typically, the most of the
20 problem with the communications, I thought, was too many people on it.

21 Q. Too many people on the phone?

22 A. Yeah, and you know, they were calling for parts, they'd call for supplies, they
23 would call for ---.

24 Q. Because you had so much work going on outby ---

25 A. Yes.

1 Q. --- that everybody was using the same phone line?

2 A. Right.

3 Q. So did you have a hard time, sometimes, getting a hold of the command
4 center?

5 A. Typically, no, not the command center. But then we might have to wait 'til
6 Conspec called the guys in and out, or do something. The beginning of the shifts and
7 the end of the shifts were the worst, you know, because they're reporting, you know,
8 we've got guys coming in. And they worked in the zones where they'd say, like, you
9 know, like, we have this truck with these guys in zone one, and then zone two, then
10 zone three ---.

11 Q. Oh, okay.

12 A. So that, you know, there was a lot of conversation at that point.

13 Q. So they didn't have a phone line dedicated just for the mine rescue effort? It
14 was the same phone for everything. Somebody's calling out and says, I need a
15 bundle of roof bolts, they're using the phone? If somebody else is calling for
16 clearance through zone three, they're using the same phone?

17 A. Yeah, there was other people on the phone.

18 Q. Okay. Now when you called out, where did you call to? To the Blue Goose or
19 did you call the company command center?

20 A. I called out to the Blue Goose with I think, what's his name, Dane? I think he
21 was the recorder for midnight shift. And I would call out and get him and give him ---.

22 Q. Tane Curtis, maybe?

23 A. Tane.

24 Q. Tane.

25 A. Tane.

- 1 Q. Tane Curtis, okay.
- 2 A. I would call out and get Tane and give him the readings.
- 3 Q. Okay.
- 4 A. Or if Tane wasn't there, whoever was in his place.
- 5 Q. Okay.
- 6 A. But it was mostly Tane.
- 7 Q. Okay. But that same phone system went into the company command center?
- 8 A. As far as I know, yes.
- 9 Q. Okay. Did any MSHA people or mining people ever express any concerns to
10 you about their safety while they were in here?
- 11 A. No, I think the guys felt pretty confident with it. I can't remember which other
12 mine those guys were working at, but ---.
- 13 Q. Aberdeen?
- 14 A. It was one of the other mines. They actually do the same thing on their
15 longwall. You know, they set the rock props and the cables.
- 16 Q. Did anybody from one of those other mines ever say they seen those
17 knocked, blown out before by a rib?
- 18 A. Not that I recall.
- 19 Q. Nobody ever told you?
- 20 A. No.
- 21 Q. Did they ever tell you that usually when they set those, they wrap the cable all
22 the way around the pillar?
- 23 A. They did say that?
- 24 Q. As opposed to just wrapping around the last jack?
- 25 A. Yeah, I did hear that, that they wrapped the whole pillar.

- 1 Q. Would that have made a difference on holding those jacks in?
- 2 A. I think it would have made a big difference, but we couldn't get around the
3 pillar.
- 4 Q. I understand.
- 5 A. I mean we were working one entry, one side.
- 6 Q. So it was really a little different situation?
- 7 A. Yes.
- 8 Q. Was there ever any controversy among inspectors or rescue team members
9 working underground that you know of?
- 10 A. Not on ---
- 11 Q. On your shift?
- 12 A. --- midnight shift.
- 13 Q. Did you ever know of any of the rescue guys, or anybody being sent home?
- 14 A. I can only tell you that I heard somebody was sent home and that's all I know.
- 15 Q. Okay.
- 16 A. I mean I didn't ---
- 17 Q. Didn't know why or anything?
- 18 A. --- I didn't pressure it, I didn't ask any questions, and ---.
- 19 Q. Do you know if anybody ever explored over the top of the rubble? Up in, past
20 where the mining was going on?
- 21 A. When?
- 22 Q. At any time?
- 23 A. Randy Gunderson was on our shift, and Randy had gone in when it'd first
24 occurred. He ---
- 25 Q. Okay.

1 A. --- Randy's the only one I know of that said that they got up to 126, 125, 126
2 was as far as they could go.

3 Q. Okay.

4 A. And they had to back out. As far as anybody else going inby or doing
5 anything, not that I know of. I mean ---

6 Q. Okay. So he said when they first got in there, the first day or something, they
7 crawled up over the top of the rubble to 126?

8 A. 125 to 126 was as far as they could go, and then the rubble squeezed them
9 out.

10 Q. Okay.

11 A. They had to retreat.

12 Q. It was almost to the roof then?

13 A. Yes.

14 Q. Okay.

15 A. And then after that, I mean, I don't know if anybody --- I don't know of anybody
16 else exploring. I don't know of anybody else going inby.

17 Q. Have you ever ---

18 A. The only thing that some ---.

19 Q. --- have you ever talked to --- did Peter Saint ever tell you, or did you ever talk
20 to Peter --- you know Peter; don't you?

21 A. Yes.

22 Q. Did he ever tell you he crawled over the rubble to a certain extent?

23 A. I heard Peter talking one day, but I didn't know where he was at, or what he
24 was doing, or when he was talking about.

25 Q. Okay.

1 A. And Peter was on daylight. And usually we were coming out and we were
2 getting undressed, and it was just --- it was very casual. I don't know what Peter ---

3 Q. Okay.

4 A. --- to be honest with you, I don't know what he was talking about. The only
5 thing I can tell you is this --- I think it was 125. It might have been one --- no, it was
6 125, I'm pretty sure. When they cleaned it up, they cleaned it up, pretty much all the
7 way over to the belt line as far as they could.

8 Q. Okay.

9 A. Somebody might have gone over there, but I mean, it would only have been
10 taking a few steps out in to see what was going on.

11 Q. Oh, okay.

12 A. To take an air reading or whatever.

13 Q. Okay.

14 A. I don't know of --- nobody, as far as I know, nobody did it on our shift, because
15 they were cleaning up as we were in there.

16 Q. Okay. So you guys --- none of you guys on your shift ever made any
17 excursions up over the top of this?

18 A. No.

19 Q. Okay. When you got readings less than fresh air, oxygen readings in 18, 19
20 percent, whatever, where did you think that was coming from?

21 A. It was coming from inby. I mean ---

22 Q. Okay.

23 A. --- the direction of the air was coming from inby out to us.

24 Q. Yeah, but what was causing low air, low oxygen in there?

25 A. I don't --- Joe, the only thing I can tell you is I heard them guys talking, Joe

1 Zolinski (sic) and some of the other guys, which kind of seemed farfetched to me, but
2 they said when you have a burst that the coal opens up so much. And there's so
3 much free face on the coal, that it absorbs the oxygen. And you get low oxygen.
4 Now, not being familiar with bounces and bumps, I mean it's --- but there was some
5 low oxygen around. So I mean I'm not sure --- you know, there was always rumored
6 whether that barrier might have been breached, you know, into that sealed area
7 coming out.

8 Q. Okay.

9 A. I mean nothing was ever proven, or there was never any real evidence as to
10 where it come from.

11 Q. Did you ever hear what the oxygen reading were when the number one bore
12 hole punched through into the mine?

13 A. I remember them talking about it at the time, but I don't recall what they were.
14 I mean I ---.

15 Q. Who? Who would have been talking about it?

16 A. It would have been in the command vehicle.

17 Q. Okay. I mean but it wasn't part of a debriefing, or briefing, where someone
18 said, Ron, we punched through last night. We got seven percent oxygen in the
19 number one hole?

20 A. Not that I recall.

21 Q. Okay. It was just something that people might have been talking about you
22 overheard?

23 A. Yes.

24 Q. Don't you think that would have been something you would have been
25 interested in knowing as a rescue team member there underground? Or do you think

1 it would have been something you'd be interested in knowing?

2 A. Well, definitely, I mean we're driving towards it. I mean, so ---.

3 Q. Okay.

4 A. It's like I said, I know we heard about it ---

5 Q. But this was ---.

6 A. --- but I'm not sure how. You know, and ---.

7 Q. Okay. This was the number one bore hole. And it went through on the 9th at
8 2200 hours. And it had 7.4 percent oxygen in it.

9 A. Now, I'll say something that maybe is right or wrong, or ---.

10 Q. Okay.

11 A. But as a rescue man, right now ---

12 Q. Yeah?

13 A. --- and Joe, you know me, and I'm the one that made the statement down at
14 Sago that got all blown out of proportion. And since that time, there's been a big hush
15 on information. I mean, and no more information's given out than --- even though
16 we're part of the rescue team and probably should be told everything, I'm not so sure
17 it's all the time given to us.

18 Q. Okay.

19 A. With the fear of it getting out into the public. With the fear of us being big-
20 mouthed, or whatever you want to call it, and telling other people. You know, you
21 keep that stuff to the command center. There was a big --- you know, the families
22 were down there. Nobody wanted to tell the families it's seven percent oxygen. It
23 wouldn't support life, or you know, that the likelihood --- you know, did they not want
24 that to leak out as much? I mean I'm not really sure what went on. As the rescue
25 team, you know, and what went on at Sago, I mean I have no idea. I know I feel very

1 confident in what I called out. How it got messed up, you know, maybe I didn't hold
2 the button down long enough, you know, or whatever. But if that's what we're into right
3 now with communications, as far as trying to keep information --- I want to say with the
4 higher ups, but I don't want to make it sound like that, but keep information with
5 certain people that it doesn't get to everybody. But, yes, I think that's important
6 information that the rescue team should know.

7 Q. Okay.

8 A. Here again ---.

9 Q. That's an excellent point, Ron, I appreciate you bringing that up and
10 volunteering that, because I probably wouldn't have asked you that question, but I
11 agree with you. And I think probably that is some determining factors on the --- on
12 what's going on.

13 A. But the other thing is, is we're working with the families. Or the family
14 members and the crew that's there. I mean if we know it's seven percent and we go
15 underground, we're saying, hey, there's seven percent out ahead of us, and --- maybe
16 they didn't mean for that to get to the families. And those guys that are working there
17 with us take it out ---.

18 Q. But don't you think the families would want to know? Well, let me ask you this
19 ---

20 A. I'm sure they'd want to know.

21 Q. --- if you're a family member, do you want to know the truth, or do you want
22 somebody to sugar coat it and tell you everything's going to be okay, Ron?

23 A. Well, what I do know is the people at Sago shouldn't have had to go through
24 what they went through.

25 Q. Now, that's true.

1 A. And for us to tell them that there's seven percent, that their guys didn't live,
2 drill the next hole, and we have 20 percent and the guys are going to live --- you know,
3 do I think we're lying to them? I want to --- sometimes, we give them too much
4 information, and that may be not good for them. Especially, when they don't
5 understand everything that's going on. Are we deliberately withholding information?
6 Probably, we are. And maybe it's not a bad thing at times. But I don't want to say
7 we're lying to them either. Because I think we have to know the whole picture, I
8 guess, is what I'm saying, before you know, we give them information that could be
9 misleading. And when we give them misleading information, you get the press
10 involved the way we did, you get ---

11 Q. So ---

12 A. --- things happening.

13 Q. --- having said that, are these exercises now basically being influenced by the
14 families and the press? Or based on what we know would be good procedures?

15 A. I think there's an element of it there. I mean, I don't want to say it's totally. I
16 mean I think ---.

17 Q. Do you think there's some influence though?

18 A. I do think there's some influence there, yes.

19 Q. That we would do things different now, based on family and press as opposed
20 to what we would have done 10 or 15 years ago?

21 A. Yes, I think with what happened at Sago, we're trying to protect those people,
22 and we're trying to give them information that is reliable, and ---

23 Q. Okay.

24 A. --- what we know of. Although we know that's seven percent, we still don't
25 know that's where their loved ones are at. And we don't know --- you know, it's an

1 indicator, but I mean --- it's still not positive.

2 Q. With what you saw in there, Ron, the entry is packed full of coal, if you'd
3 never seen a bump before, but I imagine other people told you, we never saw a bump
4 like this before?

5 A. Yes.

6 Q. We never saw anything to this extent. The magnitude that was out there.
7 You can imagine the forces. It blew stopping out to what, 95?

8 A. Yes.

9 Q. The forces that would have been exerted up there. And I'll just ask your
10 opinion, did you think there was much chance those guys survived? I know you had to
11 think about it ---

12 A. Well ---.

13 Q. --- 'cause you've been in mine rescue too long, and you understand risk
14 versus value; right?

15 A. As I come in the mine?

16 Q. Yeah.

17 A. And I'm getting up to 117, maybe 110, right? We're 20 crosscuts away, and
18 the entry is open. There's damage, but the entries are open.

19 Q. Uh-huh (yes).

20 A. Now, whether they cleaned up any at all, or whatever, I don't think they
21 cleaned up very much back that way. So you think if there's a few entries inby, if this
22 is the critical area with the cover being the deepest, could it have been open inby?
23 You know, I think until we can prove that it wasn't that way, that it was to the roof, or
24 that those guys never had a chance ---

25 Q. Uh-huh (yes).

1 A. --- this was their only hope. We were their only hope driving that way.

2 Q. I understand that. I'm just asking you for your opinion on what you thought?

3 A. I thought we had to do it.

4 Q. Okay.

5 A. I thought if there was a chance for those guys, we had to do it. And we had to
6 do it the way we were doing it. We had to do one entry. We couldn't do multiple
7 entries, because now we're talking twice as much time.

8 Q. Okay. Now, knowing the forces now, and also the seven percent oxygen, if
9 you'd have known it then, what would you have thought?

10 A. Well, we were still drilling holes. We were still very active in what we were
11 doing. I still think we were doing what we needed to do. I think we needed to be in
12 there going in that direction.

13 Q. Okay.

14 A. Now, there's what happened ---.

15 Q. Let me ask you this then? What made it safe to be in there when you went in
16 the night of the 15th, but the night of the 17th, it was no longer safe?

17 A. I don't want to say it was safe at all anytime.

18 Q. Okay. All right.

19 A. You know what I mean, when we ---.

20 Q. So you're not --- you were concerned about your safety the whole time?

21 A. Yes, I mean it'd be the same way with fighting a fire. I mean, how many fires
22 have we fought, Joe, where you take a sample, a gas sample, and you call it outside,
23 then we get to explore, and we find out the hose wasn't where we thought it was. So
24 you're --- anytime we're in anything like this, we have a risk.

25 Q. Okay.

1 A. And I want to say that my knowledge of the roof and everything is not that
2 great. My knowledge of bounces is not that great. We relied on the rock props. We
3 relied on the steel cables. We relied on taking the minimum amount of material that
4 we could take to keep the weight on the ribs. We were doing --- I guess what I'm
5 saying is what the plan called --- and we were praying a lot that it worked.

6 Q. Did anybody ever sit down with you, Ron, and talk about here's how many
7 bumps we've had in the last five days, or three days, or ten days, or anything?

8 A. No, not specifics. I knew we were ---.

9 Q. Did you think anybody was evaluating that?

10 A. Yeah, I think ---.

11 Q. Who?

12 A. Joe Zelanko and Joe's buddy. I can't --- I was trying to think of who's ---.

13 Q. Mike Donner (phonetic)?

14 A. Yeah, Mike were there.

15 Q. Okay. Now, do you think they were pretty much evaluating whether it was
16 safe to continue or not?

17 A. I think they were there for a reason. I mean I think they were there being
18 given the information of what was happening on the shifts, you know, whether we were
19 getting major bounces or minor bounces. I know Mike and Joe had gone in on several
20 occasions and looked at the conditions around there. I mean, yeah, I would think that
21 them being experts in roof control and that, that they were there for a reason.

22 Q. They were kind of making the call?

23 A. Or advising on what we were doing.

24 Q. Somewhat ---

25 A. Yeah.

1 Q. --- making the call?

2 A. Yeah.

3 Q. Well, let me just go through this real quick with you, Ron. What we did was
4 we got this log from the University of Utah. And they registered several things on the
5 Richter scale. And of course, these first couple, we don't have anything to compare
6 to, because we don't know what was going underground, but like on Friday, the 3rd,
7 before the accident, there was a 1.5 magnitude seismic event. On 5:39 on the 5th,
8 there was 1.6. At 19:44 on the 5th, there was 1.8. Then on the 6th, 2:48 a.m. is when
9 they had the big bump that the six men were lost in. Okay. That was 3.9. The
10 afternoon, when the rescue team went in at 17:20, just as they came out of this into
11 the fresh air base, there was a bump of a 1.9 magnitude, which actually blew bad air
12 out into the fresh air base on them. The night of the 7th, from crosscut 120 to --- and
13 they'd said about 300 feet they'd cleaned up, there was a bounce of 2.2 that literally
14 filled those entries back up. And I guess you've been in number four?

15 A. Yes.

16 Q. And saw how that coal was filled back up in number four?

17 A. Yes.

18 Q. They basically lost everything they got, because also Ron Paletta, I think, was
19 in a --- he was standing at the feeder over here at 120 and was literally knocked off his
20 feet.

21 A. And Ron's the one I was talking to that crawled over the top of the miner.

22 Q. Okay. To get out of there?

23 A. Yeah, Ron and I'm trying to think of who the foreman was with him.

24 Q. Okay. On the same day, there was another bump of 1.7 magnitude. I know
25 it's somewhere in here, somewhere in here, you called out some bumps I know. I'm

1 reading upside down here, so --- but what we did was take --- out of the log, of what
2 you guys called out, the bounces that were reported. And I realize there's like 13, 25,
3 couple of small bumps. If I had called it out, I might have said a couple of big bumps.

4 Okay, it depends ---

5 A. I know.

6 Q. --- what's your background, but usually, what we try to do, was if somebody
7 says there was a bump, everyone's accounted for, some materials, somewhere
8 stopping, we count that as something fairly significant. Because there's --- you know,
9 that's something that's pretty important I think. There was one at 2:26 on the 15th of
10 1.2 magnitude. And, in fact, this even says that appears that the rock props have
11 moved out. The tops and bottom in question, the rock props ability to support. On the
12 16th, you can see there's just bump, bump, bump, bump, bump. Here's one at 10:04,
13 1.5 magnitude on the 16th. One of those bumps even --- I think it's this one, Ron, it
14 even says that both cutter motor shafts on the continuous miner sheared as a result of
15 the bounce.

16 A. I was underground that night.

17 Q. Okay.

18 A. And then ---.

19 Q. You were there when that happened. Was that a pretty big bounce?

20 A. It hit hard, but it seemed like it was located right at the miner. And it just ---
21 like it said, broke those cutting shafts. But I mean outby really didn't seem that huge.
22 I mean it didn't seem that bad.

23 Q. Okay.

24 A. Out at 119 and that.

25 Q. It's just hard to tell then?

1 A. Here again, like I say, I'm not that familiar with bumps. And they all were
2 impressive to me. I mean it's like, I mean I would, I could jump and you know, when
3 that stuff bounces off the roof and the ribs. I mean you don't know how much is
4 coming or what's going on, it's just --- I mean it was ---.

5 Q. Well, the one that happened on the 16th there that killed Gary and the other
6 two guys was a 1.6 magnitude. So you know, you can see 1.5, 1.2. I mean there
7 were several that were pretty significant, 1.7, 2.2, 1.9 that is significant or worse than
8 the one that caused the deaths.

9 A. Can they be --- here, again, I mean, like I say, not knowing anything about
10 'em, can you have a 1.9 spread out over a large area compared to a 1.9 centralized in
11 one block? I don't know. I know ---.

12 Q. I don't know anything about them either, other than most of those where we
13 put in a corresponding magnitude also depicts some damage from the inspectors
14 underground like stoppings blowing out, miner covered up, damage to something,
15 somebody --- you know, I mean, they all correlate to something like that. But it's just -
16 -- if I had been standing next to the miner, when it got partially covered up, I could
17 have been seriously injured, or worse. I just wasn't there, you know. It's being in the
18 right place at the right time, I guess, or in the wrong place at the wrong time. But you
19 never seen any, nobody ever discussed anything like this with you before and said
20 here's what we're having?

21 A. No, not magnitudes, and not ---

22 Q. Numbers or anything like that?

23 A. --- numbers and stuff like that. I mean we were told, like, at different times, on
24 different --- at the start of the shift that we were having a few one afternoon, or
25 whatever, but ---.

1 Q. And what did they say about them?

2 A. Basically, keep an eye on them and report what you have. You know, if you
3 have another one, report it out.

4 Q. How do you keep an eye on them? Somebody told you if you heard it, that
5 means you didn't get killed; right?

6 A. Well, they just meant whenever they happen, make sure you phone them out.
7 That's what they told me, if you heard it, you're okay. So ---

8 Q. And that's probably true.

9 A. --- that didn't reassure me very much, yeah.

10 Q. Because the one that Ron Paletta said he was in that knocked him down, I
11 said what did it sound like, Ron? He said I never heard that one. So I didn't hear
12 anything. So apparently, they're right. If you heard it, you're okay. If you didn't hear
13 it, you're not.

14 A. I've been up north. I've been all around on a rib line and everything. And that
15 top breaks like that, I mean, it --- I don't know whether it's because it's from the top,
16 but this, whenever you get these bounces, it comes up through the hills and up your
17 spine. I mean, you just ---

18 Q. Feel it in your feet?

19 A. ---- feel that percussion, or whatever it is, that pressure. And it unnerved me.
20 I don't know. Okay. Joe, answering this question out here again a little bit maybe with
21 the low oxygen?

22 Q. Okay.

23 A. Quality-wise, when the hole went through, but I knew we had low oxygen that
24 we were dealing with. I mean, everybody knew that I think that was going in. I know
25 the three rescue guys did. And that's the reason why the critical, why these air

1 readings down at 120 were critical. That's the reason why we had the guy up at the
2 miner making sure nothing rolled back from the miner and stuff.

3 Q. Uh-huh (yes).

4 A. But, like I said, the quantities, as far as knowing we had seven percent when
5 that hole went through, I can't say I actually ---

6 Q. Okay.

7 A. --- knew that.

8 Q. Nobody ever briefed you on that?

9 A. I can't say actually any kind of formal briefing. If I heard it, it was casual. You
10 know, I mean it was ---.

11 Q. Okay. You guys weren't really being briefed about the --- much of the holes in
12 --- on the surface anyway, were you?

13 A. Not a lot, no.

14 Q. Okay. Other than you knew they were drilling?

15 A. I knew they were drilling. I knew whenever there was a hole going through,
16 because sometimes they held us out or whatever like that.

17 Q. Okay.

18 A. But ---.

19 Q. Let me ask you a question about that? This is for my own knowledge, when a
20 hole goes through, they want to withdraw people, or get people out of the mine; right?

21 A. Yes.

22 Q. Why?

23 A. In case it blows. I mean in case something happens.

24 Q. What about the people that might be in there?

25 A. Well, those poor people, they're relying on what we're doing, and ---

1 Q. If you, but think about that ---

2 A. --- they're hoping that we're doing things right.

3 Q. --- okay? And they said they did that at Sago and whatever.

4 A. Yeah.

5 Q. They drilled a hole through and they pulled everybody out because it might
6 blow up? Well, what about the poor guys that you're going in to look for? It might
7 blow up on them too; right?

8 A. It's definitely going to.

9 Q. Does that make sense?

10 A. No, but that's the way we've been doing business. I mean that's the way.

11 Q. Well, okay, we just confirmed what I thought. It's not safe for us to be in
12 there, it's probably not safe for those guys to be in there either. Maybe it's not safe to
13 drill the hole for them? You ever seen one blow up when they drilled the hole
14 through?

15 A. I've not seen one blow, no.

16 Q. Okay. Just --- let me ask you what was your --- how about if we take a 10-
17 minute break?

18 A. Thank you.

19 Q. Before I ---.

20 SHORT BREAK TAKEN

21 BY MR. PAVLOVICH:

22 Q. Okay. Do you know who made that decision?

23 A. No.

24 Q. How it was --- you don't know how it was made?

25 A. No.

1 Q. Okay. So when you first got there, they started out, they were setting like, 6 x
2 6 timbers, or posts?

3 A. Yes.

4 Q. And then sometime later, they started with the rock props, and the wire mesh,
5 and the wire ropes?

6 A. Yes.

7 Q. Okay. Did anybody ever talk about any alternate systems to use in there that
8 you know of?

9 A. Not that I'm aware of. The only alternate, or the only thing that we did any
10 was the 6 x 6 timbers. I think at one time, they asked if they could not set the rock
11 props in that intersection at 119, at 120, where you turned up to the feeder, they asked
12 about changing the spacing a little bit right there in that intersection. They were doing
13 some things, widening them out a little bit so that the ram cars and stuff could get ---
14 that's the only thing I remember about any kind of change in there.

15 Q. Okay. Did you feel that --- I mean the times you were in there, that that
16 system was pretty adequate for your protection?

17 A. It was what was --- the plan called for. It was what we were setting ---.

18 Q. Yeah, but I didn't ask you that?

19 A. Yeah, I know. I know what you're asking. I know what the plan called for. Did
20 I feel safe?

21 Q. Yeah?

22 A. No, I mean, did I have a fear that one of those rock props was going to blow
23 out? I always felt that it could. I mean it's like any other roof support, or anything like
24 that. With not having the knowledge of that roof out there, and everything that's going
25 on, I mean, even where the --- where we had seen where the initial bounce hit, we still

1 had pretty good roof, so you know, are we supporting the roof, or are we supporting
2 the rib? You know, how are we going to keep the coal from blowing out on us and
3 stuff like that. I mean I still feel that you know, the system was developed outside by
4 people that knew that roof, knew bounces, they felt that it would work. There was a
5 comfort feeling for me with the guys I was working with that worked at the other mines,
6 like I said, because they said it was working there. And they felt that it would handle it.
7 And I felt we were doing it the way the plan called for. I guess my big thing is is
8 looking back, it didn't work.

9 Q. Okay.

10 A. So we can always say that it wasn't enough then.

11 Q. Did you ---?

12 A. At the time, we felt we were doing what we had to do to make it up there.

13 Q. Did you ever see a ram car knock any of those out?

14 A. I don't want to say knocked them completely out, I can't say that for sure. The
15 4 x 4's, the 6 x 6's, yes. I saw the ram cars knock them out. The rock props --- I know
16 we had some that we had to straighten up that were bent, you know, not physically
17 bent, but pushed over and stuff like that. I know we did that a couple times.

18 Q. How did they get pushed over?

19 A. I'm assuming by the ram cars. Did I see them do that? Actually, no.

20 Q. Did you ever see any that were leaning or on an angle?

21 A. Yes.

22 Q. Did you think they were on an angle, because somebody set them on an
23 angle, or do you think maybe a rib might have kicked them out at the bottom?

24 A. I never thought the rib kicked them out as much as I thought the vehicles
25 traveling in those entries were bumping them.

1 Q. Okay.

2 A. And I mean if you saw what we were taking and the clearance that we had on
3 both sides of those ram cars. I mean if the ram car was parked there, you had --- you
4 struggled to get by to get up to the face, or to go anywhere. Okay, that's how tight
5 things were. So that driver, if he was off a little bit, I never really thought about the
6 bounces or anything kicking the bottoms out. But I did see them leaning. We even
7 had told the guys at the faces, you know, when we were mining, to make sure that
8 they were setting them straight. You know, so there was, more or less, corrective
9 action. And some of those weren't leaning very much and we were telling them to
10 correct it. You know, to get them straight. You know, not, don't let them lean at all.

11 Q. Well, did anybody ever say, hey, we set these straight. We don't know why
12 they're leaning now, but ---.

13 A. No, I don't remember that ever being said.

14 Q. Was the top leaning toward the rib or leaning up toward the roadway?

15 A. The top would have been leaning towards the rib. The ones that I can recall,
16 the tops were leaning towards the rib.

17 Q. Did anybody, or any of the guys you were underground with ever tell you that
18 they'd seen these rock props knocked out at Aberdeen where they used them to circle
19 the pillars?

20 A. No, I don't remember.

21 Q. Any of these guys tell you during bumps, they seen that these other mines out
22 west that they've seen shears broken in half and miners moved and everything else?

23 A. I did hear that, yes.

24 Q. Do you think rock props would stop something like that?

25 A. Probably not.

1 Q. How were those wire ropes being anchored on the last prop?

2 A. They were wrapped around the prop and I think we were setting, or there was
3 three clamps put on each one.

4 Q. Okay.

5 A. And they were not supposed to terminate at the same prop. They were
6 supposed to be --- you know, like, if you had the top wire rope finished at this prop,
7 then you needed to move in a prop or two and put the second one in and then move in
8 or move out, whatever you needed to do, so that they weren't all anchored to the
9 same prop.

10 Q. And what was the reason for that?

11 A. Well, if the first prop fails, then all three ropes are bad. Where you're hoping
12 that if one prop fails, the other two stay intact, the wire ropes are still good.

13 Q. Okay. Were you ever underground when Candon, or Stickler, or Al Davis, or
14 anybody came underground?

15 A. No.

16 Q. How about the tech support guys? Were you ever underground when they
17 came underground?

18 A. Not that I remember. I remember talking to Joe and Mike outside, but I don't
19 ever remember being actually underground whenever they were.

20 Q. Were you ever underground when Murray came underground?

21 A. Yes, I was.

22 Q. Was he --- did he have anybody with him like family members or news media
23 crews?

24 A. Yes, he had two family members and the news.

25 Q. Different times?

1 A. One time that I remember, is the only time I remember it being on midnight
2 shift coming in.

3 Q. Okay. So there was --- at one time they came in, he had two family members
4 and news media with him?

5 A. Yes.

6 Q. What did you think about that?

7 A. I stayed away from Mr. Murray. I stayed away from the news crew. I stayed
8 back away from everything. I didn't --- the two family members, possibly that knew a
9 little bit about mining, one of them was a miner. I'm not sure of the other one, maybe.
10 The news crew had no business under there is my opinion. But that's only an opinion.
11 I mean ---.

12 Q. Did you think they violated the K Order? I mean what was their function in
13 correcting the condition?

14 A. Do I think it violated the K Order? I don't know.

15 Q. Okay.

16 A. I knew the command center knew they were coming and I figured that if it
17 went through the command center, then they knew what was going on that, you know,
18 that whenever they came in, you know, basically, things stopped until they got up
19 there to the face. Because there was a number of them up there. So you had to
20 protect them guys, and not let the shuttle cars be running and stuff. And once you
21 were in the runway, there was nowhere to get out of the way. It wasn't like we had
22 crosscuts ---

23 Q. Right.

24 A. --- for guys to duck out of the way. 123 was the first crosscut we had where a
25 person could actually get in a crosscut in the clear. You know, other places, you

1 know, we try to tell everybody to stay out of there. And we tried to police it and tried to
2 keep everybody out of there, not let them get between dukes, or between the rock
3 props and if the fence was up right, they couldn't get between them. So like I said,
4 whenever they come in, you know, the command center pretty much informed us that
5 they were coming. I'm figuring that the command center knows what's going on, and if
6 it violated the K, they would have stopped it.

7 Q. Okay. Among the --- who was with the Ron Murray from Lynch? Or not from
8 Ron Murray ---

9 A. Bob Murray?

10 Q. --- Bob Murray? Because they --- those guys went in on the evening shift with
11 the press, and this would have been on the midnight shift; right?

12 A. Yes.

13 Q. Do you know who was with that crew from MSHA?

14 A. I really don't know if anybody was ---.

15 Q. Was it, like, in the early morning, or ---?

16 A. Like, three or four o'clock in the morning.

17 Q. Okay. Do you know where the guy from the press was from? How did you
18 know he was press?

19 A. Big camera. They had the television camera. They had everything with them.

20 Q. Did it have any markings on it from a station like, KDKA, or something?

21 A. Here, again, I'm only telling you what I know, because I stayed away from it. I
22 didn't want to be part of ---

23 Q. So is this what somebody told you?

24 A. --- what was going on ---.

25 Q. The press is coming in with Murray ---.

1 A. No, I was there, but I mean ---

2 Q. Okay.

3 A. --- I stayed, like, at the fresh air base. I mean I didn't ---.

4 Q. You didn't go up to the face or ---.

5 A. Mr. Murray was big on shaking everybody's hand and everything, and I kind of
6 --- I stayed away from him. I didn't like what was going on with him. I stayed away
7 from the press. I did talk to the two family members, you know, very briefly. 'Cause
8 they were pretty much getting busy, but --- no, you could tell, I mean, it was the TV
9 camera. I mean I was at the face whenever they were up there, but I was in the back
10 room behind them. It wasn't like I stayed over in the return.

11 Q. Do you know, approximately, when this was? I know you said earlier that you
12 didn't know what day was what? But can you remember at all?

13 A. No, I don't remember ---.

14 Q. Do you know if Gary Jensen came in with them? You know Gary?

15 A. Right. Yeah, I know Gary. Gary was working afternoon shift.

16 Q. Right. Would he have been with the press?

17 A. 'Cause Gary and I were trading equipment. I was using Gary's equipment on
18 detectors and stuff. He possibly could have come in with them. I'll be honest with
19 you, I just don't recall ---.

20 Q. How about Ted Farmer, do you know him? Do you know Ted?

21 A. I know Ted a little bit.

22 Q. You know who he is?

23 A. Yeah.

24 Q. Would him and Gary maybe have been with them? Do you remember?

25 A. Could very well have been.

1 Q. You don't really remember?

2 A. I don't remember.

3 Q. Okay. But you know it was around 3:00 in the morning?

4 A. Yes, 3:00, 4:00 in the morning, yes.

5 Q. Did you have any ---?

6 UNIDENTIFIED SPEAKER:

7 Was that the first time a person went underground, or had you
8 heard of them going underground prior to that?

9 A. As far as I know, that's the first time I heard it on our shift. I mean as far as
10 them going in on another shift, I don't know. I don't recall.

11 BY MR. PAVLOVICH:

12 Q. Did you ever meet Murray prior to this accident?

13 A. Yes.

14 Q. You had?

15 A. Yes.

16 Q. Do you remember when that was or where?

17 A. Mr. Murray run Maple Creek.

18 Q. Okay.

19 A. And we inspected Maple Creek Mine, Maple Creek and High Quality. And I
20 know Mr. Murray from being down there.

21 Q. You had some personal dealings with him there?

22 A. Yes.

23 Q. And can you elaborate on those a little bit?

24 A. I issued citations and orders to his mine.

25 Q. Okay.

1 A. Of which, you know, those guys did not agree with. Interpretations of the law
2 were different, according to him, as according to us. They had made an air change on
3 the longwall face, turned the tailgate air around. I'm trying to think of which way it was
4 now, it's been a lot of years ago, but it was either coming in and they turned it around,
5 no, yeah, it was coming in, and they turned it around to go out. And they didn't pull
6 the power off the longwall face and didn't pull them in. They said it was not an air
7 change, that they had --- whatever it was --- 30,000 at the head gate when they
8 started, they had 30,000 at the head gate whenever they finished. So they didn't
9 make an air change. So you know, we kind of hashed that out and stuff. You know,
10 dealing, actually, with Mr. Murray, but not a lot. I mean that was just passing him in
11 the hallways at those operations. I dealt with his people mostly there. But I mean he
12 was there a lot.

13 Q. Did he ever threaten to get you fired or moved from his mine?

14 A. No.

15 Q. Do you know if he ever threatened anybody to get fired or removed from their
16 mine?

17 A. The only thing I can tell you is I know he had --- I can't remember what we
18 were doing, what was issued, or what was going on at the time, but Bob Newhouse
19 was the field office supervisor and Bob was there at the mine. And this is all hearsay.
20 What I'm hearing, you know, that Mr. Murray gave a speech that we at EMTSHA were
21 shutting him down, and we were doing stuff. And that those men needed to thank Bob
22 Newhouse and the inspectors. And, if I understand things right, he left that meeting
23 and come out to Bob and told Bob he couldn't guarantee his safety underground.

24 Q. Really?

25 A. And I don't think Bob went underground that day.

1 Q. So ---

2 A. And that's ---.

3 Q. --- is that kind of a threat?

4 A. I'd call it a threat. That's all he --- you know, what I hear in the office,
5 whenever I'm in the office. I mean I wasn't there the day that all that went and took
6 place and ---.

7 Q. Did you ever hear about him ever threatening Kevin Stricklin, or having Kevin
8 Stricklin moved?

9 A. Joe, I heard little bits and pieces on that, but that --- I think --- I was trying to
10 think of whether Kevin was in District Three at the time, whenever I heard that they
11 were having trouble with one of his mines, or something. But I --- to honestly say that,
12 no, I can't say ---

13 Q. Okay.

14 A. --- yes, I've heard something, but I don't recall when it was, or what it was
15 about, or who ---.

16 Q. Okay. Was there a time you shut the longwall down, or whatever was --- that
17 Cheryl, was she the district manager then, and Kevin the ADM, and did you all go and
18 have a big meeting there at the mine, by any chance, if you remember?

19 A. I don't think we had a big meeting on that, but I know there was a lot of
20 meetings going on down there. We had some other problems down there with ---.

21 Q. Okay. But not necessarily on your instance, but you know there was other
22 meetings?

23 A. Well, we had some major problems down there with their longwall ventilation,
24 and at the time, they had a wrap-around bleeder system. And we had --- I'm going to
25 say a large quantity. I'm not going to give you a percentage, because I don't know

1 exactly what the percentage was, but it was in the explosive range on the beltline.

2 And imminent danger orders was issued. You know, there was things that occurred
3 that happened, and a couple days later, they corrected the situation somehow. I don't
4 know exactly how. A couple days later, we find out that we have an explosive mixture
5 on the tail. And imminent danger orders were issued again. And I know Kevin got
6 involved. And we did a couple of major ventilation surveys down there. And it was
7 determined that there was no pull to the back on that longwall. And I think what we
8 actually figured out was a check curtain was controlling the whole face ventilation.
9 And when they had the check curtain on the tailgate, the head gate was ventilated, but
10 we go the gas on the tailgate. And when the check curtain was down on the tailgate,
11 they could ventilate the tailgate, but not the head gate. And we actually shut them
12 down, and they were shut down for a number of months, until they put a four-foot, I
13 think it was four-foot diameter bore hole in the back and put a fan on it, high-pressure
14 fan, to ventilate that --- and I'm thinking those are meetings that they were having at
15 the time.

16 Q. Okay.

17 A. I don't remember a meeting, specifically, on the order and stuff that I issued.

18 Q. Okay.

19 A. But we were having trouble down there with their longwalls.

20 Q. Okay. You said you talked to the family members that came underground.

21 Can you kind of tell us a little bit about that. I mean ---.

22 A. Joe, it was real casual. It would just give them my sympathies, and told them,
23 you know, that we were doing everything that we could. I don't know if you guys are
24 familiar with it, but those family members wrote in a book, and basically, thanked us
25 for what we were doing. And that book was underground at the fresh air base. And it

1 was really something to read what they were writing. And I just told them to thank all
2 those people that were writing that. You know, it went a long way. Everybody was
3 reading that book, and everybody appreciated what was in it.

4 Q. Who brought the book in?

5 A. I don't know. I hate to keep blaming midnight, but on midnight shift, what
6 happens, you don't really realize how it happens, or whatever, but the book was in the
7 fresh air ---.

8 Q. So there was actually books laying in the fresh air base, it was ---

9 A. It was a three-ring binder ---.

10 Q. ---- to the rescue people that had notes written from family members thanking
11 you for what you do ---

12 A. Yeah.

13 Q. --- for what you're doing?

14 A. Yes, it was a three-ring binder, and it had --- there was a lot of pages in it from
15 family members, and from the people that were just on the outside ---.

16 Q. I hadn't heard about that.

17 A. And I just --- basically, I thanked them. 'Cause like I said, it was a real brief
18 minute or second that I had with them, and I just thanked them for that book, and told
19 them that we were doing what we could do.

20 Q. Ron, in your --- all of your MEU training that you've had, and you've been on a
21 rescue team for how long now?

22 A. I got on the team in 1989.

23 Q. '89?

24 A. I was on Cumberland's team for seven and a half years before that, so ---.

25 Q. So you've got only 30 --- 25 to 30 years of mine rescue experience?

1 A. Yes.

2 Q. And do you think that with all your training and everything, you'd ever been
3 trained to handle something like this?

4 A. If you're saying the bounce? I don't --- I can't say we've ever had any training
5 on bounces. I think our job, as a rescue team member at that point, was to try to
6 monitor the air, try to make sure that the air is --- the quality of the air stayed good. If
7 it did turn bad, we had equipment there that we could don immediately, and go in and
8 make any air changes, or do anything that we needed to do. I think as far as a
9 ventilation standpoint, I think we were prepared to do what we had to do there.

10 Q. Okay.

11 A. As far as the bounces and the roof control, and what we were doing there, I
12 think we had to rely on other people. We had to rely on experts. We had to rely on a
13 command center, you know, to make sure that those things were being handled. And I
14 think that's part of the reason why the field office ended up sending an inspector
15 underground with us, so that, you know, he was more familiar with those things.

16 Q. Did you ever wonder why you guys were even there?

17 A. No. No, I didn't wonder that.

18 Q. Okay. I mean basically, you were doing the job that any inspector could do;
19 right? Take care of readings and gas readings, and monitor what was going on, as
20 opposed to a mine rescue team member?

21 A. Anybody could have done it, yes.

22 Q. Okay.

23 A. But if that air would have backed out of the section, I mean we knew from the
24 first night those guys were in there, Randy Gunderson and the western team that had
25 gone in, that there was low oxygen involved in it.

1 Q. Okay.

2 A. If, in fact, where we're mining, if it breaks through, and a slug of low oxygen
3 happens, or anything, we're on the property. We're there. We can respond. And I
4 think ---.

5 Q. Did you have your apparatus up on the section with you?

6 A. No. No, we did not take them with us.

7 Q. So you didn't have them?

8 A. No.

9 Q. So if it --- it had cut into low oxygen, what were you going to do?

10 A. The only thing we had with us was our SESRs. Our apparatuses were ready
11 to go. They were outside. We just did not bring them in every night.

12 Q. Okay. Do you feel that MSHA provides adequate training to its supervisors
13 and managers on handling mine emergencies?

14 A. Adequate?

15 Q. Uh-huh (yes).

16 A. I think they can always do more. I think there ought to be more training for the
17 supervisors. The MERDs (phonetic) I remember Quecreek happened, and I'm trying
18 to think of names. I can't think of names right now. The guy up there that was the
19 mine foreman superintendent, we had him in Bruceton for a MERD, and he was the
20 superintendent. And he kind of thought the things that he was doing down there was --
21 - you know, and the play acting, you know, with the news media coming in and
22 badgering him a little bit and stuff. He kind of thought it went over the top a little bit,
23 and he made some comments on it. But when it happened at his mine, he said how
24 much of that stuff come to him real quick, and how much he could recall. And I think
25 he's even made the statement that he may not have done everything and done

1 everything exactly the way that --- but he said, he couldn't believe how much he did
2 recall, and how much he responded to, based on that MERD exercise that we had
3 down there.

4 Q. Okay. Good.

5 A. The MERDs are good. The MERDs require a guy to participate and adlib. I
6 mean if you don't adlib a little bit, then you're wasting your time.

7 Q. So he ---.

8 A. I mean if the guys get involved with it, they're a good thing.

9 Q. So you think not only do we maybe need training for MSHA's managers, even
10 and supervisors, but you think that mine managers ought to have training in MERD
11 exercises?

12 A. Yes. And I think, just like our field office supervisors, and our --- even our
13 higher-ups. I mean we're getting a lot of young people involved now that really don't
14 have that experience. And they need it. And they don't need it whenever there's a
15 crisis looking them right in the eyes, I mean, they need that right now where it could
16 help them whenever it's really --- when we're under the gun. The same way with the
17 rescue team. I mean any additional training that we can get anytime, I mean, it's
18 going to help us respond, help us do what we need to do.

19 MR. PAVLOVICH:

20 Okay. Ernie, I know you've got a few questions there?

21 BY MR. TEASTER:

22 Q. Ron, how long would it take to get your apparatus --- you to notify on the
23 outside that you needed the use of an apparatus, to get it in and get it donned, and get
24 into and go into the respirable atmosphere? How much time are we talking about?

25 A. Donning it and getting into the atmosphere wouldn't take hardly any time at

1 all. Getting the apparatus from the surface in, that would be the function of our surface
2 guy. The apparatuses are ready to go. So it would have been a matter of getting the
3 three apparatuses underground, on a truck. It was portably a --- I'm going to guess
4 and say a 35-minute drive in. Now, could you have made it in an emergency
5 situation, a little bit faster? Probably, cleared the roads, or whatever. But I would say
6 you'd be looking at, best-case-scenario, 45 minutes for that apparatus to come in.

7 Q. Do you know why the apparatuses were not taken underground? I mean, you
8 know, you could say 45 minutes, but taking them with you, if a need ever arose, 45
9 minutes is a long time, if you're in low oxygen?

10 A. You're absolutely right. The only thing I can say is at the point in time that all
11 that was going on, the rescue team that's under there that's part of the company didn't
12 have apparatuses either. Now, however that decision was made, I mean we'd have
13 been the only two guys underground, one guy on the surface, and at that point, we'd
14 have had three guys underground. We'd have been the only three guys there with
15 apparatuses on. You know, typical mine rescue protocol, we couldn't, shouldn't have
16 even done anything there without having a backup or without having, you know, we
17 require typically, a team exploring, and a team backing them up at the fresh air base,
18 and then a team on the surface, in case all fails there, and they can respond. And we
19 didn't really have that in place. We didn't have a team on the surface, and we didn't
20 have --- we would not have had backup underground to go in.

21 Q. So what you're saying is we got 50 people up there working throughout that
22 whole area and three apparatuses that the three biggest, meanest, strongest, toughest
23 guys might survive, and the other 47 ---

24 A. Or the quickest?

25 Q. --- but ---.

1 A. It depends on who can run the fastest. You can be big and mean, but if you're
2 slow, you're still down.

3 Q. Good point. So the only difference between what the rescue team members
4 were doing, MEU members, and the inspectors from District Nine, the duties
5 underground, was that you were there, should the need arise, to don the apparatus.
6 Otherwise, your duties were the same?

7 A. Yes.

8 Q. Did you all interchange with --- did you go to the miners sometime, and they
9 would --- get the readings outby?

10 A. We always had a mine rescue man at the miner. Now, the field office
11 inspector that come, he was usually up at the miner also. I mean he was usually up
12 there where he was aware of what was going on at the miner, the plan, everything else
13 that was going on, the bounces, the bumps, and stuff like that. The one person in ---
14 at the fresh air base, he was usually a mine rescue team member, and he took the air
15 readings across the entries, and into the returns. We kept, basically, I mean, there
16 was nothing, I don't think, written, that said that those men couldn't do it, but that's the
17 way we were handling things. And then the guy on the surface, you know, he was
18 basically there to aid us if we needed anything quickly. I don't know if I answered your
19 question.

20 Q. Yeah, I think so. Did you alternate going underground with the guy that stayed
21 on the surface?

22 A. Yes, yes, we typically, had we gotten into a full blown mine rescue situation,
23 we'd have had another --- an additional guy on the surface, that would have been
24 more or less like our team supervisor, that would have been part of the plans and
25 been part of the command center, and kept an eye on what was going on, for our

1 protection. The guy on the surface, like I'm telling you right now, being what we were
2 doing, being that we weren't exploring, we weren't using the apparatus every day, is
3 the reason we didn't have, like, a supervisor out there at that time. That person on the
4 surface was doing that work. But that other fellow that's on the surface, he has his
5 hands full, as far as making sure detectors are on charge, the radios are on charge,
6 making sure the batteries are cycled right, make sure that the three apparatuses
7 coming out --- we don't hold the guys that come out of the mine, that have actually
8 worn the apparatus, we don't hold those guys there. We allow those guys to get
9 dressed and go home to get rest. That guy who stays on the surface, he'll wash those
10 apparatuses. He'll dry those apparatuses. And he'll turn them around and examine
11 them to make sure that they don't leak, that they're ready to go. Then the guy coming
12 in, if he's going to wear it, or if we're going to be in a mine rescue mode, where we're
13 wearing, and we're backing up, that guy'll come to --- we get there early enough in the
14 shift, where we can do our tests on our apparatus on our own, and make sure that it's
15 ready to go.

16 Q. Did you ever don the apparatus while there?

17 A. No.

18 Q. Are you aware of anyone else donning the apparatus, other than Brad Allen?

19 A. Who?

20 Q. Brad Allen?

21 A. Yeah, I think Virgil wore. I was --- Virgil wore, Rodney Adderson wore. I think
22 Jeff Lattock (phonetic) wore. After that, I'm not sure of anybody else. But what it was,
23 is it was the guys on dayshift, and possibly trailed over into guys on afternoon shift. I
24 don't know if Scott wore? Scott Johnson might have wore.

25 Q. That was when they went in around those seals; right?

1 A. Went in around the seals, yes.

2 Q. To extend tubing, or to --- on the initial expiration?

3 A. Yes.

4 Q. Okay.

5 A. That's why I say, typically, a lot of that stuff is done when --- and I don't want
6 to say Mr. Davis, but a lot of that stuff's done on dayshift where questions can be
7 answered and things can be done. Midnight shift is usually a mop-up and keep things
8 moving type of shift. And if we needed to explore, I mean, we could have very well
9 done that. But, I mean, typically, they don't do that until the proper players are in
10 place, where if there's a decision that needs to be made, it can be made right on the
11 spot.

12 Q. You made a point there, Ron, early on in that discussion. And you said,
13 normally, in a mine rescue exercise, the mine rescue unit would have a supervisor or
14 in my familiarity, it would be with Ron Coslow?

15 A. Or Charlie Pogue (phonetic).

16 Q. Or Charlie Pogue, who, would have been in the command center, would have
17 been privy to all the meetings and negotiations on plans, and basically, his
18 responsibility, as we understood it, was for the safety and protection of the rescue
19 team members?

20 A. Yes.

21 Q. And I know Ron would come to me several times at Grove or Glacier,
22 whatever, and say, after meeting, I have my concerns for my guys about this or that.

23 A. Yes.

24 Q. Why didn't we have somebody in that capacity at this operation? I realize it
25 wasn't apparatus wearing, but we didn't always wear apparatus on other ones either, I

1 mean ---

2 A. The only thing I can say ---.

3 Q. --- we're still a rescue operation. You still had the teams here.

4 A. Yeah, the only thing I know is we weren't wearing the apparatus. Had we
5 started wearing the apparatus, we'd had had the guy out there. The function of the
6 command center --- or the command center wasn't set up the same way, like I said, at
7 the beginning, as it was when we were wearing the apparatus.

8 Q. Why?

9 A. I don't know that.

10 BY MR. PAVLOVICH:

11 Q. What would be the difference? This was still a rescue operation, you know,
12 exposing people to hazardous conditions. Whether you're ---

13 A. Joe, I ---.

14 Q. --- checking seals in a smoke-field environment, or you're shoveling coal off a
15 rib, if you're in a mode of trying to rescue people, it's a rescue operation?

16 A. Every --- I don't want to say every event I've been on, but mostly events I go
17 on have little things that are different than the last one, or what's going on. Command
18 centers are not always the same. You know, who's in the command center is not
19 always the same. Where the command center is located --- I don't know if it was a
20 logistics-type thing ---.

21 Q. Why is it, do you think, that they're different in that regard? Should they not
22 all be the same? I mean I realize every operation you go to is different, you have to --
23 -. But should not the command be the same?

24 A. Well, the command, how it's performed, probably should be the same,
25 whether you do it from the same room, whether you do it with somebody in the truck,

1 those guys up in the map room up wherever that was. Wherever their, quote,
2 command, their area of the command center was --- ours was in the truck. This was a
3 non-union mine, so we didn't have a union participating in it.

4 Q. Nor state; right?

5 A. I was trying to think. I don't remember anybody from the state being there. I
6 don't know what kind ---

7 Q. No, they didn't have the state agency.

8 A. --- of inspection force ---.

9 Q. Yeah, they wouldn't have been there. Well, I just wondered that, I mean ---.

10 A. And I don't know. Here again, I mean I don't know ---.

11 Q. So you're --- but you're acknowledging the fact that the MEU unit didn't have
12 anybody in the command center as they normally would during a rescue exercise that
13 was involved in the plans, discussions, all that ---?

14 A. No, we do have somebody in the command center which ---

15 Q. Oh, did you?

16 A. --- as we knew it out there, the command center was the Blue Goose truck
17 that time.

18 Q. Yeah, but who was in there? Who was ---?

19 A. It was either myself --- on our shift, it was either myself --- if I rotated
20 underground, Randy Gunderson, and if Randy rotated, and I rotated underground, it
21 was Mike Schumway.

22 Q. So the day that you rotated to the surface you would stay in the command
23 center?

24 A. Yes, and ---

25 Q. And what were ---.

1 A. --- it seemed like Ron and Charlie, I mean, they didn't stay in the command
2 center, continuously, 12 hours a day. I mean, they floated back to the truck. They
3 would do things in the truck. If anything come up, or if anything was going on, usually,
4 we had a squawk box in the truck where we could actually hear everything that was
5 going on that was coming from the command --- or fresh air base outside. We would
6 handle it like that. If questions come in, or plans were being developed or anything,
7 then they would go over and get involved in those situations.

8 Q. Right. But you didn't have that this time?

9 A. But ---.

10 Q. You guys weren't involved in plan, discussion, and developments?

11 A. No, not on midnight shift. I don't know whether --- you know, I'm not sure who
12 was on the dayshift and who was on afternoon shift as far as doing those duties, but ---

13 Q. Okay.

14 A --- whether they participated in any plans --- I know Virgil participated in some,
15 but I don't know how much, or to what degree, or to what he was involved with.

16 Q. Okay. You told Joe earlier, that you didn't have any experience around
17 bumps or bounces prior to Crandall Canyon. Would you consider yourself
18 experienced today?

19 A. Unfortunately, I have a very limited knowledge, but I'm not going to say I have
20 a lot of experience, no.

21 Q. Well, there was a lot of activity going on out there.

22 A. I'd like to be around somebody that was familiar with that, or I guess maybe
23 it's third best guess, too. I mean when you hear them, you know, is this significant?
24 Or is this what it does? You know, our roof works, you know, and I go in the mine, and
25 I hear it working. I mean especially, when you're pulling pillars and stuff like that, you

1 hear it working ---

2 Q. Uh-huh (yes).

3 A. --- and you get a familiarity or a comfort level with it. You know what it's
4 doing. You know what --- those guys out there told me that when you hear those little
5 bounces and those little things, that that's a good thing out there, because it's relieving
6 the pressure. It's not building up. But I mean I'm talking to the miner operator and the
7 miner helper. I mean I don't know ---.

8 Q. Well, of course, the thing is, those are also the guys that went through this
9 effort withdrew themselves, because they were afraid. You mentioned earlier that you
10 were briefed when you go to the mine. Did those briefings include sharing the
11 information on all the events that had transpired, or was that basically just giving the
12 information that here's the plan. This is what you're now doing?

13 A. I think to answer that fairly, I think if Don felt something significant happened,
14 he shared that with us. Most of the time, it was the plans. This is what we were doing.
15 He --- I know several occasions, he told us that, you know, that there was a bounce on
16 the shift, you know, prior, you know, at 6:00, or something like that. I know we've
17 gone in and he said, hey, there's going be a hole go through at a certain time, or it
18 probably won't go through on this shift, or something like that. So ---.

19 Q. What kind of information would he share on the bump, when he told you that a
20 bump had occurred on the regular shift?

21 A. Basically, if I recall, it would just say that there was a bounce on that shift.
22 They've had several of them. He might tell us, like, it shook some material off the
23 roof and ribs, or something like that. I can't recall anything, like, it covered the mine,
24 or it did anything like that. Of course, the cutter shafts broke on our shift. I mean that
25 was our wreck, so ---.

1 Q. Did you ever have the opportunity to review the log that was being kept?

2 A. When I stayed outside on those days that I was a surface person, yeah, I
3 could look at the logs. They were there. And I would go back through them some.

4 Q. Now, did you notice all the bumps? That there were a lot of bumps occurring
5 underground?

6 A. I noticed there was bumps occurring underground. But it's the same way with
7 me calling them out. You know, I mean, I was calling out, you know, little things. I
8 was calling out everything. I mean it was like, you know, we had a bounce at 1:00,
9 you know, other guys didn't even at a the bounce. You know, but I mean, to me it was
10 ---.

11 Q. Did you ever hear anyone discuss them --- about those bumps, and say well,
12 they didn't mean nothing, or they --- was there any kind of evaluation of that
13 information, or was it just logged and ---?

14 A. I don't ever remember anybody evaluating them or saying that they didn't
15 mean anything, or anything like that, no.

16 Q. Were you ever in the command center in the morning when Mr. Stickler,
17 Kevin, and Al Davis would come in to check the logs before they went to a family
18 briefing, or anything?

19 A. Very briefly, Joe, but not a lot. Usually, that truck got pretty crowded, when
20 Kevin and Stickler and them guys showed up and ---.

21 Q. So what would you do?

22 A. Basically, I'd go outside.

23 Q. Get out?

24 A. I mean, it just ---.

25 Q. Did you ever ---?

1 A. Here again, my opinion there is whether it was Cornett, like, at the end of his
2 shift, whether it was Don Gibson, or who am I thinking, Butch Hackney (phonetic) at
3 the end of his shift, or whatever. Whoever was there at the time, when Kevin and
4 them showed, there was usually a lot of --- it was intense. I usually stepped out. If
5 they needed me, I was right there. I didn't hide. I don't want to say I hid, but I was --- I
6 tried to be in the background, and be there for them if they needed me, but not ---.

7 Q. When you say it was intense, in what regard?

8 A. Well, I just feel like, with the television, with the news media, with everything
9 that was going on, the family briefings, and the different stuff that was going on, I think
10 there was a lot of pressure, and ---.

11 Q. Do you think they were under a lot of pressure to ---?

12 A. I do.

13 Q. Did you ever hear them, any --- ever threaten to fire anybody, or send
14 anybody home, because the log wasn't right?

15 A. No.

16 Q. No?

17 A. I never heard that, no. If it happened, you know, it was not on where I was
18 around, or where I heard; okay.

19 Q. Okay. These spads that you mentioned earlier, were they being put in,
20 specifically, to get a measuring point to the face?

21 A. The spad, I remember on was at 125. And I'm not sure whether it was a spad
22 that was already in the roof whenever they developed that, or whether it was a spad
23 somebody --- I don't ever remember anybody coming in and putting in spads. But I
24 know we had a streamer hanging off of it to where it would draw your attention, where
25 guys were using it ---.

1 Q. So that was your designated measuring point ---

2 A. Yes.

3 Q. --- or location? What were your thoughts of this support system? What was
4 it designed to protect you from, in your opinion?

5 A. Well, I think it was designed more for the ribs than it was for the roof blowing
6 out on us versus the top coming down. Like I said, I mean, I know the area between
7 supports of the stumps was severely reduced, because of the initial --- I mean,
8 because you could look back over the top of the coal. I mean, you knew that the pillar
9 was less, I guess, than what it originally had been. Everywhere where we mined, I
10 mean we did some re-bolting. We had some areas where there was some scale
11 down, but basically, the roof in there, I mean, really looked pretty good. Could it fall
12 with another bounce? I mean, I think the potential is always there as far as, you know,
13 with what we got going on. And me, personally, I think it was meant to try to --- if we
14 had another bounce, you know, that's the reason for the screen. That's the reason for
15 the wire ropes. You know, that if it knocked out one of those rock props, maybe the
16 other ones would hold it. It wouldn't knock them all out. I think the wire rope was
17 meant to possibly hold the rock props. To keep the rock props from going on us. You
18 know, as much as, well, probably more than anything. They're not going to ---.

19 Q. You said, earlier, Ron, that you couldn't get in behind the rock props if the
20 screen was hung properly. Was there some places where it wasn't hung properly?

21 A. There was a crosscut where --- I don't know if and that was at 124, or
22 somewhere in there, where we had, like, spliced it together. And the splice wasn't real
23 good, and there was a gap there where you --- you know, but for the most part, the
24 screen was pretty good. For the most part, the wire ropes, I thought, were pretty good.

25 Q. Was the only place, the only crosscut you say cleared up, was at 123, where it

1 was cleaned enough where you could kind of get into it a little bit?

2 A. 125 was also.

3 Q. 125 and 123?

4 A. 123, we cleaned out for a --- originally, what it started out to be was a change
5 out for the bolter, so the bolter wouldn't have to back the whole way out.

6 Q. Okay.

7 A. I'm not sure of the exact numbers, Joe, but I think 124 is the first one where
8 we thought we had arrived. We had a mantrip in it.

9 Q. Right.

10 A. Yeah, and then that one, we couldn't clean out hardly at all. Then we got up
11 to 125. And 125 had a pipe car in it that we ended up pulling out of there. And they
12 cleaned it up pretty much back to the beltline, I'm pretty sure. So 125 was cleaned
13 out. 123 was --- we were changing out the ram cars now there and the bolter was
14 staying, I think, at 125.

15 Q. Okay. On the ones that weren't cleaned out, were they cleaned out far
16 enough that the rock props went around the corner into the crosscut? Or were they
17 just straight across the crosscut, right on up with the entry? Do you know what I'm ---?

18 A. No, I know what you're asking, and I'm not sure. I think the rock props come
19 straight up. Now, whether there was additional rock props set back in there, I don't
20 know. But the rock props were straight along the intersection.

21 Q. So you think, like, these rock props were coming up. And you think they just
22 went straight across the intersection, where the ones that weren't cleaned up, like,
23 122, 124, whatever they --- they didn't go like, back in like that, around the corner?

24 A. I'm trying to think, Joe, and it's like I'm saying --- if there was much there,
25 there wasn't very much, because it was hard to get out of the way. If you had a shuttle

1 car coming, or a ram car ---.

2 Q. Even in the crosscut that wasn't cleaned? You couldn't get out of the way?

3 A. You pretty much had to stop and get out. Now, the --- I'm trying to think of
4 which one that was, 122 or something in particular, had a tool car, had something in
5 there. And I was trying to think of whether it was just the screen was looped back
6 around there, or whether they had rock props back in behind there ---.

7 Q. Okay.

8 A. I don't recall.

9 Q. Okay.

10 A. And 124 was pretty much --- we abandoned that. It was tried to be straight
11 across. I mean it tried to be nothing there at all.

12 Q. Okay.

13 A. That was where the --- we couldn't hardly turn it in there at all.

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

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

16 Q. When they were setting the rock props, was there any problem with stalling,
17 problem bad ones on your shift?

18 A. I want to say there was some bad ones, but I can't remember why they were
19 bad. There were some rock props we through along the rib. We threw it off to the
20 side. But I can't remember what --- I knew there was different size props. I'm not sure
21 whether they were the wrong size, or whether they had that ear, you know, where they
22 pumped them, where it was damaged on the way in or something. It wasn't very many
23 though. I can't say that we threw very many off to the side.

24 Q. And what about the number of people underground? Not enough? Too
25 many?

1 A. Early on, there was too many. Especially, up at the front end. Then through
2 the plan process, and through people talking --- and I think it was like us saying, hey,
3 there's too many people around. They lessened that number that could be up there
4 and where they could be. Towards the end, nobody was allowed inby 119, unless you
5 were doing certain things up at the face. You know, which was setting the props, or
6 whatever. But, like I said, it got --- it was a problem, because if you loaded your last
7 ram car, and then you had to set the rock props, and you had to wait for guys to come
8 the whole way from 119, it was a problem. So not so much a problem, but maybe a
9 delay of time. So that 123 and 125 guys had to come back out and get in those
10 crosscuts and get in the clear, while they were mining. The only guys that were
11 allowed up there were the miner helper, the boss, a little bit on the boss. He wasn't
12 allowed up there continuously. Our MSHA guy was up there some. And then, as that
13 ram car went out, then those guys could come up and help set the --- clean out and
14 help set the rock props and stuff. The outby guys stayed pretty much from 119 outby
15 doing support work out there. I don't think we had too many guys outby. But there
16 was a point, at one time early on, where there was too many people up front.

17 Q. You mean, like, if a bump occurred, the bumps dust, did you know how many
18 people the --- if you had to count heads, how many heads you needed to account at all
19 times?

20 A. If you're asking did we keep track of how many people went inby 119, or 120,
21 no. They, we knew the command center, as far as I knew, knew how many people
22 were underground, but as far as you know, whether they were outby or inby, you know,
23 I couldn't --- we didn't keep a check in/check out system, as far as who went inby 120,
24 or ---.

25 Q. What about, in your opinion, did we have too many MSHA people on the

1 ground at times?

2 A. No, no. Could we have maybe brought out --- if you're asking of the mine
3 rescue guy up at the miner versus having the field office person up there, I mean,
4 looking back, maybe we could have done that a little bit. But there at the end, when
5 we were so far up there, we were up at 127, for that guy to come out of there and take
6 the air readings back there, and then get up to the face, and take the readings up
7 there, and --- no, that wouldn't have worked.

8 Q. I mean, I wonder if you don't remember but did you ever see people that were
9 just there, more or less, just to look around, or --- someone who didn't have any
10 function as far as MSHA people?

11 A. As far as MSHA people?

12 Q. Yeah, MSHA?

13 A. No, I don't believe that. We had foreman come in at different times, but I
14 thought even they had a function. I mean they come up and looked around. They
15 were the guys that ran that mine. You know what I mean, they'd look at the top, look
16 at what was going on, then they'd go back outside and order what they needed, you
17 know, as far as props and stuff like that. But I don't --- as far as MSHA guys, no, I
18 don't think so.

19 Q. Ron, I think I just got going and I kind of faced --- I figure I'd better say
20 something. Did you think that you had the authority, or anybody underground had the
21 authority, that if you guys felt it was too dangerous, that you could have said, okay,
22 we're going to stop. We're not going to do this anymore? You know, usually, an
23 inspector, if he knows one section, these guys are you know, placed in imminent
24 danger, whatever, did you guys have authority during this operation?

25 A. We always have that authority. And we take that seriously. And, you know, I

1 mean, we are the eyes and ears of the command center. Now, whether we argue the
2 command center's set up right, or not, I don't know, but we're the eyes and ears of the
3 command center. It's just like I was telling you before at bolting. I mean, I didn't have
4 to stop them, but I was prepared to stop them from advancing any further, until they
5 got the torque wrench, or they showed a show of resin, or they got it cleared through
6 the command center to, you know, what they were doing was okay. You know, my
7 experience in bolting is you've got to have something there to tell you that your rods
8 are anchored. And right now, they didn't have it. They couldn't address their plan,
9 and they couldn't address --- and I didn't have to pull the trump card out and say,
10 you're down. The boss up there said we'll go get a torque wrench. And he told the
11 guys at back up to start cleaning up. When they're mining, there was always work to
12 do. Because the head of the miner always had wire on it. There was always, you
13 know, something to do to clean up, clean some of the dirt off the miner, go back to the
14 feeder, you know, scoop up the feeder, there's always stuff to be done. So they really
15 didn't bat an eye at it whenever I started to question it. The people that got upset with
16 me was the bolter operator. And he --- it was his friends in there. And that's --- I
17 never took it any way, I just thought, you know, I'm doing what I have to do, because I
18 can't let others go in there, and it fall behind us, and now we got guys trapped because
19 we didn't have enough resin in the hole. We always have the ability to stop them. We
20 stopped them in Sago.

21 Q. Uh-huh (yes).

22 A. It doesn't show up very much, but I was traveling with the team, with Bailey's
23 team, and we got up to 19 crosscut, and they're telling me come on, Ron, we're going
24 to the face. And I stopped them. I said, no, you're not going to the face. I said, you
25 call the command center, and you tell the command center we're going to the face. If

1 the command center says to go, we'll go. The command center wouldn't let us go.
2 The command center told us to come back out the common entry with the belt and the
3 belt engine. Then when Markowitz (phonetic) team come in, it was probably a good
4 call, because Bailey's team was pretty much out of air.

5 Q. Well, okay, this is your opinion, Ron, in your opinion, why was it not, or why
6 was it safe enough --- and Joe kind of touched on this, why was it safe enough on the
7 15th to do it, but not on the 17th? Was it because you felt that the water dish and the
8 rock props were ---?

9 A. You know why it wasn't safe on the 17th, because it bounced on the 16th and
10 hurt --- killed three guys. If it wouldn't have bounced on the 16th, we'd have still been
11 in there mining on the 17th, trying to get to those guys.

12 Q. They bounced --- well, it could have bounced, if it just wouldn't have killed
13 anybody?

14 A. Right.

15 Q. Because it was bouncing all the time, like I showed you in here ---.

16 A. A bounce of that magnitude, maybe, is what I'm saying ---.

17 Q. Well, there was several of them. Several that were even more.

18 A. It didn't blow out the rock props, and didn't blow out and cover guys, and didn't
19 kill guys.

20 Q. Well, let me ask you this, Ron, and just follow up on this question, if no one
21 had been up there, and it bounced, and blew those rocks props out, but nobody was
22 hurt or killed, would they have kept on going? In your opinion? And that's only an
23 opinion, you don't --- you don't --- no ---.

24 A. My opinion is that they would have called that outside.

25 Q. Right.

1 A. They might have stopped that operation for that particular time. I think some
2 people would have got together, and said, hey, this is what happened. Would we
3 have returned to doing that? Possibly.

4 Q. Okay.

5 A. I guess my --- the big thing is I can't answer that.

6 Q. Well, you know more about the mentality of what people were thinking there
7 at the time than we do, that's why I asked you that. I mean, it's only an opinion. But
8 based on what you --- you know, you know what was going on and what the attitudes
9 were there for a time? Go ahead, Ron, I'm sorry.

10 A. That's all I had.

11 BY UNIDENTIFIED SPEAKER:

12 Q. Okay. I had a couple, Ron. A kind of clarification about the local Price
13 people. Was it my understanding that they weren't there, initially, right? It was just the
14 --- the immediate guys. Okay, so then, somebody from Price was added. They didn't
15 take the place of --- any of your persons; is that right?

16 A. I'm not exactly sure how that come about, but I was asking a lot of questions,
17 you know, saying, what's in the plans? What's going on here? You know, we don't
18 know the plans. We didn't have a copy of the plans. And even if you're thrown a copy
19 of the plans, you know, you don't know what's in it, compared to a Price guy. Plus, the
20 bounces were of a concern, you know? And I'm not sure whose decision it was, or
21 how it come about, but then it come down to where one of the following shifts, they
22 said that they were going to put a field office inspector with us.

23 Q. Okay. But they added to the guys that you started with, they didn't necessarily
24 replace somebody from there?

25 A. Yes.

1 Q. Now, did that maintain that way throughout, or was there one point in time,
2 where they then turned around, and you took the local people out?

3 A. No, not --- at least, not on our shift. Because help me out. I'm not sure of the
4 inspector's name, but he was up there at the miner that night, along with Gary Jensen
5 when it did go. And he got hurt pretty bad also. He wasn't killed, but ---.

6 Q. I mean I thought that we had heard some other people say that they either had
7 taken the locals out, or a shift, and then there was some second thoughts on that
8 being added back in, and I wanted to know if you had any knowledge of that? Maybe
9 it never made it to your shift?

10 A. Oh, you know what? I do recall some of that going on. What was Ron's last
11 name?

12 Q. Paletta.

13 Q. Paletta.

14 A. Paletta was on our shift for a while. And I here again, I mean I don't know
15 what's going on in the local field office, as far as getting the ones done and doing
16 whatever. I didn't know whether that was something that they needed to do to do that,
17 or whatever. But they --- Ron did go home one night.

18 Q. Then they were back?

19 A. And then they were back, yeah.

20 Q. Okay, so ---.

21 A. And I'm not sure why that transpired. I'm not sure.

22 Q. So whatever happened, it was a relatively short time that it went on before
23 they ---

24 A. Yes.

25 Q. --- had brought the locals back?

1 A. Yes.

2 Q. Switching gears a little bit, as far as calling out bounces, you said that you
3 were calling out pretty much everything; is that right? I mean you personally?

4 A. If I was back at the fresh air base taking the readings across --- I might call out
5 the readings, and say, hey, you know, these are my air readings. We had a slight
6 bounce, or we had something go on 15 minutes ago, or something like that.

7 Q. Okay. And then somewhere in the discussion with the follow up to Ernie's
8 question, I thought I understood you to say that maybe not everybody was calling out
9 the same type of stuff. If someone heard something, they might not call it out. I'm
10 curious, you know, you also mentioned good bounces under the locals' definition. Do
11 you think the people were calling out the so-called good bounces, or did it vary from
12 person to person on what they were calling out?

13 A. I can only speak for Ron. I think it varied from person to person. I think the
14 guys out there, you know, if --- say Randy Gunderson was back there, Randy's from
15 that area, he might not have thought anything. It might not have --- or he might have
16 just casually said, hey, we had a couple little things.

17 Q. Okay, then follow up on that. Was there a point in time, where you got word
18 from the decision-makers command center, whoever, that you would call out
19 everything regardless of little, or medium, or large, as far as bumps? Was there a
20 definitive point in time when that was instructed?

21 A. Not that I recall.

22 Q. Okay. I guess just one other kind of curiosity one, you mentioned the locals
23 providing you with a degree of comfort, because they're there and they're familiar with
24 it. On the other hand, when the local miners withdrew themselves, what did that do to
25 your comfort level? Did you think about that much?

1 A. Other than knowing that some guys had talked and didn't want to be there,
2 which, I mean, we have it all the time, whether we're fighting a fire or whatever, we
3 have guys that don't want to do certain things, and don't want to go in. I knew that that
4 had happened, but I had no contact with them guys. And we always had guys that
5 were there with us. So it really didn't --- I didn't think about it much, I guess is the best
6 way to put it.

7 Q. And our local inspectors didn't really put much stock in the local miners
8 withdrawing themselves. I mean that never was discussed at all?

9 A. No, I never heard --- I didn't hear it.

10 Q. Okay. And I guess my last one, you know, you talked a little bit about Virgil,
11 and Larry Ramey not being in the command center. Were they underground much?
12 Either one of them or both of them on your shift; or do you know?

13 A. On my shift, no. But I think if I remember right, Larry was working the
14 dayshift, and Virgil was supposed to be working the afternoon shift. Well, if you guys
15 would have been around Virgil, Virgil is a go-getter. And Virgil was probably there on
16 both shifts. And Virgil --- I know Virgil had gone. And that's the only thing I can say.

17 Q. Okay. That's ---.

18 A. Virgil's a good guy. Virgil really goes --- he goes all out I guess is the best
19 way to put it. If they needed somebody to go into those seals, Virgil would have went
20 before he sent one of us or sent somebody. I mean, and that's the way Virgil is. I
21 know Virgil had Rodney Adderson and Jeff Wagert (phonetic) with him on one or
22 different occasions, because that was the first time they had warned on respirable
23 atmosphere. And I know that occurred, but whether that was the same day, different
24 day, these are how --- I'm not sure.

25 Q. That's all I have.

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MR PAVLOVICH:

Okay, Ron, I think that's pretty much all the questions we have for you today. And we certainly appreciate your coming down from practice this morning and joining us and bearing with us on our questions. I speak for myself and for the rest of the team, I think we've --- well, of course, I've known you for a long time, and certainly have the most respect for you as a rescue team member and as a person. And I really appreciate your interview and your discussion with us and telling you --- on us what you believe and what you thought. I speak for everybody else, too, I --- we appreciate your time and patience with us, and the opportunity to come in. Always good to see you, not under these circumstances, but unfortunately, it's too often anymore ---

A. Yeah.

MR PAVLOVICH:

--- under these types of circumstances. Again, I just would ask you, please don't discuss our questions with anybody else we might be interviewing. And we will be doing some more interviews yet, but again, thank you. If we think of anything we need to ask you in the future, we'll get with you. And if you think of anything you'd like to tell us that maybe we didn't ask, or have forgotten, or you remember something, please get back with us and let us know; okay?

A. I'll say one more thing, and then just ---

MR PAVLOVICH:

Okay.

A. --- for what it's worth.

MR PAVLOVICH:

Okay.

1 A. You can ask too many questions of a command center, I think. You know,
2 where --- and some of that, those guys have to be trained to the point where they
3 know what's going on when they give you information, and you go underground.
4 That's not to say, like, as Ronnie asked me, that I don't have the ability, or don't have
5 to say, hey, this is not what we should be doing, because they can't see what's going
6 on underground. You know, that's what we're supposed to do. We're supposed to
7 report what we're seeing underground and getting back to them. I feel like what we
8 were doing there, I feel like if them guys had a chance, we were doing what we had to
9 do. And, again, I feel like, when the second bounce happened, that took Gary and the
10 other two guys, it was very unfortunate. It could have happened on any shift. It could
11 have happened at any time. I mean we didn't like it. Nobody would like it. But for
12 those six guys back there, I think that was the chance we had.

13 MR PAVLOVICH:

14 Okay. That's fair enough. Well, we appreciate your efforts
15 and the rescue team. We know that you guys sacrifice a lot to be on the rescue team
16 and be there when the miners need you. And you're greatly appreciated by this
17 committee and by this --- all them miners. I think they look at the rescue people as
18 the cream of the crop. They certainly fit in this instance. We appreciate your efforts.

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