

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
TOMMY HOOKER

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
OCTOBER 31, 2007

1 Q. Well, you talked about the MERD that you ---.

2 A. We actually received some training back in the supervisory-training program
3 that I went through. We've been involved in numerous MERD exercises. And actually
4 several mine emergencies that we've been in and ---.

5 Q. Do you have an extensive background and training in dealing with mine
6 emergencies?

7 A. Somewhat.

8 Q. How did you get notified of the accident there at Crandall Canyon?

9 A. Bob Green (phonetic) called me and asked me if I would go over and help Al
10 Davis out for that incident when it occurred.

11 Q. And what was your job title at that time?

12 A. District Manager in Rocky Mountain District in metal and nonmetal.

13 Q. When did you first arrive at the mine?

14 A. Somewhere around six, seven o'clock in the evening the day --- Monday, I
15 think it was, when it happened.

16 Q. The day that it happened?

17 MR. PAVLOVICH:

18 On the 6th, 6th of August.

19 BY MR. TEASTER:

20 Q. What was the organizational structure when you arrived there at the mine?

21 A. Al and Bob Cornett were there. There were some other MSHA people already
22 on site. Some of the folks from the local field officers were there. And I think they
23 had some folks from headquarters and other districts on their way. Tech support was
24 on their way. They'd been notified and was in the process of coming.

25 Q. What time did you arrive at the mine?

1 A. I'm not sure, Ernie. I think it was somewhere in the six or seven o'clock in the
2 evening time period, as best I can remember.

3 Q. Who gave you your job assignments?

4 A. Al Davis.

5 Q. And what was those assignments?

6 A. To oversee the operations on third shift.

7 Q. So you was in the command center on the third shift as the person in charge
8 for MSHA?

9 A. Yes.

10 Q. Could you tell us how things were operated out of the command center?

11 A. By how you mean?

12 Q. What was the structure --- was the company and MSHA together? Was a plan
13 developed? How was that relayed on to the personnel and carried out underground?

14 A. When I arrived they had issued a K Order and they were in process of
15 modifying a K Order to allow some things to happen. There was no company people.
16 We was in the mine emergency vehicle and there was no company people in the
17 vehicle. They had a separate area that they were meeting.

18 Q. You say you was senior MSHA official on the third shift, what duties did that
19 entail?

20 A. We were actually getting debriefed from the previous shift, overseeing to
21 make sure that we had people on site, ready to go in the mine, talking back and forth
22 with the technical-support folks. They was in process of getting the drill on the hill,
23 talking with the folks like Jeff Kravitz and then eventually when they were there and
24 communicating back and forth with the company people that was on the site.

25 Q. If it was decided that a plan was needed to change or decide you want to do

1 something underground that you needed a plan, how was that communicated and
2 developed?

3 A. You know, I can't answer that because they didn't do any plans while I was
4 there. I did stay over in the mornings and attend the briefings with the company folks
5 on the dayshift with Bill Taylor who was the supervisor working the dayshift with Al
6 Davis. And in those meetings, the company would propose what they'd like to do, this
7 that and the other. Bill and I would compile that information and most of the time
8 suggest to them that they put a plan together and submit it for approval.

9 Q. And where were those meetings held?

10 A. Above the shop in the meeting room.

11 Q. So the company's command center?

12 A. Yeah.

13 Q. So you and Taylor would go over and discuss it with the company and then
14 they would develop a plan and then if it was on the dayshift Al would approve it?

15 A. Yes, Al or Bob on the second shift, whenever they got it done.

16 Q. Who was the supervisor on your shift?

17 A. I wouldn't think I would forget that already. Let's see.

18 UNIDENTIFIED SPEAKER:

19 Is it somebody from out there?

20 A. Yeah. Well actually it was Don Gibson.

21 UNIDENTIFIED SPEAKER:

22 Don Gibson.

23 BY MR. TEASTER:

24 Q. So what did you have in the command center? You had been the senior
25 person, you had a supervisor, Don Gibson, and who else would've been in there from

1 MSHA?

2 A. An inspector from a local field office.

3 Q. And his role?

4 A. He was monitoring the phone and making the notes in a logbook.

5 Q. How was the information from underground communicated to the command
6 center?

7 A. By phone.

8 Q. And would that come into MSHA only or would that come into the company or
9 coming into both?

10 A. It was coming in to both.

11 Q. What kind of phone system did you have there?

12 A. It was just a pager phone.

13 Q. Pager phone. Did you have any --- did you experience any difficulty with
14 communicating or the company wanting to communicate at the same time that you
15 did?

16 A. I don't remember any real problems that we had with that, no, while I was out
17 there.

18 Q. Was there a schedule for underground communicating with the command
19 center? Do it every hour or ---?

20 A. Yes.

21 Q. What information was there to relay?

22 A. They would come back and tell us about any of the readings that they were
23 taking, how far they had advanced and what kind of support --- any other activities that
24 might be significant.

25 Q. Who was in charge for the underground operations?

1 A. As on the shift I was on, or overall ---?

2 Q. The underground --- the shift you were on.

3 A. We actually had, as far as I know, now, the inspector --- we had a couple of
4 inspectors assigned, a couple tech-support people that was assigned. Our senior
5 inspector was in charge underground.

6 Q. Is he the one that would communicate with the outside on the meetings and
7 any significant occurrences?

8 A. They took turns, as best as I could remember, communicating. One of them
9 would do it like a day and then a different one would be the one to do that tomorrow.

10 Q. So the people on the same shift would just rotate that assignment?

11 A. Yes.

12 Q. Were you involved in any of the discussions regarding how to proceed with
13 the rescue efforts?

14 A. No.

15 Q. Installing the roof supports or what entry ---?

16 A. No.

17 Q. And you approved no plans?

18 A. No.

19 Q. Did you cause any plans to be developed based on something that you
20 learned on your shift?

21 A. Not directly, that I can remember. As in attending those meetings with Bill
22 Taylor, some of the things that we discussed with the company folks ended up, I think,
23 being included in some plans that were submitted. But like I said, they generally come
24 in in the dayshift or second shift.

25 Q. And was the company people that you met with, they was decision makers?

1 They was the ones that was ---

2 A. Yes.

3 Q. --- senior officials ---?

4 UNIDENTIFIED SPEAKER:

5 Could I ask a question now?

6 MR. TEASTER:

7 Sure.

8 UNIDENTIFIED SPEAKER:

9 I guess going into this command center with the company,
10 and I think you said earlier that the company would basically propose a plan; right?

11 A. Well they actually talked over what had happened, what was going to happen.

12 UNIDENTIFIED SPEAKER:

13 With who?

14 A. With Bill Taylor and myself.

15 UNIDENTIFIED SPEAKER:

16 So would this be a regular ---

17 A. Every morning.

18 UNIDENTIFIED SPEAKER:

19 --- briefing time?

20 A. Yes.

21 UNIDENTIFIED SPEAKER:

22 Every morning at the end of your shift?

23 A. Yeah, it was actually at the beginning of the dayshift.

24 UNIDENTIFIED SPEAKER:

25 So you were on the third shift, though?

1 A. Yeah, I laid over. Al and Kevin and Mr. Stickler were working on the briefings,
2 as I understand it, for the family and the ones they was releasing to the press.

3 UNIDENTIFIED SPEAKER:

4 So they would be in there also?

5 A. No, they weren't there. They were somewhere else meeting and discussing
6 whatever they were going to do there. Bill Taylor and I were the ones that went to the
7 dayshift meetings.

8 UNIDENTIFIED SPEAKER:

9 So you would go to the meeting at the company command
10 center on second floor, ---

11 A. Yes.

12 UNIDENTIFIED SPEAKER:

13 --- and have a meeting as far as, is this determining the
14 progress or what?

15 A. Yeah, we'd talk about what progress we made and also what they wanted to
16 do the following day. And then if there was a plan or something that they needed Bill
17 to take the information, as I understand it. And when Al got up there, they'd sit down
18 and discuss it and discuss it back with him.

19 UNIDENTIFIED SPEAKER:

20 So they would write up a plan?

21 A. Yeah.

22 UNIDENTIFIED SPEAKER:

23 And then he would --- Bill would take it back to the MSHA
24 command center and discuss it with Al?

25 A. Yeah.

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UNIDENTIFIED SPEAKER:

And then if Al and Bill agreed or whoever, then they would approve that plan and give it back to the company as approved ---?

A. Well, they didn't give us a plan at that time. They'd just talk about what they wanted to do. We'd give them some heads up on, yeah, you probably need a plan to do that with, so ---. Then that would leave the thought process for what they wanted to do and stuff out there for them to put in a plan to give Al and them later.

UNIDENTIFIED SPEAKER:

Yeah, okay. And then Al would either approve or reject those plans, based on their feelings?

A. Yes. And I don't know that for a fact either. I assume that Bill was talking to Al. I don't know that.

UNIDENTIFIED SPEAKER:

But during your shift, nobody ever brought you a plan and said, Tommy, we'd like to change the way we're doing this?

A. No.

UNIDENTIFIED SPEAKER:

No? That was only done in the morning with the briefing?

A. Well, I think Bob Cornett got a couple. I saw, as I was leafing through the book there, that there was a couple that Bob Cornett signed. So I'm assuming they had so many they'd get done in the morning and they brought them up to him on the second shift.

UNIDENTIFIED SPEAKER:

Was there a book of all the plan inserts kept somewhere?

A. Yes.

1 UNIDENTIFIED SPEAKER:

2 Where was that at?

3 A. It was in the vehicle.

4 UNIDENTIFIED SPEAKER:

5 In the MSHA command center?

6 A. Yes.

7 UNIDENTIFIED SPEAKER:

8 Okay. I'm sorry.

9 A. As far as I know, the company had a copy of that also.

10 UNIDENTIFIED SPEAKER:

11 They kept a copy?

12 A. Yes.

13 BY MR. TEASTER:

14 Q. Were you involved in any of the discussions on those roof supports ---

15 A. No.

16 Q. --- that was being installed? No? Were you aware of any bumps that was
17 occurring underground?

18 A. Yes.

19 Q. And what bumps were you made aware of on your shift?

20 A. I suppose most of them, if I come in, they generally tell me they'd had one on
21 the dayshift or the second shift. And then of course if any occurred on the third shift, I
22 knew about it personally.

23 Q. Your personal knowledge on the number of bumps --- and I don't want an
24 exact number, but was there a lot, not many? How would you characterize the
25 number of bumps that occurred during the rescue effort?

1 A. There appeared to be a number of bumps. They were having some little
2 small bumps, several a shift. We'd missed a couple shifts but most shifts there was a
3 couple a shift.

4 Q. Was there any discussions with the meetings with the company and or with
5 MSHA itself in the command center discussing the severity of these bumps?

6 A. I can't answer that. I understand it was and it was done by Kevin and/or Al or
7 somebody on the dayshift.

8 Q. But nothing in your presence?

9 A. No, sir.

10 Q. Are you familiar with bumps?

11 A. Somewhat.

12 UNIDENTIFIED SPEAKER:

13 Somewhat.

14 BY MR. TEASTER:

15 Q. Could you be a little bit more specific about that, sir?

16 A. Yes, sir. Yeah. I've been involved with several mines that experienced some
17 bumps over the last 15, 20 years.

18 Q. Have you had any fatalities, that you're aware of, involving bumps?

19 A. You know, they had some at C-2 Mine in Harlan. I don't remember whether I
20 was there when it happened or whether --- but that was either right before or right after
21 I left District Seven.

22 Q. When you have one of these significant bumps, based on your experience, is
23 there any indication by some smaller bumps or other types of bump happening before
24 the big one comes?

25 A. Yes.

1 Q. Were you aware of anyone underground refusing to work because of those
2 safety concerns?

3 A. You know, I did hear that. I personally didn't have anybody come up to me
4 and say they didn't want to go back in the mine. But I did hear before I left, a few days
5 before I left, that there was as many as maybe 10 or 12 people that didn't want to
6 work.

7 Q. Company people. Did you ever hear any concerns made by MSHA people?

8 A. Yeah, we had a pretty good little bump there one evening and some of the
9 guys was a little concerned at the frequency of the bumps and that they appeared to
10 be getting a little more severe.

11 Q. And were those bumps discussed with you specifically?

12 A. Not specifically, no.

13 Q. Do you know who they were discussed with?

14 A. Amongst themselves to some degree and then to the tech-support people that
15 was out there.

16 Q. Was it given to the senior officials there?

17 A. Yes.

18 Q. Do you know if there was any meetings to decide what to do with those
19 concerns, how to best address those concerns?

20 A. Not firsthand, I don't.

21 Q. Did any of your duties involve interaction with Bob Murray?

22 A. No.

23 MR. PAVLOVICH:

24 On those concerns raised by MSHA people, I guess, would
25 these have been the inspectors that were working underground?

1 A. Yes.

2 MR. PAVLOVICH:

3 And was it anybody on any particular shift that expressed
4 these concerns? Or would you just as well tell me their names?

5 A. Gary Jensen.

6 MR. PAVLOVICH:

7 Okay.

8 A. Larry Ramey.

9 MR. PAVLOVICH:

10 Okay.

11 A. That's two that I can remember.

12 MR. PAVLOVICH:

13 Okay. The general gist of their concerns were what?

14 A. Frequency. We seemed to have a couple, like I said, on each shift and then
15 they were getting a little more severe as they went along. We had mentioned
16 amongst us about the roof support, actually driving a second entry. Some things like
17 that that I did pass on to Bill Taylor to pass on to Al the following day. They did
18 change the roof support a couple times. They never did drive a second entry.

19 MR. PAVLOVICH:

20 Would these concerns that they had expressed, would they go
21 so far as to say, we're concerned for the safety of the people that are doing this?

22 A. Not specifically, you know. I think everybody that was in there was concerned
23 with the people because the potential for another big bump and they'd have nowhere
24 to go, but specifically they didn't seem to be concerned about any one person being
25 anywhere or ---.

1 MR. PAVLOVICH:

2 No, but I mean, people in general. I mean concerned about,
3 you know, we're going to have another --- we're going to get more people hurt?

4 A. Let's see. How best to answer that? I think everyone was concerned about
5 what we could do not to get more people hurt, but I didn't specifically hear any group
6 or particular people saying we could do this or we could do that.

7 MR. PAVLOVICH:

8 Was it ever discussed, maybe we should stop?

9 A. Not in my presence.

10 MR. PAVLOVICH:

11 Okay. But you heard that somebody said, maybe we should
12 stop?

13 A. I did hear rumors of that, but I never did ---.

14 MR. PAVLOVICH:

15 Nobody brought it directly to you saying, Tommy, we should
16 stop?

17 A. No.

18 MR. PAVLOVICH:

19 When Ernie asked you earlier ---.

20 MR. TEASTER:

21 Go ahead.

22 MR. PAVLOVICH:

23 When Ernie asked you earlier about your knowledge of
24 bumps, you said some.

25 A. Yeah.

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MR. PAVLOVICH:

You had stated earlier, maybe off the record, that you were the assistant district manager in District Nine and so that would --- over the responsibility, you would have had enforcement responsibility over the Utah area.

A. Yes.

MR. PAVLOVICH:

Is that true? And would there have been bumps that had occurred in those mines while you had that enforcement responsibility?

A. Yes.

MR. PAVLOVICH:

And were they pretty severe bumps?

A. Yes.

MR. PAVLOVICH:

Some where people or property were damaged or injured?

A. Yes.

MR. PAVLOVICH:

Yes? And so what was the general consensus or actions taken by the district to try and stop that or alleviate those bumps?

A. Actually, the ones I was involved with, they normally come in and met with the district. And in most cases we looked at whether the plans were addressing all the issues, and if not, we had them revise plans.

MR. PAVLOVICH:

Were most of those on longwall, head gate or tail gate areas?

A. Most of them were. We had some pretty severe ones on continuous miner sections and stuff like ---.

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MR. PAVLOVICH:

Okay. So you had some on continuous miners where development was occurring?

A. Yes.

MR. PAVLOVICH:

How about on pillar mining?

A. You know, I was trying to think. We didn't have a whole lot of mines when I was out there that was actually pulling pillars at that time. We had some that was doing it. We was lucky we only had a few at that time that was actually doing it.

MR. PAVLOVICH:

Did you ever go out while your inspectors were conducting an investigation of a bump?

A. Yes.

MR. PAVLOVICH:

And did you go underground and look at the bump area?

A. Yes.

MR. PAVLOVICH:

And after the bump, was the area continuing to make noise as in this case, where it bumped progressively?

A. No, not when I got to the mine. They may have had a few smaller bumps after some of the bigger bumps before I got there, but by the time I generally got there, they had kind of quieted down again.

MR. PAVLOVICH:

Okay. So was there --- there was no one specific area that was more prone to bumping than others? It could be on the longwall, head gate, on

1 the tail gate, on development, they were all associated with deep cover, ---

2 A. Deep cover.

3 MR. PAVLOVICH:

4 --- what we would consider deep cover?

5 A. Yeah.

6 MR. PAVLOVICH:

7 Over what depth maybe? I mean I realize, you know, you're
8 not going to remember them all, but ---.

9 A. Most of them somewhere around 2,000 feet, out in that area.

10 MR. PAVLOVICH:

11 About 2,000 feet? Were you associated with a meeting in, I
12 think, Grand Junction called a bump rendezvous?

13 A. You know, I missed that. I got there just after they'd had that.

14 MR. PAVLOVICH:

15 Just after that?

16 A. Yes.

17 MR. PAVLOVICH:

18 Did you ever hear anything about why the meeting was
19 conducted out there?

20 A. It had something to do with the number of bumps in their area and the mines
21 in that area.

22 MR. PAVLOVICH:

23 So there was a large number of bumps occurring in
24 someone's opinion?

25 A. Yes.

1 MR. PAVLOVICH:

2 Who would that have been?

3 A. Probably Jack Kuzar.

4 MR. PAVLOVICH:

5 Jack Kuzar? And so Jack held a seminar or something to ---

6 A. Address those issues.

7 MR. PAVLOVICH:

8 --- to address the issues. And do you know any of the results
9 of those?

10 A. I think they revised most of the plans, to some degree, for most all of them.

11 MR. PAVLOVICH:

12 So they revised or changed almost most of the plans that
13 were mining in deep cover or in just all mines?

14 A. In the deep-cover mines.

15 MR. PAVLOVICH:

16 In the deep-cover mines. And what kind of revisions did they
17 make to stop that?

18 A. It kind of depended a little bit what they already had at these mines or what
19 they perceived they needed to have.

20 MR. PAVLOVICH:

21 Okay. Were a lot of them in areas where they were two-entry
22 mining or ---?

23 A. Yes.

24 MR. PAVLOVICH:

25 Okay. So with a lot of those plan revisions then, did you see

1 a decrease in bumps?

2 A. Yes.

3 BY MR. TEASTER:

4 Q. Are you aware of a bump that occurred there in Number Four entry that
5 knocked two miners down, two people down, one of which was an MSHA inspector?

6 A. Yeah, that would've been the one, the bigger one we had a few days before I
7 left actually.

8 Q. I think this was the one that happened near the first couple of days when they
9 moved from four over to number one. Were you aware that it knocked two people
10 down?

11 A. Yes.

12 Q. Was that on your shift?

13 A. I don't think so. I believe it was on the second shift.

14 Q. And how did you learn about it?

15 A. I think Bob Cornett told me when he was debriefing me or briefing me or
16 whatever on his shift.

17 Q. Do you know what discussions were held as a result of that bump, by the
18 senior people there?

19 A. No.

20 Q. Did you have any interaction with Bob Murray?

21 A. No, none.

22 Q. Have you ever met Bob Murray?

23 A. Yes, and sort of.

24 Q. Could you be a little more specific, sir?

25 A. Yeah. I was in a meeting in Hershey, Pennsylvania when they gave him

1 some award a few years ago. I was in the audience.

2 Q. What was the award related to?

3 A. It was something to do with man of the year or ISMSP, I think.

4 Q. Based on what you saw and heard at this rescue effort at Crandall Canyon,
5 did Bob Murray in any way impede or interfere with the rescue effort?

6 A. Not that I know of. I didn't actually experience anything that he did that
7 impeded any of our efforts.

8 Q. Did you have any dealings with the families?

9 A. Other than the fact that I went over a couple of times with the family liaison
10 and went in and talked to him briefly when this first started. That was all that I did.

11 Q. In your opinion, what is the role of the family liaison?

12 A. I think a family liaison is a key --- something we've probably needed a long
13 time and never had. It's key to keeping the families informed. And I think the better
14 informed they are, the more control that we have with them and the more at ease the
15 families are that we are being upfront with them and giving them information as it
16 happens and stuff. It's just a very good effort to work with ---.

17 Q. So you view their role primarily as transferring information from the command
18 center to the families?

19 A. Yes, and back.

20 Q. Back and forth. Any concerns that the family had, they could take up with
21 them?

22 A. Yes.

23 Q. How do you view their role versus family briefings by the senior officials?

24 A. In the Crandall Canyon or just ---?

25 Q. Well, that specifically because --- but in any situation. I mean, if you've got

1 this person designated to gather information from the command center and share that
2 with the families and that's to be all-encompassing, as I think you stated there, take
3 that down to the families. Any concerns they got, you transfer it back up to the
4 command center. And if you're doing that with all the information, then what role if
5 you had briefings with senior officials later, would that be more in-depth or would that
6 relay the same information or just how would you view that?

7 A. Well, Crandall Canyon to me was a little different than anything I had
8 experienced in the past. Normally, our officials would discuss with the companies all
9 the concerns and then we would have one individual go out and address them as well
10 as the press. And normally that's a good thing and families receive that well, I think.
11 And they like to know that some of the officials have or make time for them to come
12 out and make sure that the information that they're getting is correct and stuff. So it's
13 a good thing.

14 In this case, I think the information, the feedback that I got, MSHA, the
15 information that we was giving the companies was pretty well received. I think they
16 would rather Bob Murray not been there. I think it was detrimental to our efforts.

17 Q. And how did you come to that conclusion?

18 A. By feedback from liaisons and also the family people I talked to.

19 Q. Was it just the one occurrence when you went down and talked to the
20 families?

21 A. I actually did that a couple of times.

22 Q. And did you participate in briefing the families ---?

23 A. No, just was mingling around.

24 Q. What about the press? Did you have any dealings with the press?

25 A. None at all.

1 Q. Were you aware that the press went underground on the rescue effort?

2 A. Yes.

3 Q. What's your thoughts on the press going underground?

4 A. Well my thoughts, I really --- just to be truthful about it, if I'd have been in a
5 decision-making process, I wouldn't have let them in.

6 Q. Do you know who gave them permission to go underground?

7 A. No, and I hope I never do.

8 MR. PAVLOVICH:

9 When you say, I wouldn't have let them in if I had been the
10 decision maker, why wouldn't you have, Tom?

11 A. They serve no meaning to the effort as I understand it. The only people that's
12 supposed to be underground is the people that's making the difference there and I
13 don't see where they can make a difference.

14 MR. PAVLOVICH:

15 Okay. And what says that? What says the only people
16 underground ---?

17 A. I think the 103K Order.

18 MR. PAVLOVICH:

19 So you think the K Order mandates ---

20 A. Yes.

21 MR. PAVLOVICH:

22 --- that only those people necessary to take care ---?

23 A. Take care of that situation, yes.

24 MR. PAVLOVICH:

25 And they wouldn't have fit into that category?

1 A. No way possible I can see.

2 BY MR. TEASTER:

3 Q. As best we can determine, and that's not to say that it's final, but as best we
4 can determine, the K Order was not modified to allow them to go underground. Do
5 you know whether or not it was modified?

6 A. No.

7 Q. And do you believe allowing that press to go under there without it being
8 modified would have been a violation of that K Order?

9 A. Yes.

10 Q. What role do you think the senior official sets his assistant secretary and
11 administrator when they come on scene --- what role do you think they assume as it
12 relates to that rescue effort?

13 A. Whatever they want, but personally I don't see them having any role in the
14 rescue effort. I think whoever's there in charge stays in charge.

15 Q. Well, most of the literature I've seen on it in the past, and I don't know that ---
16 but usually the person in charge is the senior MSHA official.

17 A. Yes, sir.

18 Q. And my question is, when they arrive on the scene, does that change from the
19 district manager, if he was the one that was the most senior at that time?

20 A. If they arrive and want to assume that responsibility, I think they have every
21 right to do it.

22 Q. But if they don't want to, they don't have to?

23 A. No.

24 Q. Well, let me ask you this. If you were the district manager and it was at a site
25 like that, how would you view them coming on the site? Would you think that might

1 interfere with your performance and directing the activities there at that site?

2 A. It would depend on what they said or did. If they come on a support role to
3 find out where we was at and what we was doing, I'd welcome it.

4 Q. Well, let me ask you this about --- you had to go to the briefings, on some
5 occasions at least, while AI was traveling around with the other two senior officials.
6 Do you think that would be a distraction to you directing those activities?

7 A. Yes.

8 Q. What training have you received in the MINER Act of 2006?

9 A. Would going to the public hearings count? I attended the public hearings.
10 We actually had a couple of the meetings that we went through, as far as like the
11 district managers, so that's primarily the training that I'm in.

12 Q. Do you think the training that you've had related to the MINER Act has
13 adequately prepared you to deal with the families in an emergency?

14 A. Not really.

15 Q. What about the press? Do you think that training was adequate to deal with
16 the press?

17 A. No.

18 Q. Do you think you need additional training for that?

19 A. I think I'm pretty good at it now. Additional training is always a help.

20 Q. Based on your experience with bumps, when is a bump reportable under part
21 50?

22 A. Personally, I think as soon as they know they've had one and can get to a
23 phone.

24 Q. Did you have the maps --- to the best you can remember, and I realize it's
25 been a while, but were the companies reporting the bumps they had on the map, that

1 you can recall?

2 A. From what I've seen after the fact --- not before and during, after the fact, my
3 answer would be no. Before and during that accident, I didn't know that they had had
4 other bumps.

5 Q. But based on part 50, are they required to be recorded on the mine map?

6 A. Yes.

7 Q. And are you familiar with the bump that occurred in the north main section in
8 March of this year?

9 A. I've heard about it.

10 Q. Based on what you've heard about it, was that a reportable bump in
11 accordance with part 50?

12 A. Yes.

13 Q. Do you know whether or not that was reported on the mine map?

14 A. I don't know.

15 Q. When you were the district manager and assistant district manager of District
16 Nine, what was the procedures that you all had in place for dealing with bumps?

17 A. As in the companies reporting them?

18 Q. Yeah, if you got notified of a bump in accordance with part 50, what would you
19 do?

20 A. They notified us immediately. We generally sent somebody to the site.

21 Q. Generally, but sometimes you may not based on information or did you
22 always try to or ---?

23 A. We always try to.

24 MR. PAVLOVICH:

25 Was there formal reports or were the reports completed on

1 those, Tommy, the accident investigation reports, did you know?

2 A. Yeah, it was like non injury or whatever type.

3 MR. PAVLOVICH:

4 Okay. The form for it, unless there was an injury or ---?

5 A. Something occurred, yeah.

6 BY MR. TEASTER:

7 Q. You mentioned earlier that there wasn't a lot of retreat mining when you were
8 assistant district manager. Are you aware of any situations out there where there were
9 plans approved to mine barrier pillars?

10 A. None that I can remember.

11 Q. The situation that they had there at Crandall Canyon, they had the north
12 mains and the south mains and the old west mains and gobs on both sides. What did
13 you think about mining under deep cover in that situation?

14 A. I didn't think much of it. I probably wouldn't have been in favor of it.

15 Q. How would you try to evaluate a plan that a company had submitted to you to
16 mine under those circumstances? What would you rely on to determine whether or
17 not that was safe for them to do what they wanted to do?

18 A. Well, we'd probably look at what had happened in that area at other mines
19 proposing to do the same thing and the history of that. We'd have sent people to
20 evaluate it to see if we could do it and look at whatever safeguards they could put in
21 place if we was going to consider letting them do it.

22 Q. Did they have the ARMPS programs modeled out there when you was ---?

23 A. I don't know.

24 MR. PAVLOVICH:

25 Would you notify tech support or ask for their help? Would

1 you ask for tech support's help?

2 A. More than likely. I can't imagine ---.

3 MR. PAVLOVICH:

4 Go ahead. Can you imagine any?

5 A. Very little anymore. I think probably with whatever input I'd have had, we'd
6 probably had to have tech support come in and evaluate that.

7 BY MR. TEASTER:

8 Q. Do you ever recall any requests at all from a company to mine in the barriers
9 while you were assistant district manager?

10 A. No.

11 Q. Do you recall what the process was for approving roof-control plans or
12 ventilation plans when you were in the district, how that was set up?

13 A. As far as ---?

14 Q. Well, an operator submitted a plan, say a roof-control plan, ---

15 A. Okay.

16 Q. --- what process would that plan go through to get approved?

17 A. Well, we normally had either somebody in the field office or one of the folks
18 from the district to go out to the mine and actually go to the area visited to see if what
19 they was proposing would work and come back and discuss it with the folks in the
20 district and either send it back, get some information to the field office supervisor and
21 inspectors and he'd either say yes or no.

22 Q. What role did the inspector and the supervisor play in the plan-approval
23 process?

24 A. Well, they generally contacted them. And like I mentioned a while ago, to
25 see ---.

1 Q. They being?

2 A. Whoever was working on the plan in the district.

3 Q. Specialists?

4 A. Yeah. They'd call them to see what knowledge they had in this mine, if they'd
5 had other kind of problems or any kind of problems in the area or any other similar
6 mines in that area, whatever, that this might be a problem and just get their general
7 feel for whether they would approve it or not.

8 Q. Do you know if there was any signoff sheets at all for the field office
9 personnel, the supervisor of the inspectors?

10 A. I don't remember. I don't know.

11 Q. Did you ever feel as you was getting pressure from any outside forces outside
12 of District Nine to approve a roof-control plan?

13 A. When I was there?

14 Q. Yeah, or even if you know of others when you wasn't there. We'll take that,
15 too.

16 A. Yeah, we had some pressure from time to time.

17 Q. Where did that pressure come from?

18 A. From our headquarters' office.

19 Q. And was this a situation where the district was taking issue with the plan and
20 then someone from headquarters would say go ahead and approve it. Is that the ---?

21 A. Yes.

22 Q. Was that something that happened fairly frequent?

23 A. No.

24 Q. On more than one occasion while you were there?

25 A. At least one occasion.

1 Q. Could you estimate how many more?

2 A. Couple times, three, maybe.

3 Q. Do you know where the pressure --- or why headquarters was applying that
4 pressure or encouraging you to approve that plan?

5 A. No.

6 MR. PAVLOVICH:

7 Was it at any particular mine or company?

8 A. Yes.

9 MR. PAVLOVICH:

10 Which one would that have been?

11 A. Well, the Willow Creek Mine was one of them.

12 MR. PAVLOVICH:

13 And what company owned Willow Creek?

14 A. Cypress or Rag at the time. R-A-G.

15 MR. PAVLOVICH:

16 R-A-G. And any other mine that you remember?

17 A. West Hill.

18 MR. PAVLOVICH:

19 Who owned it?

20 A. I think Arch.

21 MR. PAVLOVICH:

22 Arch. So it wasn't just from one particular company but there
23 was pressure from different companies?

24 A. Yes.

25 BY MR. TEASTER:

1 Q. Was the district normally consistently opposed to approving that plan when
2 you got the pressure to approve it?

3 A. Yes.

4 Q. Do you want to share who was applying that pressure?

5 A. No.

6 UNIDENTIFIED SPEAKER:

7 Can I ask what type of plan it was?

8 MR. TEASTER:

9 Sure.

10 UNIDENTIFIED SPEAKER:

11 What type of plan might that have been?

12 A. Ventilation.

13 UNIDENTIFIED SPEAKER:

14 In both cases?

15 A. I think so.

16 UNIDENTIFIED SPEAKER:

17 Like a bleeder plan?

18 A. It could've been.

19 MR. TEASTER:

20 Joe, you have any questions?

21 MR. PAVLOVICH:

22 Did you ask him about pressure to move inspectors? Did you
23 ask him? I'm sorry. I didn't ---.

24 MR. TEASTER:

25 No, I didn't.

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MR. PAVLOVICH:

Was there ever any pressure in District Nine, Tommy, to move inspectors because of enforcement activity or move supervisors because of enforcement activity?

A. I moved all the supervisors.

MR. PAVLOVICH:

You rotated all the supervisors?

A. Yes.

MR. PAVLOVICH:

You moved them all to different offices?

A. Yes.

MR. PAVLOVICH:

What was the reason for that?

A. We had a variety of concerns and problems in the district when I arrived and they wanted a way to fix them. So after looking at the problems, I went to Jack. That was my recommendation that we move the supervisors. All the supervisors had four or five years' experience and they'd had training and stuff, so they should be able to perform supervisory duties but for some reason or another, we had some problems in about every office. By moving those around, we pretty much resolved most of our problems.

MR. PAVLOVICH:

What kind of problems were those? Were they related to enforcement or personnel problems?

A. Some of all.

MR. PAVLOVICH:

1 Pardon me?

2 A. Some of all of those. We had some people that enforcement was a problem
3 in some of the offices and personnel issues in others. So it was just a variety of
4 problems.

5 MR. PAVLOVICH:

6 What did you think those issues stemmed from?

7 A. Probably a couple of things. One is actually probably the process of
8 promoting some people, they had some people that was quite capable of performing
9 the duties that they were charged with, but they was actually promoted into any office
10 where they just didn't fit, the people in the office. And then some offices, you got a
11 group of strong inspectors for instance that kind of set their own rules and stuff so they
12 going to do things their way. Sometimes you get a weaker supervisor ---.

13 MR. PAVLOVICH:

14 So would you say there was inconsistency in enforcement
15 throughout some of your field offices?

16 A. Yes.

17 MR. PAVLOVICH:

18 Was that due to the fact that the offices are far away and
19 there's not much interaction between them?

20 A. Some. That had something to do ---.

21 MR. PAVLOVICH:

22 How about the fact that most of the people that worked in
23 those offices were from the mines that they were regulating?

24 A. That was another concern.

25 MR. PAVLOVICH:

1 Was that a fairly large issue that you thought maybe ---

2 A. Yes.

3 MR. PAVLOVICH:

4 --- was a problem? So they were being influenced in their
5 enforcement attitude by the mine operators?

6 A. Yes.

7 MR. PAVLOVICH:

8 And after you made this change, did you see more
9 consistency?

10 A. Yes. Personally, it was my idea so I thought it was great. But it seemed to
11 work ---.

12 MR. PAVLOVICH:

13 That's the best answer you could give.

14 MR. TEASTER:

15 Honesty is what we want, buddy.

16 MR. PAVLOVICH:

17 So obviously then, you feel that was somewhat ---?

18 A. I feel we resolved most of our issues, yes.

19 MR. PAVLOVICH:

20 Okay.

21 A. And we didn't move inspectors.

22 MR. PAVLOVICH:

23 You did not move inspectors?

24 A. No.

25 MR. PAVLOVICH:

1 Just the supervisors?

2 A. Yes.

3 MR. PAVLOVICH:

4 And every supervisor in the district was moved to another
5 office?

6 A. Yes.

7 MR. PAVLOVICH:

8 How did that set with them?

9 A. I don't think they liked me as well as they did before.

10 MR. PAVLOVICH:

11 Did headquarters support that move?

12 A. Yes.

13 MR. PAVLOVICH:

14 So there was no pressure then exerted, but they chose ---

15 A. No.

16 MR. PAVLOVICH:

17 --- not to do that move? You left District Nine at one time to
18 take another job. What was the reason for that?

19 A. Promotion.

20 MR. PAVLOVICH:

21 So you left for a promotion from an ADM to ---?

22 A. District manager.

23 MR. PAVLOVICH:

24 And while you were there, you were working with Jack Kuzar
25 who was the district manager in District Nine?

1 A. Yes.

2 MR. PAVLOVICH:

3 Jack was subsequently moved to District One?

4 A. Yes.

5 MR. PAVLOVICH:

6 Was that while you were still in Mine or were you in Rocky

7 Mountain at that time?

8 A. I was in Rocky Mountain at that time.

9 MR. PAVLOVICH:

10 Do you know any circumstances why Jack was moved to

11 District One?

12 A. Personally, I've heard gossip but I don't know.

13 MR. PAVLOVICH:

14 Okay.

15 UNIDENTIFIED SPEAKER:

16 I'd just like to ask him one question. Tom, you said that you

17 saw some inconsistencies in enforcement from one field office to the next?

18 A. Yes.

19 UNIDENTIFIED SPEAKER:

20 So would that be true then that some field offices had stronger

21 enforcement and some field offices had maybe weaker enforcement?

22 A. Yes.

23 UNIDENTIFIED SPEAKER:

24 Where would you categorize the Price field office in that list of

25 field offices that you had?

1 A. I had some strong enforcement people and some weak ones in Price. It was
2 about midway, about the middle of the road for the field offices.

3 UNIDENTIFIED SPEAKER:

4 That's all.

5 UNIDENTIFIED SPEAKER:

6 Tom, I've got a couple of questions. When you was in District
7 Nine all those years, when does a bump become recordable? I understand somebody
8 gets hurt, but when you get to the part about disrupts mining activity, how was that
9 perceived, when does a bump start or what degree ---?

10 A. Well, as you know what they determine when to report a bump, disrupts
11 ventilation or mining activities and so forth, when they met those categories, they
12 needed to notify us. And as far as I know, most of them did.

13 UNIDENTIFIED SPEAKER:

14 So if a rib popped off and covered up the miner and took
15 more than an hour to get it out ---?

16 A. They'd report it.

17 UNIDENTIFIED SPEAKER:

18 How about a stopping down, that was reported?

19 A. That was reported.

20 UNIDENTIFIED SPEAKER:

21 Bump rendezvous, where'd that come from? Anybody want to
22 hit that?

23 MR. TEASTER:

24 I'm not going there. Are you questioning me?

25 UNIDENTIFIED SPEAKER:

1 A. Yes.

2 MR. PAVLOVICH:

3 Was Agapito ever used?

4 A. Yes.

5 MR. PAVLOVICH:

6 Frequently?

7 A. In that area, I think so.

8 MR. PAVLOVICH:

9 In the Price Utah area?

10 A. Utah area.

11 MR. PAVLOVICH:

12 So it was common to see plans from Agapito come in?

13 A. Yes.

14 MR. PAVLOVICH:

15 And what was the district's perspective or feelings about
16 Agapito information when you were there?

17 A. I never heard anything one way or the other.

18 UNIDENTIFIED SPEAKER:

19 On the recovery, when you was using these jack rock props,
20 these water jacks, what was your opinion of those? Have you seen support used like
21 that?

22 A. No, I hadn't seen those used in that manner. And actually, I had a little
23 concern when I first heard that they was using that because I heard they was having
24 some problems like the floor heaving and stuff so they weren't in --- set straight. So I
25 wondered about how secure they would be, things that was eventually answered, like

1 how well they'd stay in if we had a bump. But most of that got answered before I left
2 there.

3 UNIDENTIFIED SPEAKER:

4 Do you have any suggestions of anything that might have
5 been done better?

6 A. You know, I had a few ideas about maybe driving another entry and cutting
7 back every once and a while into the entry, things of that nature. But they had tech
8 support, actually folks there that was looking at that and the reason they gave me
9 made a lot sense. We was moving material and opening up space which was creating
10 an area of more stress and stuff on those areas, so the more area you opened up, the
11 more likely you would be to increase the likelihood of the bumps, which makes sense
12 when you think about it. So I never pursued that as far as like talking to anybody like
13 Kevin or Al or anybody about that.

14 MR. PAVLOVICH:

15 Did the company have any consultants there in their
16 command center assisting them in plan development or design?

17 A. You know, I was told they did but I didn't actually meet any of them as far as I
18 know.

19 MR. PAVLOVICH:

20 When you were told they were, did you know who they were?
21 Was any name mentioned?

22 A. No.

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

24 You was talking about you and Bill Taylor would go to the
25 morning meeting. Where was Al Davis?

1 A. You know, as I was told, he was with Mr. Stickler and Kevin Stricklin preparing
2 their briefings and whatever for the morning press release and the meeting with the
3 family.

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

5 So he had to be filled in with what happened that day?

6 A. Yeah.

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

8 Let's see the last one --- got all these two-entry petitions and
9 modifications out west, once the mine got one, did they always keep it forever? Was
10 it ever reviewed?

11 A. You know, I know they reviewed them, I don't know of us ever getting rid of
12 any of them.

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

14 Was that something that was done during the coordinating
15 inspection that the review ---?

16 A. Every mine visit, as I understand it.

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

18 Was that documented somehow?

19 A. I don't know.

20 MR. PAVLOVICH: Ex. (b)(6)
and Ex.
21 (b)(7)(C)

22 A follow up to one of [redacted] question there when he was
23 asking about where was Al Davis when you when to these meetings, so you and Bill
24 Taylor would go to the meeting and discuss this with the company. Did the company
25 ever express anything ---you know, you said you weren't the decision maker,
apparently you've already stated that, and I would assume Bill Taylor was not the

1 decision

2 maker ---?

3 A. No.

4 MR. PAVLOVICH:

5 Did the company ever ask, why aren't the people who can

6 make decisions here in this meeting?

7 A. No.

8 MR. PAVLOVICH:

9 Never expressed that at all?

10 A. Not while I was there.

11 BY MR. TEASTER:

12 Q. How often was AI not available for that meeting you had set in for? Was that

13 like every day that the senior officials were there?

14 A. Yes.

15 MR. PAVLOVICH:

16 So he never went to the meetings as far as ---

17 A. As far as I know, he didn't.

18 MR. PAVLOVICH:

19 --- when you went?

20 A. No.

21 BY MR. TEASTER:

22 Q. When did you leave there?

23 A. Two days before the last bump.

24 Q. The 14th, maybe?

25 A. Yeah.

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

2 The supervisory reassignments that you discussed just a few
3 minutes ago, when roughly did that occur?

4 A. Probably --- I think they were like May of 2000, could've been '99. I don't
5 know. Somewhere either 1999 or 2000.

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

7 And in like a field office that had more than one work group,
8 that was more than just switching the work groups, or could that have been a
9 reassignment? Like in Price, did they just switch work groups or did they go from
10 Castle Dale to Price?

11 A. Yeah, I only had the one supervisor in Price at the time and he went to Castle
12 Dale and the guy in Castle Dale came to Price.

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

14 And earlier when you were talking about plan approval and
15 using specialists and, you know, people come out for evaluations, staffing levels at
16 that time, as far as how many roof-control specialists you had, I'm curious if you have
17 a feel for that. And relating to that, were the specialists back then able to do specialist
18 work as opposed to doing regular inspections that seems to be the case right now?
19 Do you have a comment on that?

20 A. Yeah, when I was there the specialists primarily done specialist work. They'd
21 assist every once in a while with the regular inspection but primarily they did whatever
22 they were charged with.

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

24 My only other one was, I guess, related to what you said as
25 far as the training, going back to emergency response that you mentioned, MERD.

1 And I've been around a long time but I've never had to do a MERD. I was just curious
2 when the last one was that you participated in.

3 A. On the mountain, about a month ago.

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

5 Okay. Before that --- I mean, how prevalent are they, I
6 guess?

7 A. Well, actually, I was with metal, non metal up until August and they normally
8 try to do like one a year, plus the companies would do one and they'd invite us to
9 come when they do theirs, so we probably attend one or two a year.

10 MR. PAVLOVICH:

11 Ex. (b)(6) and Ex. (b)(7)(C) question about the specialists assisting with inspections
12 or participating in specialist's work, and you said when you were out there, they mostly
13 did specialist work and the inspectors did the inspections?

14 A. Uh-huh (yes).

15 MR. PAVLOVICH:

16 Which one do you think works best, in your opinion? Which is
17 best for you to manage or you think is more effective?

18 A. I actually think it was supposed to be specialist and we can justify having
19 somebody in that position, that's what they ought to be doing.

20 MR. PAVLOVICH:

21 So you think they ought to do specialist work and the
22 inspectors ought to do ---?

23 A. Inspections.

24 MR. PAVLOVICH:

25 Do you think that detracts from being able to do the specialist

1 work if they're out doing inspections?

2 A. Yes. And they actually if they're roof control or ventilation or electrical,
3 whatever they're going to do, I think they do a better job if they concentrate on that
4 and everybody benefits from it. You get more quality. They ain't trying to get through
5 with that in a hurry to try to get over help on the regular inspection or something like
6 that. We used to have some folks when I worked that had some mines assigned to
7 them and then there were specialists and they had to do this many mines. You know,
8 they was always wanting to do their mines and they didn't want to do the specialist
9 work. It took away from that, so, yeah, I believe they need to be doing what they
10 charged with.

11 UNIDENTIFIED SPEAKER:

12 I just got a few quick questions. You said there was concerns
13 and you had concerns about the way the rock props were set and everything before
14 they even ---. Who made that decision and who said that this is the way to go?

15 A. I don't know.

16 UNIDENTIFIED SPEAKER:

17 You don't know? Okay. Was experts questioned about it?
18 Do you know if any experts was consulted with?

19 A. I don't know that either.

20 UNIDENTIFIED SPEAKER:

21 Do you know of any occasions --- you know, just trying to find
22 out who might be in charge ---? Would Mr. Stickler or Kevin ever disagree with a
23 plan that Allyn or the company come up with and then change it to meet theirs or to
24 meet what Mr. Stickler or Mr. Stricklin wanted?

25 A. No. I could say I don't think so. Neither one of them has ever disagreed with

1 any of my plans.

2 UNIDENTIFIED SPEAKER:

3 In this situation, like during the recovery or --- I want to put a
4 drill hole here, no, let's put it over here?

5 A. I never heard that.

6 UNIDENTIFIED SPEAKER:

7 All right. And this is something I may have more of a problem
8 with than everybody else, all right? There was a lot of bumps that were going on and
9 we talked about that. That happened the very first night. There were two inspectors
10 or one inspector and a company man, if somebody had been badly hurt that night in
11 that bump, do you think the underground operation would've continued on or was it
12 just a sense of, let's do this until we get somebody hurt and then we're going to stop or
13 what?

14 A. I don't really know how to answer that. Let me tell you what I understand. We
15 were going to do what we were doing and evaluate it on a constant --- 24-hour-a-day
16 period, you know, so if it didn't appear to be working or if we didn't have adequate
17 support or if people didn't want to work in there or whatever, I was under the
18 understanding we would quit. I heard a rumor that they said --- somebody said, and I
19 never heard who said this either, but that they would mine until they had a bump that
20 would run us out of there.

21 MR. PAVLOVICH:

22 They would mine 'til what?

23 A. 'Till they had a bump that would run us out of there.

24 MR. PAVLOVICH:

25 Until they had a bump that ran them out?

1 A. Yeah.

2 MR. PAVLOVICH:

3 As similar to what happened in Number Four entry?

4 A. But I never heard that from anybody, Kevin or Al or nobody else in that
5 capacity. Anybody that had any input in making the decision, I never heard them say
6 anything like that.

7 MR. PAVLOVICH:

8 Was this just the general consensus on the property?

9 A. Could've been.

10 BY MR. TEASTER:

11 Q. Did you discuss it with anyone?

12 A. No, I was under the assumption that we would be continually monitoring it.
13 While I was talking to the guys when they'd come out to the --- our guys that was
14 underground and they was always giving us a report every hour by the phone or
15 whatever. We gave them directions that, you know, if they felt it was unsafe or
16 whatever to pull the people out, so I was under the assumption that we could stop
17 whenever we deemed necessary.

18 Q. Do you know that bump --- there was a bump in there that broke motor shafts
19 on the continuous miner? There was another bump in there that covered a miner up
20 at least partially, if not ---.

21 A. Pretty much buried.

22 Q. The right side was buried. They had one that knocked two people down. In
23 the morning, of course, you had already departed from the mine, but the morning of
24 the 16th, there was a significant bump at 10:07. And then there was about four small
25 ones that was outby 120. And then in the afternoon, it was about 12:52, there was

1 another significant one. So these things are occurring, some of them small, some of
2 them more significant than the other. Based on your experience with bumps, what
3 would that indicate to you? There was a couple of them that was categorized as
4 thump. That he had a thump and that was higher up and the roof breaking is how he
5 categorized that.

6 A. Well, I would have thought that --- we actually was going along with the
7 thought process that we had people trapped and we was trying to get back to get those
8 people out.

9 Q. Was you aware of the gas readings that you had back there, the low-oxygen
10 readings out of the bore hole?

11 A. I should've left a few minutes ago, shouldn't I?

12 Q. I had it down here, so ---.

13 A. Yes, I was.

14 Q. And what was your thoughts about the low-oxygen readings that you were
15 getting after they eliminated that erroneous reading they got?

16 A. I think it would've been difficult for anybody to be alive in that environment.

17 Q. Did you hear how it was described what these people saw? I mean, it's been
18 described to us as a face --- or bump that trapped those miners. Did you hear a
19 discussion as to how those underground workings looked when they was advancing
20 with the miner?

21 A. As in they could just run the miner without turning ---?

22 Q. Well, like the coal was like roofed all the way over, occasionally there was a
23 void on the rib or something.

24 A. Yeah, there was voids, as I understand it, and the roof was holding up pretty
25 good. They had a lot of chain-link fence or whatever the equivalent to that and it was

1 still pretty much in place.

2 Q. How much confidence, based on what you know about, was there that this
3 system that they were putting in, these water --- or rock props and this chain-link fence
4 and three roofs, tying these together, what confidence do you think they had that this
5 would prevent coal bursting out beyond those jacks with a significant bump? Or what
6 kind of a bump do you think they was designed to constrain behind the jacks --- props?

7 A. Well, I had concerns. I don't really know of anything we could've put in there
8 that if it had bumped right it wasn't going to bump out. And I'm not familiar with that
9 system. That's the first time I ever seen that used. And we did have some of our
10 better tech-support people there. So I would assume that it was technology-wise that
11 we had the best stuff we could have there to do what we were trying to do.

12 MR. PAVLOVICH:

13 Tommy, when you saw those bore-hole readings that came
14 out of number one bore hole as low as seven-percent oxygen, did you formulate any
15 opinion or discuss with anybody about where that low oxygen came from?

16 A. Yeah, I had an opinion. I don't think I was ever asked, so I never talked to
17 anybody about it.

18 MR. PAVLOVICH:

19 What was your opinion?

20 A. I thought that all those old works had been breached.

21 MR. PAVLOVICH:

22 So you felt that it was coming somewhere out of the west
23 mains area that was sealed? And what made you think that?

24 A. Well, that would just be what I would think would be behind that area.

25 MR. PAVLOVICH:

1 Okay. Well, did you see any samples at these seals --- from
2 the seals?

3 A. Uh-huh (yes).

4 MR. PAVLOVICH:

5 Were they similar to that?

6 A. No.

7 MR. PAVLOVICH:

8 These were not ---?

9 A. Well, yes, they were right there when they opened the one up you're talking
10 about?

11 MR. PAVLOVICH:

12 Yeah.

13 A. Yeah, they were similar.

14 MR. PAVLOVICH:

15 They were about the same sample?

16 A. Yeah.

17 MR. PAVLOVICH:

18 So that led you to feel, personally, that perhaps this barrier
19 was breached and the bad air was coming from there?

20 A. Yep.

21 MR. PAVLOVICH:

22 You never heard anybody in the command center discuss that
23 at all?

24 A. No.

25 MR. PAVLOVICH:

1 UNIDENTIFIED SPEAKER:

2 I just want to ask just a direct question.

3 MR. PAVLOVICH:

4 Okay.

5 UNIDENTIFIED SPEAKER:

6 The families held out hope. We made mention of missing
7 miners, so the families are holding out hope that these guys have found a refuge area
8 that they could survive. And the guys underground, I think they kept up hope and
9 that's what kept them working so hard. With your experience being involved in mine
10 emergencies in the past and your knowledge of what gas readings mean, once that
11 bore hole went down, did you believe that anybody was alive?

12 A. No.

13 UNIDENTIFIED SPEAKER:

14 So once you saw those gas readings, you kind of came to the
15 conclusion that there was no more ---

16 A. Survivors.

17 UNIDENTIFIED SPEAKER:

18 --- survivors? Did that factor in to anyone's decision making
19 or was any mention of that made, that this is not a rescue operation anymore that this
20 is a recovery operation?

21 A. You know, it did, but I didn't hear it from anybody other than someone in one
22 of the company meetings. And I don't remember who it was but somebody mentioned
23 instead of rescue that we were in recovery mode in one of the meetings.

24 Q. Do you happen to know what day that may have been?

25 A. No, I don't remember.

1 BY MR. TEASTER:

2 Q. Do you think --- you know, Bob Murray made the statement, he's going to stay
3 there on site until we get those men out, dead or alive. Do you think that influenced
4 the thinking that we got to go here at all costs?

5 A. It could have on behalf of the company people. I don't think it made any
6 difference on MSHA's behalf.

7 UNIDENTIFIED SPEAKER:

8 Should we have adjusted, Tom, our strategy at all once we
9 kind of came to the conclusion that they were no longer alive?

10 A. And that would just be my opinion ---

11 UNIDENTIFIED SPEAKER:

12 Yes.

13 A. --- and I would say yes.

14 UNIDENTIFIED SPEAKER:

15 I know this is an opinion. What may you have done in your
16 position that maybe changed their strategy? What may you have done if you was in
17 that decision making ---?

18 A. I would've debated about stopping that operation and telling the families what I
19 suspicioned.

20 BY MR. TEASTER:

21 Q. Did you hear any discussions about using the capsule?

22 A. Yes.

23 Q. Drilling a hole for the capsule?

24 A. Yeah, the families actually had asked, I think, why we didn't put a big bore
25 hole down and try to put that in there. I really don't think it would've worked. And you

1 wouldn't have wanted to put anybody down in that capsule in that environment, so I
2 understand why I think we didn't make a decision to do anything like that.

3 UNIDENTIFIED SPEAKER:

4 Did you ever hear anybody talk about using seismic readings,
5 Richter-scale readings to evaluate the severity of the bumps?

6 A. You know, we talked about that a little bit in the vehicle while we were setting
7 there but I didn't never hear --- it's my assumption that Jeff Kravitz and them had
8 some method of doing something like that but I didn't never see the instruments up
9 there and never did discuss it with anybody.

10 UNIDENTIFIED SPEAKER:

11 Tommy, there was --- in the log book from the command
12 center, there's a lot of entries that talks about bump occurred at such and such time.
13 Did anybody ever chart that in some way, where they just kind of took that information
14 out of that book and put a chart together that showed the severity of the bump, the
15 time of the bump, the location of the bump, so that you had something that you could
16 pick up and look at and say, wow, we had 20 yesterday or something? I mean other
17 than just word of mouth?

18 A. Not that I know of.

19 UNIDENTIFIED SPEAKER:

20 Not that you ever saw?

21 A. No.

22 UNIDENTIFIED SPEAKER:

23 Do you think that would've been helpful?

24 A. Sure.

25 MR. PAVLOVICH:

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MR. PAVLOVICH:

You believe it was ---?

A. It was a bump, yeah.

UNIDENTIFIED SPEAKER:

Tommy, when you were in the command center, I guess it was on midnight shift, third shift, was there anybody monitoring roof and floor convergence giving you the information in the area where they were working? Were they checking or anything ---?

A. Actually, that may have been some of the information ---. We was getting some information like that from our folks underground. They would basically let us know what kind of mining heights ahead and how far they were moving up or if something was down, they'd tell us about the progress they was making to get repairs made and things like that from underground. But really as far as taking measurements or whatever, they was taking air readings and other than that, I don't know of anything else that they were doing, anybody else that was underground.

MR. PAVLOVICH:

Do you have any indications that they had seen some squeezing or so --- I mean, based on your experience?

A. Maybe, maybe not. Like I said, Gary Jensen was a roof-control specialist. He was one of the guys in there observing that. I'm sure that if he had noticed something that he would've thought made a difference, he would've called out and he would've talked about that or something along the lines. And they had somebody doing it on every shift so I would've thought that they would be monitoring that kind of thing.

UNIDENTIFIED SPEAKER:

Had you ever seen a bump like this before, from other bumps

1 you looked at?

2 A. No, I don't think I've ever seen a bump like that before.

3 MR. PAVLOVICH:

4 Tommy, the powers that be in MSHA, I mean, Mr. Stickler,
5 Mr. Stricklin, Al Davis, you, Bob Cornett, the highest ranking MSHA people there ever
6 sit down and literally discuss these issues that we talked about as far as, you know,
7 the possibility of maybe these miners aren't alive because of what we see, the
8 inherent dangers of continuing on with all the bumping that's going on, the fact that
9 we've had equipment damaged, men knocked down? Did you ever sit down and
10 discuss that and say, what should we do? Were you ever in a meeting like that?

11 A. No, I wasn't but I presume they did that.

12 MR. PAVLOVICH:

13 Well, you presume that from the fact that you heard that
14 before?

15 A. Yes.

16 MR. PAVLOVICH:

17 Okay. And who do you think was in those meetings?

18 A. Al and Kevin and Mr. Stickler.

19 MR. PAVLOVICH:

20 And do you think they discussed that?

21 A. I was told they did.

22 MR. PAVLOVICH:

23 Who told you that?

24 A. Actually, I think it was Bob Cornett that told me.

25 MR. PAVLOVICH:

1 Bob Cornett told you that he was in one of those meetings?

2 A. They were having meetings.

3 MR. PAVLOVICH:

4 And did Bob also tell you what the result of that discussion
5 was or did anybody tell you the result of that discussion?

6 A. I'm sure he did. Bob would go into some detail on everything that they
7 discussed.

8 MR. PAVLOVICH:

9 Okay. And so what was the result of that discussion that Bob
10 relayed to you?

11 A. It would've probably been that they were bringing in some additional folks.
12 They was talking about changing out some folks and stuff, bringing in new people to
13 relieve us, things of that nature in that meeting that I remember.

14 MR. PAVLOVICH:

15 So the answer to the concerns was to bring in new people?

16 A. Well, tech-support people also and some additional --- well they talked about
17 drilling additional holes and things of that nature, so ---.

18 MR. PAVLOVICH:

19 But there was never any discussion or something that maybe
20 we ought to quit this, ---

21 A. Not that I was told about, no.

22 MR. PAVLOVICH:

23 --- that came out of that? Why were you sent home?

24 A. Pardon?

25 MR. PAVLOVICH:

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UNIDENTIFIED SPEAKER:

Anybody ever discuss why all the roof-control people weren't there? I mean, I know Gary was but the other roof control people never were on site offering opinions on the support selection or anything like that?

A. No.

MR. PAVLOVICH:

You never heard the reason why they weren't there?

A. I never heard it discussed.

MR. PAVLOVICH:

In your district now, District Seven, if you had a similar event, would you take your roof-control people and specialists and supervisor to that event?

A. More than likely.

MR. PAVLOVICH:

Would they probably be some of the first ones you might take?

A. More than likely.

MR. TEASTER:

I got just a couple more here.

MR. PAVLOVICH:

You look like you're waiting for another question.

MR. TEASTER:

I was.

BY MR. TEASTER:

Q. All right. You talked about you got some pressure from headquarters on occasion to approve a plan that you disagree with. Did you get any pressure to vacate

1 or modify certain enforcement action from headquarters ---?

2 A. Not really.

3 Q. Based on what you saw out there and then general knowledge of MSHA's
4 management, do you think that we need more training in dealing with mine
5 emergencies for our managers?

6 A. I'd have to say yes.

7 UNIDENTIFIED SPEAKER:

8 When was the last MERD exercise you participated in, Tom?

9 A. Not counting the one I told you about with the company?

10 UNIDENTIFIED SPEAKER:

11 Yeah.

12 A. It was about a year ago with metal ---. I don't know when coal went last.

13 UNIDENTIFIED SPEAKER:

14 I just have one more question. It's kind of on a little different
15 subject. There was a lot of publicity made over Bureau of Land Management in the
16 State of Utah, an inspector going out there and having some serious concerns about
17 mining those barrier pillars. And he felt maybe some of the conditions in the north
18 barrier were unsafe and he wrote a report to that effect, but evidently that was not
19 shared with MSHA. In some of the hearings they made an issue of that. In all your
20 time in District Nine, did anyone from any other agencies ever come to the district and
21 have any concerns about any roof control or ventilation issues, anything along those
22 lines?

23 A. No.

24 MR. PAVLOVICH:

25 Did you have any dealings with BLM or ---?

1 A. Yes.

2 MR. PAVLOVICH:

3 You did have?

4 A. Yes.

5 MR. PAVLOVICH:

6 Was they in regard to plant approvals or mining certain
7 areas?

8 A. Most of them was mine fires or explosions, had to do with drilling holes.

9 MR. PAVLOVICH:

10 Okay. So to get to a location then ---?

11 A. And they didn't want us to, but always --- and if it was either that or shut the
12 mine, they seem to always come around.

13 MR. PAVLOVICH:

14 What was the reason for that?

15 A. No idea.

16 MR. PAVLOVICH:

17 Did they ever express concerns to you about you closing a
18 mine down and them losing royalties?

19 A. Not to me.

20 MR. PAVLOVICH:

21 To anybody in District Nine, that you know of?

22 A. I've heard they had.

23 MR. PAVLOVICH:

24 You've heard that? Had it been to Jack, maybe?

25 A. Maybe.

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UNIDENTIFIED SPEAKER:

Was there a policy when you was out in District Nine that you make contact with BLM about any mines, any concerns? Was there a memo of understanding or anything like that?

A. Not to my knowledge.

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

Would something like that be helpful or do you think it would not have any ---?

A. Yes, it would be helpful.

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

It would?

MR. TEASTER:

Any more questions?

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

I'm just going to ask one more. Joe asked you if you knew why Jack was transferred, and you said you heard some things. And I don't want you to --- I want you to feel comfortable, but I also --- I know you have no idea whether or not the merit of those rumors --- you know, whether or not any of them are factual. Just give me a yes or no. Was one of the things you heard because Jack was heavy handed in enforcement, that was the reason why he was moved from District Nine to One?

A. Yes.

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

And I don't need to know who told you that, but that is something that you heard?

1 A. Yes.

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

3 Thank you.

4 MR. TEASTER:

5 Tommy, that's all ---.

6 MR. PAVLOVICH:

7 When the district was pressured to approve those ventilation
8 plans that you discussed at West Elk and --- I forget the name of the other one.

9 A. Willow Creek.

10 MR. PAVLOVICH:

11 Willow Creek. You remember.

12 A. I remember.

13 MR. PAVLOVICH:

14 Can you tell me who the administrator for coal would've been
15 at that time?

16 A. Do I have to?

17 MR. PAVLOVICH:

18 I'm asking.

19 A. Okay. Actually, I think it was Marvin Nichols at the time.

20 MR. PAVLOVICH:

21 And do you remember who the assistant secretary would've
22 been?

23 A. Bobby.

24 MR. PAVLOVICH:

25 The Assistant Secretary of Labor?

1 A. Well, I think that was while --- yeah, I think that was while Davit was still there.

2 MR. PAVLOVICH:

3 Davit was still there. And you think the assistant administrator
4 then may have been Bob Vealand (phonetic)?

5 A. Yes.

6 MR. PAVLOVICH:

7 You remember about what year that would've been?

8 A. That would've been about '98.

9 MR. PAVLOVICH:

10 '98, Okay.

11 MR. TEASTER:

12 Anymore questions? That's all we have right now, Tommy. If
13 there's anything that we haven't asked that you'd like to share with us, we'd appreciate
14 you sharing that with us. Do you have anything to offer?

15 A. Not really. It was unfortunate that the whole thing had to happen and that it
16 turned out like it did. Hopefully we'll learn a lot of things from it and improve as an
17 agency and move on.

18 MR. TEASTER:

19 Well, you've been very helpful and very candid with us and
20 we appreciate that. You got a good background in this particular area that we're
21 looking into and we appreciate you sharing that with us. I'm sure that's going to be
22 very valuable to us as we get ready to draft this report. But if you should think of
23 something that you want to share with us later on, why feel free to do that. And if
24 there's questions that we come up with, we'll get back and touch and try to schedule
25 another interview. But, again, I'd like to ask you not to share the interview questions

1 with other folks until we've completed all of our interviews. Thank you, Tommy,
2 appreciate it.

3 A. Appreciate it.
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