

01 EXAMINATION UNDER OATH
02 OF
03 LARRY E. BROWNING
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 2, 2006, at 10:25
13 a.m.

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24

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01 A P P E A R A N C E S (cont'd)

02

03 ALSO PRESENT:

04 RONALD W. STAHLHUT

05 C.A. PHILLIPS

06 EUGENE WHITE

07 BETH SPENCE
08 CHARLES POGUE
09 MIKE FINNIE
10 DERRICK TJERNLUND
11 JEFFREY WAGGETT
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01 P R O C E E D I N G S

02 -----

03 MR. BURKE:

04 Mr. Browning, I'm
05 Anthony Burke, and I represent
06 the Mine Safety and Health
07 Administration, and we're an
08 agency of the United States
09 Department of Labor. And I'm
10 one of the team members of
11 MSHA's accident investigation
12 group that is charged with the
13 investigation of the accident
14 that occurred at the Aracoma

15 Coal Company, Aracoma Alma
16 Mine Number One, on January
17 the 19th, 2006. This is a
18 joint investigation that MSHA
19 is conducting with the State
20 of West Virginia, and I will
21 be asking the questions for
22 MSHA today. With me here
23 today are other team members
24 of MSHA's accident
25 investigation team, and this

8

01 team includes various
02 specialists and members from
03 the Solicitor's office. And
04 at this time, we would like to
05 ask each one of our team
06 members to identify themselves
07 for the record. And we'll
08 start with Dan.

09 ATTORNEY BARISH:

10 Hello. My name is Dan
11 Barish. I'm with the
12 Solicitor's office for MSHA in
13 Arlington, Virginia.

14 MR. WEBB:

15 I'm Anthony Webb with
16 MSHA in Pikeville, Kentucky.

17 MR. STAHLHUT:
18 Ron Stahlhut, MSHA,
19 Vincennes, Indiana.

20 MR. POGUE:
21 Charlie Pogue, MSHA,
22 Hunker, Pennsylvania.

23 MR. FINNIE:
24 Mike Finnie, MSHA,
25 Madisonville, Kentucky.

9

01 MR. MURRAY:
02 Kenny Murray, MSHA,
03 Pikeville, Kentucky.

04 MR. WAGGETT:
05 Jeff Waggett, MSHA,
06 Hunker, Pennsylvania.

07 MR. TJERNLUND:
08 Derrick Tjernlund, MSHA
09 Tech Support, Triadelphia.

10 MR. BURKE:
11 All right. And here
12 with me also today,
13 representing the State of West
14 Virginia, is Mr. Bill Tucker.
15 And Mr. Tucker will be asking
16 the questions for the State.
17 And at this time, I would ask
18 Mr. Tucker to introduce his
19 party and all of his team

20 members, and he'll have a
21 statement for you also.

22 MR. TUCKER:

23 I just have a brief
24 statement I need to read to
25 you. The West Virginia Office

10

01 of Miners' Health, Safety &
02 Training is conducting this
03 interview session jointly with
04 MSHA, and we are in agreement
05 with the procedures outlined
06 by Mr. Burke. However, let me
07 make it clear that the
08 Director reserves the right,
09 if necessary, to call or
10 subpoena witnesses or require
11 the production of any record,
12 document, photograph or other
13 relevant materials necessary
14 to conduct this investigation.
15 Again, my name is Bill Tucker.
16 I'm with Miners' Health,
17 Safety & Training, and I work
18 out of the Oak Hill office.

19 MR. PHILLIPS:

20 Good morning, Larry.
21 My name is C.A. Phillips, and

22 I'm the Deputy Director of
23 Miners' Health, Safety &
24 Training out of Charleston.

25 MR. WHITE:

11

01 Eugene White, District
02 Inspector out of Danville.

03 MS. SPENCE:

04 Beth Spence, with the
05 Governor's office.

06 MR. BURKE:

07 Thank you. This
08 investigation is being
09 conducted by MSHA and the
10 State of West Virginia to
11 gather information to
12 determine the cause of the
13 accident and to help prevent
14 this from happening in the
15 future. These interviews are
16 a very important part of our
17 investigation.

18 After the investigation
19 is completed, MSHA will issue
20 a written report detailing the
21 nature and causes of this
22 accident. MSHA accident
23 reports are made available to
24 the public in the hope that

25 greater awareness about the

12

01 causes of accidents can reduce
02 their occurrence in the
03 future. Information obtained
04 through witness interviews is
05 frequently included in these
06 reports. Your statement may
07 also be used in other
08 enforcement proceedings.

09 And I would like to
10 personally thank you in
11 advance, Larry, for your
12 appearance here today. We
13 appreciate your assistance in
14 this investigation. The
15 willingness of miners and mine
16 operators to work with us is
17 critical to our success in
18 making the nation's mines
19 safer.

20 This interview with Mr.
21 Larry Browning is being
22 conducted under Section 103(a)
23 of the Federal Mine Safety and
24 Health Act of 1977 as a part
25 of an investigation by the

13

01 Mine Safety and Health
02 Administration into the
03 conditions, events and
04 circumstances surrounding the
05 fatalities that occurred at
06 the Aracoma Alma Mine Number
07 One, located at Route 17 North
08 Bandmill Hollow Road,
09 Stollings, West Virginia,
10 25646. This interview is
11 being conducted at the State
12 of West Virginia Environmental
13 Protection Division of Mining
14 and Reclamation. Their
15 address is 1101 George Kostas
16 Drive, in Logan, West
17 Virginia, 25601. This is
18 March the 2nd, 2006, and it's
19 currently 10:29 a.m.

20 Mr. Browning, the
21 interview will begin by asking
22 you a series of questions.
23 Now, you feel free at any time
24 to clarify any statements that
25 you make in response to our

14

01 questions. After we have
02 finished asking questions, you
03 will be given an opportunity

04 to make a statement on your
05 own and provide us with any
06 other information that you
07 feel might be important to our
08 investigation.

09 You are permitted to
10 have a representative with you
11 during this interview. You
12 may consult with your
13 representative at any time.
14 You may designate any person
15 you wish to be your
16 representative. Following the
17 questions by MSHA and the
18 State, this representative
19 will be given the opportunity
20 to ask questions for purposes
21 of clarification on areas
22 already discussed. You know
23 your statement is completely
24 voluntary. You may refuse to
25 answer any question, and you

15

01 may end this interview at any
02 time.

03 If you do not
04 understand a question, please
05 tell us. We'll rephrase that

06 question to where it can
07 become more understandable to
08 you. If you need a break for
09 any reason, let us know, and
10 we'll take whatever time is
11 necessary for you.

12 You may request an
13 opportunity to make a
14 confidential statement, which
15 we will withhold from the
16 public to the extent allowed
17 by law. Should you desire to
18 give a confidential statement,
19 you should advise me before I
20 begin your interview so that I
21 can reschedule your interview
22 in order to properly consider
23 your request. Do you prefer
24 to do a confidential
25 interview? Do you desire that

16

01 or can you continue the way
02 we're doing?

03 MR. BROWNING:

04 I don't know. We can
05 go ahead and do it now.

06 MR. BURKE:

07 A court reporter, right
08 here, will record your

09 interview and later produce a
10 written transcript of this
11 interview. I ask that you
12 state all your answers
13 verbally because she can't
14 respond if we shake our head
15 yes or no. So that's very
16 important that you answer
17 verbally. Neither the
18 transcript of this interview
19 nor the content of this
20 interview will be released to
21 the public or to the media
22 until MSHA's final accident
23 investigation report is issued
24 or until required by Court
25 Order or a public hearing

17

01 takes place.

02 If any part of your
03 statement is based not on your
04 firsthand knowledge, but on
05 information that you learned
06 from someone else, please let
07 me know, and you can share
08 that information with us also.
09 Please answer each question as
10 fully as you can, including

11 the information that you
12 learned from someone else. We
13 may not ask the right
14 questions to learn the
15 information that you have or
16 something that you may know
17 about. So if we don't, when
18 you get ready to talk to us,
19 just let us know. If you've
20 got any additional information
21 that will help us, we'd really
22 appreciate it. Do you have
23 any questions at this time in
24 the manner in which the
25 interview will be conducted?

18

01 MR. BROWNING

02 No. I'm pretty good.

03 MR. BURKE:

04 Okay. Will you please

05 swear Mr. Browning in?

06 -----

07 LARRY E. BROWNING, HAVING FIRST BEEN

08 DULY SWORN, TESTIFIED AS FOLLOWS:

09 -----

10 BY MR. BURKE:

11 Q. Mr. Browning, please state

12 your full name, your address and

13 telephone number for the record, and

14 spell your last name for us, please.

15 A. Larry Earl Browning,

16 [REDACTED]

21 Q. Okay. Mr. Browning --- I'll

22 call you Larry. I hate mister. Are

23 you appearing voluntarily at this

24 interview?

25 A. Yes, sir.

19

01 Q. Has anyone made any promises

02 to you for giving a statement or

03 offered you any rewards in exchange

04 for making your statement?

05 A. No.

06 Q. Has anyone threatened you or

07 warned you not to provide your

08 statement?

09 A. No.

10 Q. Do you understand that you may

11 refuse to answer any of our questions

12 or terminate this interview at any

13 time?

14 A. Yes, sir.

15 Q. Do you have a representative

16 with you today?

17 A. No.

18 Q. Do you desire a

19 representative?

20 A. No.

21 Q. Were you ever interviewed by

22 the company or any company

23 representative before today?

24 A. Over this here incident?

25 Q. Yes.

20

01 A. No.

02 Q. Has anyone from the company

03 ever discussed your appearing here

04 today in any way?

05 A. No.

06 Q. Were you aware of a meeting

07 that was conducted at a local grade

08 school after the accident?

09 A. I was there.

10 Q. Could you describe to us what

11 was discussed during that meeting?

12 A. They just said they was going

13 to go ahead and keep paying us, and

14 they was --- they talked about how

15 they tried to get them out, you know,

16 and how the smoke was. They went

17 into a map, went into little details,

18 but I really don't know exactly what

19 they was talking about, though.

20 Q. So it wasn't quite clear what
21 they were talking to you about?

22 A. To me, it wasn't, no. Some
23 parts was and some parts wasn't.

24 Q. Larry, who was conducting that
25 meeting there that day? Can you

21

01 remember?

02 A. I don't know their names.

03 Q. Was it upper management
04 officials, ---

05 A. Yeah.

06 Q. --- people that are not
07 normally at the mine?

08 A. Yeah. I'm not --- two of them
09 was up there I probably haven't seen
10 before. I'm not saying they haven't
11 been up there, but I haven't seen
12 them.

13 Q. Is there anything else that
14 you might want to tell us that you
15 may remember about that particular
16 meeting, other than they were going
17 to continue to pay you and they
18 briefly described the accident?

19 A. Yeah, that's about all.

20 Q. Did those management officials

21 give you any indication of what their
22 opinion was that caused the accident?

23 A. No, they didn't.

24 Q. Didn't speculate at all on
25 that?

22

01 A. They said something about ---
02 this is really what got me confused,
03 something about a man on the diesel
04 tractor that broke down in between
05 the doors. And that's where the
06 smoke went down from. That's what I
07 wasn't understanding. But then I
08 heard different tales, so really I
09 don't know. You know, I was a little
10 confused on it, but I just let it go,
11 you know, because I don't know what
12 they was talking about.

13 Q. What else basically have you
14 heard as a cause to the accident?

15 A. Belt roller breakdown maybe,
16 you know, at the mother drive. Maybe
17 grease --- lot of greases where they
18 have trouble with the bearing grease
19 a whole lot. Now, that's --- most of
20 that is hearsay, but the bridged-out
21 wasn't. I kind of heard a little bit
22 when I was on the headgate.

23 Q. Would you care to elaborate a

24 little bit on the bridged-out part?

25 A. Well, we was having trouble

23

01 with the belt that day, you know, on
02 the headgate, and it kept going on
03 and off, you know, and more or less
04 stayed off after a while. We was
05 trying to --- it kept knocking the
06 breakers, the way I hear it, because,
07 well, my job is, you know, to keep
08 reports. So I have to --- when the
09 boss wants to know what belt went
10 down, how long it will be down and
11 why it went down. So I'm on the
12 phone listening to people talk. And
13 Karl White was having trouble with
14 it. It kept knocking on him. He
15 told me that --- well, I heard him.
16 He didn't tell me, he was talking to
17 somebody outside. He said something
18 kept coming up on the computer. I
19 forget what he said. And they was
20 getting kind of irritated with him
21 because, you know, it wouldn't go.
22 And I think they hollered at me to
23 tell Chad Neal to go down and check
24 it out. So Chad went down. I think
25 he done something to it. And as far

01 as I know, you know, he got it right
02 for a little while and he left, far
03 as I know now. Then no sooner he
04 left, it happened again. And then
05 they started pressuring Karl again,
06 again, Karl, you know, smothering out
07 a little bit. Then he said, well,
08 here comes Dusty. Dusty will, you
09 know, do something with it. Then he
10 said --- I wouldn't say snickered,
11 but he said, Dusty is fixing it, he's
12 doing something that he shouldn't be
13 doing. So I don't know if that's
14 what caused the fire or not. And I
15 don't know what he did, but I think
16 bridged-out.

17 Q. Do you have any idea what may
18 have been knocking on the breaker?
19 Was it the takeup unit or the head
20 drive itself that was knocking?

21 A. I have no idea. I just know
22 that --- see, I don't know about the
23 belts. I ain't been on them a lot.
24 But he kept saying that --- I don't
25 know if both of them got a screen to

01 them or just one, but it kept coming
02 up on the screen, something was wrong

03 with it. So I don't know. I don't
04 know. I don't remember what it was.
05 I only been there for three weeks on
06 the headgate, so I don't know a whole
07 lot about what I'm doing there yet.

08 Q. Okay. Well, basically, Larry,
09 how long have you worked there at
10 Aracoma Mine?

11 A. A little over a year.

12 Q. A little over a year. And
13 you're still employed there at the
14 mine?

15 A. Yes.

16 Q. What's your specific job
17 title?

18 A. Headgate runner.

19 Q. Headgate runner?

20 A. Yeah.

21 Q. What shift do you work?

22 A. Well, we swing, first shift
23 and second shift.

24 Q. Back and forth on a rotation?

25 A. Uh-huh (yes).

26

01 Q. What was your position on the
02 day of the accident, on January the
03 19th?

04 A. Headgate operator.

05 Q. Headgate operator?

06 A. Uh-huh (yes).

07 Q. What other jobs or positions

08 have you done since you've been

09 employed there at Aracoma?

10 A. Really on the hoot owl most of

11 the time.

12 Q. You was on third shift quite a

13 while?

14 A. Yeah.

15 Q. How long did you work on the

16 hoot owl?

17 A. Just give or take, I'd say

18 eight months maybe.

19 Q. Eight months?

20 A. Yeah.

21 Q. How many years of total mining

22 experience do you have?

23 A. That's about it, inside

24 anyway. I mean, I worked around the

25 mine, but that's --- inside, that's

27

01 when I went in there.

02 Q. How many?

03 A. A little over a year.

04 Q. A little over a year. Okay.

05 Do you like working in the mines?

06 A. Yeah, it's all right until

07 this. It kind of makes you think a

08 little bit.

09 Q. Kind of makes you reflect when
10 something happens to one of your
11 co-workers; doesn't it?

12 A. Yeah.

13 Q. What shift did you actually
14 work on the day of January the 19th?

15 A. Dayshift.

16 Q. You worked on dayshift?

17 A. Uh-huh (yes).

18 Q. About what time does the
19 dayshift start and what time do they
20 end on a normal day?

21 A. I guess around 6:30, and I
22 guess 3:00, 3:30, you know, something
23 like that. You know, it just all
24 depends on what's going on, you know.

25 Q. About what time did you get

28

01 there that morning?

02 A. I think 6:30.

03 Q. About 6:30. Who was your
04 supervisor on the day of the 19th?

05 A. Eddie --- Eddie Lester or
06 Eddie --- Big Ed. I don't know what
07 his last name is. Kline maybe, Big
08 Ed Kline, or Eddie Lester. I ain't
09 sure which one.

10 Q. Is he your normal boss there
11 on the longwall?
12 A. He wasn't. That was the first
13 day he was there. I mean, he'd been
14 there a long time, but they put him
15 outside. And a guy named Joey was up
16 to that day. We had trouble the
17 previous day on the air, and I think
18 they kind of blamed him for it and
19 got rid of him.
20 Q. Elaborate a little bit on the
21 air. What was the trouble
22 that ---?
23 A. Just wasn't getting enough.
24 Q. Wasn't getting enough air to
25 the longwall?

29

01 A. No. And the inspector there
02 kind of shut us down a little while,
03 kind of got a meal outside.
04 Q. What inspector shut you down?
05 A. I don't remember.
06 Q. State or federal?
07 A. I don't know. I only seen him
08 once or twice there. I tried to stay
09 away, you know.
10 Q. So that was the day before,
11 which would have been the 18th, ---
12 A. I'm pretty sure it's the day

13 before.

14 Q. --- that you had a ventilation
15 problem on the longwall? Did anyone
16 tell you exactly what violation that
17 he wrote for not having enough air?
18 Was he specific in that area of how
19 much you actually did have?

20 A. No. You know, I don't ask. I
21 have no idea.

22 Q. Okay. When did you work
23 previously on the longwall? Were you
24 working there on the 18th as well,
25 the day before ---

30

01 A. Yes.

02 Q. --- that day? So you was
03 actually the headgate operator on the
04 day that the inspector, whoever it
05 was, shut you down because you didn't
06 have enough air?

07 A. Yes.

08 Q. Do you know about how long
09 that you were down because of that?

10 A. It wasn't a long time. Say an
11 hour maybe.

12 Q. About an hour?

13 A. Not long, I don't think, you
14 know.

15 Q. Okay. Back in the back there
16 they're having a little trouble
17 hearing you, so kindly speak up just
18 a little bit if you don't care.
19 A. Okay.
20 Q. Now, I want to reflect on your
21 memory, and I want you to take me
22 from the time you arrived at the mine
23 on the day of the accident, on the
24 19th, and I want you to describe
25 everything that you can remember from

31

01 the time that you got there until the
02 time you left that evening. And
03 kindly walk us through what you
04 remember about that day, anything
05 that stood out in your mind, anything
06 in particular.

07 A. Well, nothing really, you
08 know, because of getting in there,
09 everything was normal. Everything
10 went normal up to --- I don't know
11 what time, a few hours, until we
12 started having belt trouble. I think
13 we had belt trouble with, I think,
14 Number Seven first, and then it went
15 to our mother drive belt, had trouble
16 with that. Then, like I say, they
17 kept going on and off on us. And

18 outside, you know, they want you to
19 run the coal, you know. And they
20 hollered at me to get Chad down there
21 to check it out. Then whatever
22 happened, then that's when Dusty come
23 and done whatever he done. Like I
24 said, I'm not sure. I wasn't there,
25 but I told you what I heard. Then on

32

01 the way out of there, Karl --- I was
02 talking to Karl and Karl was kind of
03 --- he was kind of worried about the
04 belt, I think, you know, because we
05 picked him up on the way out.

06 Q. Now, Karl, who was that?

07 A. Karl White.

08 Q. Karl White.

09 A. He was a beltman down there,
10 you know, on dayshift. And he just
11 kept --- you know, he kind of said a
12 couple times he hoped Bryan, you
13 know, keeps on eye on it or whatever
14 or something such like that, coming
15 out, you know, but you know, you
16 never really thought much of it
17 until, you know, I heard the mine was
18 on fire, the mother drive. Like I
19 say, I don't know a whole lot about

20 belts. And I ain't saying that's
21 what caused it, I'm just saying it
22 might have. And that was about it.
23 Q. Do you remember about what
24 time you started having problems with
25 your belts?

33

01 A. No, not right off, but I'd say
02 --- I think we run pretty good after
03 that. I think we got four passes.
04 So I think --- I'll say between ---
05 I'd say 11:30 to 1:00 maybe,
06 something like that. Maybe even up
07 to 2:00.

08 Q. Looking at those belts going
09 on and off, do you keep any kind of a
10 record or keep a record of your down
11 time, any ---?

12 A. Well, I do, you know, but
13 mostly the boss does because it's a
14 report we got to give out. But I
15 just got a pad that I put it on it
16 where I kind of know what he's
17 talking about. But I don't keep
18 them, no.

19 Q. You don't keep them.

20 A. I don't keep the pads, I just
21 throw them away.

22 Q. Are you the one that's

23 responsible for calling out and
24 letting them know how many passes
25 you've made or is that your boss that

34

01 does that?

02 A. No, that's me.

03 Q. That's you. So how often do
04 you have to report?

05 A. Every two hours.

06 Q. Every two hours. And who do
07 you report to when you call out?

08 A. Usually Kirby.

09 Q. Kirby, the dispatcher?

10 A. Yeah.

11 Q. Okay. Going back on that
12 particular day, the day before, we
13 was talking about we had some
14 problems with our ventilation. Do
15 you remember what you had to do to
16 get your air to resume production?

17 A. Well, they went up, I'm
18 saying, a break --- I'm thinking
19 maybe a break and knocked a hole in
20 the stopping. I wasn't over there
21 doing that, but I helped hang a
22 curtain up a little bit above the ---
23 toward the mother drive, helped hang
24 a curtain to direct the air down

25 through there.

35

01 Q. Now, you're pretty well right
02 there at that headgate area several
03 times a day. And looking outby,
04 going toward the mother drive, which
05 direction does your air come up that
06 belt?

07 A. It's supposed to come towards
08 us. And it does, you know. It does,
09 but, you know, there's not a whole
10 lot.

11 Q. Not a whole lot?

12 A. Sometimes there's hardly none
13 at all. But when it goes down a
14 little bit further, you know, towards
15 the longwall, it kind of picks up on
16 the last open break.

17 Q. On the day of the accident, on
18 the 19th, could you remember right
19 off the top of your head which way
20 the air was flowing on that belt?

21 A. I would say it was going
22 towards us because I never knowed it
23 to come backwards, you know. Not on
24 this panel, anyway. We had a little
25 trouble on the last panel, but this

36

01 panel is always --- as far as I know,

02 it's always coming towards us.

03 Q. On the tailgate side, and

04 we'll get you to come up to the map

05 after awhile, which that would be the

06 Nine tailgate, is there a fall or

07 something blocking ---?

08 A. I don't think the --- where

09 are you talking about, at the tail

10 end of the ---?

11 Q. Yes.

12 A. I think so. I've not been

13 down there because I don't really go

14 down, but I think it's been blocked

15 off. It kept falling on us, I think.

16 Q. Do you think that fall would

17 restrict the airflow going across

18 that longwall face and maybe have

19 some problems with your ventilation,

20 it might create some?

21 A. I'd say so, yeah. I mean, I

22 really haven't thought about it much,

23 but yeah, I'd say it would.

24 Q. Do you have any idea how long

25 maybe that that roof problem has

37

01 impeded that area or blocked it?

02 A. I've heard them talk about it.

03 I'd say a week maybe, you know, maybe

04 longer than that. I know they've
05 been having trouble out of it.

06 Q. And we was talking, I guess,
07 on the issue of the ventilation. You
08 said that they had to knock a hole in
09 a stopping to kind of sweeten the
10 pot, sweeten the air a little bit.

11 Do you have any idea where that might
12 have been?

13 A. It was just pretty much across
14 from where I was at, you know, a
15 couple breaks over.

16 Q. Just a couple breaks over on
17 the stopping line?

18 A. Yeah. Uh-huh (yes).

19 Q. Okay.

20 A. It might have just been one or
21 two, but like I say, I heard them
22 beating it with a hammer, but I don't
23 know exactly --- so it was pretty
24 close to the headgate.

25 Q. So it was somewhere near the

38

01 headgate area they actually had to
02 maybe knock a block or two or
03 something out of that stopping to
04 allow a little bit more airflow into
05 that area?

06 A. Yeah.

07 Q. Okay. Ventilation-wise, are
08 you comfortable pretty much with the
09 ventilation on the longwall?

10 A. What we had?

11 Q. Yes.

12 A. No, not really.

13 Q. Eating a lot of dust?

14 A. Yeah. At times, it would come
15 --- you know, it would take a while
16 for the air to come back. And if a
17 whole lot of dust hit, it would
18 overtake me. So it wasn't real good
19 air.

20 Q. Do you wear a respirator or
21 anything for dust protection?

22 A. Yeah. Well, when it does
23 that, I have one with me and I throw
24 it on, yep.

25 Q. When those people, whoever it

39

01 was, that went over there and kind of
02 sweetened your air up a little bit
03 and knocked that hole in that
04 stopping, do you know who done that?

05 A. Eddie. Eddie Ellis, that's
06 his name. Eddie Ellis. He's the
07 boss. And I'd say Bryan certainly
08 helped him. There may be a couple

09 more, but I don't know.

10 Q. So basically you're cutting
11 quite a bit of rock with that shear,
12 and it creates and generates a lot of
13 dust?

14 A. At times, yeah.

15 Q. At times. Do you have a lot
16 of ventilation problems up there?
17 You know, just as an inspector, we
18 come in and we look at things, and
19 we're there for a short while, but
20 you guys work there day in and day
21 out. And on an average day ---?

22 A. No, it's not good.

23 Q. It's not good at all?

24 A. No, I don't think so. Of
25 course, I ain't no boss or nothing,

40

01 but, you know, it just don't --- I
02 just don't think it's as good as it
03 should be because, you know, you hear
04 them talking. They have trouble
05 getting --- the bosses and stuff have
06 trouble getting air down in there.

07 Q. As a miner, and I know you
08 don't have a lot of experience in the
09 mines, but do you have any
10 suggestions or maybe thoughts on why
11 they don't have air there on that

12 longwall?

13 A. Yeah, in a hurry to run coal.

14 Just basically, they want to hurry up

15 and run it.

16 Q. So it's more production

17 oriented, you think?

18 A. Yeah. It's like a fast-food

19 restaurant to me, you know, hurry up

20 and get it up, hurry up and get it

21 up.

22 Q. Do you feel in jeopardy in any

23 way that if you were to complain to

24 your boss that you didn't have

25 adequate ventilation, that you would

41

01 stand to ---

02 A. Oh, yeah.

03 Q. --- be reprimanded or

04 something?

05 A. Nobody --- the whole mine I

06 think is like that, you know. Nobody

07 says hardly anything. I mean, I

08 ain't saying they would just up and

09 fire you, but they wouldn't --- my

10 opinion, they wouldn't listen to you.

11 And if you did really push the issue,

12 you'd probably head out the door, I'd

13 say.

14 Q. Does that kind of make you
15 feel a little bit antsy or nervous
16 knowing that you got the pressure to
17 produce X amount of tons, and if you
18 don't get it --- does that reflect on
19 you? Do they jump on you personally
20 or the whole crew collectively if you
21 don't produce what they want?

22 A. I think the bosses more or
23 less get it more than anybody because
24 they --- you know, I haven't had no
25 trouble with the management, you

42

01 know, myself, but the headgate
02 aggravates me to death, you know. We
03 can't hear. And they kind of get mad
04 when you give them the wrong numbers
05 and stuff, but you know, sometimes
06 you just can't hear hardly, you know.
07 But that aggravates me there, but ---
08 but no, I'm not --- you know, I guess
09 they're all right.

10 Q. Do they provide you with
11 personal hearing protectors of any
12 type for the noise?

13 A. Yeah, they're good at that,
14 eyes, nose, ears.

15 Q. Safety glasses and all your
16 equipment, they're pretty good about

17 giving you your safety equipment that
18 you need to work with?

19 A. Yeah, they're real good about
20 that.

21 Q. Well, good. Do you know
22 Bryan's last name, the guy that
23 helped Eddie knock a hole in the
24 stopping?

25 A. Bryan Concerta (phonetic).

43

01 Q. Concerta?

02 A. Yeah.

03 Q. That's an unusual name; isn't
04 it?

05 A. And I don't know how to spell
06 it either.

07 Q. What's his position? Is he a
08 foreman or ---?

09 A. No, he's a --- I've been there
10 a little bit longer than he has.
11 Utility man, I think, is what they
12 got him under, I think. Utility or
13 jack man.

14 Q. Oh, okay. Did you notice
15 anything unusual that day on the
16 longwall, on the day of the 19th
17 we're talking about, and you kind of
18 walked me through your story about

19 the belt problems on Seven belt and
20 on the mother drive belt and how it
21 was going on and off and on and off.
22 We spoke earlier, I guess, on the
23 issue of possibly maybe someone
24 bridging something out down there.
25 After they done what they allegedly

44

01 done, did the belts ever go off again
02 during that shift?

03 A. Not that I remember, no.

04 Q. So basically kindly refresh my
05 mind a little bit. We're talking
06 about an hour-and-a-half period that
07 you were having some type of problems
08 with the belt and it was going on
09 back and forth, what they were going
10 to do and ---.

11 A. Yes. Repeat the question.

12 Q. About what time did that
13 problem with the belt start? I know
14 you pretty well do these two-hour
15 reports and you keep your down time.
16 About what time did that problem
17 start?

18 A. I ain't positive, but I'm
19 wanting to say 12:55 or 1:55. I ain't
20 sure because Eddie Ellis and Jeff
21 Perry was kind of arguing. Once

22 everything got lined out, they was
23 kind of arguing over how long the
24 belts had been off and --- so I'm
25 going to say 12:55, but I ain't 100

45

01 percent positive on that.

02 Q. And about how long from about
03 12:55 did the belts remain off?

04 A. Well, that part of the time,
05 it kind of went off one time. That's
06 what they was kind of, you know,
07 going amongst one another. I'm going
08 to guess and say 45 minutes. You
09 know it's out. I'm not sure on that.

10 Q. Naturally, being the good coal
11 miner that I was and being the good
12 coal miner that you are, when
13 something is down and you're sitting
14 there patting your foot and wondering
15 what in the world is going to happen
16 next, did you happen to pick up the
17 telephone and overhear any
18 conversations on what was going on?

19 A. That's when I heard them
20 talking about bridging out, you know,
21 because Eddie was wanting me to find
22 out, you know, what's wrong, how long
23 it's going to be, what belt would be

24 used. And that's kind of what Jeff
25 Perry and Eddie got into it over, you

46

01 know, the time I guess where
02 production is so great, they want to
03 know where every minute is and why
04 you're not running that one minute.

05 Q. Now, Eddie, reiterate who that
06 is?

07 A. That's the boss. He was the
08 boss.

09 Q. Your foreman?

10 A. Eddie Ellis.

11 Q. Okay. So you're sitting there
12 and you're waiting for them to get
13 the belts going, and here you're down
14 quite an extended period of time and
15 you're overhearing these
16 conversations. Did you actually hear
17 anyone say that, well, I'm just going
18 to go ahead and bridge it out?

19 A. No. I just heard Karl say ---
20 like I said, at first he said, here
21 comes Dusty, he'll fix it. And like
22 I say, I think he was talking to Joe
23 Perry. I ain't positive on that
24 either. He said, well, sort of like
25 snickering, he's doing something that

47

01 he shouldn't be doing. You know,
02 that's --- and I talked to Karl about
03 it on the way out, and I think he
04 mentioned that's what he did, you
05 know.

06 Q. So Karl was a beltman. What
07 was his name?

08 A. White.

09 Q. Karl White. He was concerned
10 about what had transpired up there
11 that day?

12 A. Yeah, on the way out.

13 Q. And he reiterated that fact to
14 you, that he was concerned about it?

15 A. Yeah. He was talking to us
16 and the ones that was on the mantrip,
17 you know, talking, --- but he was
18 more or less talking to me because me
19 and him was the closest together.

20 But I think Bryan was there, and he
21 was talking to us, too, a little bit,
22 me and Bryan.

23 Q. Well, since we're on the topic
24 of the belts, up there on the
25 longwall, do you have a CO alarm

48

01 system that would alert you in the
02 event of a fire, an alarm anywhere in

03 the mine?

04 A. No. Well, where I'm at, I
05 have --- all I know is that methane
06 monitor. And they tell me that --- I
07 didn't know up until now, but there's
08 one over up on the mother drive, and
09 I think they said it went off a few
10 times, but I have no idea about it.

11 Q. Do you have any type of an
12 alarm that would be on your monorail
13 or anywhere there? When you cut out
14 on a headgate and you can look outby
15 toward the mother drive, do you have
16 any alarm that would flash in any way
17 to let you know or ---?

18 A. There's just a phone, a mine
19 phone.

20 Q. A telephone?

21 A. Yeah.

22 Q. If they needed to really get
23 in touch with you in a real bad way,
24 what would they do? How would you
25 know that someone was needing to

01 speak to you?

02 A. It's so loud, and you know,
03 when it's running, hollering on the
04 phone wouldn't do no good. They'd
05 have to flip that light on, and I'd

06 have to glance up and see it.

07 Q. So that light is basically the
08 telephone, it's not a CO alarm or
09 anything of that nature?

10 A. No. It's just like a little
11 blinking light.

12 Q. Are you familiar at all with
13 the way the system is set up along
14 the belts with the CO monitoring
15 system?

16 A. No. No, I don't know nothing
17 about it.

18 Q. Don't know a whole lot about
19 it?

20 A. Uh-huh (yes).

21 Q. Have you heard anyone
22 speculate why that system is
23 installed on those belts?

24 A. I don't know, but I'd say
25 smoke in it, I think. Isn't that

50

01 what you're talking about?

02 A. Well, it's a carbon monoxide
03 monitoring system, and it would pick
04 up carbon monoxide in the event of a
05 fire or something that would
06 transpire along that line, and that's
07 basically why it's there. Going back

08 to the actual cutting process and
09 when you're actually working, what
10 generates the dust in your work area?

11 A. When it comes off the crusher
12 and it hits the belt and where it
13 just beats the rock and coal up, you
14 know, it just --- like I said, rock
15 is more dust. I mean, it really
16 comes at you sometimes when they're
17 cutting that rock up.

18 Q. How many times a day do you
19 get dusted out, just a really, really
20 dusty environment?

21 A. It just depends on how much
22 rock they cut, you know. I'd say
23 maybe, I don't know --- I really
24 don't know. I'd say at least five,
25 but it can be more. It just depends.

51

01 It depends how much we run and
02 whatever, you know.

03 Q. Do you have pretty good water?

04 A. Pressure?

05 Q. Yes.

06 A. Oh, yeah. Oh, yeah.

07 Q. Good water pressure?

08 A. Oh, yeah.

09 Q. Good sprays on your shearer?

10 A. Well, you know, I'm not around

11 the shearer anymore, but I know it's
12 dusty there. I can say they got a
13 lot of water on the shearer, but I
14 still don't think it does much good.
15 It's just too dusty.

16 Q. Your stage loader --- what you
17 would call your crusher, I call a
18 stage loader. It's different terms
19 wherever you go throughout the
20 country. You got good water to kind
21 of --- for dust ---?

22 A. Not really. You got a couple
23 hoses going in it, but it don't --- I
24 guess it helps somewhat, but you
25 can't tell.

52

01 Q. Okay. I'm bouncing around a
02 little bit on you, but looking at the
03 safety aspect of it, you're standing
04 right there and you're in a lot of
05 dust, sometimes do you ever lose your
06 water for any reason?

07 A. Oh, if we lose water, we're
08 usually down, you know. But yeah, we
09 have trouble with the pumps, certain
10 things go off, you know. It's not
11 uncommon. Yeah, that probably
12 happens a couple times a day.

13 Q. A couple times a day, you
14 would lose your water pressure?

15 A. Yeah, and we'd have to turn it
16 off.

17 Q. Completely or ---?

18 A. I don't know about completely,
19 but you know, the wall got to have
20 the water. And if it's not got
21 water, it can't run.

22 Q. You talked to me a little bit
23 about this CO system. You don't know
24 for sure if they've got a CO alarm
25 for your section there at the

53

01 longwall headgate, anywhere in that
02 vicinity?

03 A. If they do, I don't know about
04 it. It's some kind of alarm; right?

05 Q. Yes.

06 A. Yeah. As far as I know, no.

07 Q. So basically the only alarm
08 that you actually know of is the
09 telephone when they need to get in
10 touch with you?

11 A. Yeah.

12 Q. Now, I've been up there and
13 I've looked at the longwall headgate
14 area. And we'll come to the map in a
15 few minutes, and we'll discuss a

16 little bit of that. And I see the
17 stage loader, and I see the tail
18 roller where it all dumps, and here
19 we've got about 110 or 112 feet of
20 apparatus in that. Where is your
21 water sprays located? Do you have
22 water in specific areas there that
23 would help you?

24 A. As far as I know, we've got
25 two, and it's right there where it

54

01 gets ready to hit the belt, you know,
02 right there at the mouth of the ---.

03 Q. Right at the tailpiece, right
04 as it comes out of the little
05 duckbill and dumps onto the belt?

06 A. Yeah. But it's like two
07 finger lengths' round. You know, it
08 don't spray in that area. It don't
09 do a whole lot.

10 Q. Is it more or less like a
11 wash-down hose or something, with
12 just a little trickle of water coming
13 out of it?

14 A. I mean, it comes out average,
15 but nothing --- no pressure --- no
16 more pressure to it. Just like
17 running your bath water maybe.

18 Q. That's a good example. Do you
19 ever hear of anyone that checks the
20 water sprays or water pressure, you
21 know? Does a mechanic do that?

22 A. To check it?

23 Q. Yes.

24 A. No. Just when it goes down,
25 they go fix it.

55

01 Q. During the course of the day,
02 you're right there in a prime
03 location, how many times of the day
04 do you see your boss?

05 A. Counting going in, that's two
06 --- you know, in and out, as two, on
07 the average, five times maybe.

08 Q. About five times?

09 A. Maybe, you know, --- he comes
10 up, does his fire box thing. And you
11 know, when he's at the head there, I
12 might see him sometimes. But I'm
13 saying five average.

14 Q. Okay. Do you ever see him do
15 a methane test with a handheld
16 instrument ---

17 A. Yeah, I seen him.

18 Q. --- or air readings and things
19 of that nature? Do you feel pretty
20 comfortable that he's doing a good

21 job?
22 A. I don't know. I mean, you
23 know, --- I don't know. No, I
24 wouldn't feel comfortable with it,
25 you know.

56

01 Q. In what way? I mean, ---?
02 A. Probably I --- I haven't seen
03 it done enough. That would be a good
04 way to put it.
05 Q. So we're looking, reflecting,
06 more or less, that you feel that the
07 foreman should come up and check your
08 air more than what he does?
09 A. Yeah, yeah, that --- anywhere
10 down the line. But that's just an
11 opinion.
12 Q. You'd feel more comfortable if
13 you seen him on the job present more
14 than what he actually is?
15 A. Yeah. Yeah. You could say
16 that, Uh-huh (yes).
17 Q. What do you think would take
18 him away from that area and him being
19 the foreman there on the longwall
20 face, what ---?
21 A. Well, he goes down the line.
22 He follows the shearer down the line.

23 Q. So he pretty well ---

24 A. Uh-huh (yes), he's down the
25 line ---.

57

01 Q. --- travels back and forth
02 across the face during the course of
03 the day?

04 A. Yeah. And if we're running
05 good --- you know, he ain't got a
06 whole lot of time, but you know, he
07 does it on his time, you know, when
08 he calls stuff out.

09 Q. Are you aware of your escape
10 routes off of the longwall section?

11 A. I wasn't until we talked about
12 them. I mean, I know how to get out
13 because I drove the tractor a lot on
14 the hoot owl. But I didn't know, you
15 know, to come away from the longwall
16 and go up the hill and go around, you
17 know, where we just had them doors
18 down at the bottom of the hill. Me,
19 I would have shot down that way. But
20 I know now what way that they would
21 want the men to go out.

22 Q. So prior to this accident, you
23 was a little bit fuzzy about where
24 you needed to be on your escapeways,
25 you think?

01 A. Yeah. I could have got out,
02 you know, if --- well, not through
03 smoke like them guys hit, no. I'd
04 probably be where they're at,
05 probably.

06 Q. But now, you've had training
07 that kind of gives you a little bit
08 of knowledge of where your escapeways
09 are at?

10 A. Yeah. We just --- they talked
11 and pointed out a little bit, you
12 know, which that's the way we come in
13 mostly. But you know, the route that
14 I was looking at, it was faster
15 because I wasn't going up the hill.
16 But that ain't always the right way
17 to go.

18 Q. We'll come up to the map here
19 in a few minutes, and I'll point out
20 some landmarks and you can
21 demonstrate them to us, to the best
22 of your knowledge. A quick question
23 on your foreman. Does Eddie, that's
24 his name, does he still work there,
25 at Aracoma?

01 A. No. He quit. Eddie's a good

02 man, though. Eddie's a good man.

03 Q. Do you have any idea or
04 opinion why he may have quit?

05 A. No, I don't. I have no idea.

06 Q. Okay. Larry, if you don't
07 care, let's come up to the map and
08 we'll talk a little bit about our
09 map.

10 MR. BURKE:

11 We're going to classify
12 this map for the record as
13 Exhibit A for Browning.

14 (Browning Exhibit A
15 marked for
16 identification.)

17 BY MR. BURKE:

18 Q. And actually I made a little
19 mark right here where we went up to
20 the longwall panel right after the
21 accident and we started our
22 investigation. The face is a little
23 bit further up, so it's just about 40
24 feet or so inby crosscut 17. So your
25 longwall face is about right here.

60

01 Now, this is pretty well --- and
02 we're pointing to an area at crosscut
03 number 17 directly across from spad
04 3345. I'll get us some pens here.

05 MR. BURKE:
06 Give me a green one.
07 BY MR. BURKE:
08 Q. This is about where you would
09 be positioned on a normal workday.
10 And this basically right here is
11 about where your longwall is at right
12 now. I'll go ahead and mark that for
13 you. That kind of lets you know.
14 Now, in a given emergency, how would
15 you take me out of this panel? How
16 would you get me out of there, if you
17 don't care?
18 A. Now, right here, I think it's
19 --- we'll go down and go here, up and
20 I think it's through here.
21 Q. Draw me a line.
22 A. A line right through there.
23 And I'm not real sure what to go
24 down.
25 Q. Now, this is the 72-inch or
01 six-foot belts as they come up?
02 A. Yes.
03 Q. That's the brown line, the
04 belt entry.
05 A. Okay. Go down somewhere like
06 this to under One Four way. I think

07 that's it, primary. The secondary, I
08 think, might be over one notch, over
09 there.

10 Q. Now, was you clear before the
11 19th of how to get out of this mine?
12 In your opinion, how would you have
13 taken a route out of here?

14 A. I would have went through
15 here, when we got to the door down
16 there at the Four way, then I would
17 have probably went that way.

18 Q. At the second cut-through?

19 A. Probably.

20 Q. This map doesn't show the
21 entire area, but there's another
22 cut-through --- there's Number One
23 cut-through, and I think they call
24 this one Number Two cut-through. So
25 you went out in the outby and back

62

01 prior to?

02 A. Yeah.

03 Q. So since the 19th, they've
04 actually talked to you about what
05 your proper escape routes are?

06 A. Yes.

07 Q. If you don't care, draw me an
08 arrow in the direction of travel, the
09 way you would actually travel out.

10 WITNESS COMPLIES

11 BY MR. BURKE:

12 Q. Now, since the 19th, we've ---

13 who gave you this training? Who

14 was ---?

15 A. Oh, we just all --- we would

16 go in, and they kind of went over the

17 map.

18 Q. Okay.

19 A. They've been pretty good about

20 that.

21 Q. Where is your escapeway map

22 located on the surface where you

23 congregate normally?

24 A. We got a table.

25 Q. A picnic table?

63

01 A. A big old table in that one

02 room where we kind of all gather

03 before we go in, you know, talk to

04 people, you know, below the offices.

05 Q. Who gives you this training?

06 A. Gary Goff was there, Pepe. I

07 think that's it who was there. They

08 done it a couple times.

09 Q. So for the record, prior to

10 the 19th, you would not have chosen

11 this route, ---

12 A. No.

13 Q. --- and for the record's
14 purposes, you'd come over from
15 crosscut Number 17 off of the
16 longwall belt, over to spad, looks
17 like 3345 and traveled in an outby
18 direction to spad 3299, where you
19 make a left, going past spad 3327,
20 through a set of doors and out into
21 the north mains, and then we come
22 over to spad 2492 and we go in an
23 outby direction in the entry adjacent
24 to the six-foot belt. And that's the
25 way that you would go out now. And

64

01 before, this map doesn't show it,
02 we'd go out to the Number One
03 cut-through and back over into the
04 north mains and exit the mine that
05 way. Have you ever traveled that
06 way?

07 A. That's the way we used to.
08 But when we were down here, that's
09 how we got to it. That's the reason
10 we know it would be shorter. I'm not
11 saying it would be the safest way,
12 but it would have been shorter.

13 Q. Has your foreman ever got you
14 boys together up there and performed

15 an escapeway drill and actually
16 walked you out and showed you what
17 you needed to do?
18 A. Not walked us out, no, but
19 kind of went over it a little bit,
20 you know, the hoot owl boss, Derrick
21 Christian (phonetic). Well, we never
22 walked out.
23 Q. You've never walked out since
24 you've been here?
25 A. This here, they walked out

65

01 from the Three way, everybody on the
02 crew did.
03 Q. So the Three way would be out
04 by this location considerably below
05 on these projections down here,
06 probably, in your opinion, what, a
07 mile or more away from this location?
08 A. I'd say a mile.
09 Q. At least. Now, for the
10 record's sake, reiterate for me one
11 more time so that I'm clear that
12 since you've been here, and you've
13 been here what, about a year or
14 thereabout, that no one has ever
15 directed you to participate in any
16 kind of escape drill and walked you

17 out and showed you the escape routes
18 that you needed to take in the event
19 of an emergency?

20 A. No, never walked out. Uh-uh
21 (no).

22 Q. No one has ever done that with
23 you?

24 A. Nope.

25 Q. Prior to this, would you feel

66

01 comfortable if someone hollered fire
02 and get out? What would you have
03 done?

04 A. Well, we would have tried to
05 gather up in one spot and go back
06 together. Like I say, it's my
07 opinion I would have went --- I would
08 have gone down to the Number One Four
09 way, towards the Number One Four way.

10 MR. BURKE:

11 Okay. For the record's
12 sake, what we're talking
13 about, he'd come from the
14 longwall face ---.

15 BY MR. BURKE:

16 Q. May I borrow your pen? The
17 face is actually located directly
18 across from spad 3345, and it's about
19 40 feet inby right here. This is

20 actually about where the longwall
21 face was at, at crosscut 17. And
22 what we're discussing, this map only
23 goes down the last spad in the route
24 that you've designated as your
25 escapeway, spad 2234. And then

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01 there's no further projections that
02 we're looking at. We're only looking
03 at a cut-off part of the map. And it
04 doesn't show how you go down and go
05 through your doors at the Four way
06 and then down to the Three way,
07 because the mine is quite extensive.
08 We just got this more or less to
09 demonstrate and show you where you
10 was actually working. So for the
11 record, that clarifies that, where
12 we're actually located.

13 If you come off on a
14 day-to-day basis, is this the way
15 that you'd normally go over to your
16 section now?

17 A. Yeah.

18 Q. Is that the way you travel?

19 A. Yeah, I believe. I mean, I
20 haven't been up there, but --- I
21 really haven't been up there. I

22 haven't been up top there, but yeah,
23 I guess that's the way we still go.

24 Q. Looking at this map, have you
25 ever had an opportunity to walk any

68

01 of the belts and look at the belt
02 lines in any way?

03 A. No. Like when I worked hoot
04 owl, you know, we would go
05 take out structures over here
06 sometimes. When we was up on Eight,
07 I was at the mother drive, but you
08 know --- I mean, it wasn't complete.
09 But no, not walking up, checking.

10 Q. So you haven't been to this
11 area where the fire occurred in a
12 long, long time? Or have you ever
13 been there?

14 A. Yeah, I've been there, I
15 think, once or twice.

16 Q. Once or twice?

17 A. When we was up on Eight, we
18 had to go get a mixer and a few other
19 odds and ends.

20 Q. Now, Eight --- this is off the
21 map projections, too, but that was
22 the panel that they mined before they
23 came to Nine; correct?

24 A. Yeah. Uh-huh (yes).

25 Q. That's over here to the

69

01 immediate left?

02 A. Right. Uh-huh (yes).

03 Q. Okay. You never had the

04 opportunity to look at any waterlines

05 or any particular things that are on

06 those belts when you worked on the

07 third shift, how the water system was

08 configured or how the waterlines run?

09 A. No, not really --- we --- I

10 don't know where they are. There's

11 one waterline down there, but not on

12 an average basis, no. I don't see

13 them anyway.

14 Q. Do you know how your water

15 supply comes in to feed the longwall

16 section?

17 A. Yeah. It comes up through

18 here and goes to the mule train up

19 through there somewhere.

20 MR. BURKE:

21 Give me another colored

22 pencil here, Dan, and let me

23 mark that.

24 BY MR. BURKE:

25 Q. All right. Now, ---.

70

01 A. Because when we was on hoot
02 owl, we had to move the mule train
03 up. We'd have to add the waterline.

04 Q. Okay. Now, describe for the
05 folks that don't know what a mule
06 train is --- what's a mule train?

07 A. It's really the power center
08 of the longwall and where the pumps
09 are and the tank and the oil is.

10 Q. Okay. So it's like an
11 emulsion pumping setup with your
12 power centers, and your water comes
13 to that point that supplies ---

14 A. Yes.

15 Q. --- what you need for the
16 longwall?

17 A. I guess what's where you get
18 your pressure at, too.

19 Q. Okay. Basically, you can take
20 this red marker and --- you know,
21 this is not exact. It's not exact
22 science. But to the best of your
23 memory, kindly mark the way that you
24 think your waterlines come up and
25 about where your mule train is

71

01 located, and we'll mark that on the
02 map.

03 A. See, we did have it here.

04 Yeah. For some odd reason, we had a
05 bad hump involved, so we put it over
06 in the second break. And that's the
07 reason, too, and the water ---
08 because the water did come from here.

09 Q. It came down?

10 A. Yes, at first. I'm pretty
11 sure it did. And then when we --- I
12 don't really know. I'm thinking it
13 did because we got to take it apart
14 sometimes and get it and bring it
15 over here, so I'm sure it did come
16 down this way. But down here
17 somewhere, we had to jump over in the
18 Two breaks. I'd say right through
19 there somewhere, and that's where the
20 water comes in.

21 MR. BURKE:

22 So he's marking, for
23 the record, coming off the
24 map, right at the last
25 projection of the map, spad

72

01 3373 in the inby direction in
02 the Number Three entry, and
03 he's showing the location of
04 his waterlines in the Number
05 Three entry up to spad 3343.

06 BY MR. BURKE:

07 Q. Now, is that where your mule
08 train is at now or would it be on
09 further?

10 A. It could be further. I mean,
11 I don't know how close ---.

12 Q. It's been a while?

13 A. I don't know how close they
14 are, really.

15 Q. Okay.

16 A. I know we --- I think we can
17 see it coming here, I'm thinking.
18 It's been a while, but I think we
19 can.

20 Q. If you don't care, just mark
21 this right here as your waterlines
22 for me.

23 A. What do you want, just put
24 water?

25 Q. Yeah, just put water.

73

01 WITNESS COMPLIES

02 BY MR. BURKE:

03 Q. Now, working here and probably
04 being close to the telephone, have
05 you ever heard, since you worked here
06 this year, that they may have had any
07 other fires anywhere in the mine, any
08 problems with any other belts or any

09 fires that you know of?

10 A. No, not up to this. But then
11 after this happened, I heard they had
12 one somewhere, but I don't know where
13 it was at. I have no idea.

14 Q. So basically you never knew of
15 any other fire other than the one
16 that just occurred on the 19th,
17 pretty much?

18 A. Yeah.

19 Q. Do you think that maybe
20 someone should have trained you
21 better and let you know how to get
22 out of the mine in the event of an
23 emergency?

24 A. Yeah. I mean, yeah, they
25 should have.

74

01 Q. I mean, you know, I'm kind of
02 a jumpy fellow, and I don't care to
03 admit that, you know. If the top's
04 falling in, I'm going to be the first
05 to run, and just get out of the way.
06 You know what I mean? But if I'm
07 working in here, and I know that
08 maybe I've got a fire somewhere or a
09 situation, I would definitely want to
10 know how to get out of the coal mine.

11 And you know, you don't have a lot of
12 experience, you've been there a year,
13 and didn't that make you a little bit
14 nervous?

15 A. Well, I guess I kind of
16 thought I knowed my way out, you
17 know. And I do know my way out, ---

18 Q. Yes.

19 A. --- but under different
20 circumstances, you know. But like I
21 say, I would have went the wrong way.
22 I would have made it out if nothing
23 was in the way. But that's what took
24 me out. When I drove the tractor, I
25 knowed the road. But still, I was

75

01 going the wrong way on it.

02 Q. Do you feel comfortable now
03 that when you go back to work that
04 you pretty well know how to go?

05 A. Yeah. I think my way would be
06 better, but I'd go that way.

07 Q. I don't know if you're aware
08 of this or not, but coming down from
09 the mother drive, down the Number One
10 entry, down near your headgate,
11 there's a two-inch yellow waterline
12 that runs pretty well the length of
13 this longwall belt. Are you aware of

14 that?

15 A. No. No, I'm not. Like I say,
16 when I --- I've only been on those,
17 say, three weeks. I've been on hoot
18 owl for a while, seven, eight months,
19 maybe longer than that. I don't
20 know. We got --- I don't know where
21 it's at, but all of a sudden there
22 was a waterline that popped up, you
23 know, and that's the first one I
24 seen. That was probably about, I'd
25 say, a month before it happened.

76

01 Q. About a month before it
02 happened?

03 A. A month, month and a half,
04 something like that, I seen a
05 waterline.

06 Q. Now, where did you see the
07 waterline? Is that the one we just
08 drew on the map here?

09 A. No, it was a little waterline
10 in there. It felt like it was coming
11 this way.

12 Q. So that was the little
13 waterline --- a little small yellow
14 two-inch line?

15 A. Yeah, it wasn't much. Now, it

16 might be back there, but I don't ---
17 that's the first time I saw anything.
18 It might have been. No, it ain't,
19 because we take the belt apart,
20 unless it's --- well, it could be on
21 the monorail maybe, you know, the
22 dollies. It might be there now
23 because there's a waterline there,
24 but I don't know of any hookups or
25 anything of that kind, so I don't

77

01 know. I don't know.

02 Q. If you had a fire here at the
03 headgate area, do you have a fire
04 valve or anything that you can
05 readily hook some hose to, to fight
06 that fire?

07 A. Yeah, we got us a little hose
08 there and fire extinguishers.

09 Q. So you feel adequate with the
10 fire protection you've got here?

11 A. Yeah, it's okay. I mean, it
12 always could be better, I guess, but
13 you know, ---.

14 Q. I think we're done with that
15 for now. I appreciate it. You told
16 me a little bit about what you're
17 doing now, but when you worked on the
18 third shift, what was your basic job?

19 What was your job classification
20 there? What did you do?
21 A. It was longwall move crew is
22 what it was. We moved the power
23 center up when it needed to be moved,
24 took the structure out, built
25 stoppings, repaired them, hang

78

01 curtain occasionally, clean up the
02 scoop and the hauler, you know, stuff
03 like that.

04 Q. Did you ever have an
05 opportunity to work anywhere in the
06 mine other than on the longwall
07 panel?

08 A. Well, not really. I started
09 at setup, you know. I believe it was
10 at Eight. But you know, that's the
11 only place --- longwall is the only
12 place I've ever been.

13 Q. So probably about the time
14 that you started there they were
15 still on the Eight, Number Eight,
16 headgate?

17 A. No, they were on Seven.

18 Q. They were on Seven?

19 A. We was setting up Eight.

20 Q. Oh, okay. So they move quite

21 quickly with those longwall panels
22 then, I guess; don't they?
23 A. I guess. I don't know.
24 Q. That's pretty good. Did you
25 ever have an opportunity --- on your

79

01 setup work on the third shift, did
02 you ever have to knock any stoppings?

03 A. Yeah. Yeah. We have to knock
04 stoppings to put the hoses and the
05 cable through, you know, as we move
06 up.

07 Q. So as you retreat, you would
08 remove which stoppings now, in
09 proximity?

10 A. I think it was --- we moved
11 four breaks, so probably every four
12 breaks.

13 Q. So every four breaks?

14 A. You know, then move it --- and
15 I think the fourth one, then you hit
16 the next one for the waterline. I
17 think that's how it went.

18 Q. I hate to ask you, but just
19 for clarification purposes, could you
20 come back up to the map and maybe
21 give me an idea of what you're doing
22 here? Kindly explain to us, because
23 a lot of folks, at some point in

24 time, may not understand mining
25 terminology. And we're actually

80

01 mining here where we're making our
02 passes back and forth across the
03 longwall face and we're retreating
04 outby. And not necessarily --- I'm
05 not saying that these stoppings are
06 in, but the map that we've got here
07 shows that we have a brattice line,
08 and this is Number One entry, Two,
09 Number Three and Number Four entries.

10 Between Number Three and Four this
11 map shows a stopping line, and that
12 don't necessarily mean they're there.
13 But kindly explain to us what you
14 would have to do in the process of
15 retreating and how you would have
16 to ---.

17 A. Right here might be --- see,
18 the mule train is here. We go up
19 here and got into the Four break.
20 And right here, these areas, you got
21 stoppings in there. No, these here.
22 I think whichever one it is, we move
23 up so far, we got to run the cables
24 down and back to the mule train.
25 It's probably up here a little bit.

01 Q. All right.

02 A. And they got to be knocked so
03 they can get the waterline and then
04 their power.

05 Q. Kindly make us a little mark
06 on the map how you would do that and
07 run your cables and ---.

08 WITNESS COMPLIES

09 BY MR. BURKE:

10 Q. And that's kindly representing
11 the mule train?

12 A. Yeah. Uh-huh (yes).

13 Q. Okay.

14 A. And I'd say right here, that's
15 your waterline. I'd say --- I think
16 the water is here.

17 Q. And that's your waterline?

18 A. Well, I'd say --- I think the
19 water is here.

20 Q. And that's your power?

21 A. Yes.

22 Q. Okay.

23 A. And it comes down over here
24 and to your monitor.

25 Q. So all these cables then, once

01 you make that move back, everything
02 comes over and connects to this

03 monorail that runs adjacent to this
04 longwall belt?
05 A. Yeah.
06 Q. Okay. Would you care to
07 kindly draw that in? And let's label
08 this for the map --- for the record.
09 That would be your waterline and your
10 power cables. And kindly draw me a
11 blue line and make me a mark on the
12 side that says monorail.

13 WITNESS COMPLIES.

14 BY MR. BURKE:

15 Q. And you can mark that if we're
16 going to call that the mule train.
17 And that doesn't necessarily mean
18 that's where it's at, but you're just
19 demonstrating how you do your water
20 and power when you have to move?

21 A. How do you spell mule train?

22 Q. M-U-L-E, mule train,

23 T-R-A-I-N.

24 WITNESS COMPLIES

25 MR. BURKE:

83

01 All right. He's
02 designated on the map that in
03 the area --- the approximate
04 area of spad 3318, where the

05 mule train would be located.

06 BY MR. BURKE:

07 Q. You move this in increments of
08 four crosscuts; correct? Every four
09 breaks ---

10 A. Yeah.

11 Q. --- and then you would move?
12 Then you'd run your waterlines over
13 from the Number Three entry across
14 Number Two, over to the belt entry in
15 Number One, and it would go on the
16 monorail. And the same situation
17 with your power cables, from the
18 power center, across the Number Two
19 entry, over to the monorail. Now,
20 all this runs parallel with the belt?

21 A. Yeah.

22 Q. Correct. And it's all on the
23 monorail. So you've got waterlines
24 and power lines and all this together
25 on that monorail?

84

01 A. Yeah, and the phone line.

02 Q. And the telephone lines and
03 everything. By chance, when you're
04 working here, do you know what a CO
05 monitor looks like, the little CO
06 monitors that they put along the belt
07 lines to monitor carbon monoxide?

08 A. Yeah. They've got one on the
09 headgate.
10 Q. Have you ever seen one?
11 A. They've got one on the
12 headgate.
13 Q. You got one on the headgate?
14 A. But on the belts, I don't see
15 none on the belts.
16 Q. Around that Number One shield,
17 and I know you're in that area
18 probably --- how many hours a day do
19 you normally work?
20 A. Usually, I'd say nine.
21 Q. Nine hours a day?
22 A. You get ten in, you know, with
23 travel time.
24 Q. So you're there pretty much
25 nine hours a day. Do you ever happen
85
01 to remember --- and I've asked you
02 once if you've ever seen anything
03 outby down here with a strobe light
04 or a warning light, and you responded
05 it was a telephone. Do you know that
06 around that Number One shield that
07 there's a --- if there's some type of
08 cable that runs to that where you've
09 got a section alarmed, that they can

10 get ahold of you in the event of a
11 fire, that they can maybe set that
12 off? Does it have a strobe light,
13 anything around the first shield, in
14 this area right here across the
15 longwall face, that you know of?

16 A. You got a phone that hooks up,
17 but it's like every 20 shields. I
18 think the first one --- I'm not
19 positive, but I think it's --- it
20 might be Ten shield, Number Ten, but
21 I ain't sure. There's a phone going
22 down the line every so often.

23 Q. So they do have communications
24 across the entire longwall face. So
25 you've got telephones and ---

86

01 A. Telephones.

02 Q. --- if someone maybe midway
03 needs to get ahold of you or
04 something, they can. They can. In
05 the event of an emergency, they can
06 talk to you.

07 A. Yeah.

08 Q. I appreciate it. That's some
09 good information. All right.

10 BY MR. TUCKER:

11 Q. Okay. I may even repeat some
12 questions. If I do, just bear with

13 me. Do you still work at Aracoma?

14 A. Yeah. Uh-huh (yes).

15 Q. You mentioned you write your
16 notes in a tablet. Do you have the
17 tablet that you used for the 18th and
18 19th?

19 A. No. I mean, I got it, but I'm
20 sure I threwed --- you know, I ripped
21 them out and just threw them away.

22 I'm sure I ain't got them. I can
23 check and see, but I know I don't.

24 Q. If you do have those, we'd
25 really like to get them, if you can

87

01 find them. We'll be giving you some
02 cards where you can get ahold of us,
03 some phone numbers. Now, who was the
04 foreman on the 18th that ended
05 up ---?

06 A. It was Joey --- well, that was
07 the one that was there when the
08 air ---.

09 Q. Yes.

10 A. Joey. I don't know his last
11 name. Joey.

12 Q. Had he been your foreman for a
13 while? Was he filling in on the
14 18th?

15 A. Me and him kind of --- I think
16 he started a little bit before me on
17 the longwall. So he wasn't there
18 long either. You know, he wasn't
19 there long.

20 Q. I mean, as far as being your
21 foreman on the longwall ---?

22 A. I was there three weeks. He
23 was there three weeks.

24 Q. Three weeks?

25 A. With me.

88

01 Q. So you just started working on
02 the longwall?

03 A. Right. Uh-huh (yes).

04 Q. Okay. Did you hear any
05 comments --- when you had the air
06 problems on the 18th, did you hear
07 any comments, maybe over the phone or
08 whatever, concerning the air or what
09 had happened or directions on what to
10 do to get it or anything like that?

11 A. You know, Joey thought we had
12 air at the time, then he found out he
13 didn't. And then they just started
14 to, you know --- somebody was looking
15 for a hammer or something to get it
16 knocked because we was done. And Jim
17 went over and knocked it. And I

18 think it was Bryan or Junior ---
19 Junior Sanders come over, and we put
20 that curtain up on the belt.

21 Q. Did you hear any conversations
22 over the phone pertaining to that
23 event?

24 A. No.

25 Q. How much belt trouble do you

89

01 have?

02 A. Well, I think we had a little
03 trouble with that same belt the day
04 before.

05 Q. Is that so?

06 A. You know, not a whole lot, but
07 a little bit.

08 Q. When you say the day before,
09 is that on the 17th?

10 A. The day before it happened, so
11 it would be the 18th.

12 Q. The 18th, the day before the
13 accident. And that's when you had
14 mentioned you heard the conversation
15 about possibly bridging out the
16 breaker?

17 A. No. That was the day that it
18 happened.

19 Q. That was the day it happened.

20 That's right. Okay. But the day
21 before, you had had some trouble,
22 which is on the 18th?

23 A. Right.

24 Q. So do you know what those
25 problems were?

90

01 A. On what day?

02 Q. On the 18th.

03 A. I really don't ---.

04 Q. The day before the accident.

05 A. I don't know, but --- no, not
06 really, I don't. But I know it just
07 --- when it come on, it would run a
08 little while, you know. It wouldn't
09 quit and stay off like it did.

10 Q. You don't know if it was
11 electrical or an alignment problem?

12 A. Right. No, I have no idea. I
13 should, but I don't remember. I
14 don't know.

15 Q. After Dusty came to the belt
16 box, you said the belt never --- you
17 never had any more belt problems on
18 the 19th?

19 A. As far as I know, no. I think
20 it runned good after that.

21 Q. Did you have to shut the belt
22 off for any reason after that?

23 A. Right before I left, yeah, we
24 had taken out the structure and get
25 the shearer. Yeah, it was off. And

91

01 that was like right before I left.

02 Q. Then you restarted it after
03 you got finished?

04 A. I was gone, but second shift
05 done it.

06 Q. Who all was involved in the
07 conversation about bridging out the
08 belt on the phone?

09 A. As far as I know, Karl, I
10 think. I ain't for sure, I think he
11 was talking to Jeff Perry outside, I
12 think. And that's the only one I
13 heard, was them two, and you know,
14 Dusty. Because like I say, I never
15 heard Dusty say nothing, you know,
16 because he was, you know, doing
17 whatever he was doing.

18 Q. Right. You mentioned that you
19 had some dust coming from the crusher
20 and sometimes it overtakes you. So
21 it's coming outby?

22 A. Yeah. But it's not so bad
23 that you can't see or ---.

24 Q. Right. But it travels toward

25 you?

92

01 A. Yeah. Uh-huh (yes).

02 Q. So you think the air current
03 is bringing it toward you?

04 A. No, it just --- I think the
05 momentum of the chain and the belt,
06 then it kind of --- it will go ---
07 sometimes it will happen, but then it
08 starts going back, you know. It just
09 slowed it.

10 Q. Have you ever had a fire
11 drill?

12 A. Uh-uh (no). Nope.

13 Q. Has anybody ever went over
14 various firefighting equipment that
15 you have, demonstrated to you how to
16 use it or ---?

17 A. Not really, just showed us
18 where it was at, maybe.

19 Q. What have they showed you?

20 A. I ain't even --- I don't even
21 know if they showed us, you know. I
22 mean, it's just there, you know,
23 and ---.

24 Q. Do you know where your fire
25 hose is at on the longwall section?

93

01 A. No. No, I don't. I mean, I

02 got hoses there that I, like, will
03 spray the belt and stuff down with.
04 That's what I would use, but I don't
05 know if that's fire hose or not.

06 Q. As far as, say, a couple
07 hundred feet of fire hose that you'd
08 put a nozzle on the end, that type of
09 fire hose?

10 A. They got that over on a sled.
11 Yeah, I've seen that. It's rolled
12 up. Yeah, they got a few of those
13 over there about one or two breaks
14 over, where the --- one break over, I
15 think.

16 Q. What color is it?

17 A. I don't know. It seems like
18 it might have been blue, but I ain't
19 positive on that. I think it might
20 have been blue.

21 Q. Do you know what a --- have
22 you ever heard the term of a
23 comprehensive mine safety program?

24 A. No.

25 Q. Has anybody ever discussed or

94

01 went over that with you personally?

02 A. At the mine, no.

03 Q. Right, at the mine. After you

04 started work there, did you receive
05 any training on methane detection or
06 oxygen deficiency?

07 A. A little bit here just last
08 --- about a week --- about two or
09 three weeks ago, we went over it.

10 Q. Let's say prior to the 19th?

11 A. No.

12 Q. Okay.

13 A. Just what we had in the class,
14 you know, the class that I took, you
15 know, the air class. I had a little
16 bit there.

17 Q. Your apprentice miner's ---

18 A. Uh-huh (yes).

19 Q. --- class? Have you ever had
20 any type of drills that would be like
21 an escape or an emergency procedure,
22 you know, what to do in the
23 event ---?

24 A. Previous to the ---?

25 Q. Previous to the 19th?

95

01 A. No.

02 Q. Okay. Has anybody discussed
03 with you anything pertaining to, say,
04 a fire warning signal?

05 A. No.

06 Q. You mentioned you had built

07 stoppings on the midnight --- would
08 you dry stack those or would you seal
09 them? How did you construct
10 stoppings?

11 A. We haven't did a whole lot,
12 but no, the ones that we built up
13 that way, we mudded them, put stuff
14 on them, you know.

15 Q. Did you start out as a
16 contractor at the mine?

17 A. Yeah.

18 Q. Who was that with?

19 A. Apollo.

20 Q. How long was you a contractor
21 before you moved up ---?

22 A. Five months.

23 Q. Five months. You say the
24 tailgate has been blocked
25 occasionally here recently?

96

01 A. Yeah.

02 Q. When it became blocked, did
03 you receive any additional training
04 after --- say, if it became blocked,
05 did you have any training?

06 A. No. I just heard them talking
07 about it. They said the tail fell,
08 what they say. I just heard them

09 talking about it. Like I say, I'm
10 not down that way. I don't know.

11 Q. Are you aware of any type of
12 plan that pertains to the tailgate
13 being blocked, like a tailgate
14 blockage plan?

15 A. No.

16 Q. How often do you change
17 shifts?

18 A. Well, we got three crews, you
19 know, three crews, so that's three
20 times a day, you know, I guess. Is
21 that what you're talking about?

22 Q. No. Like on your swing shift,
23 you work dayshift a while, evening
24 shift a while?

25 A. Well, we go four days. Four

97

01 days, off two, and then four more.
02 Four/two schedule. Every six
03 days ---.

04 Q. You switch shifts?

05 A. Uh-huh (yes).

06 Q. Are you familiar with the roof
07 control plan?

08 A. Yeah, a little.

09 Q. Do you know what --- does it
10 address --- any roof control plan,
11 has anybody ever went over with you

12 what to do if the tailgate becomes
13 blocked?

14 A. No. Nothing like that, no.

15 Q. Have you ever seen a document
16 that looked like this?

17 A. I don't know. I don't think,
18 but you know, I might have. But I
19 don't think.

20 Q. The document I'm referring to
21 is a comprehensive mine safety
22 program for Miners' Health, Safety &
23 Training.

24 MR. TUCKER:

25 Do we need to give this

98

01 an exhibit number?

02 MR. BURKE:

03 Yes. That's Exhibit B,
04 Browning.

05 (Browning Exhibit B
06 marked for
07 identification.)

08 MR. TUCKER:

09 Okay. This is --- the
10 comprehensive mine safety
11 program is identified as
12 Exhibit B, Browning. That's
13 all I have for now. Thank

14 you.

15 BY MR. BURKE:

16 Q. Larry, we'll do our best to
17 get it wrapped up, and maybe we'll
18 get you a hamburger here in a few
19 minutes. You're working at the
20 headgate of the longwall. Are you
21 familiar with a CP unit on the
22 longwall stage loader?

23 A. No. What is it?

24 Q. Do you know anything about the
25 electrical aspects of it in any way?

99

01 A. No, not really. I mean, I
02 don't fool with electricity, no.

03 MR. BURKE:

04 Could we take about a
05 five-minute break?

06 SHORT BREAK TAKEN

07 BY MR. BURKE:

08 Q. I just got three or four more
09 questions, Larry, and we'll be done
10 with you in time to go to Burger King
11 to get a Whopper maybe. We were
12 talking about the ventilation on that
13 longwall headgate. Had you noticed,
14 in the time that you've been up
15 there, did it seem to you that it got
16 less, stayed about the same,

17 increased? Had you noticed any
18 significant changes in the
19 ventilation current up there?

20 A. No, not much. No.

21 Q. Nothing? One question that I
22 had in mind. You're there at the
23 headgate, and I demonstrated this in
24 an earlier interview. That belt line
25 is a rubber conveyor belt and it sits

100

01 on those cradles. And as that runs,
02 it kind of gives it an effect like
03 this right here, and you see it
04 cradled and coal running down the
05 center part of that belt. Have you
06 ever had an opportunity to notice
07 that on the walkway side of the belt,
08 had you seen any damage or anything
09 to either side of that conveyor, like
10 it was cutting or fraying in any way?

11 A. Maybe a little at one of the
12 splices maybe, but not a whole lot.
13 You know, on my part, not a whole
14 lot. But I don't know what a whole
15 lot is. Like I'm not a belt man, but
16 I'd say a couple inches maybe, you
17 know, just something like that, you
18 know, or spliced together, you know,

19 just dug out a little bit there.
20 Q. And you can see it where it's
21 frayed a little bit in some spots?
22 A. Yeah, and it would kind of
23 clang when it hit a roller or
24 something. But it does that anyway.
25 But it seemed to me like that would

101

01 have made it a little louder, I
02 think.
03 Q. Have you ever seen the belt
04 run off and ride up on either side
05 and do this number, kindly swaying on
06 the cradles as it's running?
07 A. Yeah, right there where I'm
08 at. But you know, when it does that,
09 I got knobs and stuff to adjust it to
10 where I get it lined out pretty much.
11 Q. Does that spill a lot, in your
12 opinion?
13 A. No. No, it's not bad.
14 Q. It's not bad?
15 A. Uh-uh (no).
16 Q. It doesn't spill a lot. Just
17 a couple more questions, and we'll
18 let Bill ask his closing questions.
19 Jeff, you mentioned Jeff earlier.
20 What was his last name?
21 A. Perry. Jeff Perry.

22 Q. Perry. Is he a ---?

23 A. I don't know. He ain't been
24 there long. I don't know if that was
25 him on the phone or not. I haven't

102

01 seen him until after this happened,
02 but I heard his name on the radio,
03 you know, phone a lot. And Jeff
04 Perry --- and I think that's who Karl
05 was talking to, but I'm not 100
06 percent sure of that now.

07 Q. One final question. As part
08 of your work on that longwall, have
09 you ever had the opportunity to sit
10 down and maybe go over with the crew
11 or your boss the escapeway map?

12 A. Before this?

13 Q. Yes.

14 A. A little bit after that
15 incident at north there, a little
16 bit. Yeah, we went over it a little
17 bit, but we didn't walk out or
18 nothing like that, no.

19 Q. Now, what incident are you
20 referring to there?

21 A. It was the 12 miners, them
22 miners that got killed out ---.

23 Q. Oh, okay. The Sago incident.

24 So do you know where your escapeway
25 map is located on your longwall

103

01 section? Are you familiar with that?

02 A. No.

03 Q. You don't know where that map
04 location is at on your working
05 section?

06 A. I seen one up on Eight one
07 time at the Eight headgate, and I
08 haven't seen none ---.

09 Q. That's been a while back, I
10 guess?

11 A. Yeah, a long time. That was,
12 I don't know, a long time ago.

13 Q. Okay.

14 MR. BURKE:

15 Bill?

16 BY MR. TUCKER:

17 Q. Just one question on the belt
18 there. Have you ever had to trim the
19 belt, say have a string that's on the
20 side of the belt and maybe have to
21 trim it off?

22 A. Not since I've been there, no.
23 In three weeks, I never had nothing.

24 MR. TUCKER:

25 Okay. That's all I

104

01 have. Thank you.

02 BY MR. BURKE:

03 Q. Larry, we've asked you a lot
04 of questions and put you through it
05 today. Maybe we didn't ask the right
06 question. Is there something maybe
07 on your mind that you could help us
08 with that we didn't ask that you
09 might want to talk about, anything
10 that you could help us with?

11 A. No. I mean, not that I know
12 of. I mean, that's about all I know.

13 Q. In your opinion, as a coal
14 miner, what do you think could have
15 been done maybe to prevent this
16 accident?

17 A. Really, quit rushing people.
18 Management could have done a real
19 good thing, but it might not have. I
20 think it might have.

21 Q. Do you feel that much under
22 pressure in doing your job every day?

23 A. Headgate, it's aggravating.
24 Like you can't hear. There are
25 little pressures there. But it's

105

01 mostly on the bosses, I think.

02 That's where the pressure's at

03 mostly, because on hoot owl there
04 wasn't no pressure on me at all. But
05 you know, the pressure is there.

06 Q. Any other information that
07 you'd like to share with us, anything
08 that you can think of?

09 A. No. I think I've spilled the
10 beans. That's all I know. I mean,
11 you hear things. But Lord, if I sat
12 here and told you everything I heard,
13 we'd be here all night. A lot of it
14 is tales, so I don't know if half are
15 right or not, so --- I just want to
16 be honest with you.

17 MR. BURKE:

18 We certainly appreciate
19 that, Larry. And on behalf of
20 MSHA, I want to thank you for
21 appearing here today and
22 answering all the questions
23 that we've kind of shot at you
24 here this morning and even
25 afternoon now. Your

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01 cooperation is very important
02 to us as we work to determine
03 the cause of this accident.
04 And if you wish, you may go
05 back now over any of the

06 answers that you've given us
07 during our interview. You may
08 also have the opportunity to
09 make a closing statement, if
10 you choose to do so.

11 A. No.

12 MR. BURKE:

13 Okay. We ask you that
14 you do not discuss your
15 interview today with any
16 person who may have already
17 been interviewed or anyone
18 that we may interview in the
19 future. This will ensure that
20 we obtain everyone's
21 independent memory of the
22 events that happened on
23 January 19th at Aracoma Mine.
24 And after questioning other
25 witnesses and obtaining

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01 additional information, we may
02 be asking you back for further
03 questions. If we learn
04 something else and need to get
05 you back, we may contact you
06 again, if that would be all
07 right with you.

08 A. Yeah.
09 MR. BURKE:
10 If, at some later
11 point, you have any additional
12 information regarding the
13 accident that you'd like to
14 provide to us that maybe you
15 couldn't remember today, you
16 can contact Mr. Kenny Murray,
17 he's our lead accident
18 investigator out of Pikeville,
19 or Anthony Webb. He's Kenny's
20 staff assistant and on the
21 accident investigation team.
22 And they provided cards with
23 their phone numbers and
24 contact information.

25 The Mine Act also
01 provides certain protection
02 for individuals who
03 participate in accident
04 investigations. If, at any
05 time, you believe that you've
06 been treated unfairly because
07 of your cooperation in this
08 investigation, immediately
09 contact Mr. Webb or Mr.
10 Murray, and we'll take care of

11 that. And I think Bill's got
12 a statement, too, that he'd
13 like to tell you.

14 MR. TUCKER:

15 I'd just like to say we
16 also greatly appreciate you
17 coming in and being willing to
18 talk to us. And here's one of
19 my cards. We offer those same
20 protections. If you ever feel
21 like you're being
22 discriminated against for any
23 reason, give us a call. And
24 here's C.A. Phillips' card.
25 He's our Deputy Director out

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01 of our Charleston office.

02 Again, thank you.

03 A. Okay. Thank you.

04 MR. BURKE:

05 I need to get you to
06 sign the map, too, before we
07 go. Exhibit A, Browning, he's
08 going to sign our mine map for
09 us.

10 WITNESS COMPLIES

11 MR. BURKE:

12 All right. Thank you.

13 A. Thank you.

14 MR. BURKE:

15 Larry, we appreciate

16 you, buddy.

17 A. Thank you. I hope you all get

18 her lined up.

19 * * * * *

20 SWORN STATEMENT

21 CONCLUDED AT 12:07 P.M.

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