

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                   P R O C E E D I N G S

02   -----

03           MR. SWENTOSKY:

04           Good afternoon, Mr.  
05   Grall. My name is Dennis  
06   Swentosky, and I'm an accident  
07   investigator with the Mine  
08   Safety & Health  
09   Administration, an agency of  
10   the United States Department  
11   of Labor. With me is Robert  
12   Wilson, from the Solicitor's  
13   Office, Doug Conaway, with the  
14   West Virginia Office of  
15   Miners' Health, Safety &  
16   Training.

17 MR. MILLS:  
18 Brian Mills.  
19 MR. SWENTOSKY:  
20 Excuse me. Brian  
21 Mills, with the West Virginia  
22 Office of Miners' Safety &  
23 Training. And also Joseph  
24 Pavlovich, with the State.

25 I have been assigned to

9

01 conduct the investigation into  
02 the accident that occurred at  
03 the Sago Mine on January 2nd,  
04 2006, in which 12 miners died  
05 and one was injured. The  
06 investigation is being  
07 conducted by the Mine Safety &  
08 Health Administration and the  
09 West Virginia Office of  
10 Miners' Health, Safety &  
11 Training, 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. We  
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. [REDACTED]

16 [REDACTED]

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. [REDACTED]

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  
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. Helmick?  
19 A. Helmick, 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 ---.

38

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 go 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 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.  
  
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

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.

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 inby

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.

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.

64

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

65

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, Nine 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 Nine 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 Nine 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 Nine  
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.

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.

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

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.

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

87

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

88

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.

89

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.

90

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 inby 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  
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 inby 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 inby 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?



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

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

123

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

127

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.

129

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.

131

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.

137

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?

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

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

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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 ---

145

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

146

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 thy 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 inby 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

150

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

152

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

153

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

154

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 time.

23 A. No.

24 MR. SWENTOSKY:

25 Okay. Again, I want to

155

01 thank you for your cooperation  
02 in this matter.

03 A. You're welcome.

04 \* \* \* \* \*

05 STATEMENT UNDER OATH

06 CONCLUDED AT 4:39 P.M.

07 \* \* \* \* \*

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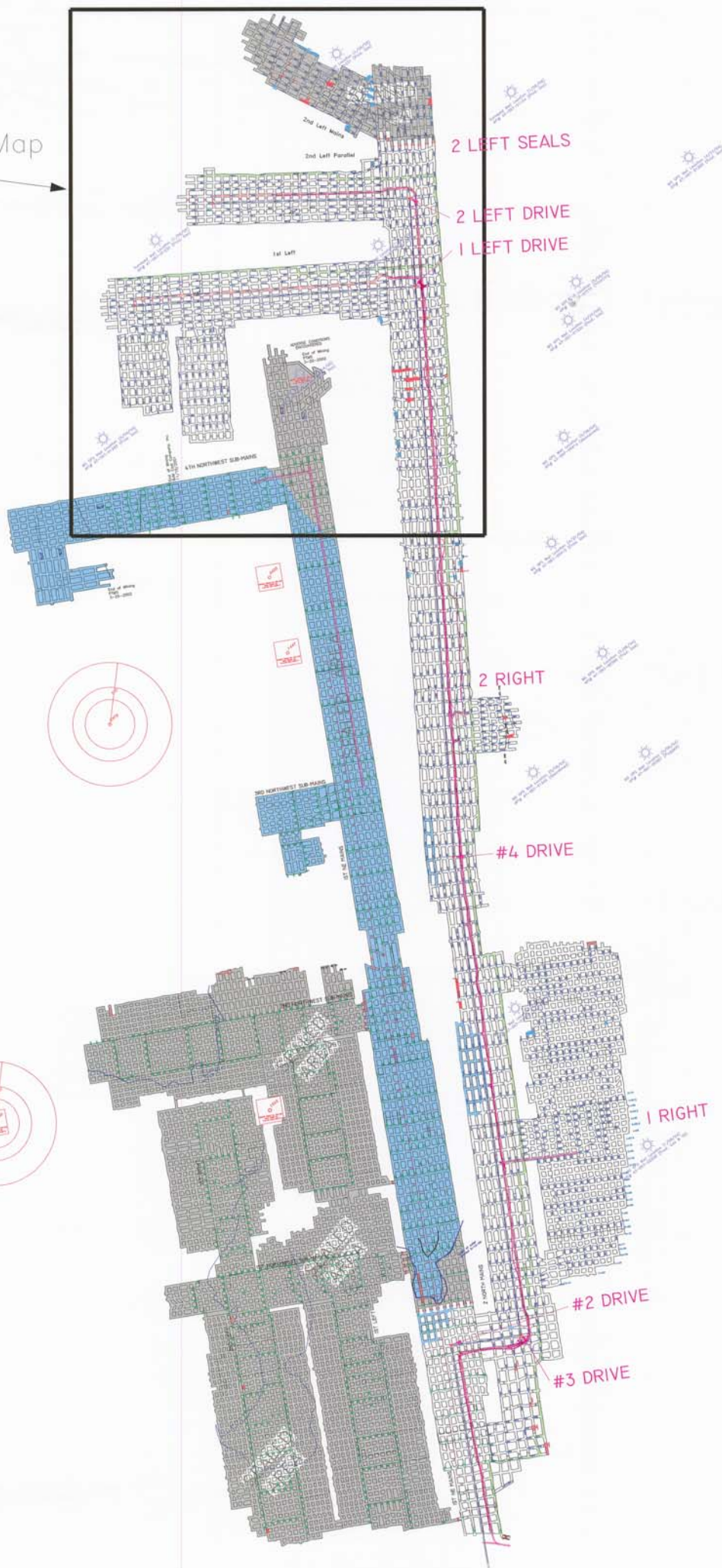
22

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Area Shown on Map  
Scale: 1"=100'

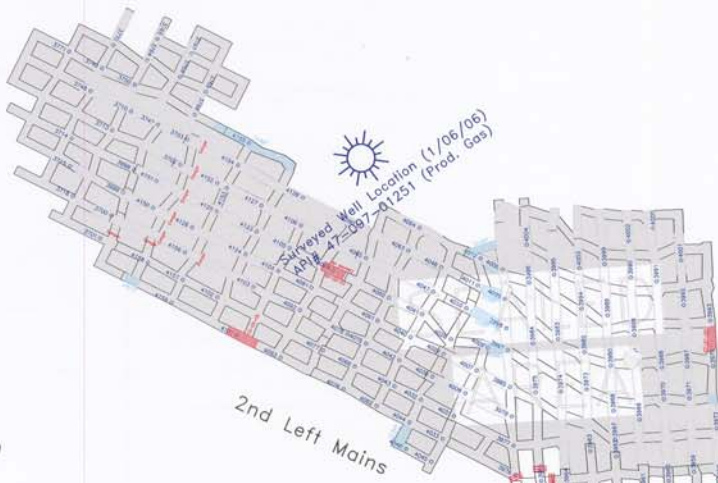
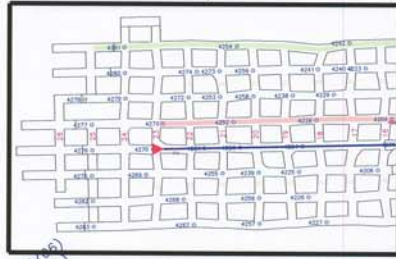


Scale: 1" = 300'



Scale: 1" = 100'

Area Shown on Map  
Scale: 1" = 50'



2 LEFT SEALS

2nd Left Parallel

Sun icon  
Surveyed Well Location (1/06/06)  
API# 47-097-01250 (Prod. Gas)

1st Left

2 LEFT DRIVE

Sun icon  
Surveyed Well Location (1/06/06)  
API# 47-097-01250 (Prod. Gas)

1 LEFT DRIVE

ADVERSE CONDITIONS ENCOUNTERED

End of Mining PTMS  
3-20-2002

Sun icon  
MG GPS Well Location (8/04/05)  
API# 47-097-01252 (Prod. Gas)

Sun icon  
MG GPS Well Location (5/06/04)  
API# 47-097-01252 (Prod. Gas)

End of Mining  
BJM Coal Company, Inc.  
11/19/2001

4TH NORTHWEST SUB-MAINS

