

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
WILLIAM COOK

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
OCTOBER 31, 2007

1 BY MR. PAVLOVICH:

2 Q. I'm Joe Pavlovich and this is Ernie Teaster and we're former MSHA
3 employees.

4 A. Right.

5 Q. I was the district manager in Barbourville. Ernie was the administrator for
6 metal and previous to that, he was in headquarters, several roles. He was the district
7 manager in Mount Hope and so the agency --- not the agency, but the secretary's
8 office, Secretary of Labor's Office has asked us to come back to do an independent
9 review of Crandall Canyon. And the reason they did that was because obviously Mr.
10 Stickler and Kevin Stricklin were both heavily involved in the operation, so to say, well,
11 we're going to put MSHA employees over this review appears to be a conflict because
12 they're working for the people that were in charge, so that's why we were involved in it.

13 Our team is made up of present MSHA people because we obviously need
14 their expertise and knowledge also to assist us, so that's why we're here. And what
15 we're trying to do is interview possibly and probably everyone that was involved in the
16 rescue attempt or the recovery in some way, or the attempt to recover and also the
17 inspection activities and plan approvals, the whole deal. So we'll be continuing to do
18 interviews with people probably sometime after the first of the year and then formulate
19 a report which will be presented to the secretary.

20 Let me read a statement to you, Bill, to start out.

21 A. Okay.

22 Q. The Secretary of Labor has assigned this group the task of evaluating
23 MSHA's performance during the period preceding the August 6th, 2007 coal bounce at
24 the Crandall Canyon mine and the subsequent rescue effort. We will also be
25 evaluating issues that were raised during this time period regarding Bob Murray and

1 his interaction with MSHA. This is not an investigation or a review of any individual
2 person. It is an administrative review of MSHA's actions as an agency. This
3 evaluation will be presented to the secretary in the near future. It is intended that the
4 results of the evaluation will be made public.

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

9 A. Okay.

10 Q. Are you a bargaining-unit person or are you ---?

11 A. I am not. I'm a supervisor.

12 Q. You're a supervisor?

13 A. Yes.

14 Q. Okay. So you're not entitled to a union rep.

15 A. Right.

16 Q. Okay. Bill, can you give me your full name?

17 A. William Cook, III.

18 Q. Okay. And what is your job title?

19 A. Field office supervisor, District Ten, Beaver Dam Field Office.

20 Q. Okay. How long have you been a supervisor?

21 A. About nine months.

22 Q. Nine months?

23 A. Uh-huh (yes).

24 Q. What was your previous job?

25 A. I was an inspector out of District Ten.

1 Q. Okay. For how long have you been with MSHA?

2 A. Since October 2004.

3 Q. Okay. All right. And you are appearing here, not that you had any
4 involvement with Crandall Canyon mine prior to this accident, but because you are a
5 mine emergency team member?

6 A. No. I was actually called out, originally was told I was going to the command
7 center.

8 Q. Okay.

9 A. And then when I got out there, like four o'clock that morning, the fellow that's in
10 charge of the rescue teams called me and told me that I would be going up on the
11 mountain and stay with the drill crews on second shift for my direction out there.

12 Q. Okay. So you were called then as an MSHA management person ---

13 A. Yes.

14 Q. --- to participate in the command center, not as an MEU team member?

15 A. That's correct.

16 Q. Okay. Very good. Okay. So when were you --- how and when were you
17 notified of the accident?

18 A. We were in the district office when we got a conference call regarding the first
19 operations, and I knew that Rodney and Bobby Gray had both been called already ---

20 Q. Okay.

21 A. --- to inform them that they were going out there.

22 Q. Okay. Does Rodney or Bobby Gray work for you or they ---

23 A. No.

24 Q. --- just work in the district?

25 A. They work in the district office.

1 Q. Okay. And then how were you notified to respond to the ---?

2 A. Ted Smith, who was acting DM at that point called me and asked me if I would
3 be willing to go out.

4 Q. Okay.

5 A. Then I corresponded with Melinda Pon and Kevin and made the arrangements
6 to come out.

7 Q. Now, what day was that?

8 A. That was on the --- it would have been Thursday or Friday, the 27th, 28th of
9 August, the latter part of August.

10 Q. Okay. So it was approximately ten days after the second accident occurred?

11 A. It was within a week after the second.

12 Q. Within a week after the second?

13 A. Yes.

14 Q. Okay. And so when you talked to Kevin, was he back in D.C. then or was he
15 still out at Crandall Canyon?

16 A. He was still out at Crandall Canyon.

17 Q. He was still at Crandall Canyon?

18 A. Yes, sir.

19 Q. And Melinda Pon was in D.C.?

20 A. Yes, sir.

21 Q. Okay. And so what were you --- what did you understand your duties would
22 be when you got there?

23 A. When I got there and was told that I was going up on the mountain, I was
24 instructed to travel with Jerry Bellamy the first day I was there. So I traveled with Jerry
25 and we spent the shift together and he gave me the location of all the holes that had

1 already been drilled and the drill site that they were preparing at that time.

2 Q. Okay. So how many holes had been drilled at that time?

3 A. They were just completing number five.

4 Q. Just completing number five?

5 A. Yes.

6 Q. And they were preparing to drill number six?

7 A. Yes. They were building the drill bench for number six.

8 Q. Okay. And how many holes did they totally drill, to your knowledge?

9 A. They drilled seven to my knowledge but they finished six while I was there.

10 Q. They finished six while you were there?

11 A. They had not dropped the camera at the point I left but they were preparing to
12 drop the camera the following day.

13 Q. Okay. So what were your instructions to do at the drill holes?

14 A. To monitor each hole for gas and take bottle samples to return to the field
15 office in Price.

16 Q. Okay. So you were doing the collection of air samples?

17 A. That's correct.

18 Q. And were you shown how to collect ---

19 A. Yes.

20 Q. --- the air samples?

21 A. Yes, I was.

22 Q. By who?

23 A. By Jerry Bellamy.

24 Q. Jerry Bellamy?

25 A. Yes.

1 Q. Okay. And so were they using a pump to evacuate the tubing ---?

2 A. The were in one of the locations, in drill hole number one and two, they had
3 the --- were pumping air into it at that point.

4 Q. Okay. So ---.

5 A. And they had an evacuation pump hooked up on number one.

6 Q. Okay. So one and two was pumping fresh air into the mine?

7 A. Yes.

8 Q. So you didn't sample any of those?

9 A. We could pull a sample off of one because they had the evacuation tube
10 coming out of one.

11 Q. Okay.

12 A. But they later removed that to try to drop a camera in the second time.

13 Q. Okay. All right.

14 A. So the only time we were actually able to take gas tests was when they were
15 out-gassing.

16 Q. Okay. All right. How frequently did you take a sample?

17 A. Every hour.

18 Q. Okay. And then what did you do with that sample?

19 A. The samples that we pulled from, I took to the field Price --- to the Price field
20 office the following morning.

21 Q. Okay. So you just held them all until the following morning ---

22 A. That's correct.

23 Q. --- and then you dropped them off at Price?

24 A. Because I was working second shift and I would get back to the motel about
25 1:00 or 1:30 and I'd sleep a while and then I'd get up and take samples in.

- 1 Q. Okay. So there was no runner that was ---
- 2 A. No, sir.
- 3 Q. --- going back and forth to the lab?
- 4 A. No.
- 5 Q. I mean, you were just doing the analysis in Price?
- 6 A. Right.
- 7 Q. And you would drop off all eight of your samples ---?
- 8 A. The number that we had. And what I was doing, I was dropping the dayshift's
- 9 and mine because they wouldn't get to the field office in time to drop the samples off.
- 10 Q. I see. So nobody would have been there?
- 11 A. Right.
- 12 Q. So you had maybe 16 samples ---
- 13 A. Uh-huh (yes).
- 14 Q. --- you would drop off? Okay. Were you also able to get any kind of a
- 15 handheld reading out of those holes ---
- 16 A. Yes.
- 17 Q. --- at the same time?
- 18 A. Yes. We took handheld readings at all the holes.
- 19 Q. Okay. And what kind of gas readings were you getting out of them?
- 20 A. We were getting very minimal amounts of CO occasionally.
- 21 Q. Okay.
- 22 A. Methane, just minimal amounts. Oxygen was running up around the 18, 19
- 23 percent because of the air that was being blown in.
- 24 Q. Okay. So it was your understanding the oxygen was 18 to 19 percent ---
- 25 A. Yes, sir.

1 Q. --- because of the air being blown in?

2 A. Yes. Because at one point, the compressors were shut down for maintenance
3 and we saw a change in the percentage of oxygen at that point.

4 Q. And what did that go down to?

5 A. It dropped down to about --- if I'm not mistaken, Joe, down around four to five
6 percent at one point.

7 Q. Okay. That low. And knowing that, that the ambient atmosphere in that area
8 was four or five percent oxygen, what --- did you formulate any opinions about where
9 that low oxygen may have come from in that area?

10 A. My only thoughts, it had to have come from a sealed area.

11 Q. So there was communication some way between the sealed area and the area
12 where the miners were suspected to be?

13 A. Right.

14 Q. Did you ever have any contact with the command center?

15 A. I spoke to the command center every hour.

16 Q. Okay. So you would call ---?

17 A. I would call the results in every hour. And also the first day I was there, I went
18 into the field Price office and created a spreadsheet and covered all three shifts so that
19 everyone that was up there could have a place to just write in what they found each
20 time ---

21 Q. Okay.

22 A. --- at the holes and then we left those in the office trailer up on top.

23 Q. Okay. How was that being recorded prior to your spreadsheet? Was there
24 any kind of ---?

25 A. The guys were just carrying a notebook and scribbling it in and calling into the

1 command center, but I found it much simpler to have a pattern because you didn't go
2 one, two, three, four, five. So I set a spreadsheet up, like our direction of travel was,
3 and each hole, what it got because some of the holes you just took a handheld. Some
4 you took bottle samples. So there would be less confusion.

5 Q. Okay. Very good. Was there any other activities going on at the mine that you
6 knew of, except for the drilling?

7 A. That's all that I knew of at that point.

8 Q. That's all that you knew. And so you were there almost for the full length of
9 the number six hole being drilled?

10 A. Yes, sir.

11 Q. And some time after that hole was drilled but before the camera was put in,
12 you left?

13 A. Yes.

14 Q. What date was that, do you remember?

15 A. No. I'm not sure, Joe. I went on a Sunday and left on a Sunday.

16 Q. Okay. So you were there about one week?

17 A. Uh-huh (yes).

18 Q. Okay. What size diameter hole was that number six hole?

19 A. They were drilling eight inch or eight and five-eighths inch holes at that point.

20 Q. Okay. Was there any talk about drilling a hole for a capsule to be lowered?

21 A. Some of the drill crew were talking about that but they said the road up there
22 was so inadequate that in order to build a road to get that big of a rig up, it would take
23 quite a --- longer time to get into the area.

24 Q. So one of the limiting factors, then, was the size of the road ---

25 A. Yes.

1 Q. --- to get a drill rig big enough to drill a hole for a capsule?

2 A. Right.

3 Q. Did you ever actually go into the command center?

4 A. No. I was never at the actual mine site. All my time was on top of the
5 mountain.

6 Q. So you went straight up on the mountain ---

7 A. Yes.

8 Q. --- when you got there?

9 A. Yes.

10 Q. Okay. And so you never saw the mine?

11 A. Never saw the mine.

12 Q. What was your understanding as to why the underground rescue attempt was
13 stopped?

14 A. Because the bumps became so frequent and so severe that they couldn't
15 continue.

16 Q. Okay. And who told you that, do you remember?

17 A. That was just the talk of the men up on top.

18 Q. Okay. The men that were doing the drilling?

19 A. Right.

20 Q. Was there also company people up there?

21 A. There were two. Two of Mr. Murray's employees were up there.

22 Q. Okay. Did you ever meet Mr. Murray?

23 A. I did not.

24 Q. No. Never saw him there?

25 A. No, sir.

1 Q. Only on TV?

2 A. Only on TV.

3 BY MR. PAVLOVICH:

4 Q. Did you take some of the boreholes --- did you take handheld readings and
5 bottle samples?

6 A. Yes.

7 Q. Did you ever compare the readings?

8 A. Yes. They were real close, true.

9 Q. Would you have any involvement in the decision to drill hole number seven?

10 A. I did not. When I left, the decision was to not drill hole number seven. Matter
11 of fact, I had asked the fellow that dropped the camera, once they dropped the camera
12 to please call me to let me know what they had found. You kind of take ownership in a
13 situation like that when you're up there and you want to know what happened. And he
14 called and told me then, after they had dropped the camera, that they weren't able to
15 get it into the hole and they were going to drill a seventh hole.

16 Q. Who told you that, the guard?

17 A. No, sir. The fellow that ran the camera truck up there.

18 Q. So were you ever there when they did drop any cameras down?

19 A. I was.

20 Q. Okay. Which hole did they lower a camera?

21 A. Number five.

22 Q. Number five hole. Did you actually see, did they have some kind of a screen
23 there where you could watch?

24 A. I actually had the opportunity to be in the truck and watch the camera drop.

25 Q. Okay. And what were you able to see in that hole?

1 A. I was able to see large cavities in the hole. It got down to about 400 feet and
2 then there was a large cavity. The hole just disappeared. You couldn't even see it.
3 And he kept talking to me about ---.

4 Q. At 400 feet?

5 A. Yes, sir. Between 400 and 410 in that particular hole. And then I think at level
6 500, it was blocked with muck. They couldn't get it in.

7 Q. The hole was blocked?

8 A. Yes.

9 Q. So the hole, found a large cavity at 400 feet?

10 A. Yes, sir.

11 Q. Even though the coal-seam depth was 1,800 feet?

12 A. Number five, I think, was 1,800 feet. Or was number five ---? Five was up on
13 top of the hill.

14 Q. Would have five been the one that was back in the --- no, that's three, four,
15 five. Right here.

16 A. Right here. This was 2,000 feet.

17 Q. Right at 2,000 feet cover line?

18 A. Uh-huh (yes).

19 Q. And you hit a large void. And what did that look like on the camera?

20 A. Just a black void opened up.

21 Q. You just lost the sides of the hole?

22 A. Lost the sides of the hole and the gentleman that was dropping the camera
23 said a lot of camera people won't do this, they'll stop, but he kept going down and then
24 you could see it coming back in. And he kind of bounced it around and he got through
25 this hole and got started again and then ---.

1 Q. He found the hole again through the void?

2 A. He found the hole and then it --- we had another void that showed up and then
3 it ---. Down about, I'm thinking 510 feet that the hole was plugged.

4 Q. Really?

5 A. Uh-huh (yes).

6 Q. How far --- how long was the void? Was he able to measure that from when
7 you came out into seeing the void to where he hit the hole again?

8 A. Yes.

9 Q. How much distance was that?

10 A. I want to say the first void was about 30 or 40 feet.

11 Q. Thirty (30) feet?

12 A. That would have been on their log. There should have been a log that showed
13 the void because he can read his depth at all times.

14 Q. Sure. I guess he's --- was his cables marked or something?

15 A. Yes.

16 Q. So he knew how many feet down it went?

17 A. Uh-huh (yes).

18 Q. And then he went a certain distance and found another, a second void?

19 A. That's correct.

20 Q. And then he couldn't get through it?

21 A. That's correct. He got through that second void, but shortly after he got
22 through it and he came back into the hole, he found the hole was blocked.

23 UNIDENTIFIED SPEAKER:

24 When he started back in the hole at the bottom of that void,
25 could you see what the roof was like?

1 A. No. It was just a huge cavern.

2 BY MR. PAVLOVICH:

3 Q. And you never did get to the coal seam then?

4 A. No.

5 Q. Okay.

6 UNIDENTIFIED SPEAKER:

7 That's interesting.

8 BY MR. PAVLOVICH:

9 Q. And that was way back. That was right across --- showing 133 ---

10 A. That's correct.

11 Q. --- on the map?

12 A. Uh-huh (yes).

13 Q. Which was several crosscuts outby where they perceived the possibility of the
14 miners being?

15 A. Right.

16 Q. Were you ever there when they dropped the camera down in any of the other
17 holes?

18 A. No. That was the only one.

19 Q. Okay. And you say you left before they dropped the camera down number
20 six?

21 A. That's correct.

22 Q. Number six would have been this one?

23 A. That's this one.

24 Q. Just inby 130, 138?

25 UNIDENTIFIED SPEAKER:

1 I couldn't see nothing around six either.

2 A. I'm sorry. Number five. Number four hole was the one that had the voids in it.

3 This hole right here. Number four, right here ---

4 MR. PAVLOVICH:

5 Oh, okay.

6 A. --- had the voids in it. They completed number five while I was there and it

7 was completely blocked. We couldn't get ---.

8 BY MR. PAVLOVICH:

9 Q. So the number five hole, once they completed drilling, it blocked itself?

10 A. Right.

11 Q. It closed itself off?

12 A. Right.

13 Q. And you never could get a camera in there?

14 A. That's correct.

15 Q. But the number four hole, which was right in Crosscut 142 in the Number Four
16 entry?

17 A. Yes.

18 Q. And the 1,500 foot cover line, that's the one where you hit the void?

19 A. Yes. Okay. Number six, when they completed number six and it punched
20 through, they listened to the steel, of course, and they thought they heard something.

21 Q. Okay. Number six is the one they thought they heard something ---

22 A. Uh-huh (yes).

23 Q. --- on the steel?

24 A. Uh-huh (yes).

25 Q. Okay.

1 A. So they listened a little while and of course we shut everything down and that
2 seismographic reading were there and they got something, some kind of movement.
3 So they pulled the drill back up a little bit and determined that it was the drill sitting on
4 crushed coal and the coal then disintegrating under the weight of the steel was making
5 a slight noise as they were getting to the steel.

6 Q. Okay. So it was just the crushing ---

7 A. The crushing of the coal ---.

8 Q. --- of the coal under the drill bit?

9 A. Yes, sir.

10 Q. And it was not any kind of rhythmic ---?

11 A. No.

12 Q. What's your experience prior to coming in with MSHA, Bill?

13 A. I worked for Peabody for 19 years. I was a safety director and training
14 director, and I spent 11 years surface mining as a superintendent before I came to
15 work for the agency.

16 Q. So you have quite a bit of underground experience?

17 A. Yes.

18 Q. Okay. What was your first impression when you looked at a mine map of
19 Crandall Canyon and obviously observed the gobbed areas, multiple gobs to the north
20 and multiple gobs to the south and the pillar mining being done in this barrier? And I
21 want your opinion. I mean, I don't ---.

22 A. It scared me.

23 Q. It scared you in regard to what?

24 A. The fact that there was --- I knew the amount of cover that was out in that area
25 and the amount of pressure that had to be ---

1 Q. Okay.

2 A. --- on that coal seam and the fact that everything ---.

3 Q. So you were familiar with the cover in the west?

4 A. Yes. I have friends that have worked out in Utah.

5 Q. Okay. So they had talked to you previously about ---

6 A. Yes.

7 Q. --- the cover.

8 MR. TEASTER:

9 Have you done any pillar mining?

10 A. I have never. That's one thing I've never done, Ernie. I left mining in 1990, so
11 things changed drastically from underground mining in 1990.

12 MR. TEASTER:

13 Okay.

14 A. Then was not involved with it until I came back to the agency.

15 MR. TEASTER:

16 Was it --- I guess it was common that mining in Western
17 Kentucky, there was not pillar mining?

18 A. That's true.

19 MR. TEASTER:

20 Okay. Is there pillar mining there today?

21 A. No, there's not.

22 MR. TEASTER:

23 Still not?

24 A. No.

25 MR. TEASTER:

1 No pillar mining. Is there longwall mining?

2 A. Not at this point.

3 MR. TEASTER:

4 No longwall?

5 A. We have no longwalls at all in Western Kentucky.

6 BY MR. PAVLOVICH:

7 Q. Okay. What is the reason there's no pillar mining out there?

8 A. It's been a big fight a couple of times to try to get pillar mining in there but we
9 have a lot of areas that have 600, 800 feet of cover and the coal seam just won't hardly
10 support it. Back several years ago, we attempted some pillar mining at River Queen
11 underground in Western Kentucky and weren't successful with it. Couldn't hold the
12 roof.

13 Q. Did it squeeze?

14 A. It started to squeeze.

15 Q. It did start to squeeze.

16 A. We tried shearing the sides and we also tried splitting the pillar down the
17 middle with the same results. It wouldn't stay.

18 Q. Okay. When you looked at this map, and you already expressed that you had
19 concerns about ---

20 A. Yes.

21 Q. --- even attempting to mine it, what were --- did you have any concerns about
22 trying to recover this entry?

23 A. Absolutely.

24 Q. Okay. And what was that in relation to?

25 A. I knew that --- in my years with Peabody, I was always involved with rescue

1 teams.

2 Q. Okay.

3 A. And I knew that primary concern with your rescue team is you never endanger
4 your team. And when I hear on the news that you have continuous squeezes or
5 continuous bumps and we got people in there ---. I knew Rodney was out there. And,
6 you know, you always have a fear for your fellow workers, and that was a concern
7 then.

8 MR. TEASTER:

9 When you saw, I guess, the dimension of the original bump
10 and I guess you were briefed somewhere on that how many crosscuts back it had
11 come and also saw what the oxygen readings were that came out of those first holes it
12 went through, did you formulate any opinion on the possibility of survival of the six
13 miners?

14 A. I personally thought that they didn't survive the initial bump.

15 MR. TEASTER:

16 Okay.

17 BY MR. PAVLOVICH:

18 Q. Did you formulate that opinion before you went out there?

19 A. Yes, sir. And once I was there and saw the drills and what they were finding
20 once they reached the coal seam, in my own mind it more or less confirmed that they
21 probably did not survive the initial bump.

22 Q. So you did see some pictures or video of the first holes it went down?

23 A. Yes.

24 Q. Okay. You said you had some friends that worked in Utah?

25 A. Uh-huh (yes).

1 Q. Had they ever talked to you about experiencing bumps?

2 A. Yes.

3 Q. And did they say that was a fairly common practice out there?

4 A. Fairly common thing out there.

5 Q. Okay. I guess when we say fairly common, would they be every day, once a
6 month, once a year? Did they ever talk about that?

7 A. They never gave a length a time that there was between bumps.

8 Q. But they had all experienced ---

9 A. Yes.

10 Q. --- being in a bump somewhere while they were underground? And did they
11 feel concerned about those?

12 A. No. They just accepted it as part of ---.

13 Q. It was just life?

14 A. Uh-huh (yes). I guess it's kind of like our guys that work in low coal seams.
15 They just accept it as part of life, you know.

16 Q. I guess so.

17 A. I think I would find it hard to accept a bump as a fact of life in an underground
18 coal mine.

19 MR. TEASTER:

20 Well, I think it's saying we're trying to get a handle on it
21 ourselves. There's some bumps that are small and they're relatively insignificant.

22 A. Right.

23 MR. TEASTER:

24 And does that indicate that there might be something bigger
25 coming. Did you ever get a feel from that from any of your friends?

1 A. No. One of them told me he was in a bump that was a 3.0 on the Richter
2 scale, a major bump.

3 MR. TEASTER:

4 When he said he was in it, he was right there where it
5 occurred?

6 A. He was in the mine at the time it happened.

7 BY MR. PAVLOVICH:

8 Q. How much damage occurred in that, did he ever say?

9 A. He never did say. He did tell me that it actually broke one of the miner's
10 ankles, just the shock of the bump.

11 Q. So nothing hit him? It's just the shock of the bump?

12 A. The shock of the bump. Uh-huh (yes).

13 Q. Had those people ever said anything about the magnitude of this bump and
14 how many pillars were bumped ---

15 A. No.

16 Q. --- that they'd never seen anything like that?

17 A. No.

18 Q. Do you have any dealings with KenAmerican Coal Company as a supervisor?

19 A. Yes, sir.

20 Q. Is that in your work ---?

21 A. It is.

22 Q. Are you a supervisor with responsibility for that mine?

23 A. It is. Yes, sir.

24 Q. And have you ever met Bob Murray?

25 A. I've never met him.

1 Q. No? How is the --- I guess in your opinion, what is the condition of that mine?

2 A. I would rate KenAmerican Mine as one of the top five mines that I've ever been
3 in, in my career. I think that falls right down to local management, what they will
4 accept.

5 Q. So you feel that the local management there is competent, ---

6 A. Yes.

7 Q. --- capable? Have they ever made any allegations of being treated unfairly by
8 MSHA inspectors or being picked on or any of that?

9 A. Absolutely not.

10 Q. Have they ever requested that any inspectors ever be moved because of ---?

11 A. Not to my knowledge.

12 Q. And in your opinion, you think that the mine is a ---?

13 A. A good overall mine.

14 Q. It's a good overall mine?

15 A. Yes.

16 MR. PAVLOVICH:

17 Okay.

18 MR. TEASTER:

19 Is that mine affiliated with the United Mine Workers?

20 A. No, sir. It's a non-union operation.

21 BY MR. PAVLOVICH:

22 Q. I know you weren't there at the time. You were probably still home in District
23 Ten, but did you observe the news where the media went underground?

24 A. I did.

25 Q. And you understood, of course, that there was a K Order on that mine, as

1 there normally would be?

2 A. That's correct.

3 Q. And you, as a supervisor, would know in an event like this you would have a K
4 Order. What was your feelings about the ---?

5 A. I was shocked to see it happen.

6 Q. Shocked in regard to what?

7 A. That we would take someone not involved in a rescue effort actually in the
8 mine just to observe.

9 Q. Okay. And so what is your opinion then of who is allowed to go in under a K
10 Order?

11 A. Only the personnel involved in the operation itself.

12 Q. Okay. In correcting the condition or taking care of the situation?

13 A. That's correct.

14 Q. And you didn't feel the news media ---?

15 A. I didn't think they were going to do any work.

16 Q. They weren't correcting anything?

17 A. No.

18 Q. So did you have any opinion of how that may have come about?

19 A. No, sir. I was just shocked that it did come about.

20 Q. Okay. Did you have any dealings at all while you were out there with family
21 members?

22 A. No, I did not.

23 Q. No? Okay. Any press?

24 A. No.

25 Q. No?

1 A. My job was pretty simple. Stay up and monitor the holes and take the samples
2 into the field office.

3 Q. Okay. Do you know how they determined when and where to drill the
4 boreholes?

5 A. They were going off the mine map and the locations for the mine map and
6 where they thought the people were last seen.

7 Q. Okay. So that's what the drillers told you ---

8 A. Yes.

9 Q. --- as far as why we put this hole here? They thought there may be some ---

10 A. Right.

11 Q. --- identification or a sign of life there or whatever?

12 A. Uh-huh (yes).

13 Q. You ever heard of any bumps in District Ten?

14 A. I've heard some of the guys mention but I don't think they've ever actually
15 called them bumps. Slight movements, nothing to actually call it a bump in Western
16 Kentucky.

17 Q. Okay.

18 A. I think several years ago, Joe, at Pyro Mine, in an area that had like 800 or
19 900 feet of cover, they tried to longwall it and they weren't successful because of the
20 pressure.

21 Q. Okay.

22 A. And I was in Ohio during that time so I'm not sure how that all transpired.

23 Q. As a field office supervisor, you would be familiar with recording on the mine
24 map a roof fall?

25 A. True.

1 Q. Would you also be familiar that a bump should be recorded or a bounce
2 should be recorded?

3 A. No, because I've never been exposed to that.

4 Q. Okay. Or an outburst, maybe?

5 A. An outburst, yes.

6 Q. An outburst, you would consider. What would be the difference between a
7 bounce or a bump, or an outburst?

8 A. To me, they're indirectly going to be the same thing. An outburst, you're going
9 to have coal that falls, which is going to partially block an entry and that's why I deem
10 that it needs to go on to the map.

11 Q. Okay. So you would feel those should be marked on the map?

12 A. Yes, because that goes back to my mine-rescue experience.

13 Q. Okay.

14 A. If you're going to have something that's going to block your travel, I think it
15 needs to be on that map.

16 Q. Okay. Let me ask you some other questions about a totally different thing.

17 A. Okay.

18 Q. Are you pretty familiar with the requirements of the MINER Act?

19 A. Yes.

20 Q. Okay.

21 A. Every day.

22 Q. Okay. And when you say every day, I guess, do you receive a lot of guidance
23 on that?

24 A. Yes, we do.

25 Q. Is there a lot of changes made in the guidance that you get?

1 A. Not normally in our district. It's pretty well cut and dry when we ---.

2 Q. Okay. So as far as seals and sealed areas, you feel once you got one
3 direction on it, it wasn't changed?

4 A. That has changed some seals.

5 Q. Okay.

6 A. Since everything was finalized, it hasn't really changed. We've monitored all
7 the seals, examined all seals as they're being built, as required.

8 Q. Okay. How about in the area of SCSRs and the requirements for SCSR?

9 A. KenAmerican hasn't completed their caches yet but our other underground
10 operations in my field office have completed all our requirements for SCSRs.

11 Q. Okay. Emergency-response plans, did you get a lot of guidance on it?

12 A. That's done all through the district so we haven't got a lot of guidance on ---.

13 Q. Okay. But your inspectors are obligated to enforce those?

14 A. Yes.

15 MR. TEASTER:

16 Bill, you said all your mines have SCSRs except

17 KenAmerican?

18 A. Yes, sir.

19 MR. TEASTER:

20 What's the reason they don't have them?

21 A. They have them on order but they still haven't received all of them. They have
22 the additional units on their sections but they don't have them on their mantrips nor are
23 the caches established at this point.

24 UNIDENTIFIED SPEAKER:

25 Bill, on the ERP plans, what do you consider --- you know,

1 they come out and say that you have to have everything come in except the breathable
2 air provisions of those plans. What do you consider to be the breathable air
3 provisions?

4 A. We have one mine that is actually building shelter holes and the others are still
5 ordering or looking into how they're going to accomplish that. Their plans have never
6 been accepted. They're still --- they've been kicked back numerous times.

7 UNIDENTIFIED SPEAKER:

8 Okay. Does any of your plans talk about the maintenance of
9 miners and provide for giving them food and water underground?

10 A. No.

11 UNIDENTIFIED SPEAKER:

12 Okay.

13 BY MR. PAVLOVICH:

14 Q. How about the tracking of miners?

15 A. Some of our mines, alliance mines in Western Kentucky have tracking units on
16 their hardhats at this point.

17 Q. Okay.

18 A. Other than that, it's all done by monitors, personnel and some ---.

19 Q. Family liaisons, I know you have one?

20 A. Yes. Bobby Gray is our family liaison.

21 Q. Primary communicator for media and families, you aware of that?

22 A. Yes.

23 Q. How did you feel concerning watching the media briefings, knowing what you
24 know about the requirement for MSHA being the primary communicator and then
25 watching the media briefings at Crandall Canyon?

1 A. I felt that there were a lot of times that he should not have been a spokesman.

2 Q. By he, you mean?

3 A. Mr. Murray.

4 Q. Okay. And what did you think of the role that had MSHA had in those
5 briefings?

6 A. I'm trying to find the right word. The negotiator to --- I think Mr. Stickler did an
7 excellent job because he came in after Mr. Murray made his statements and kind of
8 brought things back to a real light for everyone. And of course those of us in MSHA
9 recognize what he was saying, where the general public were getting Mr. Murray's
10 statements first.

11 Q. Do you think there was some information that was disseminated in those
12 briefings by Murray that maybe wasn't as factual as should have been?

13 A. Yes, sir.

14 Q. In regard to ---?

15 A. Well, the fact that he was going to prove that it was an earthquake and would
16 never admit that the earthquake wasn't the problem.

17 Q. Did you feel that MSHA rebutted those in a timely manner?

18 A. Yes.

19 Q. In a timely manner? Okay. How much of your enforcement time that you had
20 available with your inspectors did you feel was used in dealing with these MINER Act
21 issues like monitoring seals, going back and forth on SCSRs, all these other things?
22 Was it a pretty good portion?

23 A. I'm going to say it's not going to take over 15 percent of their time because
24 most of those things were required anyway, checking the seals. We're a little more
25 stringent in what we do in seal inspections at this point.

1 Q. Okay. But as far as sending everybody out to monitor seals, they didn't do
2 that?

3 A. No.

4 Q. Okay. So did you feel that the time you had available to do inspections was
5 adequate?

6 A. In my field office, absolutely.

7 Q. Okay. And how many people do you have?

8 A. I have four.

9 Q. Four people?

10 A. Uh-huh (yes).

11 Q. How many mines do you have?

12 A. I only have three undergrounds.

13 Q. Three undergrounds. And how many total MMUs?

14 A. Five --- ten.

15 Q. Ten MMUs?

16 A. So I'm well-blessed. I have people ---.

17 Q. Among four people?

18 A. Yes.

19 MR. PAVLOVICH:

20 Okay.

21 MR. TEASTER:

22 Do you have any surface mines?

23 A. We have three real small surface mines that are like one and two-day
24 inspections and three facilities that are like one and two-day inspections.

25 MR. TEASTER:

1 Q. So do you think they understood it well?

2 A. Yes. And there's been constant communications from the district to the
3 operators in District Ten regarding any questions that they may have.

4 Q. Okay. So you wouldn't feel that any of that stuff has hindered your inspection
5 activity or has it?

6 A. I don't think it's hindered our inspection activity.

7 UNIDENTIFIED SPEAKER:

8 Bill, I have one question. Obviously you saw some things on
9 TV, video underground. Did you ever see any pictures or video or photographs of the
10 type of support that they were using underground as they were progressing up that
11 single entry?

12 A. Yes. Yes.

13 UNIDENTIFIED SPEAKER:

14 I guess I'd just like, based on your experience, to get your
15 opinion on what your thoughts were when you saw the type of support they were
16 using, and did you have any other ideas of maybe what they might have used?

17 A. I didn't have any other ideas but my experience with a hydraulic jack is that it
18 holds downward pressure, not sideward pressure, which I think you're going to have
19 with a bump.

20 UNIDENTIFIED SPEAKER:

21 Do you have any thoughts of anything they maybe could have
22 done differently?

23 A. No.

24 BY MR. PAVLOVICH:

25 Q. Bill, let me switch on you a little bit. What involvement do you as a supervisor

1 have in the plan-approval process and District Ten?

2 A. I just review any plan for those mines that are in my office and offer any
3 suggestions to the district before they approve those plans.

4 Q. So they send them to you and you review them and give your approval ---

5 A. Yes.

6 Q. --- prior to them ---

7 A. Yes.

8 Q. --- giving their approval? What about the inspector? Does he have any
9 involvement?

10 A. No. Just what he conveys to me. And I always discuss them with my
11 inspectors.

12 Q. So when you review it, do you take --- whether it's a plan or an addendum, you
13 would review it with your inspector ---

14 A. Absolutely.

15 Q. --- before you would send back your comments?

16 A. Yes. I think they should have a voice in what happens as much as I should
17 have a voice in what happens.

18 Q. I agree with you. Do you get pretty good input from the inspectors?

19 A. I get very good input from my inspectors.

20 MR. PAVLOVICH:

21 Okay. Thank you.

22 UNIDENTIFIED SPEAKER:

23 Bill, when you was in the camera truck with the guy, seeing a
24 void from 30, 40 feet long, did he make any comments about it?

25 A. His comment was, the camera doesn't lie.

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UNIDENTIFIED SPEAKER:

Was that all he said or ---?

A. That's all. He said, what you see is what it is, the camera doesn't lie.

BY MR. PAVLOVICH:

Q. Just curious, Bill, as far as the relationship with the roof-control people in your district, who is your supervisor now?

A. Butch Hackney is roof-control supervisor ---

Q. Okay.

A. --- and district team.

Q. Okay. And as far as specialists, if you need a specialist, do you have any trouble requesting that someone come out?

A. No.

Q. There's a pretty good relationship back and forth?

A. We have a real good relationship.

Q. And earlier when you mentioned about the management at KenAmerican, when did Murray take over? Had he owned the mine?

A. Yes. He has owned that mine.

Q. For a while?

A. For a long time.

Q. So that management was already in place as far as ---?

A. They did a major change in management about four or five years ago that I think made a drastic improvement.

Q. After Murray was there?

A. Yes.

MR. PAVLOVICH:

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Ex. (b)(6) and Ex. (b)(7)(C) any questions?

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

I don't have any.

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

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

Just one question. Was that --- KenAmerican, was that the mine that had a fatality a few years back involving these arch supports, I believe?

A. I think so. I wasn't in the area at that time but I think that they did have a fatality there.

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

Okay. Thank you.

UNIDENTIFIED SPEAKER:

Concerning what?

A. Setting arches.

MR. PAVLOVICH:

Setting arches.

MR. TEASTER:

Setting arches. Yeah. Yeah. I think the guy stepped beyond the end out there and just fell out and ---.

MR. PAVLOVICH:

Well, Bill, I think this is all the questions we have for you right now. If something would come up through the course of our interviews and we feel that we need to maybe ask you another one or two, we'll get back with you and let you know that, okay?

1 A. I'll be glad to answer any questions you have.

2 MR. PAVLOVICH:

3 We certainly appreciate you coming over and talking to us.

4 And tell Carl Boone we appreciate him letting you come over.

5 A. I sure will.

6 MR. PAVLOVICH:

7 And tell him we said hi.

8 A. I sure will.

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