

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
SCOTT JOHNSON

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
NOVEMBER 6, 2007

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MR. TEASTER:

We'd like to record your interview if you don't have any problem with that.

A. No, no.

MR. TEASTER:

Secondly, the reason that Joe and I are heading up this independent review is because the Assistant Secretary was onsite during a lot of the recovery effort, and the Secretary wanted to do an independent review ---

A. Okay.

MR. TEASTER:

--- so they called Joe and I and asked us if we'd come back. We retired a few years back. And you know Joe, apparently. Joe's been around for a long time, done a lot of mine-rescue work, worked as a district manager. I think he probably served in all the different positions from inspector up to district manager. I was district manager for a while here in Mount Hope, worked in metal, non-metal a little bit, and did a bit of mine rescue. So they asked us if we'd come back and head this review up, and we agreed. And we selected these folks behind you here --- I think you know most of them ---

A. Uh-huh (yes).

MR. TEASTER:

--- to help us out. And we need their --- each of them has different areas of expertise, and we need that to complete our assignment. And we also need information from people like you so we can complete our assignment.

A. Okay.

MR. TEASTER:

1 Q. And who is your current supervisor?

2 A. Russell Riley.

3 Q. And what position did you have prior to accepting the current position?

4 A. I was in tech support in ventilation for eight years and one year in roof control
5 tech support prior to that in several mines over the course of my career.

6 Q. And how long have you been in your current position?

7 A. One year.

8 Q. And you're a member of MSHA's mine-emergency unit?

9 A. Yes.

10 Q. And how long have you been a member?

11 A. Four years.

12 Q. How and when were you notified of the accident at Crandall Canyon Mine?

13 A. That was actually the day we were doing mine-rescue practice up in
14 Pittsburgh. And we started practice around eight o'clock, and we got word probably,
15 I'm guessing 8:30 or so. And we were suited up by 9:00 to go continue on with our
16 practice. And I had just put my oxygen on when they said, you know, we're headed
17 out west. And we all caught flights that day, and I'm not sure what time my flight was.
18 But we all made it to Crandall Canyon that evening.

19 Q. And when did you report to the mine?

20 A. Well, we went out that evening. I probably got there between 9:00 and 10:00.

21 Q. That night, August 6th?

22 A. We definitely checked in, I'm trying to think if we met Virgil at the hotel or we
23 saw him out at the mine. But he was on a different flight. I worked all three shifts
24 when I was there. I think I started dayshift, but we went out that night, I believe.

25 MR. PAVLOVICH:

1 So you actually got there on the 6th?

2 A. Yeah.

3 MR. PAVLOVICH:

4 The 6th, the day of the accident?

5 A. Right.

6 MR. PAVLOVICH:

7 Okay. And did you think you reported to the mine sometime
8 that night?

9 A. We didn't know. Virgil did --- you know, I should remember this, but ---. I
10 checked into the hotel and actually ran into a couple guys that were in the --- the gas
11 people there. And they told me where the mine, and I can't remember if I drove out or
12 not.

13 MR. PAVLOVICH:

14 So you drove down from Salt Lake, I guess that's where you
15 flew into.

16 A. Right.

17 MR. PAVLOVICH:

18 Drove to Price, ---

19 A. Right.

20 MR. PAVLOVICH:

21 --- checked into the hotel and got directions to the mine ---?

22 A. Yeah, I'm thinking Virgil was at the hotel. And we waited 'til the morning to go
23 out. I don't think we went out that night.

24 MR. PAVLOVICH:

25 Okay.

1 BY MR. TEASTER:

2 Q. Scott, did you keep any notes of ---?

3 A. I did.

4 Q. We requested the notes and we haven't seen ---.

5 A. Well, they're not available. I kept notes on one of those steno pads
6 throughout the ten-period. And during the commotion on the 16th, a guy was
7 stationed at the phone. He didn't have anything to write with or a notepad, and I gave
8 him mine. And apparently, he had left before --- or he did leave before I did. And I
9 never thought to ask for my notebook. I don't know if it's still underground or if that
10 guy held on to it.

11 Q. Was that an MSHA employee?

12 A. No, it was a company man. And the only thing in my book was the stuff taken
13 over the ten days that had already been called out to the command center. There was
14 nothing ---

15 Q. Okay.

16 A. --- enlightening in that book.

17 Q. So what is your first remembrance ---?

18 MR. PAVLOVICH:

19 Except you would've known when, when you went to the
20 mine ---

21 A. Right.

22 MR. PAVLOVICH:

23 --- that those type issues as far as what ---?

24 A. Yeah, right.

25 MR. PAVLOVICH:

1 A. Yeah, we went to the command center.

2 MR. PAVLOVICH:

3 The Blue Goose?

4 A. Yeah.

5 MR. PAVLOVICH:

6 Okay.

7 BY MR. TEASTER:

8 Q. And what happened shortly after you arrived there?

9 A. Well, it was determined that we were going to try that small seismic
10 underground. And Virgil and I went underground to try the seismic out.

11 Q. Did you look at the map and get briefed on what had taken place?

12 A. Oh, yes, I'm sorry. Yes, we did.

13 Q. And then you and Virgil ---?

14 A. Virgil and I went underground. I'm not sure what Ron and Rodney did. But,
15 yeah, we went underground. And Virgil has this portable seismic that we tried. And
16 that was at Crosscut 121.

17 Q. And what did you observe when you got underground?

18 A. When we got underground, that was the morning of the 7th. The evening of
19 the 6th, I'm pretty sure the miner was in Crosscut 120. And they had had a bump
20 during the evening where several people had been, you know, pushed around,
21 including one of our inspectors. Ron Paletta said he was in that. And the miner was
22 there. And up above what they were calling the fresh air base was 121, and that's
23 where we set up the seismic initially. Up here around the corner, somewhere up in
24 here (indicating), they had a compressor set up. They were pumping compressed air
25 into the inby through an old waterline, or through a waterline.

1 MR. PAVLOVICH:

2 Okay. And so where you're pointing at there is somewhere in
3 the main west ---

4 A. It's the roadway, yeah.

5 MR. PAVLOVICH:

6 --- outby kind of where the entries were drilled ---

7 A. Probably the 109 crosscut.

8 MR. PAVLOVICH:

9 --- near the south barrier of 109?

10 A. And the main beltline for that section, somewhere there.

11 BY MR. TEASTER:

12 Q. And were they loading when you set the seismic?

13 A. No. That bump the evening before had chased them out.

14 MR. PAVLOVICH:

15 Okay. Where did you understand that that bump was?

16 Where did it occur on the evening before? Where were they loading at, do you
17 remember?

18 A. The miner was sitting in 120. I don't know if they had started loading or not.

19 BY MR. PAVLOVICH:

20 Q. Okay. You don't think they'd started loading in Number One entry yet?

21 A. I don't, no. I know they hadn't done that.

22 Q. So where was the bump at when they were run out?

23 A. Well, the miner had been buried in 120. I mean, the --- buried. You know, it
24 came up to the sides. You had to crawl over the miner to get ---.

25 Q. And when you got there on the 7th, the miner sitting in Crosscut 120 was

1 buried?

2 A. The sides were buried, yeah. And the guys the evening before --- and Ron
3 Paletta told me this story, he was one of the guys that was knocked over.

4 Q. Okay. Where was he at, at the time? Do you know?

5 A. Well, he must have been there by the miner.

6 Q. Would they have been up in the Number Four entry maybe?

7 A. That's possible, I don't recall that. But I don't ---.

8 MR. TEASTER:

9 They started the rescue --- started loading up number four
10 initially. Now, you wouldn't have been there when they started that ---

11 MR. PAVLOVICH:

12 No.

13 MR. TEASTER:

14 --- 'cause they started ---.

15 MR. PAVLOVICH:

16 On the 6th, they started with scoops loading in the Number
17 Four entry.

18 A. That's possible. You could tell where, you know, something had been up
19 there. That's where we were taking the air reading, the 119 and a half.

20 MR. PAVLOVICH:

21 Okay.

22 A. So that's possible.

23 MR. PAVLOVICH:

24 Okay. So when you got there, the miner was sitting ---.

25 A. The miner was sitting in 120, and the fresh air base was 121. And I may be

1 off a crosscut, I don't think so. The power center was 119.

2 MR. PAVLOVICH:

3 And the miner was pretty much ---?

4 A. You had to --- when we were doing the seismic, we initially set up at 121, just
5 tapping on the bolts, and then with that portable seismic, waited to see if we could
6 hear any response. And then it was determined that we would do the same thing on
7 the pipe. So we had them shut the air compressor off. We beat on the pipe --- and to
8 get to the pipe, we had to crawl over the miner in 120. And there was no way around
9 the miner, you actually had to crawl through the conveyor. So it was ---.

10 MR. PAVLOVICH:

11 Because the coal was ---?

12 A. On both sides.

13 BY MR. TEASTER:

14 Q. Just about level with the top of the miner?

15 A. Yeah. Yeah.

16 MR. TEASTER:

17 Okay.

18 MR. PAVLOVICH:

19 And do you know when --- did anybody say when that had
20 occurred, that ---?

21 A. That happened the evening before.

22 MR. PAVLOVICH:

23 It did happen the evening before?

24 A. Yeah.

25 MR. PAVLOVICH:

1 Ron Paletta or somebody told you that?

2 A. Yeah. And I think that's why we didn't go out to the mine that night was
3 because that had happened. And they said that they were going to sit back and
4 decide what to do.

5 BY MR. TEASTER:

6 Q. You mean the night before, the 6th?

7 A. The night of the 6th, the night we got in. I think that's why we didn't go out to
8 the mine, because that had happened.

9 Q. Okay.

10 A. And nobody was working that night. Virgil will know the answer to that.

11 Q. Okay. Backing up a little bit, Scott, back to the surface when you said you felt
12 Ramey was in charge. Was it always clear to you when you showed up at the mine,
13 your shift, who was in charge of that operation?

14 A. Well, I worked the three different shifts. It was always one of the --- the
15 reason I said Ramey the first day is because I think that's who called us out there. He
16 asked Virgil for us to come out there.

17 Q. Right.

18 A. Yeah, Don Gibson, Bill Taylor and of course Al Davis and the guy that just
19 took District Three.

20 Q. Cornett?

21 MR. PAVLOVICH:

22 Cornett?

23 A. Bob Cornett. And between those guys, when we got to the mine that's who,
24 you know, was lining things up.

25 MR. PAVLOVICH:

1 Okay. So it was one of those guys?

2 A. Yeah.

3 MR. PAVLOVICH:

4 Whoever was the highest ranking MSHA person in the
5 command center was pretty much who was in charge?

6 A. Right. And Gibson was on midnight. And I would see him when I got out on
7 afternoon, but ---.

8 BY MR. TEASTER:

9 Q. Did you notice any change in the organizational structure there, who was in
10 charge when the Assistant Secretary and the Administrator showed up at the mine?

11 A. Didn't see much of them at the --- you know, during the shift change. I think
12 they were always in meetings with Murray and his group.

13 MR. PAVLOVICH:

14 So when you came out on the dayshift, what time did you
15 usually show up, Scott?

16 A. We got there around 6:30 or so.

17 MR. PAVLOVICH:

18 Okay. And when did you usually go underground?

19 A. By 7:00.

20 MR. PAVLOVICH:

21 Okay.

22 A. That's when the --- they were on a 7:00, 3:00, 11:00 ---.

23 MR. PAVLOVICH:

24 So basically, you just showed up, got your gear and went in
25 the mine.

1 A. Right.

2 MR. PAVLOVICH:

3 So, you know, it's not like you were sitting around and saw
4 people doing something?

5 A. No. And they would have the latest plans to hand to us. We didn't have a lot
6 of time ahead to ---.

7 MR. PAVLOVICH:

8 Okay.

9 BY MR. TEASTER:

10 Q. What kind of briefing would you get when you showed up at the mine?

11 A. It wasn't a big briefing. I mean, as you know, the progress was terribly slow.
12 And a lot of times we'd show up and there was very little done at all, and they would
13 tell us the problems they had. But there wasn't a need for a big briefing, I didn't think.

14 Q. Well, what briefing you did get, who normally gave it to you?

15 A. Usually, Virgil would catch us out in the yard. He would look for us, and as
16 soon as we got in there he would tell us what was going on.

17 Q. How would you interact with the guy that worked on the shift before you?

18 A. We would see him up on the face when we did a hot seat change.

19 Q. So you changed at the face?

20 A. Right.

21 Q. And then what kind of an exchange of information did you have there?

22 A. A pretty good one. Donnie Durrant was dayshift, and that last week I was
23 afternoon. And he would give me a good update on what had been going on.

24 Q. Okay. So you ---?

25 MR. PAVLOVICH:

1 Was he an MSHA guy, Donnie Durrant?

2 A. Yeah. Him and Pete --- Peter Saint.

3 MR. PAVLOVICH:

4 Oh, okay.

5 A. We're on dayshift.

6 BY MR. TEASTER:

7 Q. How was the command center set up?

8 A. It wasn't really typical. It was --- well, you had the phone there. And you had
9 the --- whoever was, you know, the Don Gibson, the Bob Cornett or Bill Taylor was
10 sitting on the opposite side. And we would come in and get a brief explanation on
11 what's going on. If they had any questions for us, they'd ask us. And then we were ---
12 basically within five minutes or so, we were headed underground. We would have to
13 arrange for a ride 'cause the crews were on a 12-hour shift, and we were on eights.

14 Q. You said it didn't appear to be typical. How would you describe typical?

15 A. Typical, I mean it's kind of a closed-door thing, and, you know, you just don't
16 walk in. This was a pretty relaxed atmosphere, I would say.

17 Q. And did the company have any involvement there at the command center?

18 A. I rarely saw a company guy. Once in a while, they would bring some sort of
19 information to the door, I think it was the Conspect guy. And I think what he would
20 bring is the number of people underground. And I didn't see any meetings going on in
21 the command center. I think Murray had the meetings in his building with Kevin and
22 Mr. Stickler.

23 Q. In your opinion, was the command center well organized, orderly?

24 A. I would say yes, yeah.

25 Q. What did you do on your first trip underground after you done the seismic

1 testing?

2 A. That was it. We did that for 30 minutes, 45 minutes, the seismic. And then
3 we came out, and I think the first day we followed --- excuse me --- our seismic truck
4 had either arrived the first or second day. And we followed them up the hill to the bore
5 hole. There was still a lot of confusion of what shift we were working. Rodney, myself
6 and Virgil and Ron Hixson were all on dayshift. And that evening, we took the seismic
7 up and Virgil told me to come out on --- I may have come out on midnight shift. I don't
8 remember. I ended up on afternoon shift. You sent me a copy of my time sheet, it
9 would be on the time sheet, what days I was on what shift. But I had worked all three
10 shifts. And the first day after the seismic, we followed the trucks up the hill to the bore
11 hole.

12 Q. So this wouldn't have been the same day you came out, this would be another
13 day that you went up on the seismic, on the hill?

14 A. This would be --- this would have been Tuesday, the second day.

15 MR. PAVLOVICH:

16 Tuesday, that's when they came out.

17 A. That first day ---.

18 MR. PAVLOVICH:

19 That first day --- so you went the first day, you went
20 underground with Virgil, took the seismic and you tested that for 30 to 45 minutes.

21 Was any other work going on in there? Were they working the ---?

22 A. They had the compressor. There was a man stationed at the compressor. No
23 work was going on inby ---.

24 MR. PAVLOVICH:

25 No loading at all?

1 A. No, nothing.

2 MR. PAVLOVICH:

3 Okay. Nobody was trying to uncover the miner ---?

4 A. No, they were still coming up with a plan on ---.

5 MR. PAVLOVICH:

6 Still thinking about?

7 A. Right.

8 MR. PAVLOVICH:

9 So that's all you did for 30, 45 minutes was ---

10 A. Right.

11 MR. PAVLOVICH:

12 --- run that seismic, beat on the pipe, do whatever ---.

13 A. They had crews outby establishing the ventilation, but we didn't run into them.

14 They were ---

15 MR. PAVLOVICH:

16 Somewhere.

17 A. --- must've been between three and four or three and three.

18 MR. PAVLOVICH:

19 Rebuilding stoppings or something ---

20 A. Yeah.

21 MR. PAVLOVICH:

22 --- was your understanding that they were doing that.

23 A. Yeah. But there was nobody up here in the --- what we called the face area.

24 MR. PAVLOVICH:

25 Loading anything, nobody was working to ---

1 A. No.

2 MR. PAVLOVICH:

3 --- uncover the miner or do any of that kind of stuff.

4 A. No, not when we were there.

5 MR. PAVLOVICH:

6 Okay. Was the tail piece already established?

7 A. Well, the ---.

8 MR. PAVLOVICH:

9 Do you remember seeing the tail piece?

10 A. No. We were just --- the tail piece was 119 and a half.

11 MR. PAVLOVICH:

12 Okay.

13 A. I'm trying to think if that was buried.

14 MR. PAVLOVICH:

15 In the Number Two entry?

16 A. In the Number Two entry.

17 MR. PAVLOVICH:

18 Okay.

19 A. I don't know if the tail piece had been put in yet or not. I don't know the
20 answer to that.

21 MR. PAVLOVICH:

22 Okay. So you don't know if they were loading on that yet or
23 not?

24 A. No.

25 MR. PAVLOVICH:

1 So when you did finish with the seismic, then you guys all
2 came outside, you and Virgil and ---?

3 A. It was just Virgil and I.

4 MR. PAVLOVICH:

5 Virgil and you?

6 A. Right.

7 MR. PAVLOVICH:

8 And then that same day ---

9 A. That same day.

10 MR. PAVLOVICH:

11 --- when you went up on the hill ---

12 A. Right.

13 MR. PAVLOVICH:

14 --- just to take the seismic equipment up.

15 A. Right.

16 MR. PAVLOVICH:

17 Okay. All right. That's where ---.

18 A. Apparently, they had flown the seismic trucks on some sort of aircraft carrier,
19 and it got there Tuesday. Tuesday morning, Grand Junction, I believe. And those
20 guys drove up and they were there shortly after noon, the guys from Pittsburgh that
21 came with the trucks.

22 MR. PAVLOVICH:

23 Okay.

24 A. On Tuesday.

25 MR. PAVLOVICH:

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MR. PAVLOVICH:

How much of the entry was like that?

A. Well, it went over ten feet, so half of it. It happened several times, so maybe 30, 40 percent of the entry had that had happened to.

MR. PAVLOVICH:

Okay. Was it --- in the first day you were in there doing that seismic, was it bumping at all then, or making ---?

A. It was constantly, constantly moving. And we could hear that on the seismic. But it was so random, that we, you know, determined it wasn't people responding to our taps. But with the earphones on especially, I mean it sounded pretty loud. But even without the earphones, you know, it was constantly moving underground, constantly sounding underground.

BY MR. TEASTER:

Q. Did that coal in number one look like it had moved from right to left?

A. Left to right.

Q. Left to right?

A. Yeah. It looked like this whole barrier had shifted, and shoved about ten feet, shifted about ten feet. And that was solid, it appeared solid. It looked like a solid face, and then the rest of the entry, you know, was fragmented, but it was almost to the roof.

Q. Almost to the roof.

A. And that at times ---.

Q. So you almost had a solid face up there?

A. Yes. We started at around 120, is where you had to start cleaning up. And by the time you got to 123, you had to start carrying your brattice with you as you worked

1 with a miner section on the right-hand rib with you, to get air up to you.

2 Q. How about describing what your process was for the third shift. You reported
3 to the mine, reported to who and then I assume you continued to work underground?

4 A. Yeah. I was outside one day during the event. During our time out there, we
5 would take turns. One person would stay outside and make sure everything was
6 benched and do whatever they needed outside. And that was a boring shift, and you
7 know, I'd try to get underground when I could. One day I ended up outside. A couple
8 days, Gary Jensen was outside to do the --- he did a Part 50 audit one or two days,
9 and the district had him doing stuff outside. So Otis was on my shift ---.

10 Q. He wasn't on your shift?

11 A. No.

12 Q. Who was on your shift, Otis?

13 A. Otis. Well, Gary was --- when I got on second shift, Gary was on my shift for
14 the last week or so.

15 Q. Okay.

16 A. And Otis was, too. It was Otis and I driving to the mine, Otis Matthews.

17 Q. What about the third shift when you first reported out here?

18 A. I'm sure it was Don Gibson, but I don't know that. I don't know.

19 Q. But did you have the same scenario where there was another rescue guy
20 would stay on the surface and you were underground?

21 A. Right. I went underground every day but one day. And it was either me and
22 Otis or me and one of the field-office inspectors. There was always two MSHA guys
23 underground. Now there was a few times on dayshift where Donnie Durrant was alone
24 because Peter was doing special things outby. So Donnie was alone with those guys
25 a few days, I believe, Donnie Durrant. So we always tried to keep two guys and Frank

1 Markosek worked a lot on afternoon shift up ---.

2 MR. PAVLOVICH:

3 So when you went out on the night of the 7th to work your first
4 midnight shift, ---

5 A. Yeah.

6 MR. PAVLOVICH:

7 --- that would've actually been the morning of the 8th; right?

8 A. Right.

9 MR. PAVLOVICH:

10 Because you just rested a little while, and then went right back
11 out on midnight.

12 A. Right. I think that's the night I started midnight, yeah.

13 MR. PAVLOVICH:

14 Okay. Then did you start loading that night, start cleaning up?
15 Or was the plan still --- was there a plan approved at that time when you showed up at
16 midnight?

17 A. I'm pretty sure it was.

18 MR. PAVLOVICH:

19 Okay.

20 A. I'm pretty sure it was.

21 MR. PAVLOVICH:

22 And so how were you briefed on that? Do you remember, on
23 what was going to be done that night?

24 A. They reviewed the plan with us out in the command center. It wasn't a big
25 briefing, but we had a copy of the plan with us.

1 MR. PAVLOVICH:

2 Okay. Do you remember what that plan stated you were
3 going to do?

4 A. To tell you the truth, I don't.

5 MR. PAVLOVICH:

6 Okay.

7 A. And the plan changed several times during the course ---.

8 MR. PAVLOVICH:

9 And you don't remember the initial one?

10 A. No.

11 MR. PAVLOVICH:

12 So they were basically were taken ---?

13 A. Well, I know there was --- the initial one didn't have the wire ropes.

14 MR. PAVLOVICH:

15 Okay.

16 A. That was something that was added. I don't know if it had the mesh or not.

17 MR. PAVLOVICH:

18 Okay. So you were going to use the continuous miner,
19 though, ---

20 A. Uh-huh (yes).

21 MR. PAVLOVICH:

22 --- in the Number One entry.

23 A. And a shuttle car.

24 MR. PAVLOVICH:

25 And one diesel-powered ram car or shuttle car of some kind?

1 A. No, it was electric at first.

2 MR. PAVLOVICH:

3 Electric at first, okay.

4 A. And they had got a variance to add miner cable to the miner, because it was
5 already, you know, to its limit.

6 MR. PAVLOVICH:

7 Okay.

8 A. And they let them add another 800 to a thousand feet to it.

9 MR. PAVLOVICH:

10 Okay. And so how wide of a swath were you going to take in
11 that Number One entry with the miner?

12 A. Well, the props were set on 14-foot centers. So you had to take 15 or 16 feet.

13 MR. PAVLOVICH:

14 Okay.

15 A. And it was all coal that had been mined at one time, even the solid stuff that
16 shoved over was easy to mine. I mean, it wasn't tough mining any of this stuff. It was
17 mostly like a cleanup.

18 MR. PAVLOVICH:

19 So the bits are just basically knocking it into the pan?

20 A. Yeah, it was feeding the pan.

21 MR. PAVLOVICH:

22 Okay. And so you're cutting the place, about 16 foot, how
23 wide was the gripper head on that miner, do you remember, 11 or 12 feet?

24 A. Yeah.

25 MR. PAVLOVICH:

1 So they could knock one out pretty easily?

2 A. Yeah. Here at 119 --- 120 where they made the turn, they had taken out
3 about 40 feet that we had them reset. And I asked outside if they could put those on
4 15-foot centers because that was just an area where they physically couldn't move
5 that equipment without knocking them out. So I think Joe Zelanko reviewed it outside
6 and he said that'd be fine, 15-foot centers there. So for about 30, 40 foot, we put
7 those on 15s, and didn't have a problem after that on that corner. But as you went up
8 through here, one problem they had throughout that they got better with was keeping
9 these things vertical. The guys would hold on to them and they weren't using levels
10 and some of them didn't get put up like they should. And I talked to them a lot about
11 that, and they got to the point where they were a lot better, but, I think ---.

12 MR. TEASTER:

13 When you say they, are you talking about the people that was
14 actually installing them?

15 A. The company. The company did it, yeah. It was their people doing that. And
16 they got careless sometimes holding these water jacks, to get them vertical.

17 MR. PAVLOVICH:

18 When they put the water pressure to them, did they just go up
19 real quick? I mean, so was it hard to get it to sit right?

20 A. If they had been paying attention, there wouldn't have been a problem. But,
21 yeah, they do go up quick, they went up quick.

22 MR. PAVLOVICH:

23 So if you don't have it pretty much straight when you put the
24 pressure to it, ---

25 A. Right.

1 MR. PAVLOVICH:

2 --- it's going up and that's it?

3 A. It's done.

4 MR. PAVLOVICH:

5 And it's done.

6 A. Yeah.

7 MR. PAVLOVICH:

8 Okay.

9 A. But the guy with the control was always, you know, ten feet away from the ---.
10 So there was never a problem of he was too far away to hear what was going on or
11 see what was going on.

12 MR. PAVLOVICH:

13 Yeah, okay. And they were setting them off the power take-
14 off on the miner, or somewhere ---?

15 A. That's where they ended up. Initially it was off the --- they would have the
16 scoop up there every time. They would bring them up in a scoop, and that's when
17 they were setting 10, 15 feet at a time. Or if they'd bring all these up in the scoop, and
18 that worked out pretty good. But when you got to where you were setting just two at a
19 time, one on each side, ---

20 Q. Okay.

21 MR. PAVLOVICH:

22 --- they put one of those on the miner ---.

23 MR. TEASTER:

24 How long would it take to set one of those water props?

25 A. Not long at all. It would take a minute to shovel it out. And these guys worked

1 fast. I mean, it would take no time at all. In fact, they could set the props by the time
2 the next shuttle car got up there.

3 MR. PAVLOVICH:

4 And put the chain link and all behind it?

5 A. Well, the chain was --- I'm not sure of the length of the chain link. But towards
6 the end there, they were bringing the cables in 40-foot lengths.

7 MR. PAVLOVICH:

8 Okay.

9 A. So the cables weren't put in until they got 40-foot worth that they could stretch
10 them out. The chain link was carried with each prop, but, you know, it wasn't effective
11 until they got the cables up. But it was carried with each prop.

12 Q. Okay.

13 BY MR. TEASTER:

14 Q. And what was your primary role?

15 A. We were just up there to make sure they were following the plan.

16 Q. So you stayed just outby the miner and would watch them set the jacks?

17 A. Generally, yes. The evening of the accident, I was working outby the start of
18 the shift and I was going to relieve one of those guys at lunchtime, which would've
19 been seven o'clock.

20 Q. So one guy would stay out behind and take readings and then you'd switch?

21 A. Right. And Frank didn't want to work out --- nobody really wanted to work
22 outby ---. I mean, the action was up inby, and those guys were pretty conscientious
23 about ---.

24 Q. So when you was working outby, you was basically take air readings and gas
25 readings, ---

1 A. Right.

2 Q. --- and what else?

3 A. Well, they started something new the day of the accident. There was a seal
4 sample right in this location here that we had to get, 107. And I had just got that.

5 MR. PAVLOVICH:

6 Is that on this ---

7 A. That's not on your map here.

8 MR. PAVLOVICH:

9 --- on this big map, would that be this seal that shows the one
10 entry cut over to panel 13?

11 A. Yeah, 107.

12 MR. PAVLOVICH:

13 And how were you drawing that sample? Was there a
14 sampling pipe in that tube --- in that seal, I mean?

15 A. Yeah. There was no pump there, but ---.

16 MR. PAVLOVICH:

17 Were you just ---?

18 A. I just got that one reading, and just hauled it out ---. It must've been out-
19 gassing.

20 MR. PAVLOVICH:

21 Okay. So you think you just opened the valve and it was out-
22 gassing, and you ---?

23 A. Yeah. And then I had to tape everything back up.

24 MR. PAVLOVICH:

25 Okay.

1 A. It might have been in-gassing, whatever ---. I had called all that out, you
2 know? That was in my notes, but it'll be in the notes you have, what that seal was
3 doing.

4 MR. PAVLOVICH:

5 Okay.

6 A. But also, they had set up two pumps in Number Three entry outby 119, or right
7 about 119. And one was pumping from Number One seal, and the other was pumping
8 from this Number Five seal, I guess. That was being called out every two hours, I
9 believe. This was going to be done once a shift at 107. We had to get air readings at
10 119 and a half in Number Three and Four entries. That might have been every two
11 hours. And also at 120 and a half in Number One entry. The same interval, every
12 one or two hours. I can't remember that. It was enough to keep you busy outby doing
13 all that stuff.

14 BY MR. TEASTER:

15 Q. How often were you doing it?

16 A. Either one or two hours.

17 Q. And you'd call the results out?

18 A. Right. Yeah, you'd have to call all the time.

19 MR. PAVLOVICH:

20 And who would you call that to?

21 A. You'd just call the command center. I was calling to Dwayne --- what's his last
22 name? Dwayne Brown.

23 MR. PAVLOVICH:

24 Okay. He was an MSHA man?

25 A. Yeah, on that ---.

1 MR. PAVLOVICH:

2 And he was actually in the Blue Goose?

3 A. Yeah, he was with the ---.

4 MR. PAVLOVICH:

5 And you'd call him on the mine phone?

6 A. Yes.

7 MR. PAVLOVICH:

8 Okay. And would the mine phone also then page into the
9 company's command center?

10 A. I don't know that.

11 MR. PAVLOVICH:

12 You don't know? All you knew is when you talked to
13 somebody, it was the guy in the MSHA command center?

14 A. Right. I don't know how they communicated between themselves out there.

15 MR. PAVLOVICH:

16 Okay. So like ---.

17 A. I assumed that they listened to our pages, yeah.

18 MR. PAVLOVICH:

19 Well, we assume that there was a mine phone went to both
20 areas ---

21 A. Yeah. Oh, I'm sure it did.

22 MR. PAVLOVICH:

23 --- if you were calling and saying I got 10,000 cubic feet of air.

24 You think the company also knew you had ---?

25 A. Yeah. Murray had a lot of people there.

1 MR. PAVLOVICH:

2 Okay.

3 A. And I'm sure that they, you know, had to function like that to ---.

4 MR. PAVLOVICH:

5 Would they ever talk to you, someone from the company
6 command center ever talk to you or ---?

7 A. No, I knew a couple guys from working with them years before, so I would talk
8 to them occasionally. But ---.

9 MR. PAVLOVICH:

10 But I mean on the phone?

11 A. No, except the night of the accident. Laine Adair was talking to me a lot.

12 MR. PAVLOVICH:

13 Okay. So that led you to believe that then this was a two-way
14 communication?

15 A. Oh, yeah, they ---. Yeah.

16 MR. PAVLOVICH:

17 You knew that.

18 A. Yeah. In fact, when I called out that we had a problem up there, that's when,
19 you know, the company was involved, too. Because they ---.

20 MR. PAVLOVICH:

21 Prior to that, if you'd call, you'd just call ---

22 A. Yeah, I wouldn't talk to ---.

23 MR. PAVLOVICH:

24 --- MSHA command center and they'd answer?

25 A. Yeah, right.

1 MR. PAVLOVICH:

2 Okay.

3 UNIDENTIFIED SPEAKER:

4 Did the company call things out, too, Scott, or were you the
5 communication guy?

6 A. The company, if they did, I don't know. They would call out, you know, if they
7 had problems or something with the equipment. But they didn't call out footage or
8 anything. We called all the footages out ---.

9 MR. PAVLOVICH:

10 So you called out that they'd advanced five feet in the
11 Number One entry?

12 A. Yeah. That last week, we had been using the survey stations, and we were
13 give them pluses from the survey station, their distance.

14 MR. PAVLOVICH:

15 Okay. So you were actually measuring, ---

16 A. Yeah.

17 MR. PAVLOVICH:

18 --- or just eyeballing it or ---?

19 A. Well, we'd measure it, and like I would mark on a prop this is 120 feet, and
20 then measure from that prop to the ---.

21 MR. PAVLOVICH:

22 Okay.

23 A. And they wanted it to the foot. You know, there was a lot of people that were
24 anxious outside on our progress.

25 BY MR. TEASTER:

1 Q. Scott, did you wear an apparatus anytime during that?

2 A. No. Oh, yes, I did. Yes, I did. We set up AMS at one and five, maybe three,
3 seals. And there was no reason to wear the apparatus, but I wore it several ---.

4 Q. Did you go in five at any point?

5 A. I didn't. Rod Adamson and Jeff Waggett breached this Number One seal,
6 opened it back up. And Jeff set an AMS in --- or Rodney did in Number One seal. But
7 once you were out here, you didn't need it. We carried them, but we didn't wear them.
8 We were just backup for them. And that's the only time --- there were two days that
9 they were used, and they did the second one on afternoon shift, and that's when I got
10 involved. I was on afternoon shift.

11 Q. Have you been around mines that have bumps or ---

12 A. Yes.

13 Q. --- bounces?

14 A. Yeah, I'm originally from Utah, and we had them all the time out there. The
15 37 Mine in Kentucky, I worked there for a couple years, and thumps were a big
16 problem there.

17 Q. Describe some of your experiences with more significant bumps that you had
18 at the mines you've worked at.

19 A. The 37 Mine they did a lot of damage. It would throw our shear off the track.
20 We had one guy, [Ex. (b)(6) and Ex. (b)(7)(C)] that was seriously injured, ended up
21 permanently disabled. He was throw into the shields during a bump. On that same
22 event where he was injured, it took our --- we had barrier pillars that were 140 by 160.
23 And the top had actually come down and went back up --- smashed that pillar and
24 went back up. And you could crawl across that entire block, that 140 by 180.

25 Q. This was at Arch 37?

1 A. Yeah.

2 Q. So you were working for Arch then. What years did you work there?

3 A. '89 through '91.

4 Q. So about how many bumps did you see? Those were all on longwall panels;
5 right?

6 A. Yes.

7 Q. Okay.

8 A. I don't know. I was familiar with them enough to be comfortable around them,
9 you know. It didn't bother me, the ---.

10 Q. Do you ever get comfortable around them?

11 A. Yeah.

12 Q. You do? Okay.

13 A. I mean, that didn't bother me, the noises it was making down there. It didn't
14 bother me at all.

15 Q. Okay.

16 MR. TEASTER:

17 Did the noise at Crandall Canyon have you ---?

18 MR. PAVLOVICH:

19 Well, what mines had you worked at in Utah that had
20 bounces?

21 A. Kaiser. I worked at Kaiser Coal 1984 and '85.

22 BY MR. TEASTER:

23 Q. What was the cover there, do you recall?

24 A. Kaiser was up to 2,000. That was in the Book Cliffs there.

25 Q. Was that a longwall mine as well?

1 A. Yes. Castle Gate, we didn't mine enough to get bumps. We were --- progress
2 was too slow there for bumps. But definitely Kaiser and Deer Creek. But when I was
3 at Deer Creek, they were just getting the longwalls. That was back in '77, so they
4 didn't have bumps then, but Deer Creek has, though.

5 Q. So most of your bumps have been on a longwall?

6 A. Yes.

7 Q. All of them been on longwall?

8 A. Yes.

9 Q. On the longwall face or head gates or tailgate entries or ---?

10 A. Well, it's generally towards the tailgate side is where they happen, in my
11 experience.

12 Q. On the face?

13 A. Yeah.

14 MR. PAVLOVICH:

15 So are you a mining engineer?

16 A. Yes.

17 MR. PAVLOVICH:

18 From where, where was your ---?

19 A. Pitt.

20 MR. PAVLOVICH:

21 University of Pittsburgh?

22 A. University of Pittsburgh.

23 MR. PAVLOVICH:

24 Although you're originally from Utah?

25 A. Yes.

1 MR. PAVLOVICH:

2 And you went to Pitt, and then went back to Utah to start your
3 mining career ?

4 A. Yes.

5 MR. PAVLOVICH:

6 Okay. And then how long did you work in the industry?

7 A. I started in '77 and worked two years. I went to Pitt for five, and then back out
8 to Utah in '84.

9 MR. PAVLOVICH:

10 Okay.

11 A. And have been working the mines ever since.

12 MR. PAVLOVICH:

13 Okay. So all of the bumps that you have seen have been on
14 longwall ---

15 A. Yes.

16 MR. PAVLOVICH:

17 --- panel area? And usually when you had one of those
18 bumps, about how much of an area or how many pillars would've been involved?

19 A. Well, the big one or 37?

20 MR. PAVLOVICH:

21 The biggest one you ever saw ---.

22 A. The biggest one was that 140' by 140'. It took out that whole pillar, plus it did
23 the damage on the face. And that was the most damage I had seen.

24 MR. PAVLOVICH:

25 So pretty much one or two pillars were ---?

1 A. Yeah.

2 MR. PAVLOVICH:

3 Okay.

4 A. Yeah. And nothing, you know, outby the area or inby was affected, just that
5 area.

6 MR. PAVLOVICH:

7 Just right there. And in any of those, had you ever attempted
8 to clean an area up like this?

9 A. No.

10 MR. PAVLOVICH:

11 Okay. Basically, you just left it. You left your longwall retreat
12 beyond it.

13 A. Yeah, you just ---.

14 MR. PAVLOVICH:

15 You had to repair the shear, I mean, if the shear was
16 broken ---

17 A. You repaired it and kept going.

18 MR. PAVLOVICH:

19 --- you repaired it.

20 A. Yeah.

21 MR. PAVLOVICH:

22 And usually when you saw a bump on the face, would the coal
23 just come off the face?

24 A. Yeah. On the face on the longwall, they would come out reddish towards the
25 top.

1 MR. PAVLOVICH:

2 Okay. And then the coal would come out, and sometimes it
3 damaged the shear.

4 A. Yes.

5 MR. PAVLOVICH:

6 So you would have to clean that coal up somewhat to repair
7 the shear.

8 A. Right.

9 MR. PAVLOVICH:

10 But then you continued to mine your way out.

11 A. Right.

12 MR. PAVLOVICH:

13 And did you do anything special on those to repair or to
14 stabilize the roof, or just keep mining out?

15 A. Yeah, just kept going.

16 MR. PAVLOVICH:

17 Okay.

18 A. You couldn't predict them, where they were going to happen. We had drilled -
19 --at 37, we had drilled holes, the same type they used to degas mines. We drilled and
20 fracked with water to release the pressure, thinking that that would help us. I'm not
21 sure it did, I don't know if it didn't.

22 MR. PAVLOVICH:

23 You attempted to frack the coal?

24 A. We tried to relieve the stress ahead of the longwall that way. There was talk
25 about doing the vertical holes also and setting off shots ahead of us. We never did try

1 that when I was there. We stuck with the horizontal.

2 MR. PAVLOVICH:

3 Okay.

4 A. But it was a concern, but it was something we didn't really solve.

5 MR. PAVLOVICH:

6 Had you ever seen a bump the size of this bump with so
7 many pillars bumped?

8 A. No, no. This was unusual.

9 MR. PAVLOVICH:

10 And with entries totally filled as you're talking about ---

11 A. Right. I've never seen anything like it.

12 MR. PAVLOVICH:

13 --- right all the way to the roof almost, I guess, most of them.

14 A. Right. Yeah, even the one at 37 Mine, I mean you could walk through the
15 area.

16 MR. PAVLOVICH:

17 You could look over top of the pillar, ---

18 A. You could look over the pillar and you could ---

19 MR. PAVLOVICH:

20 --- but the entrance wasn't full.

21 A. --- also ---. It wasn't full, no.

22 MR. PAVLOVICH:

23 And these, the entries were full.

24 A. The entries were full, and certainly in Number One entry. Number four, we
25 couldn't get in by 125. I never went up to 125, but some people did.

1 MR. PAVLOVICH:

2 On number four?

3 A. In number four. But in number four at 121 is where it started to fill up. And it
4 was to the point where --- 121, you had about four foot of height when you crawled up
5 on the coal. And it's a nine-foot seam, so ---.

6 MR. PAVLOVICH:

7 It slowly got ---

8 A. Right.

9 MR. PAVLOVICH:

10 --- more and more filled.

11 MR. TEASTER:

12 Now, that was at what crosscut number four?

13 A. Number four at 121. Now Peter Saint, I know he crawled up there. Laine
14 Adair went up there a ways. They did that stuff on dayshift.

15 MR. PAVLOVICH:

16 Were they just going up there on their own, or did they have

17 a ---

18 A. No.

19 MR. PAVLOVICH:

20 --- plan approved to go up in there?

21 A. No, no. It was --- I'm sure it was through the command center.

22 MR. PAVLOVICH:

23 Well, when you say you're sure, do you know or not know?

24 A. Well, no, I don't know.

25 MR. PAVLOVICH:

1 Okay.

2 A. But I would assume when I say that.

3 MR. PAVLOVICH:

4 You're assuming that they just didn't take it upon themselves
5 to crawl up in there?

6 A. Right.

7 BY MR. TEASTER:

8 Q. The first day they got in there, they cleaned Number Four entry up, and
9 advanced up to 126 when the bump occurred ---?

10 MR. PAVLOVICH:

11 With the scoops.

12 MR. TEASTER:

13 They were cleaning up with the scoops.

14 A. Oh, it was? In number four?

15 MR. PAVLOVICH:

16 Yeah.

17 MR. TEASTER:

18 Yes.

19 A. Now that's news to me. That had filled back into 121 then.

20 MR. TEASTER:

21 Right.

22 MR. PAVLOVICH:

23 Right.

24 A. Okay.

25 MR. PAVLOVICH:

1 That's why they quit number four.

2 MR. TEASTER:

3 That's why they quit four.

4 A. But I didn't know they got up that far.

5 MR. PAVLOVICH:

6 Okay. They got up to 126, and it bumped them out,

7 basically, ---

8 A. Okay.

9 MR. PAVLOVICH:

10 --- the night of the 6th, morning of the 7th. Sometime one,
11 two o'clock maybe, that morning of the 7th.

12 A. Okay. I didn't know that.

13 MR. PAVLOVICH:

14 And that's when they did a news briefing that said all the
15 advance that we had made, all the progress we made was lost, and we stopped and
16 were considering what to do.

17 A. Well, I knew that, but I didn't know they got that far.

18 MR. PAVLOVICH:

19 So that bump occurred when they got up to 126.

20 A. Okay.

21 MR. PAVLOVICH:

22 Nobody ever told you that?

23 A. It didn't sink in if they did. I knew that they had lost progress on that first day.

24 MR. PAVLOVICH:

25 Okay.

1 A. But I thought part of that was reaching this seal, going in the tailgate. Now I
2 didn't understand what you just told me, no. I didn't know that was ---.

3 MR. PAVLOVICH:

4 Okay. No one had ever explained to you that when we go up
5 to 126 in the Number Four entry, it bumped so severe that we got ran out?

6 A. That's the first time I heard that.

7 BY MR. TEASTER:

8 Q. Well, knowing that this bump occurred here, which was pretty significant to fill
9 those entries back up, and that occurred at around 1:20 in the morning on the 7th.
10 And that's the one I think that knocked those two people down with them, which was
11 expected to pull out.

12 A. Okay.

13 MR. PAVLOVICH:

14 Now that's where he got knocked down there.

15 A. Okay. It was in the morning, okay.

16 BY MR. TEASTER:

17 Q. And that registered on the seismic at 2.2. And then there was another one at
18 2:43 that registered 1.6. And there's still a lot of bouncing and stuff occurring
19 underground. But there was a lot of these bumps. Some of them wasn't so
20 significant, but there was one that broke the shafts on the motors. And that might
21 have been the one that covered the miner up, the level up, level --- but I'm not sure

22 A. Yeah, that happened on a dayshift, probably that last week. And that's why
23 dayshift had (sic) advanced very far.

24 MR. PAVLOVICH:

25 Read these notes. This was on the 7th at 1:13 ---

1 A. Okay.

2 MR. PAVLOVICH:

3 --- and 1:20.

4 A. Okay.

5 MR. PAVLOVICH:

6 And then just to familiarize yourself with that, so ---.

7 A. Well, according to this, a feeder was already set up then at 119.

8 MR. PAVLOVICH:

9 Okay. And they were probably loading from the scoops into

10 the ---

11 A. Yeah.

12 MR. PAVLOVICH:

13 --- into the feeder.

14 A. Right.

15 MR. PAVLOVICH:

16 'Cause there wasn't coal just left, heaped up where they'd load

17 it out, filled the entries with it or anything that you saw; right?

18 A. Right.

19 MR. PAVLOVICH:

20 So it had to be ---?

21 A. So apparently the miner was just parked there.

22 MR. PAVLOVICH:

23 Yeah, they had just brought the miner in.

24 A. Okay.

25 MR. PAVLOVICH:

1 Q. Well, let me ask you this. You wasn't aware of that bump that occurred over
2 there at Number Four entry ---?

3 A. Well, I knew there was a bump the evening before that we got there.

4 Q. Right, but ---.

5 A. But I --- you know, I know the miner was in the 120 --- I guess I assumed that
6 that's where these people were when it bumped.

7 Q. Okay. Well, let me ask you, what bumps were you aware of? I mean, what
8 types of bumps in terms of being minor bumps, major or significant bumps?

9 A. Oh, there was a lot of minor bumps throughout the whole period. I mean, the
10 roof was constantly making noises.

11 MR. PAVLOVICH:

12 Was there coal being thrown off the ribs?

13 A. Occasionally. And any time there was a bump, you would call --- whoever
14 was inby would call to the outby, and make sure everybody was accounted for. I
15 mean, that was common practice that you watched each other's back when there was
16 a bump.

17 MR. PAVLOVICH:

18 Okay. So when you say whoever was inby, was this an
19 MSHA guy?

20 A. Doesn't matter. You called up on the phone, is everybody okay inby ---.

21 MR. PAVLOVICH:

22 So if the entry would be full of dust maybe, would you make
23 sure everybody was accounted for?

24 A. Yes.

25 MR. PAVLOVICH:

1 And did that happen frequently?

2 A. No. Not that the entry was full of dust, no. There was only a few times inby
3 that it caused damage. One was the jacks you talked about. It knocked out the
4 ventilation at 123 one time. And this was on my shift. And there may have been
5 some minor things on the other shifts, but, you know, nothing really major. There was
6 a few people that were nervous about our progress, and I think Murray's team had a
7 dozen or so asked to be moved. I wasn't nervous up there, I didn't think we were
8 doing anything that was extraordinary up there to put anybody in danger.

9 MR. PAVLOVICH:

10 So what did you think about when Murray had a dozen or so
11 men that asked to be removed --- because of what?

12 A. Well, they were nervous up there.

13 MR. PAVLOVICH:

14 They were scared?

15 A. Yeah.

16 MR. PAVLOVICH:

17 Okay.

18 A. I mean, any time it would make a noise, a lot of these guys would jump. They
19 just weren't used to that. These guys weren't all from this mine, you know. He had
20 guys from --- he has three or four mines out there.

21 MR. PAVLOVICH:

22 Okay. But I mean, they were working in the west.

23 A. Yeah.

24 MR. PAVLOVICH:

25 Bumps are pretty common. Would you not think those guys

1 had experienced bumps before, ---

2 A. I would say.

3 MR. PAVLOVICH:

4 --- as you had?

5 A. I would say.

6 MR. PAVLOVICH:

7 But if they got nervous and they'd been through bumps

8 before, I mean what would that lead you to believe?

9 A. I know what you're saying, but I ---.

10 MR. PAVLOVICH:

11 I mean ---.

12 A. It was a small percentage of the people, and it was mostly younger guys, too.

13 MR. PAVLOVICH:

14 Okay. So when it ended up, who was primarily running the
15 equipment then?

16 A. To tell you the truth, I don't know anybody that was on that crew that I was up
17 there with that left. There were some bosses up there all the time, the regular miner
18 operators.

19 MR. PAVLOVICH:

20 It pretty much ended up that the company guys were running
21 the miner or the equipment?

22 A. The bosses?

23 MR. PAVLOVICH:

24 Yeah.

25 A. I know Brandon was a boss, and I think --- I don't know if Dale was a boss. I

1 don't think Dale was a boss.

2 MR. PAVLOVICH:

3 Yeah, he was.

4 A. He was a boss?

5 MR. PAVLOVICH:

6 Yeah.

7 A. Dale Black?

8 MR. PAVLOVICH:

9 Yeah.

10 A. Well, I guess so then, yeah. But I don't know if that's because that the regular
11 guys were nervous. I don't know that to be a fact.

12 MR. PAVLOVICH:

13 Okay. None of them ever said to you, ---

14 A. No.

15 MR. PAVLOVICH:

16 --- we're scared up here?

17 A. No. No, we found out I guess through the news that, you know, a dozen or so
18 asked to be moved.

19 MR. PAVLOVICH:

20 Okay.

21 BY MR. TEASTER:

22 Q. Let me cover another one of these bounces. This was on August the 15th,
23 and this coincided with the --- over at the University of Utah. But at 2:26 --- this is on
24 the 15th, bounce occurred in the cleaning area. Lots of dust, but everyone accounted
25 for. Bounce was significant, as reported by Barry Grosely. Blew out a couple of

1 Kennedy panels and curtains across 125. Stopped mining, rib sloughage across
2 miner. Atmosphere was black with dust, appears rock props have been moved out,
3 tops and bottom. Question the rock prop's ability to support. Continuous miner
4 partially covered on the right side. Curtains blown out and also a couple Kennedy
5 panels. Both cutting motor shafts on the CM motor sheared as a result of the bounce.
6 Was you aware that that occurred?

7 A. I knew that --- yeah, those jacks were damaged and that the Kennedy's were
8 damaged. I didn't know the props had shifted.

9 Q. But that doesn't raise a flag to you ---?

10 A. That there was damage to the miner?

11 Q. No, a concern about working in that area.

12 A. No. No, there was still six men unaccounted for. I don't think anybody
13 would've put themselves in danger if they thought it was too dangerous to be down
14 there.

15 MR. PAVLOVICH:

16 Okay, let me ask you this, Scott. Did you ever get the results
17 of the gas analysis that came out of number one bore hole?

18 A. Is that the one that they thought was fresh air at first?

19 MR. PAVLOVICH:

20 Yes.

21 A. I heard that ---.

22 MR. PAVLOVICH:

23 It was first reported 20 percent, ---

24 A. Right.

25 MR. PAVLOVICH:

1 --- but then in an hour or two was when they ---.

2 A. Yeah. What time was that reported? I think I heard that after they had
3 already corrected it.

4 MR. TEASTER:

5 It was first reported around 11:15 at night.

6 MR. PAVLOVICH:

7 And then I think by about 1:30 at night, 1:45, the sample that
8 came in was seven-percent oxygen.

9 A. Well, then I would have heard it when it was fresh air then.

10 MR. PAVLOVICH:

11 Okay. You never got ---.

12 A. I found out the next day that it wasn't.

13 MR. PAVLOVICH:

14 The next day that it was actually seven percent.

15 A. Right.

16 MR. PAVLOVICH:

17 Okay. What did you think about that?

18 A. I think we jumped the gun reporting that as early as we did.

19 MR. PAVLOVICH:

20 The fresh air.

21 A. The fresh air.

22 MR. PAVLOVICH:

23 Okay. What did you think when you saw the seven percent?

24 A. Well, of course, that was bad news that the --- you know, everybody down
25 here was there with the intent of finding of these people.

1 MR. PAVLOVICH:

2 Well, we understand that, but ---.

3 A. Up 'til then, there was no reason not to think that they were alive.

4 MR. PAVLOVICH:

5 Up until when?

6 A. Well, 'til that next day when it was seven percent, and then they decided to
7 start drilling again. And I think one of these others showed that there was 14 or 15
8 percent. I mean ---.

9 MR. PAVLOVICH:

10 I think number three hole back at the back.

11 MR. TEASTER:

12 This is the number three ---.

13 MR. PAVLOVICH:

14 Yeah.

15 MR. TEASTER:

16 Yeah.

17 A. I mean, there was always hope there that these people were still alive.

18 MR. PAVLOVICH:

19 I won't argue with that. But I guess if --- you know, you saw
20 the size of the bump that occurred on the 6th when you went in there.

21 A. Uh-huh (yes).

22 MR. PAVLOVICH:

23 Okay. I mean, you saw how far back it bumped.

24 A. Right.

25 MR. PAVLOVICH:

1 And the size of the bump, the severity of it. Okay.

2 A. Uh-huh (yes).

3 MR. PAVLOVICH:

4 You knew that these other bumps were occurring regularly,
5 and also that the first hole that you went through was low oxygen. Did you ever in
6 your mind think, you know, this is not a rescue anymore, it's a recovery?

7 A. No.

8 MR. PAVLOVICH:

9 You never did?

10 A. No.

11 MR. PAVLOVICH:

12 You always felt positive that you were still going to get ---

13 A. Absolutely.

14 MR. PAVLOVICH:

15 --- live people?

16 A. Absolutely.

17 MR. PAVLOVICH:

18 Okay. That's fair enough. Did you ever give any thought to
19 where that seven percent came from, and how it could've been seven percent in
20 there?

21 A. Well, they were cutting this barrier on the map 40 feet, but you know, I'm sure
22 if they could, they would go deeper. And we had already seen back here where this
23 barrier had shifted. So I assumed it came from this area here.

24 MR. PAVLOVICH:

25 Okay. So you felt it might be breached, the barrier on the left

1 side?

2 A. That's what I thought.

3 MR. PAVLOVICH:

4 Okay. When you got these samples back at this Number One
5 seal or whatever you called it, where the one entry is cut through into 13, was that
6 quality of air coming out of that seal ---?

7 A. No, that's an area that had been sealed for a couple years.

8 MR. PAVLOVICH:

9 I mean, what was the concentration there, though? Was it
10 seven-percent oxygen, do you know?

11 A. I wasn't up there in the sealed area.

12 MR. PAVLOVICH:

13 No, I mean ---.

14 A. Whatever it was, I wouldn't have been surprised.

15 MR. TEASTER:

16 Before you was taking your sample ---.

17 MR. PAVLOVICH:

18 Now this was one was; okay? These were 6.8-percent
19 oxygen, which was similar to that. But I'm talking about this. You said one time you
20 sampled this number ---.

21 A. This happened that evening, I sampled that.

22 MR. PAVLOVICH:

23 Okay. Do you remember what the analysis was on that?

24 A. You'd have to look at the notes. I don't know if it was in-gassing or out-
25 gassing.

1 MR. PAVLOVICH:

2 Okay.

3 A. The command center notes, which would have been about 7:15 on that
4 evening, if you have those. If it was out-gassing --- I wasn't there long, so it may have
5 been out-gassing.

6 MR. PAVLOVICH:

7 Okay.

8 A. Or in-gassing, I'm sorry. 'Cause I know I wasn't there long.

9 MR. PAVLOVICH:

10 Well, I guess what I'm just wondering was, was there ever a
11 sample collected at that seal that would have showed similar seven-percent oxygen?

12 A. Oh, I don't know.

13 MR. PAVLOVICH:

14 Okay. You don't know that?

15 A. I don't know that.

16 MR. PAVLOVICH:

17 You didn't ---?

18 A. No, I didn't.

19 MR. PAVLOVICH:

20 The one you did didn't show that?

21 A. That was the only time I was there.

22 MR. PAVLOVICH:

23 Okay.

24 BY MR. TEASTER:

25 Q. Was you aware in the analysis of the samples taken over around ---?

1 A. Now this number one was in-gassing most of the time, so it was --- if I
2 remember right, this was mostly fresh air. And the number five, I don't recall what that
3 was, honestly don't.

4 MR. PAVLOVICH:

5 Did you know Gary Jensen from when you worked in Utah
6 before?

7 A. Not from Utah.

8 MR. PAVLOVICH:

9 Not from Utah?

10 A. No, not from when I worked ---.

11 MR. PAVLOVICH:

12 You knew him from ---?

13 A. He worked at ---

14 MR. PAVLOVICH:

15 Southern?

16 A. --- Southern Utah Fuel, which is down in Salina.

17 MR. PAVLOVICH:

18 Okay. But you met him when you went out on this operation?

19 A. I actually knew him from the West Ridge Mine fire.

20 MR. PAVLOVICH:

21 Oh, the West Ridge Mine fire?

22 A. And also --- what's the one in Colorado? West View?

23 MR. PAVLOVICH:

24 West Elk?

25 A. West Elk.

1 MR. PAVLOVICH:

2 Okay.

3 A. He was out at West Elk.

4 MR. PAVLOVICH:

5 And you were out there as a team member, ---

6 A. Yeah.

7 MR. PAVLOVICH:

8 --- so you met him there?

9 A. I was out there in tech support at the time.

10 MR. PAVLOVICH:

11 Tech support, okay.

12 A. But he was on the rescue team ---

13 MR. PAVLOVICH:

14 Okay.

15 A. --- in that function.

16 BY MR. TEASTER:

17 Q. Scott, are you aware of any discussions amongst the senior officials there at
18 the mine on any of the shifts there at the command center about the bumps that were
19 occurring underground?

20 A. No.

21 Q. Are you aware of any MSHA personnel being concerned about their safety
22 because of the bumps that were occurring underground, or any other reason?

23 A. No. You know, we had --- they had beefed up the requirements towards the
24 end. Initially, the wire rope was in the center of the jacks. And then it was required to
25 put three. And it was determined that that had to be done on 40-foot intervals, not to

1 let them get back 'cause there was a period where these would go a whole crosscut
2 before they would put the wire rope in. And it was for convenience. I mean, that's not
3 easy to handle. And so they decided to cut them outside 40-foot lengths, which made
4 it a lot easier to install the wire ropes onto the jacks. And they were doing that up
5 towards the end. They would do all three 40-foot lengths and get them, so they were
6 always within 40 foot of the face with the wire rope. There were things that were
7 beefed up towards the end there. The two and a half was always the standard on the
8 centers.

9 MR. PAVLOVICH:

10 Okay. But the water props, I guess, were the main means of
11 rib control there with the wire ---?

12 A. Yeah, they installed the J-channels when the roof was bad. But the roof really
13 wasn't bad. I mean, if --- there was a bolt or two missing ---.

14 MR. PAVLOVICH:

15 Okay. There were some bolts that were damaged in the
16 original ---?

17 A. Yeah.

18 MR. PAVLOVICH:

19 And you saw those ---?

20 A. Or it slid over.

21 MR. PAVLOVICH:

22 Okay.

23 A. And, you know, they would put J-channels up, which I thought was overkill,
24 but --- because progress was so slow. And we never had a roof issue there.

25 BY MR. TEASTER:

1 Q. Have you had --- in your experiences out west in those mines, did you have
2 any experience where you was installing a similar thing along the rib to control
3 sloughage?

4 A. No.

5 Q. This is your first experience with rock props?

6 A. Yeah, other than the head gated longwall, yes. Along the stage loader.

7 Q. So you have experience a longwall head gate ---?

8 A. Yeah, just along the stage loader.

9 Q. And how was those set up?

10 A. You set those up between the stage loader and the rib to maintain your
11 walkway.

12 Q. Do they extend outby along your head gate ---?

13 A. Just to the next opening. I mean, you would only have 80 feet at the most
14 of ---.

15 Q. And did you have the fencing and the cables, or just the water props?

16 A. Right.

17 Q. And what centers would they sit on?

18 A. I want to say five or six feet, I don't know. They weren't skin to skin, they
19 weren't close.

20 Q. Did you and the other workers --- was the general consensus that the support
21 system that they put in there, there was the rock props, the fencing and the cables
22 tying it together, would provide protection against a bump, lateral protection if a bump
23 should occur? That it would contain it?

24 A. I was comfortable with them. And I think arches probably would've been
25 better. They would've been more time-consuming. And we still thought we were on a

1 rescue mission. I think using those was probably a good decision. They have the
2 cans out there also, which would've required that you open up a bigger area to install
3 the cans.

4 MR. PAVLOVICH:

5 Plus have a piece of equipment that brought the cans in.

6 A. Right. I mean, there's a lot of issues with installing cans. Would they have
7 been better on the bump, I don't know. I don't know the answer to that.

8 MR. PAVLOVICH:

9 Well, you know, we basically were setting those props for the
10 rib support.

11 A. Yes.

12 MR. PAVLOVICH:

13 But yet, I think you said earlier that you also saw where if a
14 shuttle car hit them, they could knock them out fairly easily.

15 A. Well, the shuttle --- fairly easy. I don't know if fairly easy is the right word.

16 MR. PAVLOVICH:

17 Okay.

18 A. But these things were installed at, I think, 1100, 1200 PSI. They would
19 definitely tension the header board. You know, it would crack. And the tension was
20 adequate. And if the shuttle car hit, yeah, it would sometimes knock them out. The
21 miner would knock them out occasionally.

22 BY MR. TEASTER:

23 Q. And this one bump apparently moved them out top and bottom.

24 A. I wasn't aware of that until you said that earlier. You're saying that happened
25 the same night that the jacks ---?

1 Q. Well, this is in the notes. I mean, we got this from the notes that were taken.

2 A. Okay.

3 Q. We've not necessarily talked to the person that wrote them, but this is stuff
4 that would've been in the log.

5 A. Okay.

6 Q. And I mean, this is stuff that I would assumed would be shared with people
7 underground as part of the briefing process.

8 A. Uh-huh (yes).

9 Q. But it says that ---.

10 A. I don't recall that if it was.

11 Q. Well, see this was like at 2:26 in the morning, so you would've finished up like
12 around midnight.

13 A. Uh-huh (yes).

14 Q. So this would've, shortly after you left is when this occurred. But I mean, to
15 me, that's some indication that there might be a problem with this thing containing this
16 particular bump. And I know --- I don't know, I've learned that to some extent that you
17 can't --- the seismic is 1.2 magnitude on the Richter scale, that that don't necessarily
18 relate to how severe it's going to be underground or not. But this one was 1.2. The
19 one that entrapped those six miners was just short of four, I think it was 3.9. The one
20 in number four was 2.2, the one that occurred in the early morning on the 7th. We
21 had others around 2.0 and, you know, different numbers.

22 A. The one on the 16th, what was that?

23 Q. It was 1.6. And so this one was 1.2 that moved them out, so ---. And another
24 thing, too, that --- this material that was blown out into the entry helps stabilize those
25 pillars. And as you remove it, then that takes away some of the support. Have you

1 ever heard that?

2 A. Yeah, they said that. I personally don't buy into that, that that broken coal is
3 holding up the roof.

4 Q. Well, not the roof so much as is providing lateral support.

5 A. Somewhat. But I mean, even the pillar that shifted, it looked solid, but it
6 wasn't solid. And the stuff was not hard to load with the miner. I think in that whole
7 area, I don't think the bits were ever changed. I mean, this stuff was easy to load.

8 Q. Did you notice those roof bolts, how some of them had been sheared off, and
9 some of them had bent ---?

10 A. Right. Those were on the left side ---.

11 Q. How do you think that that may have occurred?

12 A. Well, I'm sure from the coal shifting.

13 Q. It took a lot of force to do that.

14 A. Sure.

15 MR. PAVLOVICH:

16 Would you be there on the 16th at 10:05 a.m.?

17 A. Not 'til afternoon shift.

18 MR. PAVLOVICH:

19 Oh, you came in on the afternoon shift?

20 A. I probably got there at 2:00 or so.

21 MR. PAVLOVICH:

22 Did you know at 10:05 there was a 1.5 magnitude bump that
23 occurred that covered the body of the miner, and this is the bump that ---?

24 A. That covered the miner up, did you say, or ---?

25 MR. PAVLOVICH:

1 It says bump at miner, Number One entry, right rib covered
2 the body of the miner. They backed the miner up and were cleaning it out. This bump
3 was reported by Peter Saint at Crosscut 120 and Rodney Adamson in the Number
4 Three entry.

5 A. At Crosscut 120 and the Number Three entry? The miner wouldn't have been
6 there.

7 MR. PAVLOVICH:

8 That's where they were at when they came ---.

9 MR. TEASTER:

10 That's where they were when the bump occurred.

11 A. Oh.

12 MR. PAVLOVICH:

13 But it covered the body of the miner.

14 MR. TEASTER:

15 That was 1.5. There was another one at 10:13. Bump inby
16 the face, stalled out the air flow. Popped ears and several small bumps.

17 A. Well, the air was a concern there the last few days. It was blocked off inby.

18 MR. PAVLOVICH:

19 When you first got to the mine, Scott, you said they brought
20 you in for a briefing.

21 A. Uh-huh (yes).

22 MR. PAVLOVICH:

23 They took you to the map room or somewhere to show you a
24 map.

25 A. Right.

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MR. PAVLOVICH:

And I guess if we can look at the large map here, you obviously saw the longwall panels 7 through 12 that were mined on the north end, and you saw the panels 13 through 18 mined south. You saw the west mains section, you saw that the north barrier had already previously been mined. And the south barrier was now being mined. And I would imagine someone explained to you that there was cover overburden in this area up to 2,000 to 2,200 feet.

A. Right. I was surprised to see that they had mined these barriers out.

MR. PAVLOVICH:

You were surprised?

A. Yeah, I had not seen that.

MR. PAVLOVICH:

With your previous mining experience in the west ---.

A. I've not seen that before, but I ---.

MR. PAVLOVICH:

Or you had never seen where those barriers ---

A. No.

MR. PAVLOVICH:

--- would have been mined with that cover and these massive longwall gob areas on both sides.

A. No.

MR. PAVLOVICH:

So when you were surprised --- you said you were surprised to see that. Would it not have surprised you then to know that that would have bumped?

A. Well, I would've been surprised that they didn't have roof-control problems.

1 MR. PAVLOVICH:

2 Okay.

3 A. The bumps are generally caused by sandstone that doesn't break, and ---.

4 MR. PAVLOVICH:

5 Okay. Did they also tell you there was massive sandstone in
6 this area?

7 A. Yeah, and I didn't know the condition of what these looked like, what these
8 panels looked like. There may have been a reason that they thought it was safe to do
9 what they did.

10 MR. PAVLOVICH:

11 Okay.

12 A. It looked odd to me.

13 MR. PAVLOVICH:

14 Did anybody ever tell you that there was a bump that occurred
15 in the north barrier?

16 A. Yeah. A few days into this, you know, just talking to the miners, they said that
17 that's why they pulled out, that they had problems in there.

18 MR. PAVLOVICH:

19 They had a bump there?

20 A. Yeah.

21 MR. PAVLOVICH:

22 Okay. And so with this mining going on here, did that give
23 you concern of bumping if you were going to pull those pillars, with your experience?

24 A. I would have been nervous doing this to start with.

25 MR. PAVLOVICH:

1 A. I wasn't concerned. You know, the people that were concerned asked to be
2 moved.

3 MR. PAVLOVICH:

4 Okay.

5 A. If this would've been a recovery operation, yeah, maybe that would've come
6 into play. But we were still under ---.

7 MR. PAVLOVICH:

8 You would've looked at it differently then?

9 A. I'm sure we would have.

10 MR. PAVLOVICH:

11 Okay. Well, you would have. I mean, are you saying you
12 would have personally looked at it differently?

13 A. Yes, yeah. I would think they would outside, too. The command center.

14 BY MR. TEASTER:

15 Q. Did anyone at the mine know that you had pretty good background involving
16 bumps and working out west, anyone from MSHA?

17 A. Bob Cornett I'm sure knew I worked at the 37 Mine. I worked with his cousin
18 there.

19 Q. Did they consult or try to get any input from you on how to proceed with this?

20 A. No. Tech support had sent a couple engineers out there within a day or two,
21 and they were underground every day taking measurements. And they had quite a bit
22 of knowledge of bumps, too.

23 Q. Well, going back to the bumps here. Have you ever been in a situation where
24 bumping to the extent that this --- bumping was occurring at the mine following the
25 entrapment, have you ever experienced anything where the bumping was carrying on

1 like that? I mean, there were small bumps, there was thuds in the roof that they
2 described as being something roof breaking up high. So they distinguished between a
3 bump and a thump up in the roof.

4 A. Uh-huh (yes).

5 Q. But have you ever experienced anything ---?

6 A. I have not seen that damage before, but ---.

7 Q. If you went through in count these, I mean there's numerous bumps. Some
8 small, ---

9 A. Right.

10 Q. --- some more significant than others that occurred ---

11 A. But you ---.

12 Q. --- consistently from the time of the major one on the 6th to the one that killed
13 them people on the 16th.

14 A. Even at 37 Mine, we had bumps quite a bit. And it was seldom that you had
15 this kind of damage. It was something you couldn't predict, even up to the minute it
16 happened. And I had no reason to believe that we were going to have another one
17 like the initial one. At 37, you would have one in the panel and you may go several
18 hundred feet before you had another one. But in the meantime ---.

19 Q. But you were mining, you were continue to move and mine ---.

20 A. That's right. In the meantime, you'd moved a lot. We hadn't done any
21 disturbance here. I was under the impression that what damage that had been done
22 had already been done. I had no reason to ---.

23 Q. Well, I mean if you look back at what happened in number four, I mean that
24 was a pretty good bump to fill that entry back up as you witnesses ---

25 A. Right.

1 Q. --- when you went back in there.

2 A. Right. Well, like I said, and that's probably my fault for not knowing that it
3 happened in number four.

4 Q. And even the ones that's recorded here where it leveled the field up, leveled
5 the miner, broke motor shafts, blew out ventilation control, stoppings and stuff like
6 that, those are pretty significant bumps.

7 A. Well ---.

8 Q. And it's just that nobody was in that particular area when it occurred.

9 A. You know, these were Kennedy stoppings, they're not substantial. I didn't
10 know that it had shifted any of the props, I didn't know that. And as far as the ribs
11 coming in on the miner, that wouldn't have bothered myself if I had been up there.

12 Q. Well, knowing that this major one that occurred in number four, knowing that
13 you had what we described here as moving jacks, breaking motors, stuff like that,
14 would that have any way affected your desire to continue on with the effort?

15 A. I don't --- it doesn't sound like any damage had occurred what you're talking
16 about within the parameters of the supports that were being set. I think everybody
17 was surprised the way it had moved these props inby.

18 Q. You mean on the 16th?

19 A. On the 16th. Nobody --- I don't think anybody anticipated that, that it would
20 throw those props around like they were nothing. And we had --- as far as I'm
21 concerned, we had been doing a lot of proactive measures by putting these on close
22 centers, the wire ropes, the mesh. I wasn't uncomfortable and I don't think too many
23 people that were working there were uncomfortable that were up on the face. I think a
24 lot of these guys that transferred out were the ones bringing up the props and doing
25 the stuff in between. I don't know that for a fact, that's just my feeling.

1 Q. So a lot of people had confidence that those ---

2 A. I did.

3 Q. --- rock props would provide any lateral protection ---?

4 A. I did. But like I said, if this would've been a recovery operation, I probably
5 would've felt different. I mean, everybody here just had the one focus on mind. We
6 were all frustrated that it was going so slow. In fact, they thought we were being too
7 careful, you know.

8 Q. The families, or whose families ---?

9 A. Everybody did, even the miners. You know ---.

10 Q. Well, you always want to go faster, ---

11 A. Right.

12 Q. --- but the miners probably recognized ---.

13 A. We were probably being very conservative, and I know we were, during this
14 whole thing.

15 UNIDENTIFIED SPEAKER:

16 Joe, can I ask a question?

17 MR. PAVLOVICH:

18 Sure.

19 UNIDENTIFIED SPEAKER:

20 Scott, what would you --- you mentioned things may have
21 been done a little differently if you thought it was a recovery operation. What do you
22 think you would've done differently?

23 A. On a recovery?

24 UNIDENTIFIED SPEAKER:

25 Yes.

1 A. I'm not sure we'd go in there on a recovery.

2 UNIDENTIFIED SPEAKER:

3 I guess I was just wanting your opinion. What would you have
4 thought would have been needed to be done or had been done if you knew it was a
5 recovery?

6 A. I would say you would write it off. I mean, there's --- it was so slow going,
7 there would be no reason to go that slow to go after equipment. I mean, on a
8 recovery, I don't think you'd even done any of this.

9 UNIDENTIFIED SPEAKER:

10 Or if you didn't think they were alive, what would you have
11 done?

12 A. I don't think you would have gone in, either. If you knew they were dead, I
13 don't think we would have continued doing what we were doing.

14 MR. PAVLOVICH:

15 Why don't we take about a ten-minute break? We've been
16 going at it here about almost two hours or around there.

17 MR. TEASTER:

18 Oh, is that all?

19 SHORT BREAK TAKEN

20 BY MR. TEASTER:

21 Q. Pick up, Scott, if you would, and just what transpired on your shift on the 16th,
22 that's the day that it had the bump that had the injuries and the fatalities.

23 A. On the 16th, Otis stayed outside and I went underground with the two guys
24 from the Price field office.

25 MR. PAVLOVICH:

1 Gary Jensen and Frank?

2 A. Gary Jensen and Frank Markosek. And we all went up to the face area,
3 looked at the face. And neither one of those guys wanted to work outby, so I agreed
4 to work outby 'til halfway through the shift, and then I'd come relieve one of those
5 guys.

6 BY MR. TEASTER:

7 Q. How come there was three of you that shift? Was there normally two?

8 A. There was normally two. They started putting the third because we had these
9 extra pumps over here, and they wanted ---.

10 Q. Over at the seals?

11 A. And they wanted more presence, I believe, in the face area. A lot of days, we
12 just had two people up here, and one guy ---. At that point, you just had to come back
13 and get the air reading at 120 and a half and 119 and a half, you had three air
14 readings. So that guy was only gone for 15 minutes, two or three times during the
15 shift.

16 Q. Okay.

17 A. So you still had two guys up there at the face. But with all this added stuff ---.
18 And I think that was the first --- that was the first shift that we had the three guys
19 underground.

20 MR. PAVLOVICH:

21 So when you said the two guys were going to work at the face,
22 where did they position themselves while loading was going on?

23 A. In 125. 125 was cut out enough where you could stick the bolter and your
24 people could stand in there while they were loading inby.

25 MR. PAVLOVICH:

1 Okay. So you'd just hang out there at 125 ---

2 A. 125.

3 MR. PAVLOVICH:

4 --- while they were loading inby. And then when they finished
5 loading and were ready to install props, where would you go?

6 A. Up to the back of the miner. And that was only a crosscut up. 126 also had a
7 cut out that two people could stand in, the miner operator and the helper ---.

8 MR. PAVLOVICH:

9 So you were inby 126 at the time?

10 A. The miner?

11 MR. PAVLOVICH:

12 Yes.

13 A. Yes.

14 MR. PAVLOVICH:

15 Okay.

16 A. The head of the miner was almost to 127. This is pretty accurate where you
17 got the bullseye on this map.

18 MR. PAVLOVICH:

19 Okay.

20 A. That's real accurate.

21 MR. PAVLOVICH:

22 Okay. All right.

23 BY MR. TEASTER:

24 Q. So you got the two guys up there, you're outby.

25 A. Right. And I was --- I had just got this reading at 113. I walked up here to

1 where the --- and during this time, the second shift came in. They started at 6:00.

2 Q. What time did you guys go underground?

3 A. Between 2:30 and 3:00.

4 Q. Okay.

5 A. Around three o'clock or 3:15 we switched out. I came up to where this drill
6 was, and I called outside my readings. And I started walking up this Number One
7 entry. And I probably got to 111 or 112 and that's where you felt the bump. And there
8 was nothing special about the bump. I mean, we had these all the time. But the
9 protocol was that you would call inby and inby would call outby. It was just a way that
10 you could tell that everybody was okay. And there was a crew of people setting props
11 in this --- I think they were in 112 to 114 area. I didn't have much to do with these
12 people out here. They had a foreman with them all the time. And I said, is anybody
13 hurt from inby? They said no.

14 So I picked it up a little bit, and there was another phone at 115 or 116, and I
15 called, still nobody inby. I got up to 119, and 119 is where our power center is. And
16 the company general had a guy there all the time, in case something kicked or
17 something. And I asked him when I got up there, I says, is anybody hurt from inby
18 yet? He said no. And so I told him to grab all the stretchers. I said --- we had six
19 stretchers stored here
20 --- I said get all these ready here at 119. And I started hightailing it up there. I got to
21 120, and this is the first supervisor I ran into of Murray's. He was one of the guys from
22 back east, and I don't know his name.

23 They were actually switching out the ram cars when I got there. And I said,
24 we may have a situation up the face. I told one of your guys to get these stretchers
25 ready, we need to get some pickups up here also, nobody's heard from the face. And

1 so he was going to take charge of that. I kind of ran up to 125. And when I got to 125,
2 that's when I saw the smoke. And you couldn't see much inby 125. And I made my
3 way up to the face, which where you first ran into the coal was maybe 20 feet inby
4 126. And I mean it was solid dust, coal dust. And I asked the guy --- there was two
5 guys up there working, I think there was two guys. And one was the second shift
6 miner operator that was up there to relieve him, and he said that ---. I asked him how
7 many people were up here trapped, and he said all of them. And at that time, I was
8 thinking there was eight. And I held out my spotter and I said you've only got 16-
9 percent oxygen, we need to get some air up here.

10 And that had been an issue here when --- probably from 125 inby for the
11 previous couple days, when the air wasn't maintained up to the face, you got some low
12 oxygen back onto the miner. And it was never below 15 or 16 percent. It might have
13 got down to 14. But when I got up here, it was 16 percent. And I said we got to get
14 some air up here.

15 I went back to 125, and there was a couple people here. There was always
16 people stationed here. And I said, establish this ventilation because we've got these
17 guys up there with 16 percent, we've got some guys buried. And the one guy said,
18 Laine Adair wants to talk to you. I think I first called the command center and told
19 them that I think there's eight people up there buried, and there's a couple people
20 working on them. We need to get this ---.

21 MR. PAVLOVICH:

22 So there was some guys that were up ahead working trying to
23 get them ---?

24 A. Yeah. We need to get this ventilation established because we only have 16-
25 percent oxygen.

1 BY MR. TEASTER:

2 Q. So you took --- those two guys went down and helped you to start ---?

3 A. No, those guys stayed up there.

4 Q. Okay.

5 A. And I ran back here because I knew we had some guys here to get this air
6 established.

7 Q. Okay.

8 A. And I probably should've in hindsight pulled those guys out of there, but I still
9 don't know if I'd have done that because they were busy digging. These guys, it didn't
10 take them long at all to get this air in, and they got it up to 126. And at 126, they had
11 to go get extra curtain because that curtain, we couldn't use it, the coal had come
12 down and buried it. So they had to run and get some more curtain. That didn't take
13 long, we had some at 125. But it didn't take long to get the air established to where
14 we now had fresh air up there, and we had more people up there digging it out. I went
15 back to 125 and told Laine Adair what we had. And at that time I don't think we had
16 any company supervisors there. When I say supervisors, I mean like the shift
17 foreman. Because apparently these miner operators were foremen. I didn't realize
18 they were all foremen, but they were up there digging. The one guy, I told him to --- I
19 talked to Laine, I told him I'm going back up the face. I gave the guy my notebook
20 and pen because he didn't have any, and I don't know his name, and went back up
21 there.

22 It wasn't long before Bob Murray and Jerry Taylor were up to the face. And
23 Bob Murray was actually in the way. I had two 412's. We had been using Solaris up
24 until that shift, and Virgil had our 412's shipped out. And I had two because --- until
25 we go through a charge cycle, you know, sometimes one will go dead. So I handed

1 one to Bob Murray and told him to keep an eye on the oxygen to kind of keep him out
2 of the way. And I'm not sure how long it took to uncover everybody, but ---.

3 MR. PAVLOVICH:

4 What were they using to uncover them, shovels?

5 A. Hands.

6 MR. PAVLOVICH:

7 Just digging by hand?

8 A. They had to use a come-along to move one of the jacks. The only fatality on
9 the face was Dale Black. Ex. (b)(6) and Ex. (b)(7)(C)

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

11
12
13 MR. PAVLOVICH:

14 Oh, he was?

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

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

17 MR. PAVLOVICH:

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

19 A.

20 MR. PAVLOVICH:

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

22 A.

23 MR. PAVLOVICH:

24 Okay.

25 A. And he was the last one that was pulled off the face. Several of the guys were

1 unconscious, including Frank Markosek, who I thought was in worse shape than Gary
2 Jensen. Gary was talkative, and I thought Gary was fine when he left. We had ---
3 there was an EMT woman down there, she kind of did the first response type thing and
4 got people ready. By this time, you know, trucks were coming in pretty regular, and
5 didn't wait long on a truck to load a person up. And I'm not sure the total length of
6 time it took to get all nine people accounted for.

7 My concern at the time when I was up there at, I guess it would've been 3:30,
8 four o'clock, one of Murray's guys from out east that I knew, Roy Heidelberg (phonetic),
9 was directing traffic at 125. And I didn't know what their shifts were. And I said, you
10 know, we were trying to get all the names down, and his name didn't come up. And I
11 said Roy was up here a couple hours ago, he's still buried if he's not outside. And it
12 took a while before we figured out that, you know, he had left earlier, that he wasn't up
13 there anymore.

14 MR. PAVLOVICH:

15 Now when you said the guys were buried, were they physically
16 totally covered over where you couldn't even see them?

17 A. There was --- a couple had slumped over where you couldn't see him, but you
18 know, most of them were visible. I mean ---.

19 BY MR. TEASTER:

20 Q. How much coal was on the mine floor?

21 A. There was probably average between four and five feet. I took a photo of ---.

22 MR. PAVLOVICH:

23 Do you have those by any chance? We never have been
24 able to find any.

25 UNIDENTIFIED SPEAKER:

1 We've got them somewhere, Joe.

2 MR. PAVLOVICH:

3 We've got them somewhere?

4 A. Yeah, they're on the W drive.

5 MR. PAVLOVICH:

6 Okay.

7 A. But it shows the company guy, this was after everybody was recovered. He
8 was standing on the pile, and it shows, you know, where the jacks were and how high
9 up the middle was. It's probably three or four foot deep, five foot.

10 MR. PAVLOVICH:

11 What did the guys say? Did any of them talk to you about
12 what happened?

13 A. When we got outside, they had a briefing, and Murray was there. And I went
14 up on the board and drew what the accident scene looked like after the fact. The one
15 guy, I forget his name, the miner operator that was up there digging, he had some
16 insight as to what happened up there.

17 BY MR. TEASTER:

18 Q. Where was he at at the time?

19 A. Well, that was shift change. At the time of the accident, he was probably on
20 his way. He may have been at 125, I don't know that. I'm assuming he was at 125 or
21 en route. When I left 113, the afternoon shift crew had passed me. So you know,
22 by the time I walked up here, called and started walking up, you know, they were
23 already up here when the bump happened, at least the 119, maybe the inby. So I
24 assumed he was at 125 maybe when it happened. And it's unusual that we had nine
25 people up there during a prop setting 'cause that's more people than usual.

1 Q. What's normal?

2 A. Well, you had one or two of us, the miner operator helper and then two or
3 three prop men, one to do the --- and that included the miner operator helper, too. So
4 usually six, five or six.

5 MR. PAVLOVICH

6 Why do you think there was so many of them ---?

7 A. I think it was shift change. I think some of those may have been from the next
8 shift. I don't ---

9 MR. PAVLOVICH:

10 Oh, okay.

11 A. --- I don't know that for a fact.

12 MR. PAVLOVICH:

13 Okay.

14 A. So those guys may have already been up there, and they were up there
15 setting the props and talking. You know, what did you have during the shift. I don't
16 know that for a fact.

17 BY MR TEASTER:

18 Q. How far from the miner, the tail of the miner was Black?

19 MR. PAVLOVICH:

20 Why don't give ---? Why don't you give Scott that tablet, and
21 maybe you could just draw for us the entry ---?

22 A. Okay. I did this when I was out there. They should have it.

23 MR. PAVLOVICH:

24 Well, just do it on that map. That gives you more room.

25 A. These props on this side --- let's see, these would've been up to here. And

1 these were all intact on the left rib.

2 MR. PAVLOVICH:

3 So the props on the left rib ---

4 A. None of them were damaged.

5 MR. PAVLOVICH:

6 --- are intact. Okay.

7 A. From the tail of this miner, let's see, I want to say this is 30 feet. From the tail
8 of the miner to the end of the debris.

9 MR. PAVLOVICH:

10 Okay.

11 A. And the notes out there should tell you how many of these props were taken
12 out. I think there was about a dozen, eight to ten, maybe. On this side.

13 MR. PAVLOVICH:

14 On the left side.

15 A. The left side that had been pushed out.

16 MR. PAVLOVICH:

17 Okay.

18 A. At this point here (indicating), about 25 feet from the tail of the miner is where
19 Dale Black was, the immediate fatality. Ex. (b)(6) and Ex. (b)(7)(C) Up at the
20 accident scene, there was a couple props ---.

21 MR. PAVLOVICH:

22 Could you just put an arrow to that X, basically identifying
23 Dale?

24 A. A couple of these props were just laying on top. And I'm sure some of them
25 are buried still. It was confusing when you first got up there. You thought, these guys

1 went way beyond the props. 'Cause you looked up here, the last prop was up here.
2 And I hadn't been up there for a couple hours. I thought, you know, these guys got a
3 hair up their ass. They decided to go 50 feet without setting any props, because none
4 of these props are in. And what had happened is that it had thrown all those out. And
5 they were actually on --- they were doing it according to plan. This prop was near the
6 --- was it the tail or the bumper? I think they could go to the bumper. Yeah, because
7 the tail got in the way when they set the props.

8 MR. PAVLOVICH:

9 Okay.

10 A. And this, the intersection for 126 was about there.

11 MR. PAVLOVICH:

12 So the material was just about outby to the intersection, to the
13 inby end of the intersection?

14 A. Close.

15 MR. PAVLOVICH:

16 Okay.

17 A. And after everybody got off, and I took the picture of --- where you see that
18 picture, I was standing here on the level taking the picture.

19 MR. PAVLOVICH:

20 Okay.

21 A. And the company guy was standing here. And you can see all the belts and
22 hats and stuff that had been left up here. But I also came up here where this guy was
23 standing and pulled the curtain down and took that photo where it shows that at least
24 20 to 30 feet of this pillar was not against the roof, you know. There was a two or
25 three foot gap. And I think the accident team actually went up there at some point,

1 and did that, too.

2 MR. PAVLOVICH:

3 Uh-huh (yes). I think so, yes.

4 A. And that's what I could see. The photo really doesn't show it that well.

5 MR. PAVLOVICH:

6 And where were the other guys? Were they already gone by
7 the time you got up there, or were they all still pretty much ---?

8 A. No, they were all up here. They were all along here. They were basically in a
9 row, which is where you'd expect them.

10 MR. PAVLOVICH:

11 It blew them all to that side of the ---.

12 A. It blew them all to this side. And I'm sure some of them started out over to
13 this side, and it blew them all there.

14 MR. PAVLOVICH:

15 And would they mostly then would have been hit by coal, or
16 were they hit by the chain link and the wire, or did they know?

17 MR. TEASTER:

18 Was the chain link --- would it have been up that far?

19 A. The chain link would have been loose up to close to the end of the --- it would
20 have been close loose. The wire rope, no. I don't know where the wire rope ended, it
21 may have ended here, 'cause that was done every 40 feet, so it's probably good the
22 wire rope wasn't there, or it'd have been more difficult to dig these people out.

23 MR. PAVLOVICH:

24 It would have been everything tied together.

25 A. I think so. I don't know. I don't know.

1 BY MR. TEASTER:

2 Q. Where was the fencing?

3 A. I don't recall the fencing, so ---. The fencing was generally moved up with the
4 props. It was just loose, though. It was standing straight up, just unrolled up to the
5 last prop on both sides. I don't recall the fencing up there. You might see it in the
6 photo, I don't know. That's something I don't recall. But there was two or three of
7 these props that were laying on top. I'm sure there were some that were buried. We
8 had to take a couple of them out to make it easier to get these people. And Dale's the
9 last one we pulled off. He was the only fatal on the face.

10 UNIDENTIFIED SPEAKER:

11 Where did the miner operator usually stand if he was ---?

12 A. He was always on this right side, and generally in this hole. Like we had a
13 hole at 126, which was right about here.

14 UNIDENTIFIED SPEAKER:

15 Was the cable on the right side of the ---?

16 A. Yes.

17 MR. PAVLOVICH:

18 So he would kind of get in the crosscut?

19 A. Yeah. There was props ---.

20 MR. PAVLOVICH:

21 It went in the crosscut, but it was ---.

22 A. There was props that were like this.

23 MR. PAVLOVICH:

24 Okay.

25 A. There was a place for him to stand.

1 MR. PAVLOVICH:

2 And you would cut out a place in the crosscut enough ---

3 A. Yeah.

4 MR. PAVLOVICH:

5 --- to make a clearance place for him?

6 A. Right. Right.

7 BY MR. TEASTER:

8 Q. Was Jensen and the other MSHA guy inby closer to the miner?

9 A. Jensen was inby further, I believe, because Frank went out before him.

10 During the recovery of the bodies, Mr. Murray was here and I was up in here, too. And
11 there were several of us in here. We tried to limit the number of people up here, but I
12 mean the goal was to hurry up and dig these people out. And actually, Mr. Murray and
13 his guys shouldn't have been up there, I imagine.

14 Q. Why do you say that?

15 A. They came in --- well, they ---.

16 Q. Were they emotional?

17 A. He was emotional, and also they weren't any help. During this thing, I told you
18 we had stretchers back at 119. When they brought all that stuff up, every one of these
19 guys needed oxygen. And, you know, they had been in low oxygen for several
20 minutes at that point. And we had run out, so I asked them to send in their biopacks
21 and we had 412's there --- not 412's, but BG4's that we could use the oxygen off those
22 if we had to. And it turned out that the other oxygen came in with it. So we had our
23 equipment up there before the end of the recovery. And a couple biopacks ---.

24 Q. So they were in low oxygen for a period of time?

25 A. For at least 10 or 15 minutes. Now you can check the logs and see what time

1 that I called out that the ventilation was established, but it was a good five minutes,
2 I'm sure before I got there and then another five minutes or so before ---.

3 MR. PAVLOVICH:

4 So where do you think that low oxygen came from?

5 A. Well, there was two theories. It either came this way or it was coming from
6 the gobbed area.

7 MR. PAVLOVICH:

8 So when this bump occurred it disrupted the ventilation
9 curtain.

10 A. At 1:25 it destroyed that Kennedy.

11 MR. PAVLOVICH:

12 Okay.

13 A. So we had to put curtain on that Kennedy and establish it back up all the way
14 up to here.

15 MR. PAVLOVICH:

16 Because it was a blowdown there all the way up.

17 A. Yeah, yeah. In fact from --- just inby 125 it was very dusty all the way up
18 here.

19 BY MR. TEASTER:

20 Q. Were there any jacks standing on this right side or are they all gone?

21 A. There was about a dozen that had been blown out, 10 to 12. These were all
22 intact. These were fine.

23 Q. From where they were started inby, all of them had blown, it wasn't like it left
24 one or two of them standing.

25 A. No, they were all ---. And it was --- this was all four to five-feet deep. In fact,

1 it took a minute to get your bearings to see what had happened, because like I said I
2 thought why is the miner up that far beyond the jacks. And then I realized why we got
3 jacks over here. This must have been what happened. When everybody was taken
4 off the face, it was my suggestion that we put some props here. I was still under the
5 impression that this is a rescue operation. And I wanted to --- I knew it would be a few
6 hours before we'd be back, but I wanted to --- and as far as I knew, we had this one
7 fatality. I wanted to make sure that we didn't lose anymore. And that's probably a
8 naïve thing with bumps, but I wanted them to set jacks here. And they called in from
9 outside and said, no, everybody come outside. I think the decision was made at that
10 point outside that we're done with this rescue operation.

11 Q. What happened when you got outside?

12 A. We got outside and that's when everybody met in the shop area. And
13 everybody told what they knew about what had happened. And that's it.

14 Q. Did anybody actually see the bump?

15 A. There's one or two guys that may have and that's those guys who were up
16 here digging, because they may have been ---.

17 Q. Were they in that meeting?

18 A. Yeah. And the one guy broke down during the meeting. And I can't
19 remember his name. His Ex. (b)(5) and was killed in --- at the Wilberg fire. But I can't
20 remember his --- he was a young guy, I can't remember his name.

21 Q. Miner or foreman or ---?

22 A. He was a miner operator. I don't think he was a foreman. But he would
23 definitely have some insight. And he told some of what he knew outside after the ---.

24 Q. What did he --- what did he say, Scott?

25 A. To tell you the truth, I don't remember. But I'm assuming that the accident

1 team has talked to all those guys.

2 MR. PAVLOVICH:

3 But they actually saw the material blowout.

4 A. I don't know that. He was --- he would have been one of the first on the
5 scene. I don't know how close he was.

6 MR. PAVLOVICH:

7 Now Gary was actually up past the boom of the miner, in by
8 the end of the boom of the miner?

9 A. I don't know that for sure.

10 MR. PAVLOVICH:

11 Okay. Somewhere around there.

12 A. I can't answer that for certain. Gary seemed fine. He was one of the last
13 ones to come off the face. And it's probably because he was conscious. You know,
14 they were concentrating on the guys that were unconscious but still had vitals. And
15 Frank is the one that I thought was in trouble.

16 BY MR. TEASTER:

17 Q. Were they all covered with the exception of Black, completely covered?

18 A. Now there's one or two guys that actually walked off of this. I don't recall their
19 names.

20 Q. They walked off?

21 A. Yeah, they were off soon --- in fact, one of them was walking around when we
22 were getting the ventilation straightened out. He may have been --- he may have
23 been partially covered, but I'm not thinking he was. Because he was --- he was
24 walking around. They forced him to go out on a stretcher. They did that to everybody,
25 I believe. But there was one or two, there may have been a second one that was not

1 damaged as much. They had a lot of facial cuts and ---. So they may have been
2 outby this four-foot area. I don't know that.

3 MR. PAVLOVICH:

4 So they had a lot of cuts at all where the pieces had hit them?

5 A. Yeah, you could tell --- you could tell that they were involved. And they were
6 --- one or two. I don't know, it was pretty chaotic at the time up there.

7 BY MR. TEASTER:

8 Q. So after the briefing, what did you do?

9 A. After the briefing, I put all my equipment on charge. And Virgil told us to
10 come out the following afternoon and he'd tell us what's going on. And he had called
11 around noon and said we were just going to go home, that they were done.

12 Q. So you never returned to the mine.

13 A. I did go to the mine for --- what he had done, he told me to come out and work
14 a shift and travel Saturday. And I said Virgil, I'm not going to just work a shift to put
15 hours in. I'll just --- I'll try to go to Salt Lake tonight and catch a flight in the morning,
16 because I had family up in Salt Lake. And he said, well, you can go up on the bore
17 holes if you want, but I didn't do that. There was nothing going on underground at that
18 point.

19 Q. So you said that you assumed that the recovery operation was going to
20 continue after this, so ---.

21 A. Yeah, I wanted these guys to set a breaker row there. And I was told ---.

22 Q. So as far as you were concerned, it was still safe to continue on with the
23 effort?

24 A. I was --- yeah, I was not --- it didn't register to me that we were done.

25 Q. What would it have taken for you to believe that it was not safe to continue?

1 A. Well, you know, there's always a possibility of putting arches or some other
2 type of support in. There was still six people unaccounted for as far as I was
3 concerned.

4 MR. PAVLOVICH:

5 In your opinion, what's the most --- what's the greatest safety
6 concern during any rescue effort?

7 A. Well, you have to --- you have to protect the rescuers. And we thought that's
8 what we were doing. And like I said, this --- there may have been a better way to do
9 this and ---.

10 MR. PAVLOVICH:

11 Have you had any experience with those steel arches?

12 A. With arches, yes. I think arches would have worked here. It would have been
13 probably hard to get that many arches. Any lateral shift would shift the whole thing.
14 And you would have the rib on the other side to prevent it from --- it probably would
15 have been safer, but probably not feasible to really do that.

16 MR. PAVLOVICH:

17 So you saw number four, but ---. You didn't realize it ---

18 A. No.

19 MR. PAVLOVICH:

20 --- but you saw number four and it was almost completely full
21 from Crosscut 121 inby.

22 A. From about 120, yeah.

23 MR. PAVLOVICH:

24 So there was a lot more material in entry four than there was
25 after this accident on the 16th; is that fair?

1 A. Oh, definitely. Absolutely, yes. Yeah, it was obvious. And just based on what
2 you told me that four had come back that far, I didn't realize during this process that
3 the four was where that first rescue bump happened that did that. But if it did that
4 much damage, these posts obviously prevented more damage down here on this. Or
5 may have. It's hard to say.

6 MR. PAVLOVICH:

7 Well, nothing back here, though; right?

8 A. Well, you have the Kennedy's pop out. But there was no damage to any of
9 the props. And that could have been from air, the air force.

10 MR. PAVLOVICH:

11 And Kennedy's could have popped out because the force. I
12 mean half of a PSI or less could knock that out.

13 A. Right.

14 MR. PAVLOVICH:

15 When you came out at the end of your normal shift, and I
16 guess that would be sometime around 11:00, 11:30 at night, 12:00 at night, ---

17 A. Right.

18 MR. PAVLOVICH:

19 --- were you ever debriefed by anybody about what happened
20 during the shift?

21 A. Yeah, we would talk to the guy. We always had a hot seat changeout.

22 MR. PAVLOVICH:

23 No, I mean that's the guys that were coming in to replace you.

24 A. Right.

25 MR. PAVLOVICH:

1 here.

2 MR. PAVLOVICH:

3 Just to keep him busy with something.

4 A. Yeah. In fact he --- at one point he said, guys we only have 12-percent
5 oxygen. And he was actually reading the CO on the instrument.

6 MR. PAVLOVICH:

7 Twelve (12) percent, I don't think you would have been
8 standing there.

9 A. No, so we had about a 15-second panic. But he was kind of upset.

10 BY MR. TEASTER:

11 Q. What is your understanding as why they decided not to continue further with
12 the rescue effort?

13 A. I'm sure it's because of the fatalities.

14 Q. Does anybody ever discuss with your or your ---?

15 A. No, like I said I --- the next time I showed up I was outside for a half or so at
16 the mine. And then I headed to Salt Lake.

17 Q. Have you ever worked for Bob Murray?

18 A. Yes.

19 Q. And what mines was that?

20 A. Maple Creek.

21 Q. You worked at Maple Creek. Did you know Bob personally?

22 A. Yes.

23 Q. And what kind of relationship did you have with him?

24 A. It was okay. I mean I reminded him when he was up on the face who I was.

25 My father had actually worked with Bob in the '70s, '60s and '70s. So he knew my

1 family.

2 Q. There's --- there were allegations that things were not well run there at Maple
3 Creek as far as safety was concerned. What was your assessment of that?

4 A. Maple Creek was not a good place to work. Safety did take a back seat. And
5 he was never --- never shy about telling you what was most important.

6 MR. PAVLOVICH:

7 Who was never shy?

8 A. Mr. Murray.

9 MR. PAVLOVICH:

10 And what was that? What did he tell you?

11 A. We had several awareness meetings when I was there that, you know, we're
12 --- you're the worst bunch of miners that I've ever been around, that we're not making
13 money. You know, threatened to shut it down all the time.

14 MR. PAVLOVICH:

15 So money was more important than safety? Is that the
16 impression you got?

17 A. That's the impression I got.

18 MR. PAVLOVICH:

19 What was your job there at Maple Creek?

20 A. I started out as a --- we had a slate haulage. We would take the slate from the
21 plant take it back underground on rail to --- we had a skip in the mine. And we also
22 had slurry we took back underground over to the pile. And I replaced the pipe. We
23 had a slurry line that I replaced and that took about six months. And then I was fire
24 boss and foreman.

25 MR. PAVLOVICH:

1 So your first job was as a --- were you union or contractor?

2 A. No, I was company all the time.

3 MR. PAVLOVICH:

4 Company, you was always a company person.

5 A. Yeah, yeah.

6 MR. PAVLOVICH:

7 And so how long did you work there?

8 A. A year and a half.

9 MR. PAVLOVICH:

10 Why did you leave?

11 A. Well, safety was one reason. And I just got tired of 12 days on and 2 days off.

12 BY MR. TEASTER:

13 Q. You think that was pretty much Murray's attitude was production at all costs?

14 A. I think that's the most important thing. I don't think he intentionally wanted to
15 put anybody in harms way. But, you know, everybody felt that the pressure that you
16 don't shut something down because you feel that it's unsafe. There was two fatalities
17 during the year and a half I was there at the mine.

18 Q. Was there a lot of citations and orders or was you familiar with that aspect of
19 the ---?

20 A. There was a high citation right there. After I left I know the belts were shut
21 down on orders a couple of times but I don't think exceptionally high.

22 Q. Were you aware of any problems with the bleeder system there?

23 A. No, not when I was there. Air was always an issue there.

24 Q. What years were you there?

25 A. I was there in '96, '97.

1 Q. Air was an issue?

2 A. Air was --- enough air. And I was sent to, on a Saturday morning sent to
3 preshift a section that they were going to be going to. Something happened that they
4 had to go to this section. It was a spare section. And I went up there and the
5 ventilation was all down. And the curtains weren't high enough to reach the roof. And
6 I called out and I told him the problems we had up there. And I said it's not --- it's not
7 ready to send people down here. It needs to have some work done. And somebody
8 else filled out the books contrary to that. I didn't sign it, of course. And a similar
9 situation happened on the longwall where I didn't have enough air when I preshifted.
10 It was different when I got outside.

11 Q. So did they ever tell you as a fire boss not to ---?

12 A. I was told never to shut a belt down. And I did one time. We had a hundred
13 foot of bottom rollers out. I don't know if you're familiar with Maple Creek Mine, but ---
14 .

15 Q. No, I'm not.

16 MR. PAVLOVICH:

17 I am. Years ago, though. I was there in the early '70s.

18 A. When U.S. Steel had it. We had one belt that there was a hundred feet of
19 bottom rollers missing. The bottom belt was dragging on the ground and dust all over
20 the place. And I shut it down and continued my run. And I about got fired for that. I
21 was told that if it was that bad you should have put the rollers in, while it was moving,
22 60-inch belt.

23 MR. PAVLOVICH:

24 So when you left Maple Creek you didn't go to another Murray
25 mine, did you?

1 A. No, sir.

2 MR. PAVLOVICH:

3 Where did you go then?

4 A. I actually came here. MSHA , within about six months I took a job with tech
5 support.

6 MR. PAVLOVICH:

7 Oh, okay, okay. That's when you came to tech support.

8 A. Yeah.

9 MR. PAVLOVICH:

10 Murray's mine --- Maple Creek was like the mining operation
11 you worked in ---

12 A. That was the last mine I worked at.

13 MR. PAVLOVICH:

14 --- before coming to MSHA?

15 A. Yes.

16 BY MR. TEASTER:

17 Q. Scott, we have a --- when we have a mine fire explosion, we have mine gases
18 that we can look at and determine whether we think it's safe to continue on with
19 operation or not safe. You've got roof falls, you know, you can --- but something more
20 tangible you can see. Is there anything that you can share with us based on your
21 previous experience and experience at this mine as to how we might best tell whether
22 we should continue or not continue with ---?

23 A. As a rule, the command center is usually I think too conservative. I mean if
24 you're up there with the team doing something and you think something is safe, they'll
25 put the breaks on. And they claim it's because they know more information than you

1 do. But I think they're generally too conservative. In this situation, you know I think
2 they were conservative here. I mean the supports ---.

3 Q. Too conservative?

4 A. Huh?

5 Q. You think they were too ---?

6 A. I don't think they were too conservative. I think they were conservative. You
7 know, two and a half foot centers and steel cables. And I don't think any of us down
8 there thought that this would have happened. Nobody was ever in by the bumper of
9 the miner. I mean that was never done. You never --- especially after we got by
10 about 123, you never went more than --- you never cut more than three or four feet
11 before you put another prop. I mean you always kept your props up ---.

12 Q. I thought they could go up to 30-some feet before they stopped to put the
13 props up.

14 A. Well, they did initially. Initially they did. They'd bring the props in on the
15 scoop. And once we got to 123 or so, in that area, they changed the plan where you
16 couldn't go more than one at a time. So you could only mine three or four feet and
17 then you'd put that next one up to the bumper. Then you'd mine another shuttle car to
18 put another --- up to the bumper.

19 Q. So you think they had stopped the miner and was in the process of installing
20 jacks ---?

21 A. Oh, I'm sure that's what had happened. Because you did that in between.
22 You did that in between cars. And the cars, like I said, were switching out at 120 when
23 I came by there. And the guy at 120 didn't know we had a problem up here yet.

24 Q. They could set the two rock props ---

25 A. They could set those two.

1 Q. --- between the shuttle cars?

2 MR. PAVLOVICH:

3 Was there no shuttle car up there?

4 A. 125, there would have been one in 125.

5 MR. PAVLOVICH:

6 There wasn't one that was bringing props up or anything?

7 A. Well, that's the one they would have thrown it in is the one at 125. And he
8 may have brought it --- they may have had him up there leaning in 126. Like I said, I
9 had not worked up in the face this shift. They may have started putting them in 126,
10 since we had that hole there. So as soon as he pulled out, the guys may have been
11 up there. The car may have dropped them off on his way in to get that last load and
12 they put them off to the side.

13 MR. PAVLOVICH:

14 So sometimes they would do that. He wouldn't make a
15 special trip, but he might bring them up on the way ---?

16 A. No, no, I mean it was a pretty smooth operation. There was little time lost.

17 BY MR. TEASTER:

18 Q. Do you have any involvement to do at all with the families?

19 A. No.

20 Q. Press?

21 A. The one thing that I thought was odd was the family members would actually
22 come underground during this. And you could pick them out. They'd be in the
23 coveralls, clean coveralls. And they would take them right up to, you know, the mining
24 area, in between shuttle cars, which I thought was very unusual.

25 Q. Did you think it impeded any way with our effort underground?

1 A. Slightly. I think when they brought the --- I was on the afternoon shift. On
2 dayshift they brought camera crews underground. And I thought ---.

3 Q. Was you underground when they were there?

4 A. No. I actually --- I worked a midnight ---. I was on midnight shift when they
5 first went underground, because I remember showing up at midnight, and these guys
6 were just coming out from underground. So I was on midnight shift at that point, when
7 they first started taking these guys underground. And then after that they worked
8 dayshift a couple of times, taking photos underground. I thought that was unusual.

9 Q. What did you think about the press going underground?

10 A. That's --- I don't think that's a good idea.

11 Q. Are you familiar with the requirements of 103K?

12 A. Yeah. I think it kind of made a circus out of what was going here.

13 Q. Did you get any feedback from the miners, what their opinion was on bringing
14 the press in?

15 A. No, they didn't think anything of it, because, you know, they weren't familiar
16 with our procedures, but, no.

17 MR. PAVLOVICH:

18 Did Gary Jensen ever say anything to you about the press
19 coming in?

20 A. I don't recall Gary saying anything. I talked to Frank about it. I worked with
21 Frank a lot. And I said this is unusual. They don't usually do this.

22 MR. PAVLOVICH:

23 What about Ted Farmer? Was Ted ever underground with
24 you?

25 A. No, Ted was --- what shift was Ted on? I don't recall. No, those guys

1 generally stayed in the command center.

2 MR. PAVLOVICH:

3 Your being familiar with 103K, do you think that that K Order
4 was violated with those people going underground, not being modified?

5 A. Well, I don't know if it was verbally modified. I don't know if --- I assume they
6 had permission to come underground. I don't know, it's just very unusual and very ---
7 it kind of made a circus out of what was going on underground to have them there.

8 BY MR. TEASTER:

9 Q. The attitude of Murray's top management at the mine there at Crandall
10 Canyon, do you think any of those, based on your interaction with them, reflects
11 Murray's attitude toward safety?

12 A. I had worked with Laine Adair at Castle Gate (phonetic). And I've got respect
13 for Laine. I think a lot of these people are put in a situation where they --- I know I was
14 at Maple Creek, that normally I wouldn't be comfortable in. You know, you do what
15 you have to do to keep a job. And Bruce Hill, I worked with Bruce Hill at Arch. And he
16 was head of our safety, corporate safety at Arch. And he was in charge of Murray's
17 Utah operations. And I'm sure he felt some --- uncomfortable a little bit about what
18 was going on. I don't think anybody intentionally, you know, wanted any of this to
19 happen of course.

20 Q. Did you get a chance with your stay out there to talk to Bruce Hill or Laine
21 Adair or any of those people that you had known in the past?

22 A. I had talked with Bruce Hill a little bit. Laine just in passing. I talked with
23 Murray the whole time up here. You know, he was kind of nervous --- and, you know,
24 he was talking to me about ---.

25 Q. Can you tell us anything with your conversation with him that might give us

1 some idea of where he was coming from?

2 A. The one thing that kind of surprised me is when we realized that Dale was
3 dead. What did he say, he said, did we lose him? And they said yes. And, you know,
4 I

5 --- did we lose him, I thought that was --- whatever his comment was, I thought was
6 odd. Like it didn't really shake him up that much. And that --- like I said, that's the
7 only immediate fatality we had was Dale.

8 Q. Did you get to see any of the press conferences with Murray?

9 A. I did, during the day I usually kept the TV on before I'd go to work.

10 Q. And what did you think of those press briefings?

11 A. I couldn't believe that we were allowing him to run the show like that. Or not
12 run the show, but control the press and control what they were hearing like we were.
13 That seemed odd to me. After the accident he had his --- another guy fill in for him.

14 Q. Moore?

15 A. What name?

16 Q. Moore?

17 A. I think so, a younger guy? And he was kind of rude with the press. I mean he
18 kind of lashed out at them like they didn't have any business being there, which
19 probably wasn't right for him to do. But I think Murray tried to manipulate the press
20 and what --- I mean the earthquake theory was out there for several days.

21 Q. Did anybody at the mine that you interacted with buy that theory that an
22 earthquake had occurred?

23 A. No, these guys were all familiar with the bumps, the ones that I talked with. I
24 didn't interact much with the outby guys. I think the outby guys were the ones that
25 were nervous, that weren't used to this. But nobody bought that earthquake ---

1 underground.

2 Q. Did you get any feedback from the family briefings that Murray was involved
3 with?

4 A. No, I didn't know much about those at all.

5 Q. Did you have any interaction at all with the family?

6 A. No.

7 Q. Do you feel that the training that you had as a member of the mine-
8 emergency unit prepared you adequately for this?

9 A. I would say yes. I mean there was nothing special about this other than --- I
10 don't know. Just kind of routine, I guess.

11 Q. Do you think your training as a member of the MEO --- or MEU is adequate?

12 A. Yeah, I think when we do get together we do a good job. I don't think we get
13 together enough at times.

14 Q. How often do you get together?

15 A. Well, it's --- right now it's every other month for three days. It used to be
16 every month for two days. And that was switched a year or two ago to every other
17 month. And the problem with every other month is if you miss one month you're four
18 months between practices.

19 Q. I think when we started out we had one day a month. We had a week's
20 training. I was on the first unit that started that. Everything at that time was in
21 Pittsburgh or Morgantown.

22 A. Yeah.

23 Q. Would that be your recommendation or do you have other recommendations
24 to improve your training?

25 A. Well, I think monthly is definitely better. We had our annual meeting in

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

2 I just have a couple of questions, Scott. You worked at Maple
3 Creek, I know you had --- kind of gave your opinion on what you thought the
4 atmosphere was there at the mine, as far as safety is concerned and what the
5 priorities were. Did you ever hear in any discussions at the mine ---. And I know you
6 came with MSHA shortly after that, did you ever hear any discussions about any direct
7 or indirect retaliation against inspectors or maybe boasting about getting an inspector
8 moved or supervisors or managers from MSHA? Anything along those lines at all?

9 A. Oh yeah, I've heard several stories where he's done that.

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

11 What have you heard?

12 A. Well, he's --- as a salary member of Murray, you had to contribute to the Ohio
13 Valley Political Action Committee. And there was no choice on that. I mean that just
14 came out of your paycheck. And his boast to fame was that Mitch McConnell was
15 good friends. And one of the Ohio Senators, and I don't know who that would have
16 been, or Congressman was --- could have been even the Governor was good friends
17 with Murray. Ex. (b)(6) and Ex. (b)(7)(C)

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

He just wields that

19 around and he's not shy about telling you how influential he is with people.

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

21 Did you ever travel with any inspectors at Maple Creek?

22 A. I did, but, you now, they would have never --- I wouldn't have shared anything
23 like that with them.

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

25 How about if they were the strong paper ---? Was there

1 any ---?

2 A. Not that I know of. I mean he did not like inspectors. A state inspector wrote
3 him up one day for not checking in the brass tag when he went underground. Got
4 cited from the state and his contention was, my secretary knows where I'm at all the
5 time. And he fought that, spent thousands of dollars fighting that. And I don't know
6 what the outcome was, but he's a very strong-willed individual.

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

8 Stubborn? Would you say stubborn?

9 A. Yes, I would say that.

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

11 When you were underground, Scott, I guess you guys would
12 call out to the command center certain bits of information from the fresh air base.

13 A. Yes.

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

15 Was every bump called out or just ones that you deemed
16 significant?

17 A. I would say a lot of them were --- you know, we'd call out there's a minor
18 bump. Because any time a bump would happen, you would call inby, inby would call
19 outby.

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

20 Any bump?

21 A. Yeah. If it was minor --- I mean, it was sounding all the time. If it was minor,
22 probably not. But you could tell when something was happening different, a little bit
23 different. And you would call inby and outby.

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

25 Would you estimate 50 percent of them were worthy of calling

1 out or ---?

2 A. Probably.

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

4 I guess we weren't there so we're just trying to get a feel
5 for ---.

6 A. I would say that's about right.

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

8 So maybe half of them were called outside.

9 A. That's probably ---. Yeah.

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

11 Half of them you didn't deem worthy?

12 A. Right, right. You could tell some weren't even close to that. I mean it was still
13 a bump, but it wasn't anywhere where people were working.

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

15 You mentioned also --- we talked about this going from a
16 rescue operation to a recovery operation. I guess, you know we throw out the term
17 we've got people missing or people unaccounted for. And I guess in your heart you
18 want to believe that you're going to get somebody, which is a noble thing. But at
19 some point did doubt start creeping in anybody's mind that these guys may not have
20 been alive? And the reason I'm asking is, Scott, as time goes on, you know, we had
21 readings back there with the highest reading being 16-percent oxygen, something like
22 that. In the whole area that was the highest, so at some point did anybody start
23 saying, you know, ten days? Not ten hours, but they've been in there ten days with no
24 response on any of the drill holes. Did that start effecting anybody's thought process
25 at all?

1 A. Well, Mr. Murray had made the comment to the press right after speaking to
2 them, and this comes from somebody that was up there with him, right after speaking
3 to them about, we have all the faith in the world that we're going to get to these
4 people. As soon as the cameras were off and --- he said off the record, those people
5 are dead. And this was probably two or three days into the thing, which disturbed all of
6 us.

7 MR. PAVLOVICH:

8 Bob Murray said that?

9 A. Bob Murray said that off the record to the cameraman or to the reporter. But
10 that was never said on the record to the cameraman. And one of the guys in the
11 command center that was down there had told us that story.

12 MR. PAVLOVICH:

13 Do you remember who that was?

14 A. I don't. I honestly don't.

15 MR. PAVLOVICH:

16 He was in the command center.

17 A. And he was down at the press conference when Murray ---.

18 MR. PAVLOVICH:

19 He would have been the senior-type official ---

20 A. Yeah.

21 MR. PAVLOVICH:

22 --- who was down there.

23 A. Murray made the comment off the record, these people are gone.

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

25 You mean like a week into it, did anybody say look, it's been

1 seven days, the highest reading we got back there is 16 percent?

2 A. To tell you the truth, everybody underground was upbeat that these people
3 were still alive.

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

5 That's all I have.

6 MR. PAVLOVICH:

7 I mean we were pumping --- they were pumping in
8 compressed air. So even though we were getting low oxygen, maybe that's where the
9 oxygen was coming from. And there's a slim chance these guys were --- happened to
10 be there where they could break the pipe and they were taking the benefits of that
11 fresh air. We don't know where that oxygen was coming from.

12 MR. PAVLOVICH:

13 Let me look at your perspective today, okay, not when you
14 were doing this. When you saw the damage that was done to the jacks and the nine
15 guys that were up there, from what basically was a minor bump, not much different
16 than the 50 or so others that occurred the previous ten days, what would you think
17 today of the chances of survival of those miners that were up on the section when that
18 big bump happened?

19 A. Well, I think some of the drill holes showed that there was numerous areas up
20 there that didn't experience the rib damage from the bumps.

21 MR. PAVLOVICH:

22 Were they anywhere near the face, anywhere near where
23 mining was taking place?

24 A. Yeah, I think they drilled down above the belt there at the feeder, and they
25 could see a long ways, from my recollection of what was happening.

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MR. PAVLOVICH:

What number hole was that?

A. Oh, I don't know. But you know we were under the impression that some of these holes that they were drilling, they didn't experience the bump. They didn't have good air, but there was no bump damage, from what I can recall.

BY MR. TEASTER:

Q. This one was roofed here. That one. There was no void at all.

A. What about the ones above the belt?

Q. There was a little bit, but not much. I think there was a couple of feet void there.

A. Okay.

Q. And one of them they couldn't --- number six, I can't see --- this is seven. Seven didn't have ---.

A. It would have been an earlier one. What's ---?

Q. I think the number three had the most. Number three had almost full high.

MR. PAVLOVICH:

Three was back up in the bleeder entry and it had full high.

A. And that gave people some hope that, well, maybe they went up there and barricaded. Everybody was hopeful that these people were alive.

BY MR. TEASTER:

Q. Well, I think we'd always --- everybody was hopeful they were alive, but ---.

A. I never got the impression that we were just going down there for the --- just going through the motions to satisfy the families and the press. I never got that impression. And I don't think the miners behaved like that either. I think they were there to look for these people.

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

2 But after processing --- you know, you never know all the
3 information 'til after the fact. But laying it all out on the table now, looking at all the
4 space that was covered up with the loose material and looking at the oxygen
5 concentrations and the length of time that they were there, what do you think the
6 survivability would be as far as even if they made it through the initial violence of the
7 bump ---?

8 A. Probably pretty low. And, you know, when we decided to pull out, you hope
9 that these people died immediately and they weren't waiting on us. But it's probably
10 low, probably very low that they admitted it.

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

12 Scott, somewhere there in the beginning you was talking
13 about somebody --- some of the miners that told you about the bump in the north
14 barrier, getting pulled out. Do you remember specifically what they said?

15 A. They had a roof fall at the north barrier ---? Oh, I see what you're talking
16 about. No, they just said that they had bump problems up there and that's why they
17 stopped hauling pillars up there. Because we had that escape --- we had that map in
18 the dinner hole at 119, you know, and I was asking them, you know, what happened
19 here. And they said, well, we had problems so we just came out and did this other
20 section.

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

22 Did they go into how much damage?

23 A. No, no.

24 UNIDENTIFIED SPEAKER:

25 While you're there Ex. (b)(6) and Ex. (b)(7)(C) let me interrupt. Did any of the

1 MSHA, local MSHA people, comment on it? Did they talk about a bump up there or
2 say anything about why the ---?

3 A. Not to me.

4 UNIDENTIFIED SPEAKER:

5 You said you saw the family members go underground
6 several times.

7 A. They went underground several times. I saw two come up on my shift at
8 different times.

9 UNIDENTIFIED SPEAKER:

10 How many times did you see them on your shift?

11 A. I saw them twice underground.

12 UNIDENTIFIED SPEAKER:

13 Two different shifts?

14 A. Yes, right.

15 UNIDENTIFIED SPEAKER:

16 Were they actually helping in the effort or ---?

17 A. No, I mean they came in clean coveralls and they just, you know, looked
18 around for ten minutes or so. Laine Adair was with them. And he was explaining what
19 we were doing, what was happening. It was just for show, but they just didn't need to
20 be up there.

21 UNIDENTIFIED SPEAKER:

22 And when you saw them setting these rock props, was there
23 ever any problem installing them?

24 A. No, I had concerns about them being vertical and I expressed that. That got
25 corrected. But that was the only issue I saw that was ---.

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UNIDENTIFIED SPEAKER:

As far as installation, there wasn't any problem?

A. No.

UNIDENTIFIED SPEAKER:

When they went from setting them from the scoop, the ram car to the miner ---?

A. That didn't effect anything.

UNIDENTIFIED SPEAKER:

Was there any --- do you know what pressure they were putting them under?

A. Between 11 and 1,200 PSI.

UNIDENTIFIED SPEAKER:

There was a pressure gauge on the ---.

A. Yeah. Well, I know there was on the scoop. I assume the miner had one, too.

UNIDENTIFIED SPEAKER:

You don't know for sure?

A. I don't know the answer to that. That's a good question, I don't know. I assume it was the same pressure.

UNIDENTIFIED SPEAKER:

How many days did they set them with the miner?

A. Probably three or four days, the last three or four days. You couldn't tell any difference in the way they were installed. I mean they were smashing the cribs with the miner like they were with the scoop.

UNIDENTIFIED SPEAKER:

Did you see any leak or any leak between the pipes?

1 A. No, no.

2 UNIDENTIFIED SPEAKER:

3 Did you see any knocked out from the bump, when the small
4 bumps occurred?

5 A. I never saw any --- no. And they mentioned in your notes you said that where
6 they broke the jacks on the miner that it had pushed out some props. I didn't know
7 about the props being pushed out.

8 UNIDENTIFIED SPEAKER:

9 But you never saw any knocked over or ---?

10 A. Just from the equipment.

11 UNIDENTIFIED SPEAKER:

12 Was anybody measuring the convergence while you were
13 there?

14 A. Joe Zelanko and I guess it was Cybulski there at the end. They were doing
15 the conversions and also jack to jack across the entry.

16 UNIDENTIFIED SPEAKER:

17 Do you know if anything happened? Did they give you any
18 feedback?

19 A. They thought the ones on the width had gone in and eighth of an inch or so on
20 inby 120. I don't know if there's any others that they were measuring. The
21 convergence, I don't know what the results of that was. But I know they were doing a
22 lot of measurements.

23 UNIDENTIFIED SPEAKER:

24 So nobody was telling you anything about moving or ---?

25 A. No.

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UNIDENTIFIED SPEAKER:

You ever seen that done in any of these other places you worked, in Utah or Kentucky ---?

A. No.

UNIDENTIFIED SPEAKER:

Did anybody say anything about --- that the recovery process was approaching maybe the maximum amount of recovery or was that ever discussed?

A. Oh yeah, we had this map underground. We knew we were in the deepest part. Actually I think the cover was shifted a couple of hundred feet from what it is now. But we knew we were coming to the over 2,000 or we were in the over 2,000. We --- yeah.

UNIDENTIFIED SPEAKER:

Did anybody have any discussion about why the District Nine roof-control people were there?

A. No. We had discussions between ourselves. And this is the guys from out east, you know, riding in the car back and forth, why did we allow them to mine these barriers. That is unusual, I thought.

UNIDENTIFIED SPEAKER:

I mean usually when there's a fire, you see the ventilation supervisor and ventilation specialist at the mine.

A. Yeah, I don't even know who the roof-control people are out there.

UNIDENTIFIED SPEAKER:

So that wasn't really discussed?

A. No.

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UNIDENTIFIED SPEAKER:

Thanks.

UNIDENTIFIED SPEAKER:

I've just got a couple of questions to ask you there. You mentioned that you thought tunnel liners might be good. Did you discuss that with anybody, or did anybody have any other discussions about any other type of roof support, or support ---?

A. Well, the cans were kicked around. You know this was just between us underground. The cans were kicked around and also the arches. Arches may be better, but there's limitations on arches on height. You only have the height in the center and also availability would probably be an issue.

UNIDENTIFIED SPEAKER:

Was the command center, do you know if there was any discussions there with any of those people?

A. I have no idea.

UNIDENTIFIED SPEAKER:

You said people underground, Scott, would that include Gauna, Cybulski or Zelanko?

A. I think Joe Zelanko and I talked about that.

UNIDENTIFIED SPEAKER:

The cans and the arches both?

A. I think so, I don't recall. But I know we talked about, you know, the inspectors.

UNIDENTIFIED SPEAKER:

Let me ask a question. Do you know of any problems between the company and any of the inspectors and the company officials and any

1 inspectors or mine rescue members?

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

7 Who told you that and when did he tell you that?

8 Ex. (b)(6) and Ex. (b)(7)(C)
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9 UNIDENTIFIED SPEAKER:

10 Do you know during the recovery operation if there was any

11 problems with any of the company officials or ---?

12 Ex. (b)(6) and Ex. (b)(7)(C)
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24 UNIDENTIFIED SPEAKER:

25 Did Murray actually assist in digging anybody out when they

1 were up there?

2 A. He wanted to, but he was --- like I said, he was in the way. And he's kind of
3 old. He would have been no help. He was there for moral support more than
4 anything.

5 UNIDENTIFIED SPEAKER:

6 You mentioned that the plan was changed to install just one
7 prop at a time or one set of props at a time ---

8 A. Yes.

9 UNIDENTIFIED SPEAKER:

10 --- instead of 15 foot. Why? Do you know why?

11 A. I actually think Joe had something to do with that. They were concerned that
12 they were going in by too far. Now I don't know that for a fact. I was on second shift,
13 and I just know one day we showed up and the plan had changed that, you know,
14 they're installing them one at a time, which doesn't slow them down anymore, because
15 they can actually install rollers in between cars. So it didn't hurt them to do it that way.

16 UNIDENTIFIED SPEAKER:

17 You really don't know the reason, other than maybe Joe
18 thought they was going in too fast?

19 A. That would be my guess.

20 UNIDENTIFIED SPEAKER:

21 Just one last thing. You said that when you come out a lot of
22 times, you maybe not necessarily debrief, but you talk to the command center and
23 they just say, how do you think the situation is going?

24 A. Yeah, I mean nothing in-depth, nothing resolved. Just shooting the --- what
25 happened during the shift.

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UNIDENTIFIED SPEAKER:

What would you tell them? What did you tell them?

A. You know, we thought the progress was slow. We didn't see any safety issues. I mean I certainly didn't, I don't know about the other guys, but I thought we were being conservative underground.

UNIDENTIFIED SPEAKER:

Thank you.

UNIDENTIFIED SPEAKER:

We talked a lot, Scott, earlier about these Richter readings. You know, 1.2, 1.6.

A. Yeah.

UNIDENTIFIED SPEAKER:

Were you guys aware of those from the University of Utah? Were you aware of any of those official Richter readings. And what --- if you were, what did it mean to anybody?

A. We had heard them. And I didn't give a lot of value to them. Mr. Murray was pushing the earthquake theory. You know, I just tied that into that.

UNIDENTIFIED SPEAKER:

So nobody was talking about it from the sense of the magnitude of the bumps?

A. No.

UNIDENTIFIED SPEAKER:

And the bumps, again, we were talking about the frequency of them. And you were talking about calling them out. Two questions there, I guess. We've heard from other people that the local wisdom was that if it was bumping, that

1 was a good thing, but if it was quiet, that was when you worried. Did you prescribe to
2 that theory from your previous experience ---

3 A. No.

4 UNIDENTIFIED SPEAKER:

5 --- or what were your thoughts on that?

6 A. No. I mean there was no pattern to it. I had heard them say that that ---.

7 UNIDENTIFIED SPEAKER:

8 So you didn't really ---

9 A. No.

10 UNIDENTIFIED SPEAKER:

11 --- put much to it one way or the other?

12 A. No.

13 UNIDENTIFIED SPEAKER:

14 The frequency of them, again, did you hear anybody charting
15 or tracking the frequency to see if the frequency was increasing or decreasing?

16 A. Well, I don't know the answer to that. We were calling a good portion of them
17 out. And the ones that we felt were close to us that --- we would call inby and outby, is
18 everybody okay. If we just heard a noise that we thought was out of the area, no, we
19 wouldn't call it ---.

20 UNIDENTIFIED SPEAKER:

21 When you say we were calling --- and that was another thing I
22 had in mind there, do you feel that there was consistency ---

23 A. Probably not.

24 UNIDENTIFIED SPEAKER:

25 --- in warning people?

1 A. Probably not. I mean it probably changed shift to shift.

2 UNIDENTIFIED SPEAKER:

3 Okay. Was there any effort to try to nail that down more or
4 was it just left up to people's judgment to --- for them to decide what was significant?

5 A. I think at one point they did say to call out. I'm not sure at what point they did
6 say to do that, but ---.

7 UNIDENTIFIED SPEAKER:

8 So there might have been a shift at some point as this went
9 on ---.

10 A. They said we want to know ---.

11 UNIDENTIFIED SPEAKER:

12 We want to know everything.

13 A. But they were actually hearing it anyway because we would call each other
14 underground, is everybody okay.

15 UNIDENTIFIED SPEAKER:

16 But that might not have necessarily been called out?

17 A. I know Peter Saint kept detailed notes. He would note every --- every time
18 there was a bump he would note that. I didn't do that.

19 UNIDENTIFIED SPEAKER:

20 Okay. Now, when you say he kept those notes, did he also
21 then call those out to the command center?

22 A. He was on dayshift. I don't know. I'm sure Pete did. I'm sure he did.

23 UNIDENTIFIED SPEAKER:

24 And you see where I'm going with this. I mean we're talking a
25 lot about, you know, later on it appeared that the frequency of bumps was occurring.

1 And I'm wondering is this just a shift that we're going to report them on?

2 A. No, I think it's because they were being reported more. I don't --- I didn't feel
3 that there was any increase.

4 UNIDENTIFIED SPEAKER:

5 Going to the arching, again and you're experienced with
6 arching. You were around arches before and know how they're installed and all that.
7 The lateral aspect of an arch being loaded, would you envision these arches being
8 installed underground in this situation to resist bumping, requiring some bolting to the
9 floor to resist the lateral movement?

10 A. No, because you would be going rib to rib. I think the only issue you would
11 have with arches is the height, the time it would take to install them and probably the
12 cost and availability.

13 UNIDENTIFIED SPEAKER:

14 Well, here's where I'm going with that. And tell me if I'm off
15 base. But if you have an arch that isn't confined at the top, and you're going to install
16 an arch and not back far, though ---.

17 A. Right.

18 UNIDENTIFIED SPEAKER:

19 If you don't have that lateral confinement at the leg and you
20 had a bump, to me that leg would kick in, and because you don't have the
21 confinement at the top it's going to be free to move.

22 A. Well, you may have to do that. But I would think it would be like a snake.
23 You hit one part of it and all the other parts adjacent to it would try to hold that back.

24 UNIDENTIFIED SPEAKER:

25 Longitudinally you're thinking ---

1 A. Yeah.

2 UNIDENTIFIED SPEAKER:

3 --- there's some support from that.

4 A. Yeah, I wouldn't anticipate what you're saying. I may be wrong.

5 UNIDENTIFIED SPEAKER:

6 That's fine ^{Ex. (b)(6) and Ex. (b)(7)(C)} I'll get my other ones. The only other
7 one I had, again based on your experience with the hydro fracking that you mentioned
8 at Arch 37, what exactly did they do, ahead of the face from the head gate side they
9 were horizontally drilling?

10 A. Right.

11 UNIDENTIFIED SPEAKER:

12 How long --- how deep was that hole?

13 A. The holes went halfway across the panels. And they were --- there was a
14 water pack put in. And they were subjected to high pressures. And the theory was
15 that it was going to break the coal up, let the roof settle and ---. I don't ---.

16 UNIDENTIFIED SPEAKER:

17 You didn't put much ---

18 A. No.

19 UNIDENTIFIED SPEAKER:

20 --- credence to it. But did they do that long term there? Was
21 that something ---?

22 A. They did it for two or three panels.

23 UNIDENTIFIED SPEAKER:

24 That's what I have. Thanks.

25 BY MR. TEASTER:

1 Q. Did any of the previous bumps that you had --- that you had experienced
2 when you worked in the industry, did you ever know what these --- if they were
3 measured on the Richter scale anywhere?

4 A. I'm sure they were. But I don't know what the results were.

5 Q. You don't know what the results were.

6 A. I don't recall that. But I'm sure they were. I know they were at 37 Mine.
7 Yeah, they kept track of those.

8 MR. TEASTER:

9 Scott, that's all the questions we have at this time. Is there
10 anything you'd like to share with us that we haven't covered?

11 A. No, I think it's important about the press and family is all. That was something
12 that we need to not let happen again. That was not good for anybody, I don't think.

13 MR. TEASTER:

14 Well, if you think of any questions that you'd --- or anything
15 you'd like to share with us, you can get back in touch with us.

16 A. Okay, I'll definitely do that.

17 MR. TEASTER:

18 And if there's anything we want to ask you, we'll get back in
19 touch with you.

20 A. Well, I'll be here after Thanksgiving for a month. You guys will probably still
21 be here, huh?

22 MR. TEASTER:

23 Well, we may head west. Sometime we have to get out west.
24 We're trying to get as much information as we can before we go. Again, we'd ask you
25 not to share this interview with anyone ---

1 A. Okay.

2 MR. TEASTER:

3 --- 'til we've completed all our interviews so we get unbiased
4 information. And we want to thank you for coming down, particularly on a short notice.

5 MR. PAVLOVICH:

6 One thing I'd like to say, Scott, is that, I've been around mine
7 rescue a long time and I know Ernie was a team member, Ex. (b)(6) and Ex. (b)(7)(C)

8 We certainly respect you guys for what you do, the work you put in. I think maybe
9 everybody doesn't appreciate it, but as managers, we certainly appreciate having an
10 MEU unit ---

11 A. Oh, I think it's good to have, definitely.

12 MR. PAVLOVICH:

13 --- and the effort that you guys have. And we certainly have a
14 lot of respect for the work you guys do and I wanted to add that to you --- and thank
15 you for what you do.

16 A. Oh, thank you.

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