

01 STATEMENT UNDER OATH
02 OF
03 RONALD GRALL
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Wednesday, January 19th, 2006, at
13 2:07 p.m.

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01

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02

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P R O C E E D I N G S

MR. SWENTOSKY:
 Good afternoon, Mr.
 Grall. My name is Dennis
 Swentosky, and I'm am accident
 Page 6

07 i nvestigator wi th the Mi ne
08 Safety & Heal th
09 Admi ni strati on, an agency of
10 the Uni ted States Department
11 of Labor. Wi th me i s Robert
12 Wi lson, from the Sol i ci tor' s
13 Offi ce, Doug Conaway, wi th the
14 West Vi rgi ni a Offi ce of
15 Mi ners' Heal th, Safety &
16 Trai ni ng.

17 MR. MI LLS:

18 Bri an Mi lls.

19 MR. SWENTOSKY:

20 Excuse me. Bri an
21 Mi lls, wi th the West Vi rgi ni a
22 Offi ce of Mi ners' Safety &
23 Trai ni ng. And al so Joseph
24 Pavl ovi ch, wi th the State.

25 I have been assigned to

9

01 conduct the i nvesti gati on i nto
02 the acci dent that occurred at
03 the Sago Mi ne on January 2nd,
04 2006, i n whi ch 12 mi ners di ed
05 and one was i nj ured. The
06 i nvesti gati on i s bei ng
07 conducted by the Mi ne Safety &
08 Heal th Admi ni strati on and the
09 West Vi rgi ni a Offi ce of
10 Mi ners' Heal th, Safety &
11 Trai ni ng, to gather

12 information to determine the
13 cause of the accident. And
14 these interviews are an
15 important part of the
16 investigation.

17 At this time, the
18 accident investigation team
19 intends to interview a number
20 of people to discuss anything
21 that is relevant to the cause
22 of the accident. After the
23 investigation is completed,
24 MSHA will issue a written
25 report in detail detailing the

10

01 nature and the causes of the
02 accident. MSHA accident
03 reports are made available to
04 the public in the hope that
05 greater awareness about the
06 causes of the accidents can
07 reduce their occurrence in the
08 future.

09 Information obtained
10 through witness interviews is
11 frequently included in these
12 reports. Your statement may
13 also be used in other
14 enforcement proceedings.

15 I would like to thank
16 you in advance for your
17 appearance here today.

18 appreciate your assistance in
19 this investigation. The
20 willingness of miners and mine
21 operators to work with us is
22 crucial to our success in
23 making the nation's mines
24 safer. We understand the
25 difficulty for your in

11

01 discussing the events that
02 took place and we greatly
03 appreciate your efforts to
04 help us understand what
05 happened.

06 This interview with Mr.
07 Ronald Grall ---

08 MR. GRALL:

09 Grall (corrects
10 pronunciation).

11 MR. SWENTOSKY:

12 --- Grall is being
13 conducted under Section 103 of
14 the Mine Safety --- Federal
15 Mine Safety & Health Act of
16 1977, as part of an
17 investigation by the Mine
18 Safety & Health Administration
19 in the West Virginia Office of
20 Miners' Health, Safety &
21 Training, into the conditions,
22 events, circumstances,

23 surrounding the fatalities
24 that occurred at the Sago Mine
25 owned by International Coal

12

01 Group in Buckhannon, West
02 Virginia on January 2nd, 2006.
03 This interview is being
04 conducted at the United States
05 Bankruptcy Court in
06 Clarksburg, West Virginia, on
07 January 19th, 2006.

08 Questioning will be
09 conducted by representatives
10 of MSHA and the Office of
11 Miners' Safety --- Miners'
12 Health, Safety & Training.
13 Mr. Grall, the interview will
14 begin by my asking you a
15 series of questions. If you
16 do not understand a question,
17 please ask me to rephrase it.
18 Feel free, at any time, to
19 clarify any statements that I
20 make in response to your
21 questions. After we have
22 finished asking questions, you
23 will also have an opportunity
24 to make a statement of your
25 own and provide us with any

13

01 other information that you
02 believe may be important.

03 If at any time after
04 the interview you recall any
05 additional information that
06 you believe may be useful in
07 the investigation, please
08 contact Richard Gates at the
09 contact information being
10 provided to you. And that
11 would be the business card.

12 Your statement is
13 completely voluntary. You may
14 refuse to answer any question
15 and you may terminate your
16 interview at any time. If you
17 need a break for any reason,
18 please let me know. The court
19 reporter will record your
20 interview and will later
21 provide a written transcript
22 of the interview. Please try
23 and respond to all questions
24 verbally since the court
25 reporter cannot record

14

01 nonverbal responses. Also,
02 please try to keep your voice
03 up.

04 Copies of the written
05 transcripts will be made
06 available at a later date and
07 that's after our investigation

08 is completed. If any part of
09 your statement is based on
10 your own information ---
11 excuse me. If any part of
12 your statement is based not on
13 your own firsthand knowledge,
14 but on information that you
15 learned from someone else,
16 please let us know. Please
17 answer each question as fully
18 as you can, including any
19 information you learned from
20 someone else.

21 You may also ask
22 questions --- you may ask the
23 right questions to learn the
24 information you have, so do
25 not feel limited by the

15

01 precise question that I ask.
02 If you have information about
03 the subject area of the
04 question, please provide us
05 with that information.

06 At this time, Mr.
07 Mills, do you have anything
08 that you would like to add on
09 behalf of the Miners' Health,
10 Safety & Training?

11 MR. MILLS:

12 Mr. Grall, the West
13 Virginia Office of Miners'

14 Health, Safety & Training is
15 conducting this interview
16 session jointly with MSHA and
17 are in agreement with
18 procedures outlined by Mr.
19 Swentosky, for these
20 interviews, that will be
21 conducted here today. But the
22 Director reserves the right,
23 if necessary, to call or
24 subpoena witnesses or require
25 the production of any record,

16

01 document, photograph or other
02 relevant materials necessary
03 to conduct this investigation.

04 MR. SWENTOSKY:

05 Mr. Grall, you are
06 permitted to have your
07 representative with you during
08 the interview. And you may
09 consult with your
10 representative at any time.
11 You may designate a person to
12 be your representative. Do
13 you have a representative with
14 you?

15 MR. GRALL:

16 No.

17 MR. SWENTOSKY:

18 Do you have any

19 questions regarding the manner
20 in which the interview is
21 being conducted?

22 MR. GRALL:

23 No.

24 MR. SWENTOSKY:

25 Could you please swear

17

01 in Mr. Grall, please.

02 -----

03 RONALD GRALL, HAVING FIRST BEEN DULY
04 SWORN, TESTIFIED AS FOLLOWS:

05 -----

06 BY MR. SWENTOSKY:

07 Q. Mr. Grall, could you please
08 state your full name and spell your
09 last name for us, please?

10 A. Okay. Ronald Earl,
11 G-R-A-L-L, Grall.

12 Q. Could you please state your
13 address and phone number for the
14 record, please?

15 A. Route 9, Box 136, Buckhannon,
16 West Virginia, 26201.

17 Q. Do you happen to have an
18 e-mail address?

19 A. No.

20 Q. Can you also give your phone
21 number, please?

22 A. 472-7045.

23 Q. All right. Are you appearing
24 here today voluntarily?

25 A. Yes, sir.

18

01 Q. Mr. Grall, how many years of
02 mining experience do you have, your
03 total mining experience?

04 A. Forty (40).

05 Q. Forty (40)?

06 A. Forty (40) years.

07 Q. Can you give us, please, a
08 brief description of your mining
09 experience, employment history?

10 A. I started in 1966. Do you
11 want me to start from the beginning?

12 Q. Just briefly. Go ahead.

13 A. I worked at Valley Camp 14
14 years, running the shuttle car. I
15 worked on production section. I was
16 section foreman for ten years at
17 Valley Camp. And I worked a couple
18 years as a belt examiner in a mine in
19 Ohio. And I worked at Bethlehem
20 Steel as a utility man, and a fire
21 boss on the weekends. I worked there
22 about 14 years. And I worked at Bass
23 Energy as a belt man --- well, belt
24 examiner, for, oh, two or three
25 years. And then currently employed

19

01 for Anker for the last six or seven
02 years, as a mine examiner, belt man
03 --- slash belt man, fire boss.

04 Q. What year did you start at
05 Sago Mine?
06 A. At Sago Mine?
07 Q. How much time at Sago Mine?
08 A. Four or five months. I think
09 I went over in August. It was either
10 the last part of August or the first
11 part of September.
12 Q. What mine did you previously
13 work, which one of Anker's?
14 A. Spruce.
15 Q. Pardon me?
16 A. Spruce Fork.
17 Q. Spruce Fork. What is your
18 present position?
19 A. Mine examiner. That's what
20 I'm classified as, a mine examiner.
21 Q. Okay. And as a mine examiner,
22 is that what you do all day or ---?
23 A. No. Well, me and John Boni,
24 we walk the airways one day a week.
25 In between that, we pump water.

20

01 Q. That's the most --- you pump
02 water then?
03 A. We do that all day long, pump
04 water, run the pumps.
05 Q. Did you hold the same position
06 on January 2nd, 2006, the day of the
07 accident?
08 A. Yes, sir.
09 Q. Can you describe your duties

10 on the day of the accident?
11 A. Yeah. I was riding in with
12 One Left crew to the section they was
13 on, to check the pumps on that part
14 of the mine. They had --- I think
15 they had one, two --- they got three
16 or four pumps up there. I was going
17 to go up there and check the pumps up
18 there and then go to Two Left and put
19 a pump up there. I was going to go
20 up and check that one and then start
21 checking all the pumps towards the
22 outside.

23 And John Boni got off at 22
24 block or on three belt, going in,
25 that morning, to check the pumps

21

01 going in down there. He had one pump
02 that wasn't --- the power wouldn't
03 stay on, so that's where he got off.
04 We was just going to like meet there
05 later on in the day. I was going to
06 work my way out. He was going to
07 work his way in. So that's what we
08 had planned that morning.

09 Q. Okay. And how long have you
10 worked in this present --- and your
11 present position again?

12 A. Mine examiner?

13 Q. Yes.

14 A. At this particular company?

15 Q. Yes, at Sago Mine.
16 A. I've only been at Sago four or
17 five months.
18 Q. Okay. And you've worked in
19 that same position?
20 A. Right.
21 Q. Do you have any mining
22 certificates, certifications?
23 A. Yeah, a mine foreman
24 certificate, West Virginia, mine
25 foreman certificate, for Ohio. Fire

22

01 boss card. EMT.
02 Q. Okay.
03 A. Any other ones? I don't have
04 that ---. Well, I'm no electrician.
05 I'm afraid of electricity.
06 Q. Okay. I am, too.
07 A. I'd like to be an electrician,
08 because they can get a job pretty
09 easy.
10 Q. Yes. And so you have
11 certificates both in West Virginia
12 and Ohio. Any other states?
13 A. No, sir.
14 Q. Who's your immediate
15 supervisor?
16 A. It would be Carl Crumrine.
17 Q. And he is the ---?
18 A. Mine foreman.
19 Q. Mine foreman. How long has
20 that person been your supervisor?

21 A. Since the time I've been here.

22 Q. Since you've come to the mine,
23 what time do you normally start your
24 work shift?

25 A. 6:00 a.m.

23

01 Q. And of course, you were
02 working on the day of the accident.
03 What I'd like for you to do, if you
04 would, just if you would start on the
05 day of the accident and starting at
06 the time you arrived on mine
07 property, what time that was. Just
08 kind of go through the day completely
09 and just basically tell us what you
10 know from the time you got there to
11 the time you left.

12 A. I think I arrived probably
13 around 20 minutes 'til 6:00. I had
14 my clothes already on, so I just put
15 my shoes on and my hat and my belt.
16 I got my light. Went down over the
17 hill and it was like raining,
18 thundering, lightning and stuff like
19 that. And I went down to the pit
20 mouth to wait on the trip. Owie
21 Jones had the mantrip waiting inside,
22 just right inside the pit mouth. The
23 mantrip he had was too small. It
24 wasn't big enough. It only held
25 about 8 or 9 people, and we had like

01 14 people.

02 And we told Owie the mantrip
03 was too small, because we had three
04 extra. He had me and three extra
05 guys --- or two extra guys to haul
06 in, plus his own 12 men, or how many
07 he had on the crew.

08 Well, anyway he had to switch
09 it out, which took about ten minutes.
10 And by this time, this lightning was
11 really getting bad. And it started
12 to thunder, you know. It was warm
13 that morning, about 50, 55. We was
14 commenting on the lightning hitting
15 the ground.

16 And that ten minutes he took
17 to get the other mantrip, put us
18 about ten minutes behind that other
19 crew. And we went in. We let off
20 John Boni at 22 block on three belt.
21 That's where that pump was at. The
22 pump was over in the return. I think
23 he remarked he was in the return
24 checking the pump when the accident
25 happened.

01 Then we went on up to what
02 they call four-inch belt drive. His
03 son got off there, Pat Boni, and I
04 rode all the way into the One Left
05 switch, just getting ready to turn up

06 into One Left section, and that's
07 when the explosion occurred. That
08 was probably around like 6:30.
09 Somebody had commented it was like
10 6:31.

11 But after it was over, I
12 couldn't see my watch. It was
13 covered with mud. So I couldn't tell
14 you exactly that's what time ---
15 that's approximately about when it
16 happened, 6:30, 6:31.

17 Q. You can go ahead and continue.

18 A. Well, I felt this --- we was
19 setting there getting ready to go
20 around the turn. I felt this kind of
21 ---. I didn't hear anything but a
22 little bump, like a thump. And all
23 this stuff started blowing down on
24 us, coal dust, soot, ash, mud. It
25 was just like volcano stuff, you

26

01 know, it was just like being in a
02 volcano. And I thought we was
03 getting covered up with a roof fall
04 at first. And that scared me more
05 than being in an explosion. I said,
06 oh, no, I'm going to get covered up
07 in a mantrip, buried alive here.

08 When it was all --- when it
09 was done blowing, then Roger Perry
10 commented, the mine blew up. So I

11 stepped out of the mantrip. I still
12 had my light off. I had my methane
13 detector on and it was going crazy.
14 It was a beeping, but I couldn't see
15 it because of dust and stuff, smoke.
16 When Roger Perry said, the mine blew
17 up, I stepped out of the mantrip and
18 that's when I felt the heat off of
19 that explosion, off the ---. And you
20 just couldn't breathe.

21 So I said --- Alton Wamsley,
22 him and another guy got ahold of me
23 and we went over to the intake for
24 the --- one block down there's a man
25 door, the intakes. There's a pump

27

01 there. We tried to go through that
02 man door. We opened the man door and
03 it was hotter in the intake than it
04 was where we was at. So we had to
05 close the door, and I said, let's go
06 on down the track and find some fresh
07 air, we've got to get to fresh air.
08 And man, you couldn't see nothing and
09 it was getting hard to breathe. But
10 there really wasn't that much smoke.
11 There was a lot of dust. I didn't
12 really smell any smoke. My mouth was
13 full of dirt and dust and coal. My
14 ears, my nose.

15 And them guys had ahold of me
16 and we went down the track. We felt

17 our way down the track, probably down
18 to --- I think we come to 37 block.
19 We was at like --- I think One Left
20 switch is 48, 48 block, Four belt.
21 We went down to 37 block, found
22 another man door. And all the ---
23 most of the stoppings between there
24 and 37 was blowed out, blown out on
25 the intake side. They was all out on

28

01 the track, what you could see.

02 So we went down to 37 block.

03 Paul Avington and me, somehow we got
04 ahead of them other guys, they got
05 behind. I thought they was right
06 behind me, but they weren't. And we
07 went in the 37 block and we found
08 some fresh air. I told Paul to stay
09 there. I'd go back and try to get
10 them other guys up there. And I'm
11 hollering at him. I couldn't see
12 him. And I'm hollering and
13 hollering, Owie down here, Owie. And
14 Al. And I said, come on down here.

15 And finally I seen two lights
16 coming through the dust. I think it
17 was Alton and Eric Hess. I'm not
18 sure. But we got them all down there
19 and got them in that man door and
20 everybody could breathe. But there
21 was still a little bit of dust in the

22 air. You know, you could breathe and
23 the air was pretty good. I checked
24 my methane detector and it was
25 showing methane. But it started to

29

01 go down. The methane started to
02 decline on the spotter, but it was
03 still beeping like, you know. And
04 finally, when everything cleared out,
05 it quit beeping.

06 But we didn't really get to
07 really fresh air until we got down
08 around 32 block on Four belt. That
09 was about five more blocks outby
10 towards the fan, towards the outside.
11 And once we got down there, it was
12 pretty good air down there. You
13 could feel the air hitting you in the
14 face, so I know the fan wasn't off.

15 And me and Paul somehow got by
16 ourselves again. We're down there
17 waiting on these guys. He's trying
18 to call him on his two-way radio.
19 They said they was coming but we
20 couldn't see them. So we just
21 started walking on down. We got
22 down, I don't know ---. We went
23 clear down to the nine block on Four
24 belt maintenance shanty. There's a
25 phone in there. I told Paul, stay

30

01 put and I'll go call, try to get
Page 24

02 outside.

03 Well, I calls outside, which
04 is around sometime between 7:00 and
05 7:30. I'm not sure what time it was
06 Like I said, my watch was still
07 covered in mud and I didn't bother
08 cleaning it off to see what time ---.
09 I wasn't worried about the time.

10 But when I got on the phone, I
11 got ahold of a yardman, along there,
12 not the dispatch, but I got ahold of
13 the yard guy out there that works in
14 the yard. I told him we had an
15 explosion that we needed to get ---
16 we needed help, had a problem. And
17 then Dick Wilfong, I didn't know he
18 was even in there. They was on ---
19 passed us on the track. They already
20 had the other bunch of guys coming
21 that way. And then Paul was going to
22 wait on them. And then when I found
23 out that he had them, he told us to
24 wait there and he'd pick us up.

25 But I wanted to walk the rest

31

01 of the way out anyway. I didn't
02 really want to ride out anyhow. My
03 heart was pounding so hard, I
04 couldn't hardly hold still. So I
05 asked Paul if he wanted to walk. And
06 he said, no, he'd rather ride, so we

07 waited on --- Dick Wilfong had all
08 them guys and drove us outside.

09 We must have got outside about
10 7:30, before 7:30. Because my wife
11 said I called her at 7:33 on the cell
12 phone to tell her I didn't want her
13 to see it on the news, you know.

14 Q. Yes.

15 A. I told her what happened. I
16 was okay, so she wouldn't see it on
17 the news and go off the deep end.
18 But we got outside --- it only took
19 us less than an hour to get out. So
20 that's about what happened.

21 Q. Okay. I appreciate you going
22 through that. Maybe if we could just
23 kind of back up a little bit and
24 we'll go through and pick up --- ask
25 you a few more details and do this

32

01 again in more detail. Did you begin
02 the shift at the normal time that day
03 or your normal time?

04 A. Yeah, except for the delay of
05 switching mantrips around.

06 Q. But you got at the mine around
07 the same time?

08 A. Yes.

09 Q. You think it was fairly
10 normal?

11 A. Yes. Just normal, typical
12 Monday.

13 Q. Okay. What time did you say
14 you got to the mine that day?

15 A. It must have been 20 minutes
16 to 6:00. I don't get there real
17 early, sometimes 5:30, sometimes 20
18 'til. The earliest I ever get there
19 is like 5:30. It only takes me a few
20 minutes to get ready to go in.

21 Q. What did you do on the
22 surface? Kind of just give me a
23 little bit of an idea, again, when
24 you got there and what all you did.

25 A. Well, like I said, putting my

33

01 work shoes on and my hat and my coat.
02 I went to the trailer where they keep
03 the lights. I got my cap light and
04 checked in. In fact, I probably
05 drank a cup of coffee while I was
06 there. I talked to a few guys and it
07 was time to go.

08 Q. And where did you pick up the
09 methane at? You took a methane
10 detector with you that day; is
11 that ---?

12 A. We always take one, ---

13 Q. Okay.

14 A. --- because we got to check
15 pumps.

16 Q. Yes. Where did you pick that
17 up?

18 A. What, the methane detector?
19 Q. Yes.
20 A. Out of the office.
21 Q. Out of the office?
22 A. It's got my name on it, it's
23 charged up, it's on a charger. You
24 get it off the charger.
25 Q. Do you do the calibration or

34

01 is that calibrated for you?
02 A. They do it.
03 Q. They do it, meaning ---?
04 A. Well, I check it before I go
05 in, make sure it's --- you know, it's
06 got --- it's working properly.
07 Q. Who calibrates the methane
08 detectors?
09 A. I have no idea.
10 Q. And did you speak to anyone
11 --- I know you spoke to someone, but
12 I mean, did you speak to any of the
13 management people or, you know,
14 any discussions on what you might
15 find ---
16 A. No.
17 Q. --- or need to do? Anybody
18 give you any instructions?
19 A. The only one I talked to was
20 Fred Jamison --- or I didn't actually
21 talk to him. I was hearing him tell
22 John Boni that the pump at 22 block
23 and the return, he couldn't get the

24 power on and that's why he had to
25 stop and check it. And John turned

35

01 to me and said he'd get off there and
02 check it and for me to go on up to
03 One Left and check the pumps on the
04 way back, because they got a lot of
05 pumps. And you got to make sure
06 they're running because if you don't
07 --- it's probably flooded down there
08 now, right now, probably.

09 Q. Did anyone enter the mine
10 before you? I think you did say the
11 Two Left crew went.

12 A. The Two Left crew had already
13 left. They left --- they always come
14 in first for some reason. I don't
15 know why, but they always come in
16 first. They was already gone.

17 Q. Okay.

18 A. So like I said, we was like
19 ten minutes, maybe. Maybe not that
20 much.

21 Q. And they were going to the Two
22 Left section?

23 A. Right.

24 Q. That's the only place that
25 they were going to be going?

36

01 A. Yeah.

02 Q. Approximately what time did

03 you enter the mine
04 A. Probably about 6:12.
05 Somewhere between 6:12 and 6:15,
06 because it takes about 15 minutes or
07 so to get to the One Left switch.
08 Q. You said that it took --- or
09 the other crew was about, what five
10 or ten minutes ahead of you?
11 A. I'd say ten minutes.
12 Q. Ten minutes.
13 A. Like I said, I was just
14 estimating. I didn't really look at
15 my watch.
16 Q. What type of mantrip do you
17 have?
18 A. Battery powered.
19 Q. That's a closed mantrip;
20 right?
21 A. Yeah. Except for the driver,
22 he's not --- he's out in the open.
23 Q. After the Two Left crew
24 entered the mine, do you know, was
25 there any other contact? Did you

37

01 guys make any other contact with him,
02 or did you make any contact --- do
03 you know if anybody in that area
04 had ---?

05 A. No. None whatsoever.

06 Q. How many people were on your
07 mantrip?

08 A. Going in? Starting in?

09 Q. Yes.
10 A. Okay. There was me --- 15.
11 Q. Can you tell me who was on
12 there?
13 A. Me; Owie Jones was the driver;
14 Pat Boni, John Boni, Roy --- or Roger
15 Perry, Paul Avington, Hoy Keith, Gary
16 Carpenter, Gary Rowen, Randy --- I
17 can't remember his last name.
18 Q. Helmi ck?
19 A. Helmi ck, yeah, he was there.
20 And Eric Hess.
21 Q. Eric Hess.
22 A. And Gary Rowen. Did I say
23 that?
24 Q. Yes.
25 A. Paul ----.

01 Q. Did you miss Chris Tenney?
02 A. Chris Tenney. He was on
03 there. I was on the same end he was
04 on.
05 Q. And you said Paul Avington?
06 A. Yeah. Me, Paul Avington,
07 Chris Tenney was all on the same end
08 with Hoy Keith. We was all on the
09 same ----.
10 Q. Which end was that?
11 A. That was the outby in.
12 Q. Outby in.
13 A. Towards the outside. I'm not

14 sure about Hoy Keith, what end he was
15 on. He usually rode that end but he
16 might have been on the other end.

17 Q. Was this normally the number
18 of persons that rode that mantrip?

19 A. Yeah. Yes.

20 Q. And I know you said you got
21 off, but who was the first person to
22 get off the mantrip?

23 A. John Boni.

24 Q. John Boni.

25 A. Yeah.

39

01 Q. And where did he get off at?

02 A. It was called 22 block, Three
03 belt. No, that ain't right. That's
04 not true. He got off --- the pump is
05 at 22 block on Three belt, but where
06 he got off was --- at 18 break on
07 Three belt there's a power center
08 there. You've got to put the power on
09 the pump there and then go to the
10 return. You got to go to belt Three
11 or Four break.

12 Q. Is that the first stop that
13 you made going underground?

14 A. Right. It's called the One
15 Right. It's the One Right switch.
16 The One Right section it used to go
17 to One Right, that's where he got
18 off. That would be more accurate to
19 say One Right switch.

20 Q. Okay.
21 A. It's just a switch there, it's
22 not ---. It's just enough room for
23 two or three vehicles there.
24 Q. Did anyone else get off before
25 you got to One Left?

40

01 A. Yeah. His son, Pat Boni, got
02 off at Four --- Four belt drive.

03 Q. Four belt drive.

04 A. It would be right at the end
05 of Three tail. It would be Three
06 tail, Four drive, is how you want to
07 phrase it.

08 Q. Do you know approximately what
09 time that might be?

10 A. When he got off?

11 Q. Yes.

12 A. Well, probably about 6:20.

13 Q. When was the next time that
14 you might have had contact with him?

15 A. Which one, Pat or ---?

16 Q. Yes. Okay.

17 A. Well, John ---.

18 Q. John.

19 A. John, it's hard to tell. He's
20 hard to keep up with, even though he
21 is old. Well, probably around noon.

22 Q. Noon. Was that on the
23 surface?

24 A. No, this is underground.

25 Q. Underground.

41

01 A. It was about noon, by the time
02 we get down to where Four head ---
03 where those pumps are at a Four head.
04 So we usually meet down around Four
05 head around 11:30, noon.

06 Q. What I mean is, what time did
07 you see --- or when did you see him
08 next?

09 A. Who, Pat Boni ?

10 Q. No. John.

11 A. That day?

12 Q. Yes.

13 A. When he come back in with
14 Wilfong and the other guys to pick us
15 up after the explosion. He was on
16 the mantrip.

17 Q. John was on that mantrip?

18 A. He was on that mantrip. He
19 must have got on --- he felt --- he
20 told me he felt the explosion, but he
21 thought it was just a roof fall. So
22 he goes to the phone ---. I don't
23 know how he got on the mantrip.

24 Q. Okay.

25 A. I couldn't tell you that. But

42

01 he must have heard them coming in.
02 And his son, Pat Boni, called outside
03 when he heard it --- or when he felt
04 it. And they told him --- Dick

05 Wilfong told him to go to the intake
06 escapeway and go to the outside and
07 not to look back.

08 Q. Okay. I wonder if you could
09 --- we'll use a pink marker here.

10 And I wonder if we can go up to the
11 map and you can ---. Here use this
12 one. Show us your travel into the
13 mine.

14 And afterwards we'll identify
15 it as Exhibit One, Grall Exhibit One.

16 At this time, if you would, please,
17 outline with that pink marker, the
18 travel into the mine.

19 A. On the mantrip?

20 Q. Yes. Starting on the surface.

21 A. Right here.

22 Q. Could you just go ahead and
23 draw the line if you would, please.

24 A. To the right.

25 Q. Okay. Just mark it on there,

43

01 if you would, please.

02 WITNESS COMPLIES

03 (Grall Exhibit One

04 marked for

05 identification.)

06 BY MR. SWENTOSKY:

07 Q. What do you call that right

08 there, where you made a right turn,

09 is that One Right?

10 A. Well, then One Right's up
11 here.
12 Q. What do you call this?
13 A. This would be Two belt drive.
14 Make a right.
15 Q. Two belt drive, make a right?
16 A. Make a left at Three belt and
17 we come up the track here, jump on
18 and cut off down here.
19 Q. Can you draw that line?
20 WITNESS COMPLIES
21 A. The power center, the pump at
22 --- 21, 22, where the pump's at,
23 is about as far as he was at. First
24 getting on in here. Four drive. Pat
25 Boni got off here. Okay. Did we let

44

01 him off? I'm not sure if we stopped
02 at the main center or not. I don't
03 think we did. We went on up to here,
04 to the switch here. We stopped right
05 there.
06 BY MR. SWENTOSKY:
07 Q. Now, you stopped right there.
08 You're indicating the One Left
09 switch; is that correct?
10 A. Right.
11 Q. And that was your furthest
12 point of travel into the mine?
13 A. That was my furthest point.
14 That's how far we got, right there,
15 where Roger got off and threw the

16 switch around the tunnel .
17 Q. Okay.
18 A. And he just got back in. And
19 that's when they hit.
20 Q. So you stopped at One Left
21 switch; correct?
22 A. (Indicates yes).
23 Q. And Roger --- is it Roger
24 Perry who is the one who threw the
25 switch?

45

01 A. Roger Perry got out and threw
02 the switch. And he got back in and
03 he sat down. I remember someone
04 saying, you just go sit down.
05 Because I'm on the other end, I
06 couldn't see what he was doing.
07 Q. And if I may interrupt you.
08 You said Roger Perry. Are you sure
09 it was him?
10 A. Right.
11 Q. Okay. Go ahead.
12 A. Well, that's when the
13 explosion happened. We got to around
14 the tunnel here.
15 Q. So he got back in the mantrip.
16 Roger Perry got back in the mantrip
17 and he was in the front?
18 A. He was in the front end. I
19 just didn't even see him get in, but
20 somebody said, just go sit back down.

21 And that's when it happened.
22 Q. Mr. Hess would have told you
23 that? When did he tell you that?
24 A. Afterwards.
25 Q. After you got out on the

46

01 surface?
02 A. Yeah.
03 Q. But did you see Roger Perry
04 throwing the switch?
05 A. No. I was sitting in the
06 back.
07 Q. Sitting in the back. So Roger
08 threw the switch and got back in and
09 you say that's whenever the explosion
10 occurred?
11 A. Yeah. Like I said, I really
12 didn't hear anything, it just felt
13 like a bump, like a sudden change in
14 air pressure.
15 Q. Did your ears pop?
16 A. No.
17 Q. Anything like that?
18 A. No.
19 Q. Did the mantrip move?
20 A. No. Owie Jones, it blew his
21 hat off. He didn't know he did that
22 until we got outside.
23 Q. All right. So then you were
24 saying there that this occurred. And
25 then what did you do next?

47

01 A. Well, see ---.

02 Q. Well, when you got out of the

03 --- you got out of the mantrip?

04 A. I got out of the mantrip.

05 Q. Okay.

06 A. I turned my light off. I

07 thought my light was broke out. I

08 couldn't see. And I turned it on to

09 see if it worked. Like I said, then

10 Roger mentioned that --- he said,

11 don't mind that. He said the mine

12 blew up.

13 Q. Okay. Tell me your

14 experience, though. By that I mean,

15 when you got out, what did you feel,

16 see?

17 A. I didn't see anything. I just

18 knew it was dusty. And through the

19 dust, you couldn't see nothing.

20 Q. Okay. Was there any smoke?

21 A. Very little.

22 Q. When you say very little, are

23 you saying there was smoke or you

24 think there was smoke?

25 A. Yeah. There had to be a

48

01 little bit of smoke, but there wasn't

02 that much.

03 Q. Didn't smell --- you didn't

04 smell anything?

05 A. I just couldn't breathe.

06 Q. In the initial discussion, you
07 mentioned heat. What do you mean by
08 heat? When did you feel that?

09 A. Just like stepping into an
10 oven. You know when you open an oven
11 door, it just would have felt
12 like ---.

13 Q. When did you feel that?

14 A. As soon as I stepped down out
15 of the mantrip on the ground, ---

16 Q. Okay.

17 A. --- which I thought we was
18 covered up with a roof fall at first.
19 Then I couldn't get out. But then
20 the heat came up there at me, what
21 happened at the end. And it was the
22 explosion.

23 Q. You mentioned you had your
24 methane/oxygen detector.

25 A. It was on.

49

01 Q. It was on?

02 A. It was on.

03 Q. Was there anything occurring
04 with it?

05 A. It was beeping ---

06 Q. It was beeping?

07 A. --- really loud.

08 Q. Yes.

09 A. You know, it had to be beeping
10 with the methane or carbon monoxide
11 or low oxygen. Because when that

12 heat hits you, you couldn't --- you
13 didn't have no oxygen, you just
14 couldn't breathe. It was very hard
15 to breathe. It was very hard. It
16 made my heart --- my heart was
17 pounding. I mean, I couldn't even
18 settle down. I wasn't really scared,
19 I was really excited. And I wanted
20 to get out of that bad air, so I told
21 him that we need to get me a tank.

22 Q. Whenever your detector was
23 beeping, did you happen to look at
24 it?

25 A. You couldn't see it.

50

01 Q. You couldn't see it?

02 A. No.

03 Q. Okay.

04 A. You couldn't see that far in
05 front of you. You just had to feel
06 --- we just felt our way down to
07 that first door.

08 Q. Did your hat come off or
09 anything?

10 A. No.

11 Q. It didn't?

12 A. No. Just ---.

13 Q. Did you have your light on
14 beforehand or ---?

15 A. No.

16 Q. Okay. On the way in, you had

17 your light off?

18 A. Everybody kept their lights
19 off on the way in, because you'd be
20 shining in other guys' eyes and
21 everything.

22 Q. Yes.

23 A. And that's what made it so
24 scary, because I was still in the
25 dark and all I wanted to do was turn

51

01 the light on.

02 Q. Okay. After you got off the
03 mantrip then and you said you felt
04 this heat. Then what did you do
05 next?

06 A. I knew we had to get out of
07 there and get some fresh air. So
08 that's when we went to the first
09 door. The man door ---.

10 MR. SWENTOSKY:

11 Let me mark that in a
12 different color.

13 MR. MILLS:

14 Why don't you use the
15 marker.

16 MR. SWENTOSKY:

17 We'll use this green
18 marker now to ---.

19 BY MR. SWENTOSKY:

20 Q. Let's move over on to this map
21 at a larger scale. And we'll call
22 that Exhibit Two, Grall Number Two.

23 And if you will use the green marker,
24 then, and just show me where the
25 mantrip was sitting at.

52

01 (Grall Exhibit Two
02 marked for
03 identification.)
04 A. The mantrip was sitting along
05 here.
06 BY MR. SWENTOSKY:
07 Q. It was sitting right here.
08 And you're identifying that as a
09 switch at One Left?
10 A. Getting off track.
11 Q. Getting off the track. Okay.
12 Then you get on the mantrip. You
13 felt this heat and then someone said
14 that they had an explosion.
15 A. Roger Perry.
16 Q. Okay.
17 A. There's a power center that
18 sits right here on 49 block. There's
19 a man door right there ---.
20 Q. And that's between the track
21 and the primary escapeway?
22 A. Right. That's the primary
23 escapeway.
24 Q. Okay. That's the ---?
25 A. You need to go over here ---.

53

01 MR. MILLS:

02 Mr. Grall, excuse me.
03 Mr. Grall, she's having a hard
04 time hearing you, but she's
05 taking everything down. So if
06 you could speak up and face
07 her more when talking.
08 BY MR. SWENTOSKY:
09 Q. Is that 49 block?
10 A. Yeah. That's not the one we
11 went through. We had to come down to
12 --- the pump sits here.
13 Q. And that's at --- is that 48
14 block?
15 A. Forty-eight (48) block on Four
16 belt. We felt our way down here and
17 tried to go through this door right
18 here.
19 Q. Was everyone with you at the
20 time?
21 A. No, just I had a couple of
22 guys hanging on to me. Eric Hess was
23 hanging on to me. We went through
24 the door, there was too much heat
25 there, so we --- I said, we can't go
54
01 in there, let's go on down. We felt
02 our way down the track.
03 Q. When you say, you felt your
04 way, is that what you had to do,
05 there was too much dust or ---?
06 A. We couldn't see.
07 Q. You couldn't see.

08 A. You looked around and you
09 couldn't see. And them guys was
10 hanging on to me. I don't know where
11 Paul was, in front of me. I think
12 Paul Avington was in front of me.
13 And we were feeling our way down the
14 route, trying to find another man
15 door. We were stopping here at this
16 one, it was blowed out, blowed out.
17 This one was blowed out.
18 Q. If we could just stop for just
19 a moment again, please and I'll get
20 another red color. And could you
21 please circle those stoppings?
22 A. Well, I'm not sure about all
23 of them, ---
24 Q. Okay.
25 A. --- just some of them. There

55

01 were only parts of them was like
02 partially blowed out, but I couldn't
03 tell you ---.
04 Q. Okay. If you would just
05 circle those stoppings that had
06 damage to them.
07 A. Okay. This stopping right
08 here, the man door was intact.
09 Q. That's 48?
10 A. This was damaged.
11 Q. Okay. That's at 47 block that
12 was damaged. And which way were

13 those blocks split?
14 A. Toward the track.
15 Q. Toward the track.
16 A. It was all laying there on the
17 track. There was Omega blocks ---
18 there were blocks laying everywhere.
19 This was damaged.
20 Q. Draw a circle there, please.
21 WITNESS COMPLIES
22 BY MR. SWENTOSKY:
23 Q. That's 46 block; correct?
24 A. Right. I think this was
25 damaged.

56

01 Q. That's 45 block; correct?
02 A. This one here.
03 Q. Forty-four (44)?
04 A. The man door here, evidently.
05 I'm not sure about this one.
06 Q. That's at 43 block.
07 A. I must have missed this one
08 door, because like I said, you
09 couldn't see. The ones with the man
10 doors now, it seemed like --- I think
11 this was partially damaged.
12 Q. Draw a bigger circle.
13 A. I'm not sure.
14 Q. That's at 43 block. That's
15 the one you're not sure of; is that
16 correct?
17 A. Yeah, I'm not sure.
18 Q. Put a question mark right

19 there.

20 A. Like I said, I could have
21 missed that one and the dust covered
22 it up.

23 Q. Sure.

24 A. And I think the rest of these
25 were damaged. I've never seen a

57

01 couple --- half of them ---.

02 WITNESS COMPLIES

03 BY MR. SWENTOSKY:

04 Q. That's 42 block, 41 block?

05 A. Forty (40). I'd say this was
06 damaged.

07 Q. Thirty-nine (39).

08 A. This one here.

09 Q. Thirty-eight (38).

10 A. This one here was intact, this
11 one with the man door. This one we
12 got to first and then the intake. It
13 would have been essentially right
14 here.

15 Q. That's at 37 block, is the man
16 door that you guys finally went
17 through?

18 A. Right.

19 Q. Okay. At that time, had the
20 dust or anything let up at all in the
21 track entry?

22 A. The dust hadn't let up in the
23 track entry, but it was clear over

24 here, had a little bit of dust over
25 here in this entry where we was

58

01 standing.

02 Q. At that point there, when you
03 were you in the track entry, you said
04 there was dust. Would you say it was
05 letting up? Could you see any
06 distance at that time?

07 A. No, you could not --- you
08 could see in front of you. You could
09 probably see about ten feet.

10 Q. About ten feet?

11 A. Yeah.

12 Q. And that was more than what
13 you could see initially ---

14 A. Right.

15 Q. --- when you were coming up
16 here?

17 A. Right.

18 Q. So am I correct in saying
19 that ---.

20 A. I could see past --- I could
21 see where the stopping was. I could
22 see up to there and the dust was
23 still coming down the track.

24 Q. It was actually ---?

25 A. It was moving toward me.

59

01 Q. Would you classify it as slow
02 or just gradually ---?

03 A. Slow.

04 Q. And so then we're at 37 block;
05 is that correct?

06 A. Right. Me and Paul Avington,
07 we got there first. We went through
08 the man door. We went through --- I
09 went through first. I told him we
10 had fresh air to come in here.
11 That's when I told him to stay put.

12 And it was still a little bit of dust
13 hanging in the air, but the air
14 really wasn't all that good. The air
15 was clear but it wasn't blowing.

16 Q. Did it feel cooler in that
17 entry?

18 A. Oh, yeah, definitely.

19 Q. Did you happen to look in by
20 --- in the intake entry?

21 A. There's a fall right there.
22 There's a fall area by that. We just
23 got down below this fall. The
24 escapeway comes down here.

25 Q. Yes. I understand that.

60

01 A. And I looked up this way, all
02 I could see was the roof fall. I
03 left him there for a while.

04 Q. And that's in the intake
05 entry?

06 A. That's 37. There's a fall
07 here, I believe.

08 Q. Okay.

09 A. That's why we didn't come from
10 down here.

11 Q. I understand that.

12 A. You couldn't see that way.

13 Q. And all these stoppings were
14 blown toward the tracking?

15 A. Right. It's hard to say if
16 some of them were only half ---.

17 Q. Okay. I remember when you
18 were first going over your travels,
19 you mentioned about methane, one
20 percent methane or something like
21 that. When was the first time you
22 were able to look at your detector?

23 A. Thirty-seven (37) block.

24 Q. The 37 block? Was that in the
25 track entry?

61

01 A. That was over in the intake.

02 Q. Over in the intake.

03 A. It started going down.

04 Q. It started going down.

05 A. Going down to one percent.

06 Q. Okay. What's the highest you
07 saw, and where was that that you saw
08 the highest quantity of methane?

09 A. Well, the first time I saw it
10 was at 37.

11 Q. At 37 block, on the intake?

12 A. I know we had some methane
13 because it was beeping. It was
14 something --- it was either carbon

15 monoxide or a low --- because it
16 beeped, you know.
17 Q. And when you looked at it,
18 what percent --- was it on methane at
19 that time?
20 A. Yeah. But the methane --- and
21 it went to eight-tenths. It started
22 dropping.
23 Q. Okay. When did you --- did
24 you look at the CO level also?
25 A. Yeah. It was at that time

62

01 around 66.
02 Q. We're speaking again in the
03 intake entry, it started to drop?
04 A. It started to drop, yeah, a
05 little beep. It was like 30, I
06 think. I'm not sure.
07 Q. Did you notice it before you
08 actually went into the intake at all?
09 A. No. It was beeping. I just
10 wanted to get in the fresh air.
11 Q. I understand that, you'd want
12 to do that. Let's just, before I
13 forget, draw a line with that green
14 marker down from One Left switch in
15 your travel.
16 A. Down to where ---?
17 Q. Yes, where we left off.
18 A. Okay. Down the track?
19 Q. Yes, sir, if that's the area

20 you traveled.
21 A. Yeah. That's the way we came.
22 I came through the inby.
23 Q. Moving in the intake, did you
24 look --- you said you looked in the
25 mine and you said you thought you saw

63

01 the roof fall.
02 A. A roof fall right there.
03 Q. Could you smell anything? Did
04 you smell any smoke or ---?
05 A. No. A real heavy sulphur
06 smell.
07 Q. A real heavy sulphur smell.
08 A. It took me three days to get
09 that taste out of my mouth. It was
10 like you was chewing on gunpowder.
11 Q. When you looked inby in the
12 --- was there any color to the
13 atmosphere, at that point?
14 A. Just gray dust, just gray, it
15 wasn't black.
16 Q. This sulphur smell that you
17 mentioned about was on the intake
18 side. Did you have the same
19 sensations on the track entry?
20 A. Yes.
21 Q. The sulphur smell, ---
22 A. Yeah.
23 Q. --- or the sulphur taste?
24 A. It could take it and smell it.
25 It was in my nose and in my mouth.

01 Q. Okay.

02 A. It's not a pleasant taste.

03 Q. Yes. Whenever you came
04 through there, how many people came
05 through there? How many did you have
06 with you?

07 A. Just me and Paul Avington at
08 first. Then I had to go back out on
09 the track and looked up the track and
10 see the rest of the guys. I couldn't
11 see them. It was dusty. I was
12 yelling at them. I went back,
13 probably up to 30 --- I went back to
14 38 block and even though the dust was
15 settling, you couldn't hardly
16 breathe. And I was yelling at them,
17 but it was hard to yell. I was
18 trying to get through. And finally I
19 seen these lights coming down. And
20 it took probably five minutes for
21 everybody to get down there to 37 to
22 get them all in there.

23 Q. At 37 now --- and Mr. Avington
24 was on the intake side; is that
25 correct? You left him on the intake

01 side?

02 A. I told him to stay put.

03 Q. Okay. And that's the only
04 individual that was over there at

05 that time?

06 A. Right.

07 Q. Then you went back through and
08 traveled ---?

09 A. To get the rest of them guys.
10 I hollered, 37 block, because you
11 could see the number on the
12 stoppings, they was painted.

13 Q. Yes.

14 A. That's how I knew where we was
15 at. I shouted 37 block. And whether
16 they could hear me or not, I don't
17 know. But I hollered as long as I
18 could.

19 Q. When you got them all
20 together, was that the whole crew at
21 that time?

22 A. It was the whole crew plus
23 Owie Jones.

24 Q. Owen Jones was with you at
25 that time? Came to you at that time?

66

01 A. Right. We was all there. We
02 was all right there. I said, we got
03 to go. Owie said he wanted to go
04 back and get his brother. There was
05 no way he could go back up there.
06 Those guys were arguing, trying to
07 get him to go and he just wouldn't
08 budge. I said, we got to go. I
09 said, we might get another explosion
10 and that ain't no good. But there

11 was stoppings blown out by 37. The
12 only ones was intact was from 32 and
13 down.

14 Q. We'll go over that, too. I
15 appreciate you going over that.

16 We'll just identify those as we go
17 up. And so we're at 37 block and you
18 have all the crew. Did everyone,
19 then, go into the intake at that
20 point, other than Owen Jones? Am I
21 correct in saying that?

22 A. They were all there. No, he
23 was in there. We was all standing in
24 there.

25 Q. Standing on the track or ---?

67

01 A. No, we was standing in the
02 intake, ---

03 Q. In the intake.

04 A. --- ready to go, ---

05 Q. Okay.

06 A. --- so we could go. And then
07 we started arguing. He wanted to go
08 back. We told him he couldn't. You
09 know, his brother was --- and we done
10 what we could.

11 Q. Sure. I understand that.

12 A. I said, we got to go. I said,
13 we ain't got much time. You got to
14 get out within the first hour or you
15 don't get out. In my opinion, I

16 figured, well, if it happened again,
17 we would have been in trouble, so get
18 to fresh air. Really got some good
19 air down there.

20 Q. Did you ever feel a second
21 rush of air at all?

22 A. No. There was nothing more.

23 Q. No more rush of air or
24 anything?

25 A. No.

68

01 Q. Approximately how long do you
02 think you guys spent at 37 block?

03 A. Two to three minutes, more
04 than we should.

05 Q. Did you don any SCSR?

06 A. I didn't put mine on.

07 Q. Did anybody put any SCSR on?

08 A. Yes. But I couldn't tell you
09 which ones. I know Hoy Keith had his
10 on and a couple of other ones. The
11 rest of them ---.

12 Q. Did they put those SCSR on at
13 37 block?

14 A. Took them off.

15 Q. When did they put them on?

16 A. I don't know, I couldn't see
17 what was going on. They must have
18 put them on as soon as it happened.

19 Q. Okay.

20 A. The reason I didn't put mine
21 on is because I didn't smell any

22 smoke. I could smell --- the taste
23 of dust, sulphur taste, but you
24 couldn't see --- couldn't taste
25 no --- smell no smoke or anything so

69

01 I figured as long as I could breathe,
02 I wasn't putting mine on. And Paul
03 Avington asked me if we should go
04 ahead and put them on. I said, not
05 yet, because I was trying to get the
06 fresh air. We should have probably
07 put them on.

08 Q. Yes. With the detector going
09 off, that would indicate CO or
10 methane.

11 A. Something. One or the other.

12 Q. So then everybody was at 37
13 block. You said you don't know how
14 many --- who all had SCSRs. You
15 didn't have one on?

16 A. Boni didn't have one on. I
17 think Hoy Keith had one on when he
18 got down there. He was probably the
19 last one through the door. He
20 wouldn't take his off and we could
21 breathe then. We was in pretty good
22 shape, but we had to go, we had to
23 get out. They was standing there
24 arguing. And we got to go. Arguing
25 with him, can't get him to move.

70

01 Q. Okay. Then after that, then
02 you're over here on the intake at 37
03 block. And you're there for a few
04 minutes?

05 A. A few minutes.

06 Q. And then --- go ahead.

07 A. And me and Paul started
08 walking, ---

09 Q. Paul Avington?

10 A. Yeah. I said, I think --- I
11 said, let's go, John. But anyway, we
12 started walking. And we wasn't
13 really walking really fast. We was
14 just making our way down, you know,
15 checking this guy to keep up.

16 Q. So you all were leaving and
17 you and Paul were leading, is that a
18 correct statement?

19 A. As far as I could tell. When
20 I looked back, there wasn't nobody
21 there. It was really spooky. I
22 don't know where they went.

23 Q. Where were you whenever
24 you ---? Do you have any idea where
25 you were at that time whenever you

71

01 lost them, so to speak?

02 A. Yeah. We got down here, got
03 down to where we --- we walked all
04 the way down here and I took a look
05 and seen the stopping back through
06 here.

07 Q. Okay. Can you, to the best of
08 your recollection, circle the
09 stoppings that you think were out at
10 that time?

11 A. Okay. This one. I think this
12 one. I'm not sure about that one.
13 Definitely from here. This one here.

14 WITNESS COMPLIES

15 BY MR. SWENTOSKY:

16 Q. We're talking about 35 block,
17 34 block, 33 block; is that correct?

18 A. Right. This one's intact.

19 Q. From 32 block ---.

20 A. From here on out they was all
21 intact.

22 Q. That is the last stopping that
23 you noticed that was out?

24 A. Right.

25 Q. Did you notice if any of the

72

01 man doors were open?

02 A. They wasn't open, as far as I
03 know. Even this one up here we were
04 trying to get through. Forty-eight
05 (48) was blowed open. I'm not sure
06 about this one.

07 Q. On your way out, just so I
08 don't forget to ask you this, during
09 your travels from that point to the
10 outside of the track, on the outside,
11 did you see any other man doors that

12 were open as you passed by them?
13 A. They were all shut.
14 Q. You didn't ---?
15 A. This entry right here, we
16 were walking down this one.
17 Q. You walked the whole way out?
18 A. I walked clear down further
19 than that.
20 Q. Let's pick up our line here at
21 37 block, I believe. Okay. Just
22 start here. If you'd just draw a
23 line to indicate --- pick up right
24 here at the 37 block.
25 A. Okay. We came down here. And

73

01 I think we got over here in this ---
02 got over in this other entry. And we
03 started walking down through here.
04 But then I'm not sure. I think we
05 just kept coming down.
06 Q. And at that point, as you
07 walked out, the atmosphere, the dust,
08 got better?
09 A. Oh, yeah. It got really good
10 down in this area, down around this
11 area here it got really good.
12 Q. And then you're like speaking
13 25 block?
14 A. Right.
15 Q. During that period, would you
16 have ever looked at your methane
17 detector or your oxygen tank at that

18 point?

19 A. No.

20 Q. Did you ever look at it any
21 additional time?

22 A. No, because like I said, you
23 could see 500 or 600 feet ahead of
24 you.

25 Q. I asked you about the methane

74

01 and carbon monoxide, CO2 at 37. Did
02 you happen to notice what the oxygen
03 was?

04 A. That's what I read. That's
05 why I didn't know why it was beeping
06 so loud. It was either the carbon
07 monoxide or the gas or methane. You
08 had your methane down there --- we
09 didn't have any methane there either.

10 Q. As you were traveling out from
11 37 block, out the intake, was
12 everybody ---? When did everyone
13 actually get together or did they
14 ever get together? I know you said
15 you went back.

16 A. No, they never did hear,
17 because they were all walking down.
18 We got clear down to Nine block or
19 the maintenance shanty.

20 Q. And then Nine block, that is
21 ---?

22 A. And the maintenance shanty

23 door was blowed open. It's a big
24 door, a big metal door. Now, whether
25 somebody left it open. It was open.

75

01 I remember that. I remember the man
02 door.

03 Q. Let's pick this up here.

04 Excuse me one second. We may have to
05 bring a magnifying glass in.

06 A. We're up to right here, it was
07 at Four drive.

08 Q. Right here is Nine block.

09 Yes, we started about 37 block.

10 A. This whole section here, me
11 and Paul walked all the way down to
12 the Nine block.

13 Q. Start right here and draw that
14 line from 24 block out.

15 A. Okay.

16 Q. And then 24 block is at this
17 location right here. Just draw your
18 line.

19 A. We just came down where it's
20 marked.

21 Q. That's fine. Just show me
22 what entry you were in and draw that
23 for me.

24 A. I think it was over in this
25 other entry right here. We came

76

01 down, crossed over, stayed in --- and
02 all the way down right to the track

03 switch there.

04 WITNESS INDICATES

05 BY MR. SWENTOSKY:

06 Q. What's the number?

07 A. That one right there.

08 Q. Yes, Ni ne block.

09 A. The maintenance shanty right
10 along the track.

11 Q. Okay.

12 A. There were two big metal doors
13 there and they was open. Now, the
14 man door --- you could see the man
15 door, and I told Paul, go ahead and
16 check the track. I remember the
17 phone there, stopped and used the
18 phone.

19 Q. So the man door was between
20 the intake entry and the track entry?

21 A. Yeah.

22 Q. And then that man ---?

23 A. There's two big metal doors in
24 the front of the maintenance shanty.

25 Q. Okay.

77

01 A. They were --- there was
02 somebody came up through there and
03 opened them up. I'm not sure but
04 they were open.

05 Q. When you come under ---?

06 A. I think the force blew them
07 open.

08 Q. Okay. When you arrived at
09 Ni ne block, was everyone with you at
10 that point, or was it just you and
11 Paul ?
12 A. Just me and Paul Avington.
13 Q. Did you look back and see them
14 at all?
15 A. I didn't see them, so I got on
16 the phone.
17 Q. That's from the Ni ne block?
18 A. That's inside the maintenance
19 shanty.
20 Q. The shanty?
21 A. Right. Well, I got ahold of
22 the outside and then Wilfong jumped
23 in. Wilfong he jumped in and said he
24 had the rest of the guys and they
25 were going to go down.

78

01 Q. Okay. And this was --- you
02 spoke to Wilfong on the surface?
03 A. He asked me where I was at.
04 No, he was inside the mine.
05 Q. Oh, he was?
06 A. He was on the mantrip. He had
07 the other crew, the guys that got
08 left behind, he picked them up down
09 at 24 or 25, around there somewhere.
10 Q. Okay. So you ---?
11 A. We were too far ahead.
12 Q. So you and Paul were the only
13 ones that went out at that Ni ne

14 block?

15 A. Right.

16 Q. Okay.

17 A. We was going to have to wait
18 on them, because we was worried about
19 them and we couldn't see them and
20 everything. We couldn't talk to
21 them.

22 Q. Okay.

23 A. Then when I got on the phone,
24 Wilfong was already on there. I
25 didn't even know he was in there.

79

01 And he said he had them, stay clear
02 and we'd pick you up. And then he
03 asked me where I was at. I was down
04 there at the maintenance shanty. He
05 said, my gosh, I'm glad to hear you.
06 He said, stay put and we'll pick you
07 up. I said, well, I might just walk
08 the rest of the way in. It was a
09 good walk and there was fresh air.

10 Q. At the point when he said he
11 had the other guys, did you have any
12 further conversation with him?

13 A. No, that was about it. He was
14 really --- he was just real excited
15 we made it there, too. So I got on
16 there and he said that we're all
17 right and we're all covered in mud,
18 but he said, we're all okay. I know

19 they was okay but I just didn't know
20 how far back behind us they were.
21 And I told Paul we was going to have
22 to wait on them. I said, Paul --- I
23 told him to stay over on the intake
24 and I'd make the call. He did. He
25 was waiting for them to come down so

80

01 he could see them. And I hollered at
02 him, I said, they're on their way
03 down on the mantrip on 37. I said,
04 do you want to walk the rest of the
05 way out or ride? He said he wanted
06 to ride. I wanted to walk out. I
07 knew he was safe in the intake,
08 especially --- it's in good shape. I
09 could feel the air really blowing
10 down there. It was blowing --- it
11 was blowing like it should.

12 Q. And at that point there, you
13 didn't notice any dust or smoke in
14 either of the track entries ---?

15 A. The track or the --- no entry
16 or intake.

17 Q. Did you go over to the ---?

18 A. I went to the track.

19 Q. Did you go over to the belt
20 entry at all?

21 A. No.

22 Q. All right. Then tell me what
23 happened next. After you had made
24 the call and they said just stay put,

25 they'd come pick you up.

81

01 A. I went and called back outside
02 and told the guys the fact --- the
03 dispatcher, the yardman, I said, I'll
04 probably just walk the whole way out.

05 He said, well, make sure you tell
06 Wilfong. He said, go ahead, get on
07 the track and walk the track out and
08 that way he can pick you up. I said,
09 okay. I asked Paul, I said, do you
10 want to walk or do you want to ride?

11 He said he wanted to ride. So I
12 said well just wait, Wilfong's coming
13 with the mantrip.

14 Q. Do you have any idea what time
15 that as, approximately?

16 A. It was probably between ---
17 sometime between 7:00, 7:15. I can't
18 tell you exactly. It wasn't any
19 later than 7:15, I could tell you
20 that for sure, because it didn't take
21 very long to get out of there. Like
22 I said, you could stand up, it was a
23 good walk, you had good air. You
24 could breathe. And you were just
25 taking your time, you wasn't running.

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01 Q. Did you happen to look at your
02 watch at that time? I know you said
03 there was mud on it. Did you clean

04 it off yet?

05 A. I didn't clean it off. I
06 never cleaned it off until I got
07 outside, probably after I was outside
08 for two or three hours. I never did
09 clean it off.

10 Q. So then you started walking
11 out?

12 A. No. We stayed there at Nine.

13 Q. You stayed there at Nine and
14 then he picked you up?

15 A. And he rode us out. That was
16 about it.

17 Q. And on the way out, in the
18 mantrip, you didn't notice any man
19 doors open or anything like that?

20 A. No, I was busy telling the
21 driver and them what happened.

22 Q. The driver, who was the
23 driver?

24 A. Vernon Hofer, he was the
25 driver. The maintenance ---. He was

83

01 the driver. And John Boni was riding
02 alongside of him. And he had Hoy
03 Keith laid out on top of the mantrip
04 because he was having trouble
05 breathing.

06 Q. Okay. Did any of those guys
07 have SCSRs on at that time? Did you
08 see anybody that had SCSRs on?

09 A. Didn't really need them then.
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10 Q. No, but I mean, at any time?
11 A. No.
12 Q. No. I thought you had
13 mentioned that some guys did have
14 them on.
15 A. They did, ---
16 Q. They did.
17 A. --- but they ---.
18 Q. As they come through the man
19 door, you're telling me that ---?
20 A. They took them off.
21 Q. They took them off, when?
22 A. As soon as we got through the
23 man door.
24 Q. Okay. And the man door,
25 you're talking about the one that's

84

01 at 37 block?
02 A. Thirty-seven (37) block, yeah.
03 Q. Okay. Did anybody indicate
04 that they were having any problems
05 with the SCSRs or any problem
06 breathing with the SCSRs ---
07 A. No.
08 Q. --- or anything like that?
09 A. Not that I know of.
10 Q. Did anybody get knocked down,
11 do you know?
12 A. I think Owie Jones got blown
13 off the mantrip. He got knocked
14 down, because he didn't have no

15 cover, so he was in the open.
16 Q. Yes. I understand.
17 A. But I didn't see it. I had my
18 eyes shut all the time when stuff was
19 blowing.
20 Q. Was there any damage to the
21 mantrip at all?
22 A. We looked at it there.
23 They've got it sitting out there in
24 the yard. It's covered in black,
25 black sooty material. It's all black

85

01 now and it's got debris hanging over
02 on the windows.
03 Q. Did you ---?
04 A. I think the screen they used
05 for the windows, I think a couple ---
06 some of that screen is pushed in.
07 And it's just covered with black ---.
08 It looks like somebody just set it on
09 fire.
10 Q. Did anybody ever try and make
11 a phone call with the trolley phone
12 that's on the mantrip? You're aware
13 that they call it a trolley phone, I
14 guess? Is that what they call those
15 on there?
16 A. Nobody ever thought of it.
17 Q. I'm sorry?
18 A. Nobody thought of that, I
19 guess.
20 Q. Okay. But nobody --- to your

21 knowledge, nobody made an attempt to
22 use that telephone?

23 A. It wouldn't have worked
24 anyway, I don't think, because when
25 the explosion occurred, it just took

86

01 all the lines out, the travel ---
02 what it's used for. They got these
03 lines on the middle of the track for
04 your trolley phones.

05 Q. Okay.

06 A. It blew them all out. It blew
07 all the communications out from there
08 inby.

09 Q. Are you the only one that had
10 a methane/oxygen detector?

11 A. No.

12 Q. Did anybody ---?

13 A. Everybody that runs a piece of
14 equipment's probably got one.

15 Q. Okay.

16 A. I'm not sure if they had one,
17 but ---.

18 Q. That's what I was going to ask
19 you. Did you hear any of the other
20 ones --- the other alarms going off
21 or anything?

22 A. I don't think they had them
23 on.

24 Q. Did anybody else make any
25 attempts to ---? I know it was just

01 you and Paul , but you're the only one
02 that made a phone call , that you're
03 aware of?

04 A. I'm the only one. Well ,
05 that's not true. Pat Boni called
06 out. He was at Four drive when he
07 felt the rush of the air. He
08 actually didn't see any dust or hear
09 anything, he just felt a sudden rush
10 of air. He thought a big fall
11 occurred like on the track or
12 something, so he called outside.

13 Q. Okay. How do you know he
14 called out?

15 A. Because he told us. He told
16 us that.

17 Q. He told you? Okay.

18 A. But I'm not sure where he
19 called from. I don't know if he
20 called from the belt area.

21 Q. But you didn't hear him on the
22 phone or see him on the phone?

23 A. No. We was too busy trying to
24 get out. I think Wilfong's the one
25 that told him to get in the intake

01 and get to the outside, which he
02 promptly did. He didn't hesitate, he
03 just --- he told me he just got in
04 there and took off. And he's a big
05 man.

06 Q. Approximately what time,
07 again, did you exit the mine?
08 A. On the outside?
09 Q. Yes.
10 A. I'd say approximately about
11 7:25, 7:30, somewhere between there.
12 Q. Okay. Whenever you exited the
13 mine, who was there, or did anybody
14 meet you or talk to you or anything
15 like that?
16 A. As far as I know there wasn't
17 nobody there. There was a couple
18 guys up on top of the hill there that
19 greeted us when we come up the hill
20 there, two red hats and a foreman.
21 They had two red hats and a foreman
22 that was supposed to start at 7:00.
23 They was still out there and they met
24 us at the top of the hill, asked us
25 how we were.

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01 Q. Right when you come out of the
02 mine on the trip, ---
03 A. Yeah.
04 Q. --- and there wasn't anybody
05 around or ---
06 A. There was nobody there.
07 Q. --- anything like that, did
08 anybody make any phone calls from the
09 portal area or ---
10 A. No.

11 Q. --- that you recall?
12 A. Not that I know of.
13 Q. Did you guys --- did all of
14 you people go up together or ---? I
15 know you had mentioned Mr. Hoy. He
16 was not in too good of shape?
17 A. They had to help him up over
18 the hill.
19 Q. How did they get him up?
20 A. I don't know how. I didn't
21 see him go up the hill. I was off
22 the mantrip and walking up the hill.
23 Q. Okay.
24 A. And that's about all I can
25 tell you on that.

01 Q. Whenever you ---?
02 A. Well, I assumed all the people
03 that should be called had already
04 been called, so --- I assumed that,
05 so ---.
06 Q. So you exited the mine. Then
07 you started walking up the hill. Was
08 the other people with you following
09 you?
10 A. There was a couple in front of
11 me and some in back of me.
12 Q. All right. Then you get up to
13 the top of the hill, then what did
14 you do?
15 A. I went and called my wife.
16 Q. Okay. That's a good thing.

17 A. Well, I know it was going to
18 be on the news really quick and I
19 know she was up and she was going to
20 watch the news. I didn't want her to
21 see it on TV.

22 Q. Sure. I understand.

23 A. So that's the first thing I
24 did.

25 Q. After you called home, then

91

01 what did you do?

02 A. Went back over to the lamp
03 room and put my cap light up and put
04 my methane detector on charge.

05 Q. Okay.

06 A. And I just mingled around,
07 waiting to see what was ---.

08 Q. Did you ---?

09 A. Waiting on the other crew to
10 come out. I thought surely the other
11 crew would be coming out right behind
12 us. And that didn't happen.

13 Q. Did you speak with anyone
14 there on the surface?

15 A. Yeah, probably, at least the
16 guys we was on the mantrip with. I
17 remember looking over at Chris Tenney
18 and laughing how black he was. And
19 he said, don't look at me, you ought
20 to see your own face.

21 Q. Okay.

22 A. And I could still taste that
23 sulphur taste. And I was trying to
24 get them to get me some water,
25 drinking water to try and get rid of

92

01 that taste. But like I said, it took
02 about three or four days to get rid
03 of it.

04 Q. Did anyone come and ask you
05 like what you thought happened or ask
06 you for any information at all about
07 what went on, how you got out, you
08 know, anything like that at all?

09 A. Yeah. Later on, I think John
10 Collins come and asked me which way
11 he thought --- I thought the
12 explosion came.

13 Q. Did he use the word explosion?

14 A. Well, I know an explosion
15 occurred. I mean, everybody knew ---
16 I knew what happened. But he wanted
17 --- he asked me exactly which way ---
18 the direction the explosion hit us.
19 So I said it come from inby and hit
20 us straight on. He wanted to get
21 some general idea where it originated
22 from. Because I knew it ---

23 Q. What did you tell him?

24 A. --- originated from the Two
25 Left area. I didn't know, you know,

93

01 right exactly where it hit, where it

02 started, but you could --- because we
03 was right on the track and it hit us
04 right dead on in the face. Because I
05 was facing --- I was facing towards
06 that way and it was hitting me right
07 in the face. Because I remember I
08 had ---.

09 Q. That way meaning inby?

10 A. Inby. So I had my head down,
11 with my eyes shut, trying to keep
12 that stuff from going in my eyes, and
13 waiting for it to quit because I was
14 too scared to move.

15 Q. How long did that last?

16 A. Well, it seemed like forever,
17 but I figure about eight to ten
18 seconds, approximately. But it just
19 felt like it was never going to end.
20 I said, man, it should stop falling,
21 so we can get out of here.

22 Q. Yes.

23 A. But you didn't dare move
24 because you didn't know what was
25 coming. You just had to sit there

94

01 and take it.

02 Q. How long were you at the mine
03 then?

04 A. After that?

05 Q. Yes. After you were on the
06 surface and you put your camp lamp

07 away ---.

08 A. We was there until about 2:30,
09 3:00 that afternoon.

10 Q. Okay. What were you doing
11 during that period of time?

12 A. Well, the emergency --- the
13 ambulance crew, they was checking us
14 out, checking our blood pressure and
15 stuff, ---

16 Q. Okay.

17 A. --- asking us if we was all
18 right. And they was trying to ---
19 Roger Perry, he had the most problem.
20 He had to get his eyes flushed out
21 three or four times, he had so much
22 stuff in his eyes. Because like I
23 said, he was on the inby end of it.
24 And he was facing right at it. And
25 he had all that stuff in his eyes.

95

01 They had a hard time getting --- they
02 had to finally take him to the
03 hospital to get his eyes flushed out.

04 Q. And these EMTs, what were they
05 --- they were just checking ---?

06 A. Checking us out.

07 Q. Blood pressure and ---?

08 A. Oxygen level.

09 Q. Oxygen level.

10 A. They told me I was okay.

11 Q. Did they tell you what your
12 oxygen level was?

13 A. No. I can't remember. They
14 said it was normal, wherever normal
15 is, 98 or something like that.

16 Q. Were you ever asked to
17 re-enter the mine?

18 A. No.

19 Q. Did you re-enter the mine?

20 A. No.

21 Q. Okay.

22 A. I didn't have no desire of
23 going back in there at that time.

24 Q. I don't blame you. Do you
25 know who directed the persons to go

96

01 back underground?

02 A. I didn't even know they was
03 under there until somebody said
04 somebody went back in. And it was
05 hard to believe it.

06 Q. On the surface, were you
07 assigned any duties?

08 A. No. We was just sitting
09 around talking about what happened
10 and trying to get our --- you know,
11 trying to find out where the other
12 crew was. I figured the other crew
13 would be coming out of there right
14 behind us, to tell you the truth.
15 And when they didn't come out in the
16 first hour or two, my first thought
17 was they got killed outright by the

18 explosion, because they was right up
19 there where we was at. And I thought
20 maybe they was right in it, you know,
21 that's what my first thoughts were.
22 Q. Okay. You mentioned you're a
23 pumper also ---
24 A. Yeah.
25 Q. --- and an examiner. And

97

01 would I be right in assuming that you
02 have made examinations as a certified
03 person?
04 A. Right.
05 Q. Okay. What areas have you
06 examined as a certified person?
07 A. The whole mine.
08 Q. The whole mine?
09 A. Yeah. That week --- the last
10 --- the two weeks prior, we --- the
11 only part I examined was the last ---
12 was the end --- from the return from
13 the outside to One Left section. And
14 then all the One Left section I could
15 show you on the map, ---
16 Q. Okay.
17 A. --- exactly what ---. Me and
18 John Boni, we had split it up and we
19 went through and walked through. He
20 walks the intake into the outside and
21 Three Left. I walked the return from
22 the outside up to One Left. I walked
23 the return. I walked the return up

24 to here, all the way up through here,
25 back down.

98

01 Q. Okay. You're indicating you
02 walked the One Left section and
03 return ---

04 A. From the outside.

05 Q. --- from the outside?

06 A. All the way to the return.

07 All the way to the return. Checking
08 the pipes. They got pipes --- you've
09 got to check all the pipes on the way
10 in.

11 Q. Okay.

12 A. And you get up in here and
13 you're making the return here.

14 Q. At One Left return?

15 A. Yeah. It goes up along here.
16 You've got to go up, check this
17 panel.

18 Q. That would be the first panel
19 to the left off of ---

20 A. Off of One Left.

21 Q. --- One Left?

22 A. Yes. That's what we check,
23 again, the panel. It's ventilated.

24 It takes you to the deepest point.

25 Q. So you don't make actually a

99

01 perimeter, you walk in the number one
02 entry across the back end?

03 A. The only way you get up is
04 this return coming this way. Okay.
05 You got stoppings in here. You leave
06 the stoppings in, these stoppings
07 across the faces. What you got to
08 do, you got to walk the one way in,
09 and go to the south end and come over
10 here and make a check for methane
11 and ---.

12 Q. Did you ever find any methane
13 up in there?

14 A. No.

15 Q. No? Not even one time?

16 A. They've got so much air coming
17 around there, maybe 20,000 cubic feet
18 of air down in here up to here, about
19 as high as 29,000, 30,000 cubic feet.

20 Q. So you're talking about two
21 blocks in by number one of One Left
22 section?

23 A. Right. And you can't come
24 back up the same way because you
25 can't get down there but you can't

100

01 get the bottom ---.

02 Q. You can't get down to the
03 extreme right hand?

04 A. Right. The same way here.
05 You work here, you walk ---.

06 Q. It's the second panel to the
07 left, One Left? One Left --- Two
08 Left off of One Left?

09 A. A panel and B panel. This is
10 A panel and this is B panel. At
11 least that's the way I put it in my
12 weekly examiner book. We walk the
13 same way, up this way.

14 Q. So you walk up number one
15 entry of B panel ---

16 A. B panel.

17 Q. --- to the inby end, across
18 the back end?

19 A. Across the back end here and
20 you have to go all the way through.
21 Of course right here ---.

22 Q. Did you ever find any methane
23 or low oxygen?

24 A. Good ventilation up here.

25 Q. Okay.

101

01 A. And I'm walking this section
02 and back down the intake.

03 Q. And back down the intake of
04 One Left?

05 A. One Left.

06 Q. Towards the Two North
07 main switch ---?

08 A. You come out to the switch and
09 there's a pump that sits --- there's
10 a couple pumps right in here.

11 There's a switch that lies over the
12 intake unit and you have to pump it.

13 So I usually pumped that. And I

14 usually go up in there and pump into
15 here. On that day, Wednesday, we
16 pumped --- the pump's sitting here.
17 Q. Okay. And then you traveled
18 up to where the track ended?
19 A. From the track ---.
20 Q. The track from One Left, inby?
21 A. Inby all the way up the track.
22 Q. The track in to Two Left?
23 A. Right. They got one pump
24 about halfway up in section one on
25 the track, right off the track you've

102

01 got to check out.
02 Q. That's at 13 block?
03 A. I'm not really sure what block
04 it is.
05 Q. It's in that area?
06 A. It's probably halfway between
07 the section and the track. That's
08 only on Wednesdays. I usually do
09 that every day on the pumps, but on
10 Wednesdays, when I walk the area ---.
11 Now, John Boni, he walked the intake.
12 He checks them seals. I check the
13 seals in the lower level. I got the
14 seals in the lower level.
15 Q. So those seals are across ---
16 what do they call that down there?
17 A. It's one through ten, seal
18 number. They got them numbered one
19 through ten.

20 Q. Okay. And we're talking about
21 seals across is it One North or ---?

22 A. Just the old part of the mine
23 they sealed off there.

24 Q. Okay. Just for clarification,
25 are we talking --- where are we

103

01 talking about?

02 A. Just not too far from the
03 outside, on the return.

04 Q. On the return. There's
05 one ---.

06 A. And also what they call ---.

07 Q. I believe there's one seal
08 just inby the pit mouth.

09 A. Right. That's called number
10 one seal.

11 Q. That's called number one seal?

12 A. Right.

13 Q. What type of seal is that?

14 A. Cement, cement block.

15 Q. Okay. The next seals that you
16 come to, across I believe it's One
17 North, what type of seals are there?

18 A. Cement block.

19 Q. Cement block.

20 A. Never found no methane, but
21 there's a lot of water that comes out
22 of the traps they've got.

23 Q. Are you familiar with the old
24 Two Left main seals?

25 A. No. I haven't --- I've never

104

01 checked those seals since they've put
02 them in.

03 Q. Okay.

04 A. I just left John go to the
05 intake because he was kind of sick
06 there for a while and he couldn't
07 walk the return, because the return's
08 a little rough. It's real muddy.

09 Q. When you say you've never been
10 up there, were you up there at any
11 time during construction of them?

12 A. Right.

13 Q. Pardon me?

14 A. I was past --- I went by them
15 when they was building, yeah.

16 Q. You did?

17 A. Yes.

18 Q. What did you notice whenever
19 you went past? They were built of
20 Omega block?

21 A. Yeah.

22 Q. Okay. Are they all --- ten of
23 those seals, are they all the same?

24 A. I couldn't answer that.

25 Q. Do you want to take a break?

105

01 A. Yeah. I got a headache.

02 MR. SWENTOSKY:

03 Okay. We'll take about

04 a 10, 15-minute break.

05 SHORT BREAK TAKEN

06 BY MR. SWENTOSKY:

07 Q. I just wanted to ask you, Mr.

08 Grall, if we could go back over to

09 the map just for a bit. And we'll be

10 looking at Exhibit Number One.

11 Whenever you were traveling out from

12 37 block, you came down to the Two

13 Right area. And as you came past

14 this overcast, and there's an

15 overcast in this area, what can you

16 tell me about that overcast?

17 A. I didn't see anything wrong

18 with it.

19 Q. In your travels, when did you

20 feel that you came to a point where

21 you were hitting normal air, normal

22 velocity?

23 A. Around 32 block, maybe 24, 25

24 block.

25 Q. And that's at the point that

106

01 you felt, hey, this is normal air

02 velocity ---

03 A. Right.

04 Q. --- and quantity?

05 A. You could feel it blowing at

06 you.

07 Q. And that was, again, at

08 approximately what block?

09 A. Twenty-four (24) block.

10 Q. Twenty-four (24) block on Four
11 belt? And again, this overcast here,
12 did you actually go up to it and look
13 at it or anything, or did you just
14 pass it?

15 A. We just passed it.

16 Q. Did you feel --- when you went
17 past it, did you feel any difference
18 in the air or anything like that from
19 one side to the other?

20 A. No. I assume it got damaged,
21 but I never went down there.

22 Q. Thank you. And one other
23 thing, whenever you went out to the
24 surface, just for clarification, did
25 anyone like, say, Ron, would you come

107

01 down with me to debrief you or tell
02 us what you saw on the ground or what
03 you did underground? Did anybody do
04 that? Anyone do that?

05 A. No, not that I know of. Not
06 that I can remember.

07 Q. Okay. So you're saying you
08 didn't provide any information --- or
09 you did not have the opportunity to
10 provide anybody with any information
11 of what you saw and what you did?

12 A. No.

13 MR. SWENTOSKY:

14 Mr. Mills.

15 MR. MILLS:

16 Just a couple quick
17 ones.
18 BY MR. MILLS:
19 Q. You said that you pumped most
20 of the time --- examiner, of course,
21 is on Wednesdays?
22 A. Right.
23 Q. Do you pre-shift any part of
24 the mines for the oncoming shift?
25 A. Not at this mine here, no.

108

01 Q. So you pump all day then? You
02 don't pre-shift for afternoon shift?
03 A. We're supposed to pre-shift
04 the pumps --- where the pumps are at.
05 Q. No belts or anything?
06 A. No, no belts or anything. Our
07 fire bosses do that. The belt man
08 they got on --- the fire bosses they
09 got assigned to these belts,
10 different belts, they do all the
11 pre-shifts and the tracks and belts,
12 Terry Helms and Fred Jamison, through
13 the week.
14 Q. You mentioned you heard a
15 conversation between Jamison and
16 Bonti (sic) about the pump at 22
17 belt?
18 A. Right.
19 Q. Did you hear any discussions
20 between Boni and Helms? Did you hear

21 him fill out his pre-shift report?
22 A. No. I probably wasn't there
23 at that time he called out. They say
24 he called out, but I don't know
25 exactly what time that would be. It

109

01 would probably be on --- it would be
02 on the fire boss or pre-shift form.

03 Q. You talked about your
04 detector, the multi-gas detector that
05 reads oxygen, methane and CO. Is
06 there a separate alarm for each gas?

07 A. Yeah. I believe so, yeah.

08 Q. Do you know what the alarm
09 levels were set at on your detector?

10 A. I have no idea.

11 Q. Can you recall which alarm was
12 sounding? Were there two alarms
13 going off or just one?

14 A. One big beep.

15 Q. And you're not sure if it was
16 methane or CO alarm?

17 A. I wasn't sure if it was CO or
18 methane, but I had methane above one
19 percent. But it come down below
20 eight-tenths, I think. And then ---.

21 Q. And I think you said you
22 looked at the CO.

23 A. I think the COs are programmed
24 to go off around 30, 35, something
25 like that. I'm not sure.

110

01 Q. Okay. When you were in the
02 fresh air and the methane got below
03 one percent, ---
04 A. Right.
05 Q. --- I think you mentioned that
06 CO was 60 parts per million ---
07 A. Yeah.
08 Q. --- itself? Was the alarm
09 still on?
10 A. Yeah. It was going down, but
11 it didn't go off until it went down
12 to like below 30 or something like
13 that, 35. But I know at least in the
14 oxygen it showed 21.0. But that was
15 in the intake.
16 Q. The overcast at Two Right that
17 you walked under on your way out, the
18 air from Two Right goes overtop of
19 that overcast into the return air
20 course?
21 A. Right.
22 Q. So there could have been
23 damage on top, ---
24 A. There could have been, yeah.
25 Q. --- but not the bottom part

111

01 that you walked over?
02 A. Right. Everything looked
03 normal down in that area.
04 Q. But you only traveled the one
05 entry down ---

06 A. Right.
07 Q. --- under the overcast?
08 During your time pumping, did you
09 ever pump any water up in old Two
10 Left, the area that was sealed later?
11 Did you ever attend any pumps ---?
12 A. No. They took all the pumps
13 --- when they sealed it, they took
14 everything out of there, all the
15 pumps and stuff.
16 Q. Okay. Before they sealed it,
17 were there some pumps up in there
18 that you had to check or ---?
19 A. Yeah. There was one big pump
20 they had sitting in the sump up
21 there, but I never had to turn it on,
22 because it didn't have any water in
23 it. They dug this humongous, I don't
24 know, sump to put this big pump in
25 it, but that was before they decided
112
01 they was going to pull out. And it
02 never did have much water in it.
03 Q. On your weekly exams, did you
04 ever examine the air course up in the
05 old Two Left?
06 A. No. I did before they sealed
07 the area off.
08 Q. Oh, you did before?
09 A. Yeah, before they sealed it.
10 Q. While they were mining up in
11 there?

12 A. Right. Because John Boni was
13 sick. He was off sick for about four
14 or five weeks.

15 Q. Can you recall any methane in
16 that area, any problems with your
17 exam?

18 A. No. Like I said, the air ---
19 they upgraded the air in that
20 section. The time I started walking
21 up there and the time that I quit,
22 they doubled the air on the intake in
23 that particular section. It went
24 like from 20,000 to about 40,000
25 within just a few months.

113

01 Q. You mentioned once you were at
02 that sealed area.

03 A. Right.

04 Q. Did you go in by that to do
05 that run, ---

06 A. No.

07 Q. --- to do your evaluation?

08 A. No. I stayed on the outby
09 side, because the intake went up,
10 made a left there, went straight to
11 the section. And they was in the
12 process of building these seals when
13 I was doing that. But they only had
14 like two or three built at that time,
15 so I was --- I stopped and talked to
16 them every once in a while. And they

17 said they had like six or seven more
18 to build, so by the time I got --- by
19 the time they got them all built,
20 John Boni came back to work and he
21 started walking that area.

22 Q. Do you remember which seals
23 they were? Were they in the middle
24 of that panel or the right or left
25 or ---?

114

01 A. On right close to the intake.

02 Q. On the right-hand side?

03 A. On the right-hand side. I
04 think they started on the right-hand
05 side and worked their way in. I'm
06 not too sure but I think that's what
07 they did.

08 MR. MILLS:

09 That's all.

10 BY MR. SWENTOSKY:

11 Q. Since we're talking about
12 those seals. And I believe you said
13 that --- well, let's put it this way.
14 You never examined in by those seals
15 before the seals were put in; is that
16 correct?

17 A. Right. No.

18 Q. But while Mr. Boni was off,
19 you made a run up around the old area
20 after it was mined?

21 A. No. Just the intake from the
22 outside to the section and then

23 return back.

24 Q. Okay. So you were never up in
25 there?

115

01 A. No.

02 Q. Those seals, are they all the
03 same seals, all ten of them, the same
04 type of seals?

05 A. As far as --- like I said, I
06 never seen them, just the one they
07 was building on the right-hand side
08 there.

09 Q. And they were Omega seals?

10 A. Right.

11 Q. Okay. The blocks that they
12 were using, were they all new or was
13 there some that they used over
14 or ---?

15 A. They was all brand new.

16 Q. Brand new?

17 A. Right. And they used a lot of
18 them, too. It probably took them
19 longer to get the stuff over than it
20 did to build them.

21 Q. While you were there just
22 chitchatting with those people,
23 watching them build the seals, what
24 type of mortar were they using? Did
25 it come in bags or did it come in

116

01 buckets or ---?

02 A. The kind you had to mix up.
03 Q. The kind you had to mix up?
04 A. Yeah, a big one.
05 Q. A big one. What color were
06 those bags, do you recall?
07 A. Probably brown, I guess.
08 Q. Brown? Did you observe them
09 building them or applying the mortar?
10 A. Right.
11 Q. Okay.
12 A. Because they was doing it the
13 way they was supposed to be doing it,
14 they was applying mortar in between
15 and, you know.
16 Q. Were they applying mortar to
17 the entire surfaces, the horizontal
18 and vertical surfaces?
19 A. Yeah.
20 Q. Okay. Did you observe them
21 laying ---? Were the blocks wet when
22 they were putting that mortar on or
23 were they dry, do you recall?
24 A. They were dry.
25 Q. Dry?

117

01 A. Yeah.
02 Q. Like when you wet those
03 blocks, is there a difference in
04 color from whenever you wet them
05 and ---?
06 A. They were a little darker in
07 color.

08 Q. A little darker in color.
09 A. Yeah.
10 Q. So whenever they were applying
11 the mortar, they were the lighter
12 color?
13 A. Right.
14 Q. Okay. The mortar that they
15 were using, did it have little beads
16 in or anything like that or was it
17 just a straight --- same consistency?
18 A. Well, it was probably just the
19 same consistency.
20 Q. Did you ever --- after the
21 seals were completed, did you ever
22 examine those seals?
23 A. No, sir.
24 Q. You were never at those seals?
25 A. I've never been up there since

118

01 they've been on.
02 Q. Okay.
03 A. I just let John Boni walk up
04 there because it's the easiest place
05 to walk to.
06 Q. I see.
07 A. And like I said, he was off
08 sick there for a while. He had
09 trouble walking, so I just let him
10 walk to the intake because it was a
11 lot better walking and it was drier.
12 Q. Was that area up there --- was

13 it well rock dusted, not well rock
14 dusted or what color?
15 A. It was well rock dusted.
16 Q. Okay.
17 A. That's probably what saved
18 their lives, ---
19 Q. Okay.
20 A. --- and snuffed out the fire
21 and flames before it got down to
22 them.
23 Q. Okay.
24 A. Because I'm pretty sure there
25 was a fireball or something, or a

119

01 flame or something. But when they
02 got down there, they applied all the
03 rock dust up in there and what have
04 you, and the belt lines, and the
05 track was all rock dusted well up in
06 that area.
07 Q. Up in the Two Left area?
08 A. Right.
09 Q. Were you up there?
10 A. I was up there pumping water,
11 yeah. It was the week before that.
12 Me and John Boni set another pump up
13 there just the week before that.
14 Q. So you didn't make
15 examinations up there but you were up
16 there?
17 A. See we was over in the
18 intakes, running waterlines into the

19 water hole.

20 Q. And we're talking about the
21 old Two Left area now; correct?

22 A. No, we're talking about the
23 intake area going into Two Left, the
24 intake escape.

25 Q. Okay.

120

01 A. We had to pump water out.
02 They had a water hole in the intake
03 escapeway they wanted to get pumped
04 out.

05 Q. And where, approximately, was
06 that at?

07 A. Around 13 break.

08 Q. Can you show me on the map
09 where that was?

10 A. Yeah. I think it was around
11 13 block on that.

12 Q. Okay. Just mark on the map
13 where the pump is.

14 A. I'm not really sure.

15 Q. And we're on Exhibit Number
16 Two. Just draw a line.

17 WITNESS COMPLIES

18 A. There's a lot that goes this
19 way and there's a lot that goes that
20 way.

21 BY MR. SWENTOSKY:

22 Q. Getting back up to --- we'll
23 call this the old Two Left area ---.

24 A. I've never been up there.
25 Q. You've never been up there.

121

01 A. The only place I ever walked
02 was this intake up right to the ---
03 along the process of the building.

04 Q. Okay. In front of those
05 seals, we talked about rock dusting.
06 And you said the area on the outside
07 of the seal was well rock dusted?

08 A. Well rock dusted, yeah, the
09 whole area, the intake and --- the
10 whole area.

11 Q. Was it rock dusted in depth?

12 A. No. You couldn't measure it,
13 but ---.

14 Q. Did you notice any rock dust
15 as you were watching them do this?
16 Walking past, did you notice anything
17 as far as you could see, any type of
18 rock dust? Any black --- areas of
19 black?

20 A. Never paid any attention to
21 it.

22 Q. While you were there in
23 discussion with those people, did you
24 happen to notice the roof mats or the
25 screening that you used on the roof?

122

01 Had it been removed from the --- cut
02 down from the roof in that area or
03 was it still there right underneath

04 the seals or what can you tell me
05 about that?
06 A. I'd say --- I couldn't really
07 tell you. I didn't notice. I heard
08 somebody talking the other day that
09 they did cut the wire off them seals.
10 They had like four or five entries
11 they had wire in and they did cut the
12 wire. But me, I couldn't swear to
13 it, because like I said, I never made
14 no --- never noticed.
15 Q. And you were never there after
16 the seals were built?
17 A. Right.
18 Q. Did you ever hear anyone else
19 talk about finding methane at those
20 seals or anything like that, after
21 they were built?
22 A. No.
23 Q. When you were there in
24 discussion with those people building
25 the seals, did you notice whether or
01 not there were rails or any type of
02 metallic-type --- cables or anything
03 going through there or anything like
04 that?
05 A. Nothing like that.
06 Q. Pipes?
07 A. No pipes. No rails.
08 Q. Do you know why mining was

09 stopped up there? Did anybody
10 discuss that with you?
11 A. I have no idea.
12 Q. Did you ever --- do you ever
13 hear of any discussions or anything
14 like that about any old equipment was
15 left up in that Two Left area, such
16 as shuttle cars, batteries, scoops,
17 you know, any type of equipment?
18 A. As far as I know, they got
19 everything out of there.
20 Q. Did you ever hear anyone speak
21 about methane problems they might
22 have had up in there or any more
23 methane than what usually they had up
24 in that --- up in the old Two Left
25 area?

124

01 A. No. It wasn't too long they
02 pulled out ---. When I started
03 there, it wasn't too long after I
04 started working there they pulled
05 out.
06 Q. Okay.
07 A. So it was probably --- I think
08 I started in August of last year.
09 I'm not sure.
10 Q. Did you ever hear of anyone
11 discuss --- or do you know about any
12 occasion when someone talked about
13 cutting through any charted or
14 uncharted boreholes of any sort,

15 pipes, during mining?

16 A. No.

17 Q. You never heard anyone talk
18 about that?

19 A. No.

20 Q. I'd like to ask you a few
21 questions about training.

22 A. Okay.

23 Q. When was the last annual ---
24 well, when was your last training
25 class?

125

01 A. Mine?

02 Q. Yes.

03 A. Let's see. Mine falls right
04 in the middle of summer. Mine
05 usually falls about middle of the
06 summer, about July or August,
07 something like that.

08 Q. And you started at the mine
09 somewhere around August?

10 A. Right. I had my training
11 before I came over there.

12 Q. And what mine were you at
13 before?

14 A. Spruce.

15 Q. Spruce. When you came to the
16 Sago Mine, did you receive any
17 training prior to you working at Sago
18 Mine?

19 A. No.

20 Q. No?
21 A. No.
22 Q. Did anyone talk ---?
23 A. Well, John Boni trained me on
24 the --- showed me where --- the
25 airways and how the mine was laid out

126

01 and stuff like that. That's the most
02 important --- see, when he retired,
03 I'm supposed to take his job
04 permanent.

05 Q. I see.

06 A. And he was showing me where
07 the airways were. We walked together
08 the first couple weeks. He showed me
09 where all the pumps were at. I
10 considered that training.

11 Q. Let's say the first day you
12 went to the mine, what did you ---?

13 A. Me and John Boni walked the
14 whole mine.

15 Q. Your first day at the mine?

16 A. First day.

17 Q. Did anyone give you any task
18 training or any type of training at
19 all before you ---?

20 A. No. Because that's what I did
21 in the mine. That's all I done over
22 there is walk the airways and stuff.
23 And it was a lot harder to walk over
24 there than it was here. They said
25 I'd get lost in there because it was

01 straight in, straight out.

02 Q. Have you ever been in this
03 mine before the day in August, when
04 you started at the mine? Did you ---
05 that was the first occasion you had
06 to be in that mine?

07 A. First day was on a Wednesday.
08 Started on a Wednesday. My first day
09 he took me over the whole mine.

10 Q. Who took you over?

11 A. John Boni .

12 Q. John Boni .

13 A. He had been there for a couple
14 years and walked all the airways and
15 knew where all the pumps was at.

16 Q. Did you have an occasion to
17 meet Mr. Toler or Mr. Schoonover or
18 anything on that particular day?

19 A. No. I worked with them over
20 at the other mines. Well, Al had
21 mentioned I was going to get the
22 grand tour of the mine that day.

23 Q. Grand tour?

24 A. Yeah. I couldn't believe the
25 amount of water that was in the mine.

01 Besides the water, the mine was, you
02 know, in pretty good shape.

03 Q. So Mr. Schoonover said he was
04 going to give you the grand --- did

05 he give you the grand tour?
06 A. He didn't. John did.
07 Q. John did. Did you see Mr.
08 Schoonover anymore that day?
09 A. No. Not that day, no.
10 Q. Did you ever sign any training
11 forms or anything?
12 A. At that mine?
13 Q. Yes.
14 A. Not since I've been there, no.
15 Q. Did anybody ever review the
16 mine emergency evacuation and
17 firefighting program of instruction
18 at that mine? The plan for
19 firefighting and evacuation, did
20 anybody ever discuss that with you?
21 A. No. I think it's posted at
22 the mine. I'm not sure.
23 Q. Where is it posted?
24 A. The bathhouse, along the
25 offices there.

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01 Q. You've seen that and you've
02 looked at it?
03 A. Yeah.
04 Q. Do you happen to know who the
05 responsible person is on the shift
06 that if an emergency occurs, who
07 takes charge and directs the
08 evacuation?
09 A. They have a list posted at the
10 dispatcher shandy, all the offices in

11 that building, but I'm not sure which
12 one you're supposed to call first. I
13 couldn't answer that.

14 Q. When you say dispatcher
15 shandy, are you speaking on the
16 surface?

17 A. Yeah. Right. It's posted who
18 you're supposed to call first, and
19 they got a specific order who to
20 notify. They done that --- they
21 started that over at the other mine.
22 When I was over there, they come up
23 with a plan, an emergency plan. I
24 guess it carried over to the other
25 mine.

130

01 Q. How far is the other mine from
02 your mine?

03 A. Probably about four miles.

04 Q. Are you familiar with the
05 evacuation procedures at all?

06 A. Well, all I know is --- I
07 can't remember them.

08 Q. Did anyone ever go over them
09 with you?

10 A. No. Like I said, it's posted
11 there, and I guess you're supposed to
12 read it.

13 Q. Did anyone ever discuss with
14 you the procedures for barricading or
15 go over that with you at all?

16 A. Yeah, they teach that in
17 training, as a last resort to
18 barricade. But to tell you the
19 truth, I'm not going to barricade
20 myself in that place.
21 Q. When you say they talked to
22 you about it, where did you hear ---
23 where was that discussed with you
24 last?
25 A. In training class.

01 Q. Training class?
02 A. Re-training?
03 Q. Re-training?
04 A. Yeah. They tell you to
05 barricade only as a last resort, when
06 escape is cut off.
07 Q. Where was that training at?
08 A. At the other mine.
09 Q. The other mine?
10 A. Yeah.
11 Q. Approximately how long ago was
12 that?
13 A. Probably six months.
14 Q. Six months?
15 A. Yeah.
16 Q. Did anybody ever speak to you
17 or explain to you, talk about what
18 you would do in case of an explosion
19 at all?
20 A. I know what to do.
21 Q. But did anybody ever explain

22 to you or talk to you about --- you
23 know, just discuss it or say what you
24 should do?

25 A. Yeah. When you have your

132

01 retraining, they go over all that.

02 They ---.

03 Q. That's what I'm asking.

04 A. Yeah, they ---. They tell you

05 to put your --- in case of a fire or

06 an explosion, put your rescuer on,

07 get everybody in one spot and head

08 for the outside. And they say if

09 escape is cut off, then you barricade

10 on last resort.

11 Q. Did they explain to you the

12 procedures for barricading, like how

13 you should do it or construct or

14 anything like that? Did they explain

15 it to you?

16 A. Barricade in the biggest area

17 you can find. The bigger the area

18 you get, the better off you're going

19 to be. More or less, the bigger the

20 area you get, say, you know, if you

21 just got a little area with 10 or 12

22 people in it, you ain't going to last

23 long. If you get a big --- the

24 biggest --- the bigger area you can

25 barricade, the better off you are.

133

01 And it's been beat into you, you
02 know, year in and year out. And the
03 same way with the winter alert deal.
04 Most explosions occur in the
05 wintertime. Everybody knows that.
06 Q. Yes.
07 A. And they come in and talk to
08 you. Inspectors talk to you, state
09 and federal, winter alert. Rock dust
10 heavy, ventilate, make sure your
11 ventilation is up.
12 Q. Let me ask this. Are you
13 certified to make methane and oxygen
14 tests?
15 A. Right.
16 Q. When was that? When did you
17 get that training?
18 A. Way back in 1971.
19 Q. '71. Have you tested or, you
20 know, been tested to be certified for
21 that since that time at all?
22 A. Once you get certified, you
23 don't have to do it.
24 Q. Okay. I'll take that as a no?
25 A. No.

134

01 Q. Okay. Were the hazards of
02 carbon monoxide ever discussed with
03 you?
04 A. Oh, yeah.
05 Q. During those training sessions
06 or ---?

07 A. Well, during first aid, mostly
08 just first-aid.

09 Q. Have you participated in any
10 escapeway drills? Have you walked
11 any of the escapeways out of the mine
12 or ---?

13 A. I walk them every week.

14 Q. Every week?

15 A. Yeah.

16 Q. Okay. Have you ever walked
17 out with a foreman or anything? Has
18 anybody ever said, hey, Ron, you
19 know, we're going to walk the
20 escapeway out today and walk out with
21 you or anything like that?

22 A. Not this particular mine. I
23 have done it before, but not this
24 particular mine.

25 Q. With a foreman at the other

135

01 mine?

02 A. With a regular --- with
03 regular --- just regular workers,
04 hourly workers. You know what I
05 mean?

06 Q. No.

07 A. Well, for instance, like I was
08 --- I was a shuttle car operator with
09 Bethlehem. That's what I was
10 classified as. Then on the weekends,
11 I fire bossed, and Sundays. And I

12 walked the airway. Well, the foreman
13 on this particular section had to
14 stay there. He was supposed to walk
15 this person out of the escapeway out
16 of the mine.
17 Q. Yes. Yes.
18 A. He wanted me to go.
19 Q. Go with him?
20 A. Go with that person, yeah.
21 Q. Okay.
22 A. So I've done that before, but
23 not at this particular mine.
24 Q. That's what I was going to ask
25 you. But you have not done that at

136

01 this particular mine?
02 A. No.
03 Q. Have you traveled the primary
04 and secondary escapeways in the mine?
05 A. Yes, I have.
06 Q. What's a secondary escape ---
07 which entry is the secondary
08 escapeway?
09 A. The track.
10 Q. The track. Approximately how
11 long does it take to walk out of the
12 One Left section to the surface and
13 then from the Two Left section to the
14 surface in an escapeway?
15 A. Walk the whole ---?
16 Q. Yeah. Just if you were to
17 walk out, do you have any idea how

18 long that might take?
19 A. I can do it in probably less
20 than 40 minutes.
21 Q. Have you participated in any
22 fire drills at Sago Mine?
23 A. No. I don't work on the
24 section. I'm just outby. I'm
25 classified as outby.

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01 Q. So you've never had occasion
02 to --- do you know if any fire drills
03 have been conducted at Sago Mine?
04 A. Yes, I have.
05 Q. You ---?
06 A. I've never participated, but I
07 know they have been.
08 Q. You know they have been?
09 A. Yeah.
10 Q. When is the last time you
11 heard of one being conducted?
12 A. I'd say probably just a few
13 --- I heard somebody mention they had
14 one probably just --- probably two or
15 three weeks ago. I think it was on
16 Two Left they had one two or three
17 weeks ago. I couldn't swear to it.
18 That's just what I heard. But these
19 fire drills are supposed to be
20 recorded, so it would be recorded.
21 Q. Have you ever received SCSR
22 training?

23 A. Yes, once a year.
24 Q. When was the last time you had
25 that training?

138

01 A. Less than a year ago, six
02 months, something like that.
03 Q. Six months. Did you ever have
04 SCSR training at Sago Mine?
05 A. No.
06 Q. No. Whenever you had that
07 training, what did they tell you or
08 how did that ---?
09 A. They showed me how to do it,
10 made me actually do it.
11 Q. Do they use a regular SCSR
12 or ---?
13 A. They just use a display model
14 or ---?
15 Q. Training model?
16 A. Training model.
17 Q. Okay. And you actually have
18 to go through the training --- or
19 excuse me, the ---
20 A. You got to go through the
21 procedures.
22 Q. --- procedures for putting it
23 on?
24 A. They tell you exactly what you
25 got to do. That's something that

139

01 needs to be done a little bit more
02 frequent, in my opinion. Because

03 once a year, you forget.
04 Q. Okay.
05 A. That's something that ought to
06 be done ---.
07 Q. Was that SCSR training part of
08 your re-training ---
09 A. Right.
10 Q. --- which you said would have
11 been at the other mine?
12 A. Right.
13 Q. And the last time you received
14 it was at the other mine?
15 A. Right.
16 Q. And you had mentioned that
17 first-aid training was part of that?
18 A. First-aid, roof control and
19 all that eight-hour retraining every
20 year they require.
21 Q. You covered the ventilation
22 plan and roof control plan during
23 those things?
24 A. The last training we had
25 wasn't at the mine, I remember that.

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01 It was at the Bicentennial Hotel ---
02 Motel rather.
03 Q. The last retraining that you
04 received?
05 A. I'm not sure what month it was
06 in. It was before I went to Sago,
07 though. I know that.

08 Q. And where was that held again,
09 please?

10 A. Bicentennial Motel.

11 Q. And where is that located?

12 A. Buckhannon.

13 Q. Buckhannon.

14 A. It's called the Main Street
15 Motel now. They changed the name of
16 it. That's where they did the last
17 retraining.

18 Q. Was there ever an occasion at
19 the Sago Mine whenever escapeways
20 might have been rerouted or anything
21 like --- you know, where they used a
22 different escapeway that someone may
23 have explained to you, you know, that
24 there's a difference in the
25 escapeway, it's been rerouted? Has

141

01 that ever occurred?

02 A. Yeah, that occurred not too
03 long ago when they rescreened ---
04 when they rescreened that one intake,
05 they run it over to the last entry,
06 and one of the foreman down there
07 told me they rerouted it in that
08 entry. And they done already hung
09 the green reflectors and stuff so you
10 could find it. When you reroute it,
11 you got to move the reflectors over.

12 Q. Did they explain that like
13 before you went underground or ---?

14 A. Right. Yeah. They told me
15 that before I went underground.
16 Q. And they use green reflectors
17 for?
18 A. Primary.
19 Q. And for the alternate?
20 A. Red.
21 Q. Red. Do you feel that the
22 training that you did receive, as you
23 say, at the other mine was adequate?
24 A. Yes.
25 Q. Is there anything else that

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01 you think that they should cover
02 during the retraining classes or that
03 should be --- as part of that or
04 anything?
05 A. No. They pretty well covered
06 everything. But like I said, the
07 self-rescuer, they need to do that
08 more frequently. I mean, because
09 once a year, you kind of forget that
10 stuff.
11 Q. Mr. Grall, have you ever been
12 searched for smoking articles?
13 A. Yes.
14 Q. How often is that?
15 A. Once a week.
16 Q. Once a week. Who does that?
17 A. The foreman.
18 Q. Have you ever observed anyone

19 smoking in the mine?
20 A. No.
21 Q. Have you ever found any
22 smoking articles around the mine at
23 all?
24 A. No.
25 MR. SWENTOSKY:

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01 Mr. Mills?
02 BY MR. MILLS:
03 Q. Ron, you're assigned certain
04 areas to examine through the week on
05 Wednesdays?
06 A. Right.
07 Q. If there are any changes in
08 that, who reviews the ventilation
09 changes with you?
10 A. The mine foreman.
11 Q. Carl?
12 A. Carl.
13 Q. He'll let you know that, hey,
14 we're going to put seals here and
15 we're going to change ---?
16 A. When they increased the fan
17 that time, they had me come out on a
18 Sunday, I took air readings on Friday
19 and came back out on a Sunday, and
20 they increased the fan. Because they
21 wanted the same person taking the air
22 readings before they changed the fan
23 and after. And it increased probably
24 almost a hundred --- well, 80

25 percent. But that's the way they did

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01 it. I took the same air readings in
02 the same spot two days --- once
03 before and once after they increased
04 the fan. They could have had
05 somebody else come out and do it, but
06 they wanted me to do it on a Friday,
07 before they changed the air,
08 increased the fan and Sunday, after
09 they got done increasing the fan, I
10 had to go in and take the air reading
11 in the same area and give them to the
12 mine foreman. And that way they knew
13 exactly where --- how much air they
14 had leaking out and where to get an
15 accurate reading.

16 Q. Last question. During your
17 annual retraining, you know the one
18 you have every year that lasts about
19 eight hours, do you do any hands-on
20 with the gas detectors? Do they put
21 you in the box as a review
22 detector ---?

23 A. They used to do that. And
24 then when they done away with the
25 flame safety lamps, they just ---

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01 they quit doing that for some reason.
02 I don't know why --- they hadn't done
03 that for a while.

04 Q. So you haven't been
05 re-qualified or retrained on handheld
06 detectors?
07 A. No.
08 Q. How long?
09 A. It's been a while.
10 Q. And you never received this
11 training in July of this past year,
12 when you went to Spruce?
13 A. Yeah. Usually the people that
14 certify get that training, yeah.
15 Q. But the guys who are certified
16 don't pass that on to --- didn't pass
17 it on to you?
18 A. No. I don't understand the
19 question.
20 Q. Okay. At your annual
21 retraining, ---
22 A. Right.
23 Q. --- does anybody from mine
24 management say, Ron, here's a
25 detector, show me how it works with

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01 the gas blocks?
02 A. Right. They do that, yeah.
03 Q. They do that?
04 A. They show you how to work it
05 and you show them how to work it, but
06 they kind of got away from actually
07 checking for methane in a box.
08 Q. They asked you to what, read
09 the display or ---?

10 A. Well, the ones they got now,
11 you don't really --- you just push a
12 button and it shows you what to do.
13 It's not like the old ones they used
14 to have. You used to have to know
15 how to zero them in, electrical zero
16 and --- it changed. It got easier.
17 Actually, you know, they're easy to
18 use now.

19 MR. MILLS:

20 Okay. That's all I've
21 got.

22 BY MR. SWENTOSKY:

23 Q. What you said when they
24 increased the fan, do you recall when
25 that was?

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01 A. It's been probably --- not to
02 exact day, but it's probably been a
03 couple months anyway.

04 Q. And you come out and check the
05 quantities before and then you come
06 out and check them after?

07 A. Uh-huh (yes).

08 Q. How much difference was that?

09 A. On the intake air, it was like
10 increased 80,000-some on the intake.

11 Q. Over and above what?

12 A. We used to get readings around
13 120,000, 130,000.

14 Q. Okay.

15 A. It increased about 180,000,
16 190,000 in the intake.

17 Q. What was your total reading?
18 Do you recall what your total reading
19 was?

20 A. The only thing I can come
21 close is telling you approximately
22 they increased the fan by 80,000-some
23 thousand feet per minute from the
24 time they shut it off and the time
25 they ---.

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01 Q. Do you record those in a book,
02 record book?

03 A. Right. I record them in
04 books.

05 Q. Do you want to take a short
06 break?

07 MR. SWENTOSKY:

08 We're just going to
09 take like maybe a
10 couple-minute break here to
11 see if there's any other
12 questions or any ---.

13 SHORT BREAK TAKEN

14 BY MR. SWENTOSKY:

15 Q. Just a couple clarifying
16 questions if I can, please, before we
17 close. You mentioned early on IN the
18 communication lines, that you said
19 they were --- the communication lines
20 were blown out when I was speaking

21 about the trolley phones and so on.

22 A. Right.

23 Q. How do you know that those
24 were blown out?

25 A. Didn't at the time, but you

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01 couldn't --- you couldn't contact
02 nobody up in that area.

03 Q. Okay.

04 A. They tried. When they got
05 outside on the surface, they had one
06 guy calling every five minutes to Two
07 Left.

08 Q. But you didn't actually see
09 any lines down in by or anything?

10 A. No. No, sir.

11 Q. Okay.

12 A. That wasn't verified until
13 after the mine rescue team went in
14 and they said the lines was
15 completely gone.

16 Q. But you didn't see any lines
17 down at that point? You couldn't see
18 anything?

19 A. No.

20 Q. Okay. Did you notice any
21 stoppings --- on your way out, did
22 you notice any stoppings on the
23 return side that were damaged?

24 A. No. You really can't hardly
25 see them along down the track because

01 you got your belt entry, then you got
02 your ---.

03 Q. Too far over?

04 A. You got two idle headings
05 we're probably taking three entries
06 away.

07 Q. You spoke about you picked up
08 your methane detector. And do you
09 use the same one all the time?

10 A. Yeah. It's got my name on it.

11 Q. It's got your name on it?

12 A. Right.

13 Q. So you use the same one all
14 the time?

15 A. Right.

16 Q. That's the one you were using
17 that day?

18 A. Right.

19 Q. When you say it has your name
20 on it, in what fashion is that
21 identified? How is your name put on
22 it? Does it have a sticker on it or
23 does it have --- is it written on it?

24 A. No. It's got one of those
25 label makers where you make your name

01 and --- about that high letters.

02 Q. Okay. Whenever you took it
03 outside, do you recall that label
04 still being on it?

05 A. Right.

06 Q. Has anyone offered you
07 anything or made any promise to you
08 in exchange for your appearing here
09 today?

10 A. No, sir.

11 Q. Do you have anything else that
12 you would like to add that may be
13 relevant to this investigation,
14 anything you can add or what do you
15 think happened?

16 A. I think lightning caused it.

17 Q. Okay.

18 A. The reason I say that, because
19 the lightning --- more than like I
20 said, the lightning was really coming
21 down hard and hitting the ground.
22 And they had lightning strikes all
23 over the top of that mine at
24 approximately the same time. My son
25 said he heard lightning hit around

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01 6:30, because he was awake at 6:30.
02 He remembers lightning hit around
03 6:30, something like that, and he
04 heard this big rumble. He heard it.

05 Q. How far do you live from the
06 mine?

07 A. Probably about four or five
08 miles. I live like straight across
09 the hill from it. He said he heard
10 the explosion, and he said lightning

11 hit the ground at that particular
12 time, so ---. There's no other
13 explanation I can think of, unless
14 --- I mean, there could have been a
15 roof fall that caused it maybe, but
16 that's just speculation. That's just
17 my opinion.

18 Q. Is there anything else that
19 you'd like to add or clarify or
20 anything like that?

21 A. No. I think that's about it.

22 Q. Okay.

23 MR. SWENTOSKY:

24 On behalf of the Mine
25 Safety & Health

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01 Administration, I would like
02 to thank you for appearing and
03 answering the questions today.
04 Your cooperation is very
05 important in the investigation
06 as we work to determine the
07 cause of the accident. We ask
08 that you not discuss your
09 testimony with any person who
10 may have already been
11 interviewed or who may be
12 interviewed in the future.
13 This will ensure that we
14 obtained everyone's
15 independent recollection of
16 the events surrounding the

17 accident.
18 After questioning other
19 witnesses, we may call you if
20 we have any follow-up
21 questions that we feel that we
22 need to ask you. If at any
23 time you have any additional
24 information regarding the
25 accident that you would like

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01 to provide to us, please
02 contact us at the contact
03 information that we previously
04 provided to you, and that was
05 on a business card.

06 The Mine Act provides
07 certain protections to miners
08 who provide information to
09 MSHA and, as a result, are
10 treated adversely. If at any
11 time you believe that you have
12 been treated unfairly because
13 of your cooperation in this
14 investigation, you should
15 immediately notify MSHA.

16 If you wish, you may
17 now go back over any question
18 you have been given during
19 this interview and you may
20 also make any statement that
21 you would like to make at this

22 ti me.

23 A. No.

24 MR. SWENTOSKY:

25 Okay. Agai n, I want to

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01 thank you for your cooperati on

02 i n thi s matter.

03 A. You' re wel come.

04 * * * * *

05 STATEMENT UNDER OATH

06 CONCLUDED AT 4: 39 P. M.

07 * * * * *

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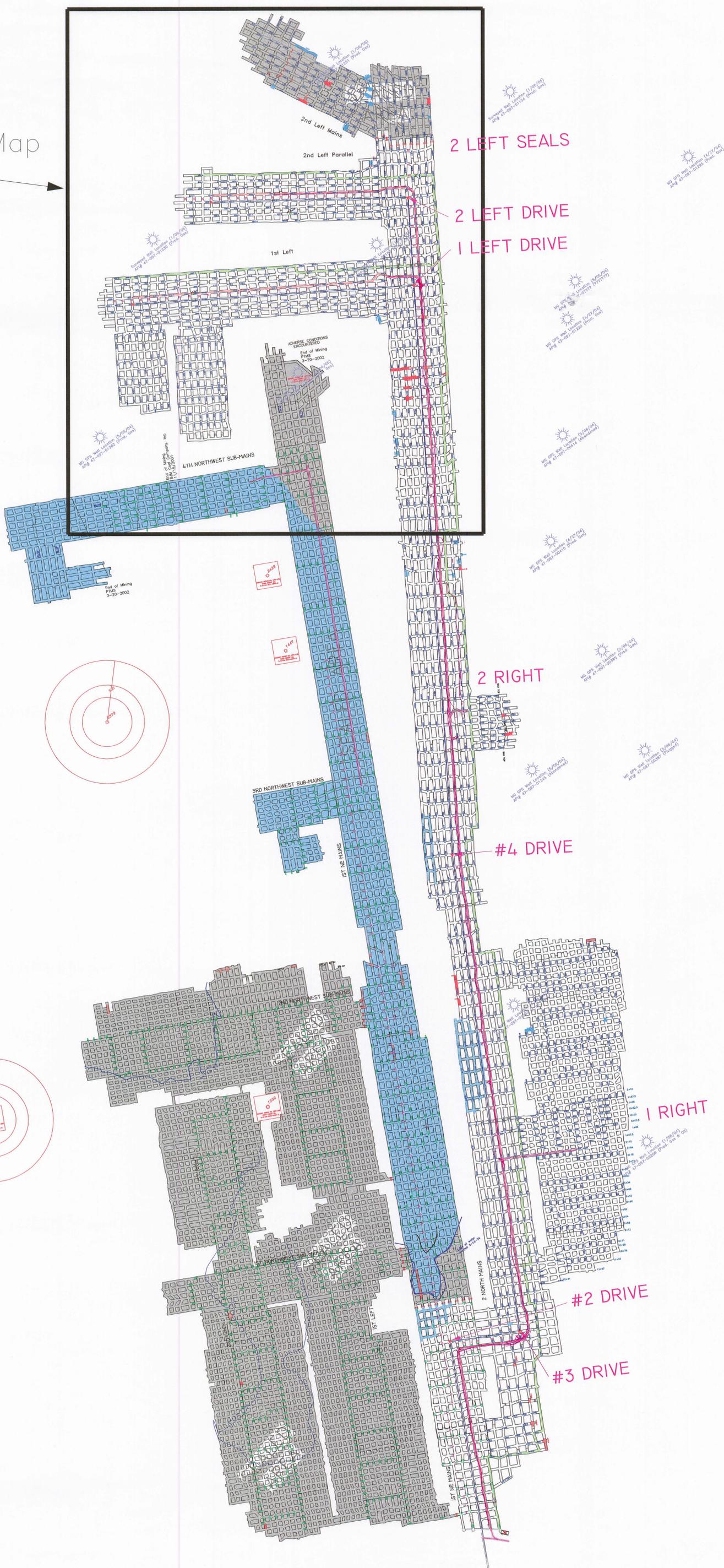
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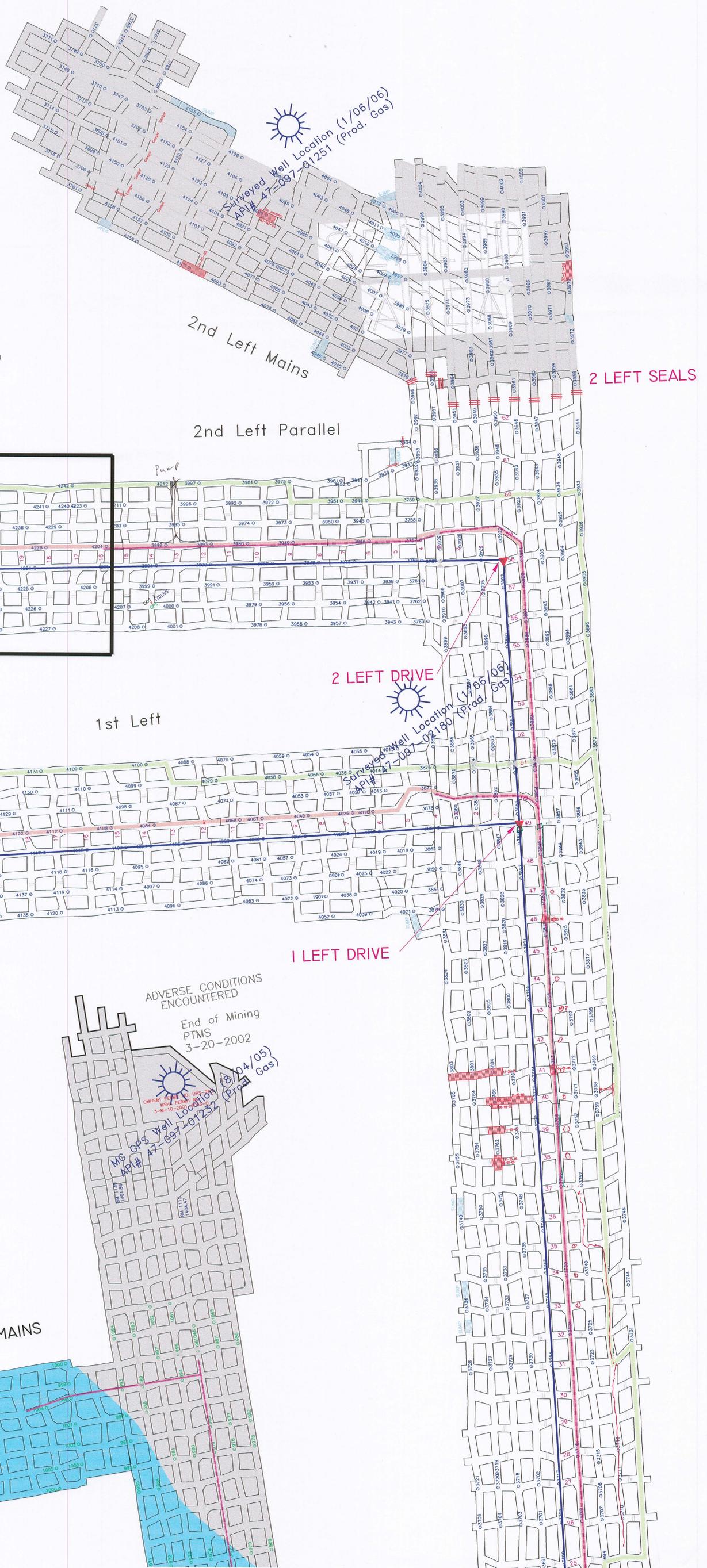
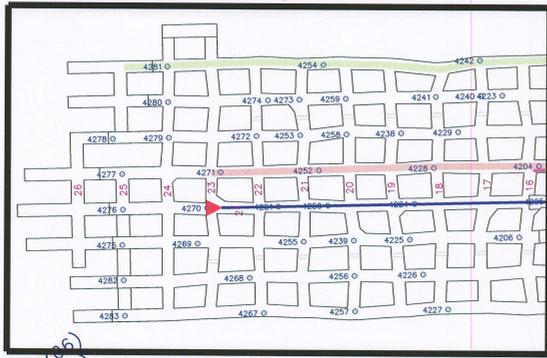
Area Shown on Map
Scale: 1"=100'



Scale: 1" = 300'

Scale: 1" = 100'

Area Shown on Map
Scale: 1" = 50'



Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)

Surveyed Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)

End of Mining
BJM Coal Company, Inc.
11/15/2001

ADVERSE CONDITIONS
ENCOUNTERED
End of Mining
PTMS
3-20-2002
MG GPS Well Location (10/04/05)
API# 47-097-01231 (Prod. Gas)