

01 STATEMENT UNDER OATH
02 OF
03 CHRISTOPHER TENNEY
04
05 Taken pursuant to Notice by Miranda
06 D. Elkins, a Court Reporter and
07 Notary Public in and for the State of
08 West Virginia, at U.S. Bankruptcy
09 Court, 324 West Main Street,
10 Clarksburg, West Virginia, on Monday,
11 January 23, 2006, at 1:22 p.m.

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01 P R O C E E D I N G S

02 -----

03 MR. SWENTOSKY:

04 My name is Dennis
05 Swentosky. I am an accident
06 investigator with the Mine
07 Safety and Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is James B.
11 Crawford from the Solicitor's
12 Office, Brian Mills with the
13 West Virginia Office of
14 Miners' Health, Safety and
15 Training and David Stuart from
16 the State.

17 I have been assigned to
18 conduct an investigation into
19 the accident that occurred at
20 the Sago Mine on January 2nd,
21 2006, in which 12 miners died
22 and one was injured. The
23 investigation is being
24 conducted by MSHA and the West
25 Virginia Office of Miners'

9

01 Health, Safety and Training to
02 gather information to
03 determine the cause of the
04 accident and these interviews
05 are an important part of the
06 investigation.

07 At this time, the
08 accident investigation team
09 intends to interview a number
10 of people who --- to discuss
11 everything that may be
12 relevant to the cause of the
13 accident. After the
14 investigation is completed,
15 MSHA will issue a written
16 report detailing the nature
17 and causes of the accident.
18 MSHA accident reports are made
19 available to the public in the

20 hope that greater awareness
21 about the causes of the
22 accidents can reduce their
23 occurrence in the future.
24 Information obtained through
25 witness interviews is

10

01 frequently included in these
02 reports. Your statement may
03 also be used in other
04 enforcement proceedings.

05 I would like to thank
06 you in advance for your
07 appearance here today. We
08 appreciate your assistance in
09 the investigation. The
10 willingness of miners and mine
11 operators to work with us is
12 critical to our goal in making
13 the nation's mines safer. We
14 understand the difficulty for
15 you in discussing the events
16 that took place and we greatly
17 appreciate your efforts to
18 help us understand what
19 happened.

20 This interview, Mr.
21 Tenney, is being conducted

22 under Section 103(a) of the
23 Federal Mine, Safety and
24 Health Act of 1977 as part of
25 an investigation by the Mine,

11

01 Safety and Health
02 Administration and the West
03 Virginia Office of Miners'
04 Health, Safety and Training
05 into the conditions, events
06 and circumstances surrounding
07 the fatalities that occurred
08 at the Sago Mine owned by
09 International Coal Group in
10 Buckhannon, West Virginia on
11 January 2nd, 2006. This
12 interview is being conducted
13 at the United States
14 Bankruptcy Court in
15 Clarksburg, West Virginia on
16 January 23rd, 2006. Questions
17 will be conducted by
18 representatives of MSHA and
19 the Office of Miners' Health,
20 Safety and Training. This is
21 not an adversarial proceeding,
22 therefore, Cross Examination
23 will not be permitted.

24 Mr. Tenney, the

25 interview will begin by my

12

01 asking you a series of
02 questions. If you do not
03 understand a question, please
04 ask me to rephrase it. Feel
05 free to --- feel free at any
06 time to clarify any statements
07 that you make in response to
08 the questions. After we have
09 finished asking questions, you
10 also will have an opportunity
11 to make a statement and
12 provide us with any other
13 information that you believe
14 may be important. If at any
15 time after the interview, you
16 recall any information,
17 additional information, that
18 you believe may be useful in
19 the investigation, please
20 contact Richard Gates at the
21 phone number or e-mail address
22 provided to you. That would
23 be the business card, sir.

24 MR. TENNEY:

25 Okay.

13

01 MR. SWENTOSKY:
02 Your statement is
03 completely voluntary. You may
04 refuse to answer any question
05 and you may terminate your
06 interview at any time. If you
07 need a break for any reason,
08 please let us know. The court
09 reporter will record your
10 interview and will later
11 produce a written transcript
12 of the interview. Please try
13 and respond to all questions
14 verbally since the court
15 reporter cannot record
16 non-verbal responses. Also
17 please try and keep your voice
18 up. Copies of the transcript
19 will be available at a later
20 date.

21 If any part of your
22 statement is based not on your
23 own firsthand knowledge, but
24 on information that you
25 learned from someone else,

14

01 please let us know. Please
02 answer each question as fully
03 as you can, including any

04 information you have learned
05 from someone else. We may not
06 ask the right questions to
07 learn the information you
08 have, so do not feel limited
09 by precise question asked. If
10 you have information about the
11 subject area of the question,
12 please provide us with that
13 information.

14 At this time, Mr.
15 Mills, do you have anything
16 that you would like to add on
17 behalf of the Office of
18 Miners' Health, Safety and
19 Training?

20 MR. MILLS:

21 Just glad you could be
22 here. The West Virginia
23 Office of Miners' Health,
24 Safety and Training is
25 conducting this interview

15

01 session jointly with MSHA and
02 are in agreement with the
03 procedures outlined by Mr.
04 Swentosky. These interviews
05 will be conducted here today,

06 but the Director reserves the
07 right if necessary to call or
08 subpoena witnesses or require
09 production of any record,
10 document, photograph or other
11 relevant materials necessary
12 to conduct this investigation.

13 MR. SWENTOSKY:

14 Mr. Tenney, you are
15 permitted to have a
16 representative with you during
17 the interview and you may
18 consult with your
19 representative at any time.
20 You may designate a person or
21 be --- to be your
22 representative. Do you have a
23 representative with you, sir?

24 MR. TENNEY:

25 Yes.

16

01 MR. SWENTOSKY:

02 Would you identify your
03 representative?

04 ATTORNEY YUHAS:

05 My name's Joseph Yuhas,
06 Y-U-H-A-S.

07 MR. SWENTOSKY:

08 Do you have any

09 questions regarding the manner
10 in which this interview will
11 be conducted?

12 MR. TENNEY:

13 No.

14 MR. SWENTOSKY:

15 Could you swear in the
16 witness, please?

17 -----

18 CHRISTOPHER TENNEY, HAVING FIRST BEEN
19 DULY SWORN, TESTIFIED AS FOLLOWS:

20 -----

21 MR. SWENTOSKY:

22 We'll begin.

23 BY MR. SWENTOSKY:

24 Q. Did you talk to anyone about
25 your interview/statement here today?

17

01 A. No.

02 Q. Could you please state your
03 full name and spell your last name
04 for us, Mr. Tenney?

05 A. Christopher W. Tenney,
06 T-E-N-N-E-Y.

07 Q. Could you state your address
08 and phone number for us, please?

09 A. [REDACTED]

10 [REDACTED],

11

12

13 Q. Are you appearing here today
14 voluntarily?

15 A. Yes, sir.

16 Q. How many years of mining
17 experience do you have?

18 A. Approximately ten years.

19 Q. Could you give us, please,
20 just a brief description of that
21 experience, please?

22 A. I started for a contracting
23 outfit, PTMI, as a red hat working at
24 the Sentinel Mine in Philippi, West
25 Virginia. I worked there until I

18

01 obtained my black hat, at which time
02 I was offered a transfer with the
03 same outfit, PTMI, to the Spruce Mine
04 in Buckhannon, as it would be closer
05 to my home. I worked there for
06 approximately six to seven months and
07 was offered a position with Anker
08 Energy as a full-time employee. I
09 then worked at the Spruce Mine until
10 approximately two years ago when I
11 was transferred to the Sago
12 operation. And then I've been there
13 ever since.

14 Q. So you've been there
15 approximately two years, at the Sago
16 Mine?

17 A. Right.

18 Q. What's your present position?

19 A. Shuttle car operator.

20 Q. How long have you been doing
21 that?

22 A. I've been a shuttle car
23 operator for approximately five and a
24 half years. Before that, I ran, what
25 they call, a battery powered coal

19

01 hauler for about a year. And prior
02 to that, it was outby work and
03 section laborer/utilityman.

04 Q. Thanks. Did you hold your
05 present position on the day of the
06 accident, June 2nd, 2006 --- or
07 excuse me, January 2nd, 2006 ---

08 A. Yes.

09 Q. --- as a shuttle car operator?

10 A. Correct.

11 Q. And the positions that you
12 gave us a moment ago, were those ---
13 was that your position the entire
14 time you were at this mine?

15 A. Yes. I've been a shuttle car

16 operator since I've been at Sago.

17 Q. Do you have any mining

18 certifications at all?

19 A. Just you know, your basic

20 mining card.

21 Q. Who's your immediate

22 supervisor?

23 A. Owen Jones.

24 Q. About how long has he been

25 your supervisor?

20

01 A. I've worked for Owen probably

02 about six months, right at six

03 months.

04 Q. Who did you work before ---

05 who did you work with before that?

06 A. Before that, it was Jeff

07 Snyder for approximately three to

08 four months and before that, it was

09 Timothy Harris.

10 Q. Were those both section

11 foremen ---

12 A. Yes.

13 Q. --- or foremen at that mine?

14 A. Yes, they were both section

15 foremen.

16 Q. What time did you normally ---

17 what time do you normally start your

18 shift?

19 A. We usually leave the outside
20 approximately 6:00 a.m.

21 Q. What time do you usually get
22 to the mine?

23 A. Get to the mine, itself ---

24 Q. Yes.

25 A. --- from home?

21

01 Q. Yes, to the mine area.

02 A. I usually arrive about ---
03 anywhere from 25 after 5:00 to 5:30.

04 Q. And you were working on the
05 day of the accident?

06 A. Yes.

07 Q. I wonder if you could just ---
08 from the time you arrived at the mine
09 and continuing up until the time you
10 left the mine, just kind of go

11 through, you know, what you did on
12 that day. Take us clear through.

13 And I'll try not to interrupt you and
14 you can just give me your experience
15 that day, if you would, please.

16 A. Okay. Like on arrival at the
17 mine, I went into the bathhouse and
18 changed out of my street clothes into
19 my mining clothes, put on, you know,
20 my hard hat and my mining belt and

21 boots, my rental uniform. And you
22 know, we kind of sat around, joked
23 with everybody, told stories and
24 whatnot until it was time to go down
25 over the hill. Proceeded over to the

22

01 lamphouse, got my earplugs, cleaned
02 my safety glasses, checked my light
03 out and made sure it was working, put
04 it on. You went down over to ---
05 into the pit.

06 Originally got on one mantrip
07 and it wasn't large enough to hold
08 the entire crew, so our boss, Owen,
09 said we have to get a larger mantrip
10 so everybody will have a seat. We
11 also had Pat Boni and Ron Grall
12 riding with us that day. The first
13 mantrip wasn't originally big enough.

14

15 From that point, after we got
16 the other mantrip, we proceeded
17 underground. Everything was normal,
18 normal trip underground, no problems.
19 We stopped at the One Left switch to
20 go into our section. Roger Perry
21 exited the mantrip to throw the
22 switch. After throwing the switch,
23 he was in the process of getting back

24 into the mantrip and the best way I
25 can describe it is a large pressure

23

01 wave with immense dust, debris. It
02 seemed like it lasted forever but
03 approximate to me it was about five
04 to ten seconds actually. Actually
05 blew my hard hat and my safety
06 glasses right off my face. I was on
07 the outby end of the mantrip facing
08 toward the outside, so my back was to
09 where the force of the explosion came
10 from.

11 At that point, after it blew
12 my hard hat off, I said a few
13 expletives and kind of curled up into
14 a ball because we didn't --- we
15 didn't know what was --- we didn't
16 know if it was a roof fall,
17 explosion, what it was. And after
18 the initial wind, it was just dust
19 everywhere. I mean, you could not
20 see your hand in front of your face.
21 I grabbed my light cord, retrieved my
22 hard hat, put it back on. Safety
23 glasses, they were gone. I have no
24 idea where they went to.

25 We exited the mantrip. Took a

01 head count, made sure everybody was
02 together and okay. Ron Grall was the
03 first one to head outby. They
04 encountered --- the first man door
05 they came to over into the escapeway,
06 we could not access it because of
07 excessive dust, so we proceeded on
08 outby down the track entry stumbling
09 over blocks and debris that I assume
10 were blowing out of the stoppings,
11 until --- I can't say exactly how far
12 we went, but we found a stopping that
13 was partially blown out. And at that
14 point, Ron said we have fresh air on
15 the other side of this stopping. And
16 everybody proceeded into the intake
17 through that stopping into the fresh
18 air. And then it was just proceeding
19 down the escapeway. We stopped at
20 one point. We had a couple people
21 with us that were requiring some
22 assistance due to age and one had a
23 wooden leg, so we stopped to help
24 them along as much as we could.

25 At that point, we heard a

01 mantrip on the rail. Joe Ryan stuck
02 his head through a man door and

03 stopped the mantrip. Everybody got
04 onto the mantrip and they took us
05 outside. At that point, we all
06 tagged out as per procedure. Sat in,
07 went, --- went into the bathhouse and
08 emergency personnel, emergency squad
09 showed up shortly thereafter and did
10 the initial examinations on us all as
11 far as our oxygen readings, any
12 injuries, whatnot. We did have one
13 guy that --- Roger Perry had some
14 dust in his eye. I think that he had
15 to go to the hospital and have it
16 flushed out.

17 And from that point, when the
18 state and federal officials started
19 showing up, they only wanted
20 emergency personnel at the mine and
21 those directly involved with the mine
22 itself, so we were asked to proceed
23 to the preparation plant. And at
24 that point, that's --- we were there
25 the biggest part of the day, at the

26

01 preparation plant. They came by and
02 gave us updates every so often. At
03 approximately 3:00 p.m., Johnny
04 Stemple came by and gave us an update

05 and said we had the option of either
06 moving over to another part of the
07 preparation plant or we could go home
08 at that point. And I chose to go
09 home and get a shower and be with my
10 family. That was about my day.

11 Q. That was plenty.

12 A. Yes, it was.

13 Q. All right. Thank you very
14 much. And at this time, I'd really
15 like to kind of start at the
16 beginning again and then I'll ask you
17 some questions and --- follow-up
18 questions, you know, to kind of go
19 through this again a little bit, ---

20 A. Okay.

21 Q. --- if you would, please.

22 Again, did you begin your shift at
23 the normal time ---

24 A. Yes, sir.

25 Q. --- of the day? And that time

27

01 was again?

02 A. Normal starting time is 6:00
03 a.m.

04 Q. You arrived at the ---?

05 A. I arrived at the mine, it was
06 between 25 after 5:00 and 5:30 a.m.

07 Q. Now, when you arrived at the

08 mine, you said you went over into the
09 bathhouse and got dressed; is that
10 correct?

11 A. Correct.

12 Q. Okay. And after that, you, if
13 I'm correct, you proceeded to the ---
14 after discussions with some
15 individuals, you proceeded to the ---
16 get your equipment?

17 A. Right.

18 Q. Okay. What equipment was that
19 that you were getting?

20 A. Well, I had my safety glasses
21 with me. Basically, just to get my
22 hat, cap light, clean my safety
23 glasses and other earplugs, retrieved
24 a couple pair of earplugs.

25 Q. Did you have a --- did you

28

01 take any other instruments with you
02 that day?

03 A. No. The shuttle car --- well,
04 yes, I did. I take that back. I had
05 a two-way radio with me. Shuttle car
06 operators and section foremen carry a
07 two-way radio on our section.

08 Q. That's a walkie-talkie thing?

09 A. Yeah.

10 Q. Okay. What do you do with
11 that?

12 A. It helps us ---.

13 Q. I mean, I know you talk on it.

14 A. Yeah. Well, it helps us
15 communicate. We have two miners who
16 run what they call a walking super
17 section.

18 Q. Okay.

19 A. While one miner is running,
20 the other miner moves to its next
21 cut. And it's easier for us, for the
22 boss, to let us know. You know, if
23 one miner breaks down, he gets on the
24 radio and says, hey, this miner is
25 down, proceed to the other miner. Or

29

01 if one of the miner operators needs
02 something, like bits or something
03 like that, and it's on our way, we
04 stop at a power center and pick him a
05 bucket of bits.

06 Q. Do you use that just to
07 communicate in the section? You
08 can't ---?

09 A. No. You can't talk --- no,
10 it's only good for in a section.
11 Actually, I don't think they even
12 reach all the way across the section.

13 I think they're only good for maybe
14 four or five entries.

15 Q. Do you have to be in direct
16 line?

17 A. No, no. No. They'll work at
18 an angle.

19 Q. And your assignment was the
20 shuttle car operator on the day of
21 the accident?

22 A. Correct.

23 Q. Do you know if anyone entered
24 the mine before you?

25 A. It was my understanding there

30

01 were two fire bosses that went
02 underground, Terry Helms and Fred
03 Jamison, fire boss of the mine. The
04 mines was down, idle for the weekend.
05 It was a holiday and my

06 understanding, they went in and fire
07 bossed the mines prior to our entry.

08 Q. Did you have any conversation
09 with anybody as to that, the mine was
10 pre-shifted or had some conversation
11 with them, anything like that?

12 A. I personally, no.

13 Q. Did anybody say anything to
14 you that it was pre-shifted?

15 A. No, not that I can recollect.
16 It wasn't communicated to me that it
17 was.

18 Q. And what section were you to
19 ---?

20 A. One Left.

21 Q. One Left. And approximately
22 what time did you enter that mine
23 that day, again?

24 A. The first time we went over
25 the hill at 6:00 a.m. Actual

31

01 entrance to the mine was probably
02 about ten after 6:00 because we had
03 to switch the mantrips.

04 Q. Okay. Describe that a little
05 bit to me again, how that came about?

06 A. Well, the first mantrip we got
07 wasn't large enough to hold our crew
08 plus the two extra individuals that
09 were going with us, so the section
10 foreman, Owen Jones, told the crew to
11 exit the mantrip at the pit mouth and
12 he was going to switch out for a
13 larger mantrip. He did and brought
14 it back and everybody proceeded to
15 re-enter the mantrip and it was
16 approximately ten after 6:00 when we
17 started our trip underground.

18 Q. Did the Two Left mantrip leave
19 before you?

20 A. Yes. They left right at six
21 o'clock.

22 Q. Okay. So they were
23 approximately ten minutes behind---

24 A. Ahead of us.

25 Q. --- or you were behind?

32

01 A. Yeah, we were behind them.

02 Q. What type of mantrip did you
03 use?

04 A. I'm not sure of the make.
05 It's a covered mantrip that has dual
06 seating on either end. We sat in a
07 staggered position.

08 Q. After the Two Left mantrip
09 left, was your --- did you have any
10 more contact or did anyone that you
11 know of have any more contact with
12 them after they left?

13 A. Not to my knowledge, no.

14 Q. How many people were in your
15 mantrip, do you recall?

16 A. Let's see, to begin with, I
17 think there was a total of 14
18 altogether on our mantrip.

19 Q. Do you know who they were?

20 A. Yeah.
21 Q. Can you ---?
22 A. Section foreman, Owen Jones,
23 Randal Helmick, Joe Ryan, Denver
24 Anderson, Gary Carpenter, Paul
25 Avington, myself, Roger Perry, Ron

33

01 Grall and Pat Boni, which we dropped
02 off outby, he's a beltman. Let's
03 see, who am I missing? I'm missing
04 ---?

05 Q. Gary Rowen?

06 A. Gary Rowen

07 Q. John Boni?

08 A. And John Boni. Yeah, we also
09 dropped him off outby.

10 Q. And Hoy Keith?

11 A. Hoy Keith, correct.

12 Q. Was this the normal number of
13 people that usually went in the mine
14 with --- on your mantrip?

15 A. No. Usually the fire bosses
16 try to catch a ride with whoever they
17 can, whoever has the most room.

18 Q. Did all those people travel
19 with you underground the whole way to
20 One Left section?

21 A. No, no. Pat Boni and John
22 Boni, I'm not sure exactly where, but

23 they were dropped off along the belt
24 lines in different areas. The rest
25 of us were on the mantrip all the

34

01 way.

02 Q. But you don't recall where

03 they were dropped off?

04 A. No, I'm not sure where they

05 were dropped off.

06 Q. Do you know approximately what

07 time they were dropped off?

08 A. No.

09 Q. What was the --- what was the

10 actual furthest point of travel into

11 the mine?

12 A. For us, it was the One Left

13 switch.

14 Q. One Left switch. If we can,

15 how about let's go over to the map.

16 It would be the far right. We'll

17 call that Exhibit Tenney Number One.

18 And if you would, please, using these

19 --- this purple marker, what I want

20 to get you to do is draw on that map,

21 the route that you traveled into the

22 mine. Can we do that?

23 (Tenney Exhibit Number

24 One marked for

25 identification.)

35

01 A. Sure.

02 BY MR. SWENTOSKY:

03 Q. You're going to have to speak
04 up a little bit, too, so that the
05 court reporter understands what
06 you're --- if you could, just use
07 that marker and Exhibit One and just
08 draw a line at the entry and what you
09 traveled into the mine and stop at
10 the furthest point in travel.

11 A. Well, we entered the mine at
12 the track entry.

13 Q. And that's, what, the Number
14 Four entry?

15 A. Yeah, the entry here.

16 Q. Starting on the surface.

17 A. Starting on the surface,
18 proceeding --- heading to the first
19 curve.

20 Q. To the right?

21 A. To the right. And we got to
22 the first curve to the left and from
23 there, it's a straight shot, go to
24 your right, it's a straight shot.
25 From there to First Left switch.

36

01 Q. Okay.

02 A. And that's where we
03 encountered the explosion.

04 Q. And that would be the third
05 stop that you made then after you
06 left the ---?

07 A. Right. We dropped Pat Boni
08 and John Boni off in toward this
09 area, in that area. I'm not --- like
10 I said, I'm not sure exactly where we
11 left them off.

12 Q. Okay. This area is about ---
13 is approximately ---?

14 A. The Number Two drive.

15 Q. Number Two drive.

16 A. We hadn't hit the Number Three
17 drive.

18 Q. Anywhere from there to the One
19 Left switch?

20 A. One Left switch.

21 Q. Okay. Whenever you got to the
22 One Left switch, okay, just trying to
23 figure and kind of tell me what
24 happened there again.

25 A. Okay. We were at the One Left
01 switch, Roger Perry exited the
02 mantrip to throw the switch to go
03 down into the section. He threw the

04 switch. He was in the process of
05 climbing back into the mantrip and
06 that's when the explosion happened.

07 Q. Okay. When you say he was
08 getting back into the mantrip, do you
09 mean that he was standing there or
10 was he actually in the process of
11 stepping in?

12 A. He was actually in the process
13 of stepping in.

14 Q. Stepping in?

15 A. Yes.

16 Q. And which end of the ---?

17 A. He was on the inby end.

18 Q. Inby end. Okay. Was he the
19 individual sitting closest to the
20 outside of it?

21 A. Yeah.

22 Q. So he was in the process of
23 getting into the mantrip?

24 A. Uh-huh (yes).

25 Q. Okay.

01 A. When the explosion happened.
02 After which there was dust and debris
03 in the air and everything settled
04 down. We all exited the mantrip
05 right beside the switch.

06 Q. Okay. Whenever that occurred,

07 did --- was it smoke, dust? I know
08 you said dust before, but was ---?
09 A. I never really encountered
10 smoke. To me, it was mostly dust,
11 debris. I don't know if you've ever
12 been in a sandstorm, but that's
13 exactly what it felt like. Somebody
14 just took a handful of sand and threw
15 into a fan and just --- you could
16 feel it pelt you.

17 Q. So you didn't smell any smoke?

18 A. No, I didn't. I could feel a
19 little bit of heat. It wasn't --- it
20 was more like hot air. It wasn't an
21 intense heat.

22 Q. Okay. Do you think it was ---
23 the heat was more because of the
24 explosion or do you think the heat
25 was just because it was air blowing

39

01 inby?

02 A. I don't know.

03 Q. All right. Okay. And then
04 you said you were sitting on the
05 outby end?

06 A. Right.

07 Q. In the outby direction?

08 A. Correct.

09 Q. And you said you were --- your
10 hat came off?

11 A. Blew my hard hat off and my
12 safety glasses totally off my face.
13 Never did recover those. Hard hat,
14 the only way I found it was to pull
15 on my lamp cord. So I found ---
16 found it.

17 Q. Did anybody --- at that time,
18 do you recall anyone saying anything
19 or ---?

20 A. Yeah, there was quite a few
21 expletives said at the moment.

22 Q. Okay.

23 A. Along the lines of what the
24 heck happened. Is everybody okay and
25 we need to get out of here.

40

01 Q. Was there someone that kind of
02 took over the situation or what
03 occurred next?

04 A. When we first exited the
05 mantrip, our boss, Owen Jones,
06 requested everybody to stay in one
07 spot until he got a head count to
08 make sure everybody was there and
09 everybody was okay and able to move.
10 At that point, we more or less kind
11 of grabbed onto each other, because

12 you couldn't see until we found the
13 rib, we felt our way down the rib.

14 Ron Grall ---

15 Q. Okay. Wait.

16 A. --- was on the outby end of
17 the mantrip with me and in the outby
18 position so he was the first man to
19 go on down the track.

20 Q. What number person were you in
21 starting with the out ---?

22 A. I was the lead, the very
23 inside of the mantrip. I was the
24 next one out of the mantrip.

25 Q. Okay. How many people were in

41

01 then?

02 A. In our end, there was one,
03 two, three, four. Four people in our
04 end.

05 Q. Okay. When you stepped out of
06 the mantrip, did you feel any
07 additional heat or anything like that
08 ---

09 A. No.

10 Q. --- or anything ---?

11 A. Only just intense dust.

12 Q. Intense dust. By the time you
13 got out, do you feel that the dust

14 had settled some at all or ---?

15 A. It was starting to. It

16 appeared --- yeah. I mean, I could

17 even --- myself, I could feel cool

18 air hitting me in the face from the

19 outby.

20 Q. From ---?

21 A. It was coming down the track.

22 Q. Coming into the track entry,

23 from outby to inby?

24 A. Yes. And like I said, we

25 proceeded outby. The first stopping

42

01 indicated there was a door to go over

02 here and it'd be safe over here. It

03 was still with us the same, the track

04 was full of dust, debris.

05 Q. If I may, let's just back up a

06 second here. Okay. You got out of

07 the mantrip and you felt this --- you

08 think you felt this cooler air or air

09 coming from outby ---

10 A. Right.

11 Q. --- to inby?

12 A. Right. It wasn't what you

13 would call a stiff breeze, but you

14 could feel it the same.

15 Q. Okay. So you were facing in

16 the outby direction when you got out?

17 A. Right.

18 Q. Then you said that Owen Jones
19 --- or no, Ron Grall, he --- who was
20 the one that actually informed you or
21 where were you at? Were you right
22 outside the mantrip?

23 A. We exited the mantrip and
24 stood right beside of it. We done a
25 head count and made sure everybody

43

01 was out of the mantrip, was okay, and
02 able to travel.

03 Q. And who was kind of directing
04 that operation at that point?

05 A. At that point, Owen was. And
06 then he said, well, let's go.

07 Q. Okay.

08 A. We proceeded down. Ron Grall,
09 like I said, he was the most outby
10 person and he proceeded down the
11 track to the first man door. I'm not
12 exactly sure where it was at on the
13 track.

14 Q. Was that blown out, that
15 stopping?

16 A. No, it wasn't. As far as I
17 know it wasn't. To be honest with
18 you, I wasn't paying attention if a

19 stopping was blown out or what.

20 Q. So the first one was at the 49

21 crosscut or so? Okay. Go ahead.

22 A. Like I said, he stated that

23 that --- the air in that area of the

24 intake was not suitable for us.

25 Q. And you go through a man door?

44

01 A. Right. And so we proceeded on

02 down outby on the track entry.

03 Q. Okay.

04 A. And he encountered --- I can't

05 remember, it was either a stopping

06 partially blown out or another man

07 door. And he stated on the other

08 side of that, which I think we may

09 have went eight blocks or so, that

10 there was fresh air.

11 Q. Okay. Were all you guys

12 together or were some separate?

13 A. No, we were all --- we were

14 together at that point and right into

15 the fresh air. And proceeded down

16 the intake.

17 Q. When you say --- you're saying

18 about eight blocks or so, you don't

19 know exactly where?

20 A. No, I'm not --- it's just an

21 assumption.

22 Q. When you were traveling on the
23 track on foot, do you recall running
24 in --- I think you mentioned that
25 there was some debris?

45

01 A. Yeah, debris, there were
02 blocks.

03 Q. Blocks actually on the track
04 or ---?

05 A. Below the stopping, right.

06 Q. Did you --- at that point, how
07 was the visibility?

08 A. It was improving. The further
09 outby we went, it was improving to
10 the point ---

11 Q. Okay.

12 A. --- after we got, oh, I'm
13 guessing eight or nine blocks outby,
14 you could actually see again. Like I
15 said, we weren't --- we weren't
16 paying attention to stoppings at that
17 point. We were ---.

18 Q. Did you happen to --- you
19 didn't have a detector with you, I
20 take it?

21 A. No.

22 Q. Did you hear any other
23 detectors going off or did you hear

24 any conversation about that?

25 A. Owen had his detector with

46

01 him, but I don't recall it going off,

02 no.

03 Q. Not hearing any beeping,

04 flashing of light?

05 A. Well, it could have been

06 flashing, I wouldn't have seen it

07 anyway.

08 Q. Yeah, okay.

09 A. From this point to where we

10 actually --- we started encountering

11 a little bit of dust settling, we

12 couldn't see anything. It was only

13 feeling.

14 Q. Did you happen to notice any

15 difference in the air, the smell of

16 the air or anything to that effect as

17 you ---?

18 A. No, not when we traveled. I

19 really didn't --- kind of a burnt I

20 could smell. I mean, there was a

21 burnt --- a burnt smell.

22 Q. Was that event initially

23 whenever it occurred?

24 A. No.

25 Q. And then as you moved back

47

01 out?

02 A. It was on the outby right ---
03 the smell was still in our clothes
04 and everything when we got outside.

05 Q. Did anyone say anything about
06 donning SCSRs at that time or
07 anything ---?

08 A. Some did. Some of the older
09 fellows donned their SCSRs.

10 Q. That's before you left this
11 area here?

12 A. Right. They put theirs on and
13 they were actually having trouble
14 breathing at that point. Some of us
15 were breathing normally. I was
16 breathing normal. I didn't put on my
17 SCSR.

18 Q. When you say they did don ---
19 some donned their SCSR. Are you
20 saying outside the mantrip at One
21 Left switch?

22 A. That or there actually -- we
23 actually went around the mantrip.

24 Q. In the outby direction?

25 A. In the outby direction, just

48

01 directly right in the middle of the
02 track, everybody donned --- put

03 theirs on because they said they were
04 having trouble breathing.

05 Q. Okay. And who directed them
06 to put the SCSRs on or did they just
07 make that decision on their own?

08 A. They just made that decision
09 on their own?

10 Q. On their own?

11 A. Yeah.

12 Q. And why did you --- why did
13 you think that you may have needed to
14 put one on?

15 A. Well, actually I wasn't having
16 any trouble breathing and I didn't
17 know what we were going to encounter
18 further out and I don't know what I
19 was thinking, I guess maybe save it
20 in case I needed it at a later point.

21 Q. Do you know how many people
22 put their SCSRs on?

23 A. No, I don't know. To tell you
24 the truth, I don't know how many
25 there were.

49

01 Q. It's okay. At that point
02 then, someone made this decision then
03 to move outby. You mentioned Ron
04 Grall, he put his head through the
05 first door and it was still bad air,

06 then he come out approximately
07 several blocks and ---
08 A. Several blocks.
09 Q. Whenever he went to look, did
10 you people stay on the track?
11 A. Right.
12 Q. And then he went over?
13 A. Right.
14 Q. And looked through?
15 A. Well, like I said, as we
16 further got down to here, the air
17 quality --- the visibility became
18 better and better where we actually
19 didn't have to --- you could see
20 maybe two or three feet in front of
21 you versus you couldn't see your hand
22 in front of your face before.
23 Q. Did --- at that point, did you
24 feel that the air was coming from
25 outby to inby at that point?

50

01 A. Yeah, I did.
02 Q. What makes you think that?
03 A. Well, I could actually feel
04 the way --- the coolness on my face.
05 Q. Okay. So we're at five, six
06 blocks or so ad Ron went over to take
07 care of ---.

08 A. He stated that he found fresh
09 air. He got everybody together in
10 the intake area. If I'm not
11 mistaken, there was a turn and the
12 track entry right up there. Owen
13 Jones called outside.

14 Q. Was Owen Jones with you at
15 that point?

16 A. Yes.

17 Q. And when did he make that
18 call?

19 A. I have no idea what time it
20 is.

21 Q. When he made that call, were
22 you still in --- all of you still in
23 the track entry?

24 A. No. Most of us were into the
25 intake area. When we went into the

51

01 intake area, there was a phone there
02 if I'm not mistaken. There's one
03 right there and he made the call from
04 there. And then he came into the
05 intake area with us.

06 Q. So you came into the intake
07 area. Did he come back and then go
08 back or did he stay there to make the
09 call?

10 A. He made the phone call as we

11 were making our way into the ---.

12 Q. Do you recall what that

13 conversation was?

14 A. No, I didn't hear it.

15 Q. So then --- go ahead, then.

16 A. We got everybody together at

17 the intake, we proceeded outby down

18 the escapeway having gone several

19 blocks. And we encountered normal

20 air after seven blocks, normal air.

21 Q. Do you have any idea where

22 that might have been or ---?

23 A. Guessing, I think it was ---

24 no, I haven't a clue exactly what

25 block number it was. I don't

52

01 remember. I don't know. But I do

02 know that there was a scoop where

03 they'd been bolting in the intake.

04 There was a scoop right there and

05 that's where we had held up at

06 waiting on some of the other fellows

07 that were slower than us.

08 Q. When did anyone else don their

09 SCSR, if they did?

10 A. As far as I knew, the ones who

11 donned them, donned them in that

12 area.

13 Q. And is that the last time

14 anybody put on their SCSRs?

15 A. As far as I know, yeah.

16 Q. None of them after that put it

17 on?

18 A. Not to my knowledge, no.

19 Q. Okay. At that point there,

20 you had fresh air? You said it was

21 getting fresh?

22 A. It was normal, normal fresh

23 air.

24 Q. At any time during that

25 period, did you hear a methane

53

01 detector going off, anything like

02 that? Never heard one?

03 A. No, I never heard one.

04 Q. Okay. When you looked --- do

05 you recall looking back what it

06 looked like behind you as you came

07 through into the intake?

08 A. No. Like I said, at that

09 point when we actually went in the

10 intake, visibility was probably

11 three, four feet tops. And then when

12 we got into the intake, visibility

13 improved but I never looked back.

14 Q. Wanted to get out of there?

15 A. Yeah.

16 Q. Okay. So then --- okay, you
17 left that area and traveled outby?
18 A. Correct. Then we traveled
19 outby towards --- until we got the
20 scoop, then at that point, we stopped
21 and we waited. We kind of got
22 separated from the other group.
23 There were a couple mud holes back
24 here.
25 Q. Hold on a second.

54

01 A. Sure.
02 Q. Can you show the route on the
03 map with this green one on the way
04 out, please?
05 A. Like I said, I'm not sure
06 exactly what block we got into the
07 intake. But once we were in, we got
08 on the escapeway, proceeded down.
09 Q. We know you went one block?
10 A. Right.
11 Q. And then you went ---
12 A. Several blocks.
13 Q. --- several blocks.
14 A. Yes. I'm not exactly sure.
15 Q. Just plot where you went into
16 the intake escapeway, just where you
17 think --- approximately, realizing

18 it's approximate, just plot that and
19 then you traveled out, identifying
20 with the green marker.

21 A. Approximately this area, we
22 ---.

23 Q. What you're indicating there
24 is 42 block.

25 A. Okay. I don't have my glasses

55

01 on.

02 Q. Well, I have to take mine off
03 to see it.

04 A. We proceeded over into this
05 intake which is directly --- runs
06 directly in with the track.

07 Q. Okay. Just mark it for me.

08 A. Then we proceeded in the outby
09 direction until I'm not sure how many
10 blocks, several blocks outby in the
11 intake itself, until we stopped at a
12 point where we encountered the area
13 where there was a scoop parked. And
14 then we went some more. Some
15 rehabilitation work. We held up
16 there and then we came down almost
17 back to this area. Roger Perry and
18 Hoy Keith was --- like I said, Roger
19 has a wooden leg and Hoy is a little
20 older. They were having some trouble

21 getting through the mud holes so we
22 held them and was assisting them
23 through the mud holes. Actually
24 there were a couple guys who did
25 assist them through. And Gary

56

01 Carpenter and Randy Helmick assisted
02 those two through the mud holes.
03 Then we all grouped together at the
04 scoop at that point.

05 Q. Okay. Were you still everyone
06 together?

07 A. Yeah. Well, we weren't
08 together. We were kind of separated
09 at the mud holes.

10 Q. Okay.

11 A. But we were in sight of each
12 other.

13 Q. When you --- you reassembled
14 at the scoop, did I understand you to
15 say?

16 A. Yeah.

17 Q. And all of you were still
18 together at that point?

19 A. At that point, we were still
20 together and while we were there, I'm
21 not --- I think it was Ronnie Grall
22 and Paul Avington proceeded to go

23 inby --- or outby down the escapeway.

24 Q. Okay. When they left, did

25 they say anything to you?

57

01 A. They just kept saying, we've

02 got to get out of here, we've got to

03 get out of here and we also stated,

04 you know, we've got a couple guys

05 that are older that they're going to

06 need some help. All of those except

07 for those two stayed back and helped

08 them as much as we could. And so at

09 that point, we were at the scoop, we

10 heard a mantrip coming inby on the

11 track.

12 Q. And Mr. Avington and Mr.

13 Grall, they had left at that point?

14 A. They had left at that point.

15 Q. Go ahead, I'm sorry.

16 A. And Joe Ryan stuck his head

17 through this man door where the scoop

18 was and walked outby --- or inby. He

19 stuck his head through and proceeded

20 to flag down the mantrip. We all

21 exited the escapeway, got onto the

22 mantrip and back to the surface.

23 Q. And who did you say again,

24 went through after you heard the

25 mantrip?

01 A. Joe Ryan.

02 Q. And he went through a man door
03 that was near the scoop?

04 A. Yes.

05 Q. And you guys --- all stayed
06 right at the point there?

07 A. Yeah.

08 Q. And he went out and did he
09 call back to you?

10 A. He hollered back to us. We
11 could all hear the mantrip coming. We
12 could hear it coming down the track.

13 And he flagged them off, he said
14 there was a man door back there. At
15 that point, we all ran right back to
16 that man door and ---.

17 Q. Okay. Let's just mark with a
18 green what you think happens at ---?

19 WITNESS COMPLIES

20 BY MR. SWENTOSKY:

21 Q. That's the 29 crosscut, it
22 looks like right there?

23 A. Yeah.

24 Q. Okay. And we realize that's
25 approximate. Just press a little

01 harder. Don't be afraid to break it.

02 A. From there, we got back over
03 to the mantrips, proceeded back by
04 the track to the outside and back to
05 the surface.

06 Q. So you indicated you're
07 drawing a green line out the track
08 entry and up to the surface. Okay.
09 Now, who was that that you thought
10 was coming on the mantrip? Who did
11 you meet there?

12 A. Vern Hofer, Dick Wilfong, Al
13 Schoonover and the superintendent.

14 Q. The superintendent?

15 A. Yeah. At that point, I think
16 Al Schoonover exited, the mantrip,
17 Dick Wilfong and Vern Hofer brought
18 us back to the surface.

19 Q. Okay. What did they say
20 whenever you --- when you met them?

21 A. The first thing is, was
22 everybody okay and everybody is
23 together. Then at that point, we
24 said, no, Paul and Ronald Grall were
25 ahead of us and they said, yeah, we

60

01 saw them. Evidently they went to the
02 man door outby and were standing
03 wherever along the track and ---.

04 Q. And you all went over as a

05 group to the mantrip and then at any
06 point --- just for clarification, at
07 any point along here, did you hear
08 anybody's methane detector or
09 anything like that?

10 A. Not to my recollection, no.

11 Q. Who all had methane detectors?

12 A. I'm sure the foreman did and
13 two bolt operators. I don't know
14 whether the miners have one or not.

15 Q. Did anybody talk about the CO
16 or wonder what the carbon monoxide
17 levels might be or a discussion?

18 A. No. Our discussion was to get
19 outside.

20 Q. All right. We'll head back
21 over. Did you --- whenever you had
22 that rush of air, was there ever any
23 time whenever you had a second rush
24 of air at all?

25 A. No. After the initial one, it

61

01 was totally calm and quiet.

02 Q. Did your ears pop or anything
03 like that or ---?

04 A. Not to my recollection, no,
05 they didn't.

06 Q. Did you hear any ---?

07 A. When I got outside, they were
08 so full of dust, if they did, I
09 wouldn't have known.

10 Q. Did Mr. Perry --- and I guess
11 you were on the inside, but do you
12 know or did anybody say whether he
13 was knocked down or anything like
14 that?

15 A. I recall them --- somebody
16 stating that he was actually blown
17 into the mantrip. He was pushed
18 towards --- into the mantrip.

19 Q. Was there any damage to the
20 mantrip?

21 A. As far as I know, no.

22 Q. All the ventilation controls
23 that you did observe or feel, they
24 were on the track, in the track
25 entry?

62

01 A. There was debris in the track
02 entry, cement blocks. Whether they
03 were from the stoppings, the
04 ventilation, like I said, you
05 couldn't see two feet in front of
06 you, so I really ---.

07 Q. What type of stoppings do they
08 use in there?

09 A. Solid concrete block.

10 Q. Concrete block. Do they use
11 any Omega block for stoppings?

12 A. On the panels, they use Omega
13 blocks.

14 Q. So these blocks that you were
15 tripping over ---?

16 A. They were solid concrete
17 block.

18 Q. Okay. Whenever you went over
19 into --- went over to the mantrip
20 now, everyone was there, except Mr.
21 Grall and Mr. Avington. Owen Jones
22 was with you --- still with you at
23 that time?

24 A. No. He had elected to stay
25 where the telephone was.

63

01 Q. Which was in the intake?

02 A. No. It was over in the track.

03 Q. Over in the track, okay.

04 A. He came over into the intake
05 with us and at that point, he elected
06 to stay where the phone was. He had
07 a brother which was on the other crew
08 and we all tried to convince him to
09 come with us and he kept saying I've
10 got a brother up there, I've got to
11 see if I can get him. And he told us

12 to go ahead and proceed to the
13 outside. No amount of convincing ---
14 he just wasn't going to come with us.

15 Q. Okay. Then Mr. --- the
16 superintendent and Wilfong, Mr. Hofer
17 and who was the other gentleman that
18 came in on the mantrip?

19 A. Al Schoonover.

20 Q. Al Schoonover. Okay. Did
21 everyone go outside?

22 A. No. I think Al and the
23 superintendent, Jeff Toler, actually
24 exited the mantrip at that point and
25 proceeded inby to --- I don't know if

64

01 they were going to investigate
02 actually what happened or to go get
03 Mr. Jones and forcibly bring him out,
04 but they proceeded inby.

05 Q. And so then Mr. Jones had left
06 that area and proceeded inby at that
07 point?

08 A. At that point --- when we
09 left, he was in the intake where the
10 phone was and he would not leave that
11 --- he was in the escapeway.

12 Q. Escapeway.

13 A. And he would not leave that
14 area because, you know, he said he

15 had a brother up on the other
16 section.
17 Q. Okay. Did Mr. Hofer and Mr.
18 Wilfong or anyone have any methane
19 detectors or any detector of any kind
20 with them at that time?
21 A. I'm sure they did. We were
22 back out on the track at that point,
23 the track entry was clear. It was --
24 - you know, it was just like the
25 intake, there was no dust or debris

65

01 or anything at that point on the
02 track. It was ---.
03 Q. How far --- could you see dust
04 or smoke or anything inby that you
05 noticed?
06 A. I never looked inby.
07 Q. Okay. Your eyes were ---?
08 A. I was focused to the outside.
09 Q. Okay. Did anyone ever don any
10 additional SCSRs at that time?
11 A. At the time we got on the
12 other mantrip?
13 Q. Yeah.
14 A. Not to my knowledge, no.
15 Q. So then the only time that any
16 SCSRs were donned was back at that

17 mantrip?

18 A. At the original mantrip,
19 right.

20 Q. The original mantrip. And
21 there was none ever after that?

22 A. That I don't know. I mean,
23 somebody might have stopped and put
24 one on, but as far as I can
25 recollect, they were --- everybody

66

01 who put one on put it on right there
02 at the mantrip.

03 Q. All right. Did you --- did
04 anyone indicate any difficulty in
05 donning the SCSR at all? Do you
06 recall anyone saying something about
07 any problems or anything like that?

08 A. Not as far as donning them. I
09 did hear a couple comments after we
10 were already into the intake that
11 they just weren't working. They
12 couldn't breathe with them on either.

13 I don't know who made the comments,
14 you know, it was behind me.

15 Q. Yeah, I understand.

16 A. But I do recall hearing a
17 couple comments that these GD things
18 aren't working.

19 Q. Did they say like anything,

20 they're not working, I can't get any
21 oxygen? I mean, I'm not trying to
22 put words in your mouth. I'm just
23 trying to find out, you know, maybe
24 did --- do you recall maybe what they
25 --- they're not working, but why or

67

01 anything like that?

02 A. No, they didn't state as to
03 why, just said they were having
04 trouble breathing with them on.

05 Q. Did they --- do you recall
06 them --- I know you were looking
07 outby, but do you recall whether they
08 took them out of their mouth or
09 anyone said that they had taken them
10 out of their mouth or anything like
11 that at all?

12 A. No, I do not recall that.

13 Q. So you don't know if anybody
14 removed them, I guess is what I'm
15 really asking?

16 A. No. I do know when we got up
17 to the mantrip --- or to the scoop
18 area where we had fresh air, a lot of
19 the guys that were donning ---
20 wearing them, you know, took the
21 mouthpieces out and whatnot and were

22 breathing fresh air at that point.

23 Q. Who actually directed you guys
24 to --- when you were at --- got to
25 the mantrip and Mr. Owens (sic)

68

01 stayed over in the intake and Mr.
02 Schoonover and Mr. Toler are the ones
03 that stayed.

04 A. Right.

05 Q. And from that point there, who
06 told who to go out, take you out or
07 who made those decisions?

08 A. If I'm not mistaken, it was
09 Mr. Toler, the superintendent told
10 them to take us outside and gather up
11 boards, nails, curtain that they
12 could find to bring back in.

13 Q. Who did he tell that to?

14 A. Mr. Wilfong and Mr. Hofer to
15 take us out.

16 Q. Okay. So those are the two
17 individuals that came in and they
18 took you back out?

19 A. Right.

20 Q. Was it only those two
21 individuals?

22 A. To the best of my
23 recollection, yeah, it was only those
24 two individuals that took us back

25 out.

69

01 Q. Can you tell me anything else
02 of what might have been said, you
03 know, just before you went out?

04 A. Other than they stated that
05 they had water on the mantrip if
06 anybody needed any water or anything,
07 ---

08 Q. Okay.

09 A. --- you know.

10 Q. Did you overhear any
11 conversations on a telephone from
12 that point outside?

13 A. No, no conversations on the
14 telephone.

15 Q. Did anybody call?

16 A. Well, they might have but we
17 were on the mantrip ---

18 Q. Yeah.

19 A. --- so we didn't ---.

20 Q. I understand.

21 A. I mean, other than calling for
22 clearance to go back to the outside,
23 that's ---.

24 Q. Okay. You're leaving --- you
25 left that point, at that point

70

01 meaning where you're loaded on the
02 mantrip. And, okay, tell me what
03 happened next.

04 A. Well, we got to the outside,
05 everybody kind of looked at each
06 other with, you know, extreme shock
07 on their faces. A couple of the men
08 hugged each other. And we walked up
09 over the hill, took our cap lights
10 off, tagged out and signed a piece of
11 paper that they had that stated that
12 we were back outside. We proceeded
13 to the bathhouse area from there.

14 Q. On the way outside, did you
15 happen to stop and pick up anyone or
16 did you make any stops or anything
17 that you remember?

18 A. Not that I recall, no.

19 Q. Okay. Mr. Grall and Mr.
20 Avington, when did you ---?

21 A. Oh, yeah, yeah. I'm sorry, we
22 did have to stop and pick those ---
23 they were approximately four or five
24 blocks on outby, so we stopped to
25 pick them up. They were along the

71

01 track.

02 Q. On the way out, did you happen
03 to notice any damaged stoppings, man

04 doors open, anything that, you know,
05 might have been extraneous material
06 laying around?

07 A. Not when we exited the man ---
08 or entered the mantrip to the
09 outside, from there, no, I didn't
10 notice anything.

11 Q. Okay. When you picked up ---
12 you said you stopped and then picked
13 up Mr. Grall and Mr. Avington and
14 what was --- approximately when was
15 that?

16 A. That was approximately four or
17 five blocks outby, where we entered
18 the mantrip ourselves.

19 Q. What was said at that point or
20 did you hear any conversations? Did
21 you have any conversation with anyone
22 at that point?

23 A. No. We were basically
24 wondering to each other exactly what
25 had happened because at that point,

72

01 nobody really knew.

02 Q. How long did you take it to
03 get out of the mine? Do you have any
04 idea?

05 A. All total or just from the

06 time we entered the mantrip?
07 Q. From the time you entered the
08 mantrip until you got to the surface?
09 A. I'd say 20 minutes.
10 Q. Do you know what time it was
11 when you exited the mine?
12 A. No, I never looked at my
13 watch.
14 Q. Was there --- at the --- when
15 you exited the mine, was there anyone
16 there to --- that you met or talked
17 to, that is right as you got out of
18 the mine?
19 A. Not that I recall, no.
20 Q. Did you all walk up over the
21 hill?
22 A. With the exception of Hoy
23 Keith and I think he was brought over
24 the hill in the mine vehicle, the
25 mine truck.

73

01 Q. And that's because?
02 A. He was having trouble
03 breathing.
04 Q. Is he one that wore the SCSR?
05 A. Yes, he wore the SCSR.
06 Q. Okay. Other than the people
07 you exited the mine with, there was
08 no one else there that you had spoken

09 to while in the pit or anything?

10 A. Not that I recall, no.

11 Everybody was on top of the hill.

12 Q. Okay. Then you said you

13 walked up the hill. You walked all

14 up together with the exception of Mr.

15 Keith?

16 A. Uh-huh (yes).

17 Q. Were you ever asked to

18 re-enter the mine?

19 A. No.

20 Q. Before you went up there, up

21 over the hill, what did Mr. Wilfong

22 or Mr. Hoy (sic) do? They brought

23 you out. What did they do?

24 A. After they brought us out and

25 we exited the mantrip, I don't know

74

01 what they did. I went directly up

02 over the hill.

03 Q. Looking outby. Do you know if

04 anyone did re-enter the mine?

05 A. Other than hearsay and not ---

06 personally, no, I did not see anybody

07 go in the mine.

08 Q. When you --- okay. So you

09 walked up over the hill and you went

10 into the bathhouse; correct?

11 A. Right.

12 Q. And you did your checkout?

13 A. We checked out before we went

14 to the bathhouse. We tagged out ---.

15 Q. Tag out, where do you do that?

16 A. In the lamphouse where we keep

17 our lights at.

18 Q. Okay. You said you were

19 passed a sign-out paper? What ---?

20 A. Yeah, they had a piece of

21 paper. It was a yellow legal pad

22 that they wanted everybody to sign,

23 you know, show we were outside.

24 Q. Okay. Just another form of

25 checkout?

75

01 A. Right. Right. It's not a

02 normal --- it wasn't a normal

03 procedure. Normally we don't do it.

04 It was just something that they taken

05 to doing.

06 Q. What is your normal checkout?

07 A. Normal checkout is you put

08 your light up, take your checkout

09 tag, move it from inside to the

10 outside position.

11 Q. And that's a metal-type tag?

12 A. Brass.

13 Q. Brass, okay. Okay. Then

14 whenever you go out after you did
15 that, then what did you do?
16 A. We assembled in the bathhouse
17 area. At that point, there were
18 emergency personnel, emergency squad
19 starting to show up. They checked
20 everyone's vitals. Like I said,
21 Roger Perry had some debris in his
22 eye that he had to get flushed out.
23 I believe he had to go to the
24 hospital. Two of the gentlemen,
25 Denver Anderson and Hoy Keith had to

76

01 take oxygen, I believe.

02 Q. Were they --- were you ever
03 assigned any additional duties on the
04 surface at all?

05 A. That day?

06 Q. Yes.

07 A. No.

08 Q. Did anyone up there, like,
09 debrief you or ask you what happened
10 or have you explain the occurrence at
11 all?

12 A. It wasn't too long after we
13 were outside John Collins from the
14 state showed up and he had a digital
15 voice recorder.

16 Q. Yes.

17 A. And we were --- like I said,
18 we were all assembled in a group and
19 he asked us initially just to explain
20 what happened. At that point, as a
21 group, you know, we just --- each of
22 us told more or less what we thought
23 had happened.

24 Q. You were together at that
25 point ---

77

01 A. Yes.

02 Q. --- just verbalizing with Mr.
03 Collins?

04 A. Right.

05 Q. Did anybody from the company
06 at all debrief you or ask you what
07 had happened or anything like that?

08 A. No.

09 Q. Anyone else that may have
10 debriefed you?

11 A. Not that I recall.

12 Q. Other than the state
13 inspector?

14 A. No, not that I recall. We
15 were --- after John left, they ---
16 like I said, they made the call that
17 they only wanted emergency personnel
18 and company personnel on the property

19 at that time and for everybody else
20 to evacuate. So they asked us if we
21 would go to the preparation plant.
22 At that point, they stated that
23 somebody from the federal would
24 probably be along to talk to us later
25 on that day, which, you know, they

78

01 wanted us to stay as a group.

02 Q. When you say they asked us,
03 what do you mean by --- who are you
04 speaking about?

05 A. I personally never talked to
06 anybody. It was relayed to me
07 through one of my fellow co-workers,
08 Alton Wamsley.

09 Q. Is that one of the ones that
10 came out with you?

11 A. Right. And where he got his
12 information from, I don't know.

13 Q. Okay. So other than Mr.
14 Collins, you hadn't spoken to anyone,
15 other than the people that you came
16 --- you exited the mine with; is that
17 correct?

18 A. As far as an investigative
19 type, no.

20 Q. What about ---?

21 A. We had a lot of guys on the
22 surface asking us what happened, you
23 know.

24 Q. Yeah.

25 A. A lot of the other co-workers

79

01 that worked there on the surface.

02 But personally, myself, no, I wasn't
03 asked by anybody, other than Mr.
04 Collins.

05 Q. Okay. Just your other
06 co-workers?

07 A. Right.

08 Q. Okay. Have you ever made ---
09 have you ever made examinations as a
10 certified person?

11 A. No, I'm not certified.

12 Q. You're not certified?

13 A. No, I'm not.

14 Q. That's what you had said. Do
15 fire bosses usually go in with the
16 crew?

17 A. Mr. Grall was with us that
18 day. He is a beltman/fire boss.
19 Normally, there's, you know, fire
20 bosses underground, but the ones that
21 are beltman/fire bosses usually ride
22 in with the crews. They're not
23 pre-shift fire bosses, they'll be on

24 --- like on-shift fire bosses.

25 Q. Making other examinations?

80

01 A. Right.

02 Q. Okay.

03 A. But one of Mr. Grall's duties
04 entails walking all the airways once
05 a week.

06 Q. Okay. Have you worked in any
07 other part of the mine since ---
08 other than the One Left section?

09 A. No, actually I was on the
10 initial Two Left section.

11 Q. Okay.

12 A. It was before they made their
13 turn to the left in the initial Two
14 Left section.

15 Q. Off of the mains?

16 A. Right. I was on ---.

17 Q. Inby?

18 A. I worked there when they were
19 on the mains. They were running what
20 they call a super section then. Had
21 two crews on the same section.

22 Q. Okay. Are you familiar at all
23 with the Two Left seals, Omega seals?

24 A. No, they weren't built when I
25 was up in there.

01 Q. Okay. Did you ever see those?

02 A. No.

03 Q. You weren't a part of the
04 construction of those seals?

05 A. No.

06 Q. When's the last time you were
07 in the Two Left section?

08 A. Like I said, when I left up
09 there, they were still in the mains
10 and we were running, what they call,
11 a super section. It just wasn't
12 working out right, production wise,
13 so we --- the company decided they
14 were going to take one crew, pull
15 them back and develop the One Left
16 section. And at that point, we were
17 ---.

18 Q. Do you know why mining was
19 stopped there at all? Did anybody
20 hear any conversations of why they
21 were stopping mining up there or do
22 you have knowledge?

23 A. On initial ---?

24 Q. Yes, I'm talking about the
25 initial Two Left section, inby the

01 seal area?

02 A. Other than hearsay, no, I

03 never heard anything officially.

04 Q. Okay. What did you --- what
05 do you know unofficially?

06 A. Well, hearsay wise, it was ---
07 you know, there's too much water and
08 they encountered some bad top.

09 Q. Were you up there when they
10 did --- or was there any second
11 mining done up in that area?

12 A. I think there was, yeah.
13 There was a second mining of these
14 --- I guess it would be second
15 mining, where they go back in and
16 they were taking out the lower seam
17 of coal.

18 Q. Okay. Ramping down and ---

19 A. Right.

20 Q. --- mining out the second?
21 Were you involved in that at all?

22 A. Not on that section, no. I've
23 been involved in the One Left
24 section.

25 Q. Since you've been in Two ---

83

01 or you were in the --- since you were
02 up there, was there any additional
03 methane problems? Did you happen to
04 find more methane up in that area? I

05 mean, it was tense or anything like
06 that?

07 A. The highest amount of methane
08 that I've ever encountered would be
09 --- of course, the only time I really
10 see a detector is on the miner or
11 when I'm getting loaded. But the
12 most I've ever seen in that mine is
13 three-tenths.

14 Q. Okay. Did you notice while
15 you were up in that section, whether
16 it was three-tenths? Do you recall?
17 That section meaning the old Two Left
18 section?

19 A. I'm sure it was at one point,
20 but that's --- that was so far back,
21 I can't recall that.

22 Q. Okay. When you say that was
23 the most that you have seen, what's
24 kind of the normal or the average or
25 something like that?

84

01 A. One-tenth, zero on the miner
02 itself. I mean, ---.

03 Q. Was the miner ever shut off
04 because of methane at all?

05 A. I have never seen a miner ever
06 shut off because of methane.

07 Q. Were you involved or were you

08 ever up in the old Two Left main
09 section after they stopped mining?

10 A. No.

11 Q. So you were in that section
12 whenever they're mining, when they
13 pulled out, am I correct in saying
14 that you went with the crew to
15 another section?

16 A. Right. We --- our crew came
17 back and developed the First Left
18 section.

19 Q. Okay. Were you ever back up
20 in there after that?

21 A. No.

22 Q. Do you know who built --- and
23 you weren't up there for the seal you
24 told me, for the seal construction?

25 A. No, I wasn't involved in the

85

01 construction.

02 Q. Do you know who built them?

03 A. No, I don't, not right off.

04 Q. Do you recall going around the
05 gas well? Do you know that there's a
06 gas well up in that area, up in the
07 old Two Left main?

08 A. Oh, yeah, we're around several
09 gas wells, not just in the Two Left

10 main. Even in our section, we've
11 been around them.
12 Q. Did you --- in speaking about
13 the old Two Left mains, do you recall
14 whether you encountered any
15 additional methane during that period
16 at all?
17 A. No. Not to my knowledge, no.
18 Q. Do you ever recall cutting
19 through any uncharted or charted
20 boreholes of any sort, any --- let's
21 put it this way boreholes cut through
22 during your experience at Sago Mine?
23 A. No.
24 Q. Do you want to take a break?
25 A. No, I'm fine.

86

01 Q. You're fine?
02 A. I'm fine.
03 MR. MILLS:
04 Can we just go off the
05 record a minute, just to
06 compare notes?
07 MR. SWENTOSKY:
08 Okay.
09 OFF RECORD DISCUSSION
10 MR. SWENTOSKY:
11 Mr. Mills, do you have
12 anything?

13 BY MR. MILLS:

14 Q. Chris, just a couple
15 questions. What was the last day you
16 worked prior to January the 2nd?

17 A. That would be December the ---
18 oh, wow, it was the Thursday before
19 that.

20 Q. Before New Year's?

21 A. Yeah. Before the 2nd.

22 Q. Okay. That's good.

23 A. I'm not sure.

24 Q. Okay.

25 A. I'm not very good with dates.

87

01 Q. It was between Christmas and
02 New Year's?

03 A. Right. Right. Yeah.

04 Q. Chris, do you have any EMT
05 training?

06 A. No, I don't.

07 Q. How about mine rescue
08 training?

09 A. No.

10 Q. I'm going to talk to you a
11 little bit about these hand-held
12 radios.

13 A. Okay.

14 Q. Okay. Who on your crew had

15 those?

16 A. Two shuttle car operators, two
17 miner operators and the section
18 foreman I think.

19 Q. So that would have been five?

20 A. Yeah.

21 Q. Is that standard, five people?

22 A. Yeah, it's standard.

23 Q. Do you know if the other crew
24 used those?

25 A. I believe they did.

88

01 Q. Has there ever been any time
02 that you could communicate with the
03 other set?

04 A. No. They wouldn't hear ---
05 the radios, like I said, they --- the
06 best I can tell, they're not good for
07 over four or five entries.

08 Q. On the mantrips you would call
09 the other bus and say ---?

10 A. Not unless we were real close
11 to each other, no.

12 Q. But you could ---?

13 A. Oh, yeah, we could. We
14 operate on the same channel, both
15 sections did. Like I said, as long
16 --- if you were close to their
17 mantrip, you could talk to them on

18 it.

19 Q. So they were on the same
20 channels?

21 A. Yeah. I think everybody
22 operated on the same channel.

23 Q. When do you normally turn
24 those on?

25 A. Normally, I turn mine on when

89

01 we get to the section. I mean, I
02 turn them on once initially outside
03 to make sure the battery's charged
04 and it works and everything, then I
05 turn it back off until I get to the
06 section.

07 Q. Do you know if the other ones
08 are left on going in or ---?

09 A. I'm not sure on that.

10 Q. Okay. Did you turn yours back
11 on any time during that day?

12 A. No.

13 Q. Do you know if anybody else
14 that was close to you tried to
15 communicate with those hand-helds
16 while you were in the dust or after
17 the explosion?

18 A. Best of my recollection, no.

19 Q. Did anybody ask for your

20 hand-held radio?

21 A. No.

22 Q. Do you know if anybody gave a
23 hand-held radio to any of the guys
24 that went back into the mine, the
25 superintendent, Wilfong, Schoonover

90

01 or ---?

02 A. As far as I know, no.

03 Q. I think you said, and I might
04 be wrong, was there a smell to this,
05 you said ---?

06 A. Yeah, there was a burnt smell.
07 I've never quite smelled anything
08 like it, kind of a burnt electrical
09 --- kind of smelled like a --- the
10 insulation on a piece of wire that
11 had melted or burned or something,
12 just a real obnoxious odor.

13 Q. Did it burn your eyes or your
14 nose?

15 A. No.

16 Q. Just the smell was ---?

17 A. Just the smell.

18 MR. MILLS:

19 That's all I've got.

20 MR. SWENTOSKY:

21 Okay.

22 BY MR. SWENTOSKY:

23 Q. Did you have any aftereffects?
24 In other words, you come outside or
25 any time, did you ever feel nauseous

91

01 or ---

02 A. No.

03 Q. --- sweating or since that
04 time at all?

05 A. No. I didn't have any
06 aftereffects at all.

07 Q. Okay. I just have a few more
08 questions and when I say a few, it's
09 a few. I have some training
10 questions I have. When was the last
11 time you had annual retraining?

12 A. Oh, man. I mean, I know I
13 just had it this last year, but I
14 don't recall the date.

15 Q. Last year, 2005 you're talking
16 about?

17 A. Right. 2005, I had retraining
18 for 2005.

19 Q. Do you remember if it was in
20 the summer, in the spring?

21 A. Spring, I believe it was.

22 Q. Can you describe what you ---
23 what they covered in that class?

24 A. Oh, they covered, you know,

25 your basic training as far as

92

01 conditions you encounter in the mines
02 and the roof bolt patterns, the
03 donning and usage of your SCSRs and
04 you know, some first-aid to extend as
05 far as minor scrapes and bruises.

06 They go over some of the laws and
07 whatnot. Doing a complete --- they
08 reread the roof control plan to you
09 and any revisions that have been made
10 to it. You know, you sit and watch a
11 couple videos.

12 Q. Okay. Who conducted that
13 training?

14 A. Johnny Stemple, I believe he
15 did ours.

16 Q. Did you do it on mine property
17 there or did you go off the property
18 somewhere or ---?

19 A. It was at the preparation
20 plant.

21 Q. Did the trainer and you sign a
22 copy of a form ---

23 A. Yeah.

24 Q. --- after you had that
25 training?

93

01 A. Yeah.

02 Q. Did he give you a copy of
03 that?

04 A. I've got the pink slip. I
05 have no idea where it's at.

06 Q. Do you recall whether the mine
07 emergency evacuation plan was ---?

08 A. Oh, yeah, they covered the
09 escapeways and all that in the
10 training.

11 Q. Do you know who the
12 responsible person is at the mine as
13 related to that firefighting
14 evacuation plan?

15 A. I would assume it would be the
16 dispatcher, right. I mean, that
17 would be the first person you could
18 contact, would be the dispatcher.

19 Q. Does --- do you recall anyone
20 ever telling you that --- who the
21 responsible person was in case of
22 emergencies?

23 A. I'm sure they did, but it's
24 slipped my mind.

25 Q. Are you familiar with the

94

01 location of the emergency supplies
02 underground?

03 A. Yeah. We have --- on each

04 section, has their own emergency
05 supplies in the intake.

06 Q. Okay. The emergency materials
07 as it related to, like brattice?
08 A. Yeah, brattice cloth, roof
09 bolts, timbers, ax, wedges. I think
10 there's some rock dust. I'm not
11 exactly sure what all's on there, but
12 that's the basics of it.

13 Q. You're saying that's in the
14 section or ---?
15 A. Yeah, that's on the section,
16 on the emergency sled.

17 Q. Is there any other place along
18 the outby at all they have that ---
19 have materials such as that located?
20 A. Not to my knowledge, no.

21 Q. Okay. Are you familiar with
22 the evacuation procedures, like in an
23 emergency, ---
24 A. Yeah.

25 Q. --- are you familiar with

95

01 that? Can you explain those to me a
02 little bit, you know, to the best of
03 your knowledge?
04 A. Well, they just do ---
05 basically, get to fresh air and try
06 to make your way outside and if you

07 can't make your way outside, try to
08 find the freshest air you can and
09 barricade.

10 Q. Were barricading procedures
11 discussed during your training at
12 all?

13 A. No.

14 Q. Are you qualified to take
15 methane and oxygen tests?

16 A. No.

17 Q. Were the hazards of carbon
18 monoxide ever discussed?

19 A. In training and the retraining.
20 They discuss all that in the
21 retraining.

22 Q. What about --- I think you did
23 mention, were escapeways covered
24 during part of that training?

25 A. Right. They discuss all your

96

01 gasses and ---.

02 Q. Have you ever participated in
03 escapeway drills?

04 A. Yeah. Not as a drill, but we
05 have walked them.

06 Q. Okay. Can you just describe
07 that for me a little bit, what
08 happens there during ---?

09 A. Well, you basically walk from
10 a section to the outside, through the
11 escapeways. Of course, we all travel
12 the secondary escapeway every day
13 which is the track entry.

14 Q. Okay.

15 A. I'm not sure, every so often,
16 so many of us have to walk the main
17 escapeway from the section to the
18 outside.

19 Q. And you've done that?

20 A. One time.

21 Q. One time?

22 A. Yeah.

23 Q. Do you know when that might
24 have been or how long ago?

25 A. I wouldn't know.

97

01 Q. Do you recall, like, what ---

02 from what sections you traveled?

03 Where you were at? You know, what

04 section you were mining? I know you

05 said you were up ---?

06 A. If I'm not mistaken, I was

07 still in the original mains. I think

08 that was still called --- I think it

09 was called One Left when it was the

10 original mains or just the mains that

11 I was on that.

12 Q. Who traveled with you during
13 that time? Do you recall?

14 A. I think Owie, Owen Jones ---
15 well, no, not Owie. That would have
16 been --- I don't recall. Owie wasn't
17 bossing us at that time. And I don't
18 recall who was with us.

19 Q. How are the primary and the
20 secondary escapeways identified?

21 A. Primary has green reflectors,
22 secondary has red reflectors.

23 Q. Did you ever participate in
24 any fire drills?

25 A. Other than them more or less

98

01 going over it with us and telling us
02 what our jobs were, what we were
03 responsible to do.

04 Q. Anything like a simulated
05 fire?

06 A. No, we never did a simulated.

07 Q. Where was that at, whenever
08 they --- where did they do --- do you
09 recall where that was at that they
10 were discussing with you ---?

11 A. It was on the section.

12 Q. On the section?

13 A. Right.

14 Q. So it was just a discussion
15 ---
16 A. Right.
17 Q. --- more of what to do?
18 A. What each man's job was in the
19 event of a fire.
20 Q. Have you received SCSR
21 training?
22 A. Yeah, we received that ---
23 Q. How long was ---?
24 A. --- with a retrain --- and a
25 retraining.

99

01 Q. Did you receive any additional
02 SCSR training, like after that point
03 or is it just during the retraining?
04 A. Just on the retraining, right.
05 Q. Retraining. Was it discussed
06 like when you should don an SCSR?
07 A. Oh, yeah.
08 Q. What did they tell you?
09 A. In the event you encounter
10 smoke, noxious gasses, those type
11 situations.
12 Q. And first-aid training, have
13 you ever received first-aid training?
14 A. Other than just the basic
15 first-aid training, that's all I've
16 had.

17 Q. What did they cover in that?

18 A. Basic scrapes, identifying,
19 you know, like a broken bone or
20 something like that or ---.

21 Q. Did you ever have an
22 opportunity whenever an escapeway was
23 changed, the route was changed, did
24 anybody ever ---?

25 A. Oh, yeah, they told us when

100

01 they had to change the routes. They
02 showed us on the map exactly how it
03 was changed.

04 Q. Right after it was changed or
05 ---?

06 A. I'm not qualified to say it
07 was right after it was changed.

08 Q. Okay. All right. But they've
09 done that?

10 A. It might have been on our
11 first day back since, you know, it
12 was changed, but they --- yeah, they
13 showed us on the map.

14 Q. I believe you did mention they
15 covered a roof control plan?

16 A. Yeah.

17 Q. And a ventilation plan ---

18 A. Yes.

19 Q. --- during your retraining?
20 What about like if a --- did anyone
21 ever discuss with you that a
22 ventilation change was going to be
23 made or prior to making that change?
24 A. No, not prior to. No. I
25 mean, other than --- like if they're

101

01 going to build an overcast or
02 something like that, everybody knew
03 they were building an overcast in
04 such and such area, but ---

05 Q. What about like ---?

06 A. --- as far as making the air
07 change itself, no, they never
08 discussed or told us when exactly
09 they were going to do it.

10 Q. Okay. Like changing air
11 direction in a particular entry or
12 anything like that, anybody ever talk
13 to you about that at all?

14 A. On the working section or ---?

15 Q. Like outside.

16 A. No. Because usually they did
17 their air changes when production
18 crews were gone. They tried to do
19 their air changes when there's just a
20 minimum amount of personnel in the
21 mines or what was required to be in

22 there.

23 Q. Did they --- do you think the
24 training that you received was
25 adequate?

102

01 A. Yeah. Yeah, I do.

02 Personally, I believe that we could
03 all stand with a little bit of extra
04 first-aid training, but as far as our
05 annual retraining goes, it's --- I
06 mean, you know, they do what's
07 required.

08 Q. Okay. Is there anything that
09 you think that should be added to the
10 retraining?

11 A. Other than maybe a little bit
12 more first-aid or something like
13 that, no.

14 Q. Okay. Thanks. Have you ever
15 been searched for smoking articles?

16 A. Oh, yeah.

17 Q. How do they do that?

18 A. They stop us usually at the
19 lamphouse after we've done our lamps
20 and everything and get ready to go
21 underground, there's somebody outside
22 the door at the lamphouse that
23 manually pats you down and looks in

24 your dinner bucket and ---.

25 Q. Okay. Who does that?

103

01 A. It's usually the mine foreman

02 does it.

03 Q. And who is the mine foreman?

04 A. Carl Crumrine I think it is

05 now, yeah.

06 Q. Well, I assume then that

07 you've observed someone else being

08 searched?

09 A. Oh, yeah. Yeah.

10 Q. Did you ever observe anyone

11 smoking underground?

12 A. No, never have.

13 Q. Have you ever found any

14 smoking articles while you're

15 underground at any time?

16 A. Nope.

17 MR. SWENTOSKY:

18 Anything else?

19 MR. MILLS:

20 Yeah, one question.

21 BY MR. MILLS:

22 Q. During your annual retraining,

23 do you have any hands-on with

24 detectors?

25 A. As far as methane detectors or

104

01 ---?

02 Q. Yeah.

03 A. I personally haven't, no. As
04 a shuttle car operator, we --- I
05 haven't, no. But I know the scoop
06 operator, bolt man, miner men, I
07 think, of course the foremen. I
08 think they get their training on it.

09 MR. MILLS:

10 That's all.

11 BY MR. SWENTOSKY:

12 Q. Has anyone offered anything to
13 you or made any promise to you in
14 exchange for your appearing here
15 today?

16 A. No.

17 Q. Do you have anything else that
18 you would like to add at this time or
19 what do you think caused it?

20 A. I am not one to speculate. I
21 mean, to tell you the truth, I don't
22 know, it just happened so fast. I do
23 know it came from inby us, I can
24 state that for a fact. It came from
25 inby us, just the way the rush of air

105

01 and debris and everything came by me.

02 And I think I'm on the bandwagon with

03 everybody else, we need to find some
04 better ways to communicate
05 underground other than what we have
06 now. I mean, I think that could have
07 made a big difference in not only
08 this, but the most recent one we just
09 had. And we're working with '60s and
10 '70s technology and this is the ---
11 you know, 21st century. We need to
12 find --- we need to find something,
13 you know, a little bit better. I
14 don't know what it would be, but we
15 do need to find some better ways to
16 communicate. I don't know if --- you
17 know, what technologies would work
18 underground as far as GPS or anything
19 like that. I think that's one area
20 that really needs to be looked into,
21 some better communications.

22 Q. Thanks.

23 MR. SWENTOSKY:

24 Do you have anything
25 else?

106

01 MR. MILLS:

02 No.

03 MR. SWENTOSKY:

04 Okay. On behalf of
05 MSHA, I would like to thank

06 you for appearing and
07 answering questions today.
08 Your cooperation is very
09 important to the investigation
10 as we work to determine the
11 cause of the accident.

12 We ask that you not
13 discuss your testimony with
14 any person who may have
15 already been interviewed or
16 may be interviewed in the
17 future. This will ensure that
18 we obtain everyone's
19 independent recollection of
20 the events surrounding the
21 accident.

22 After questioning other
23 witnesses, we may call you if
24 we have follow-up questions
25 and we feel that we need to

107

01 ask you. If at any time, you
02 have additional information
03 regarding the accident that
04 you would like to provide to
05 us, please contact us at the
06 contact information that was
07 previously provided to you.

08 And that's on that business
09 card.

10 A. Business cards.

11 MR. SWENTOSKY:

12 The Mine Act provides
13 certain protections for miners
14 who provide information to
15 MSHA and as a result are
16 treated adversely. If at any
17 time, you believe that you
18 have been treated unfairly
19 because of your cooperation in
20 this investigation, you should
21 immediately notify MSHA. If
22 you wish, you may now go back
23 over any answers you have
24 given during the interview,
25 and you may also make a

108

01 statement that you would like
02 to make at this time.

03 A. No. I'm okay.

04 MR. SWENTOSKY:

05 Okay. Again, I want to
06 thank you for your cooperation
07 in this matter.

08 A. You're welcome.

09 MR. MILLS:

10 Thanks, Chris.

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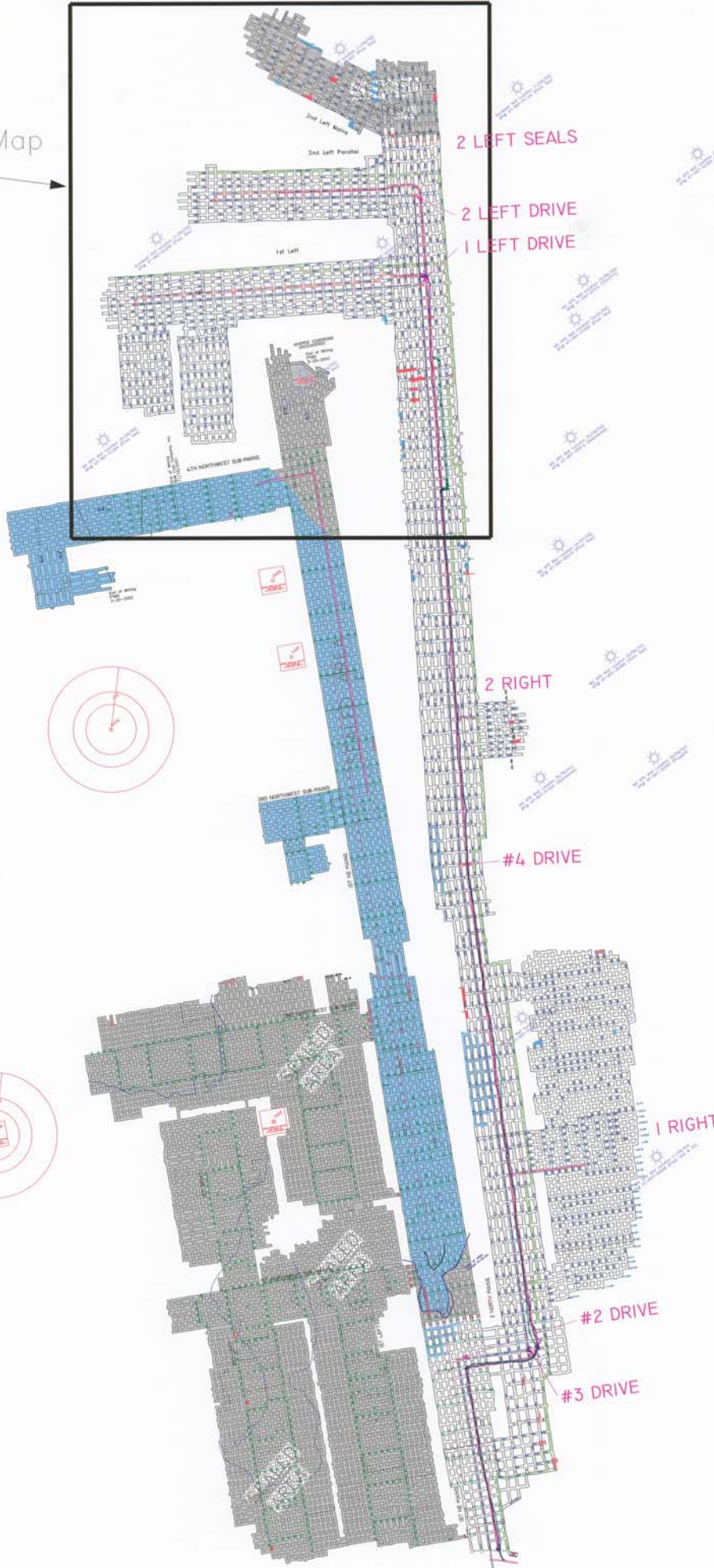
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SWORN STATEMENT

CONCLUDED AT 3:07 P.M.

* * * * *

Area Shown on Map
Scale: 1"=100'



Scale: 1" = 300