

01 STATEMENT UNDER OATH
02 OF
03 BRYAN CABELL
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 the Holiday Inn
10 Express, 101 George Kostas Drive,
11 Logan, West Virginia, on Friday,
12 February 10, 2006, at 1:30 p.m.

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01 A P P E A R A N C E S

02
03 KENNETH A. MURRAY
04 District Manager
05 U.S. Department of Labor
06 Mine Safety and Health Administration
07 Coal Mine Safety and Health
08 District 6
09 100 Fae Ramsey Lane
10 Pikeville, KY 41501

11
12 TERRY FARLEY
13 Health & Safety Administrator
14 Office of Miners' Health, Safety &
15 Training
16 1615 Washington Street, East
17 Charleston WV 25311

18
19 DAVID J. HARDY, ESQUIRE
20 Spilman, Thomas & Battle, PLLC
21 990 Elmer Prince Drive
22 Suite 205
23 P.O. Box 4474
24 Morgantown, WV 25604-4474

25

3

01 A P P E A R A N C E S (cont'd)
02
03 DANIEL M. BARISH, ESQUIRE
04 U.S. Department of Labor

05 Office of the Regional Solicitor
06 1100 Wilson Boulevard
07 22nd Floor West
08 Arlington, VA 22209-2247

09
10 WILLIAM TUCKER
11 Assistant Inspector at Large
12 West Virginia Office of Miners'
13 Health, Safety & Training
14 142 Industrial Drive
15 Oak Hill, WV 25901

16
17 KEITH E. BELL, ESQUIRE
18 U.S. Department of Labor
19 Office of the Solicitor
20 1100 Wilson Boulevard
21 Arlington, VA 22209-2296

22
23
24
25

4

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

02
03 ARLIE A. WEBB
04 Special Investigations/Staff
05 Assistant
06 U.S. Department of Labor

07 Mine Safety and Health Administration
08 Coal Mine Safety and Health
09 District 6
10 100 Fae Ramsey Lane
11 Pikeville, KY 41501
12
13 WILLIAM J. FRANCAERT, P.E.
14 Pittsburgh Safety and Health
15 Technology Center
16 Ventilation Division
17 P.O. Box 18233
18 Cochran's Mill Road
19 Pittsburgh, PA 15236
20
21
22
23
24
25

5

01 A P P E A R A N C E S (cont'd)
02
03 ALSO PRESENT:
04 TIMOTHY BRADFORD, ESQUIRE
05 MARNE MITSKOG
06 STEVE COX
07 MICHAEL FINNIE
08 DENNIS A. BEITER
09 RONALD W. STAHLHUT

10 WILLIAM J. FRANCAERT
11 CHARLES W. POGUE
12 RODNEY BROWN
13 ARLIE A. WEBB
14 ANTHONY L. BURKE
15 C.A. PHILLIPS
16 EUGENE WHITE
17
18
19
20
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01 P R O C E E D I N G S

02 -----

03 MR. FRANCCART:

04 My name is Bill
05 Francart. I'm representing
06 the Mine Safety and Health
07 Administration, which is an
08 agency of the U.S. Department
09 of Labor. I'm assigned to the
10 Pittsburgh, Pennsylvania
11 technical support office. I'm
12 a member of MSHA's accident
13 investigation team that is
14 charged with the investigation
15 of the accident that occurred
16 at the Aracoma Coal Company,

17 Incorporated, Aracoma Alma
18 Number One Mine, on January
19 19th, 2006.

20 This is a joint
21 investigation that MSHA is
22 conducting with the State of
23 West Virginia. I will be
24 asking you questions for MSHA
25 in today's interview. Here

9

01 with me today are other
02 members of MSHA's team and the
03 state's team. MSHA's team
04 includes various specialists
05 and members of the Solicitor's
06 office out of Arlington,
07 Virginia. At this time, I
08 would like to ask each of the
09 members to introduce
10 themselves to you and identify
11 themselves for the record.

12 MR. BEITER:

13 I'm Denny Beiter. I
14 work for MSHA, tech support.

15 MR. STAHLHUT:

16 Ronald Stahlhut, MSHA,
17 Vincennes, Indiana.

18 MR. BURKE:

19 Tony Burke, MSHA

20 accident investigator,
21 Whitesburg, Kentucky.

22 MR. WEBB:

23 Anthony Webb, MSHA,
24 Pikeville, Kentucky.

25 MR. MURRAY:

10

01 Kenny Murray, MSHA,
02 Pikeville, Kentucky.

03 MR. TJERNLUND:

04 Derrick Tjernlund, MSHA
05 technical support,
06 Triadelphia.

07 ATTORNEY BARISH:

08 Dan Barish, Solicitor's
09 office, Arlington, Virginia.

10 MR. FRANCCART:

11 And also here today,
12 representing the State of West
13 Virginia, is, to my right, Mr.
14 Terry Farley. Mr. Farley will
15 also be asking you questions
16 today. And at this time I'd
17 ask him to make an opening
18 statement.

19 MR. FARLEY:

20 As Bill pointed out,
21 MSHA and the Office of Miners'

22 Health, Safety & Training are
23 jointly conducting this
24 investigation and these
25 interviews. And we are in

11

01 agreement with the procedures
02 that he will outline. Also, I
03 need to make it clear that the
04 Director does reserve the
05 right, if necessary, to call
06 or subpoena witnesses or
07 require the production of any
08 record, document, photograph
09 or other relevant materials
10 necessary to conduct this
11 investigation. At this point,
12 if the rest of my crew would
13 identify themselves, please.

14 MR. TUCKER:

15 Bill Tucker, I work out
16 of the Oak Hill office, Region
17 Four.

18 MR. WHITE:

19 Eugene White, Region
20 Three, Danville.

21 MR. COX:

22 Steve Cox, Region
23 Three, Danville.

24 MR. COOK:

25 Dan Cook, Region Three.

12

01 MR. FRANCCART:

02 We have been assigned
03 to conduct an investigation
04 into the accident that
05 occurred at the Aracoma Coal
06 Company, Incorporated Aracoma
07 Alma Number One Mine on
08 January 19th, 2006, which
09 involved a belt fire at the
10 longwall belt while 29 miners
11 were working underground.

12 This investigation is being
13 conducted by MSHA and the
14 State of West Virginia to
15 gather information to
16 determine the cause of the
17 accident and to help prevent
18 similar accidents from
19 happening in the future.

20 These interviews are a very
21 important part of the
22 investigation.

23 After the investigation
24 is completed, MSHA will issue
25 a written report detailing the

13

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

14 On behalf of the
15 accident investigation team, I
16 thank you in advance for your
17 participation here today. We
18 appreciate your assistance in
19 this investigation. And the
20 willingness of miners and mine
21 operators to work with us is
22 critical for us to make the
23 nation's mines safer.

24 This interview with
25 Bryan Cabell is being

14

01 conducted under Section 103(a)
02 of the Federal Mine Safety &
03 Health Act of 1977 as part of

04 an investigation by the Mine
05 Safety & Health Administration
06 into the conditions, events
07 and circumstances surrounding
08 the fatalities that occurred
09 at the Aracoma Alma Mine
10 Number One located at Route 17
11 North, Bandmill Hollow Road,
12 Stollings, West Virginia,
13 25646.

14 This interview is being
15 conducted at the Holiday Inn
16 Express in Logan, West
17 Virginia, on February 10th,
18 2006. And the current time is
19 about 1:44 p.m., Eastern
20 Standard Time.

21 Mr. Cabell, the
22 interview will begin by asking
23 you a series of questions.
24 Feel free at any time to
25 clarify any of your responses

15

01 or any statements you make in
02 response to the questions.
03 After we finish asking the
04 questions, you'll have an
05 opportunity to make a

06 statement of your own,
07 whatever you'd like to say,
08 and provide us with any other
09 information that you believe
10 may be important to the
11 investigation. You are
12 permitted to have a
13 representative with you during
14 this interview at all times,
15 and you may consult with your
16 representative at any time.
17 You may designate any person
18 to be your representative.
19 Following the questions by
20 myself and Terry, from the
21 state, your representative
22 will be given an opportunity
23 to ask questions for the
24 purpose of clarification on
25 areas already discussed in the

16

01 interview. Your statement is
02 completely voluntary. You may
03 refuse to answer any question
04 and you may end your interview
05 at any time. If you do not
06 understand a question, let me
07 know, and I will try to
08 clarify the question for you.

09 If you need a break at any
10 time, for any reason, please
11 let us know and we'll take a
12 break. You may request an
13 opportunity to make a
14 confidential statement. If
15 you'd like to do that, we will
16 do that. But you have to let
17 us know so we can make those
18 arrangements. And that
19 information will be withheld
20 from the public to the extent
21 allowed by law. Would you
22 like to make a confidential
23 statement to us?

24 MR. CABELL:

25 No.

17

01 MR. FRANCCART:

02 We have a court
03 reporter here today, and they
04 have equipment here to record
05 your interview. Later there
06 will be a written transcript
07 produced of your interview. I
08 would ask that you state all
09 of your answers verbally
10 because the court reporter

11 cannot record your gestures,
12 like the nodding of your head.
13 And please speak loud enough
14 so that the microphones can
15 pick up your voice. Please
16 answer each question as fully
17 as you can, including any
18 information that you learned
19 from someone else. If any
20 part of your statement is
21 based on information that you
22 have learned from someone
23 else, please let us know. We
24 may not ask all the questions
25 needed to learn all the

18

01 information you may have, so
02 don't feel limited by the
03 questions that we ask. If you
04 have information about the
05 subject area in question,
06 please provide us with that
07 information. Do you have any
08 questions about the manner in
09 which this interview will be
10 conducted?

11 MR. CABELL:

12 No, sir.

13 MR. FRANCAERT:

14 We would ask now the
15 court reporter to administer
16 the oath.

17 -----
18 BRYAN CABELL, HAVING FIRST BEEN DULY
19 SWORN, TESTIFIED AS FOLLOWS:

20 -----
21 ATTORNEY HARDY:
22 Bill, in the interest
23 of having the record clear, I
24 need to identify myself and
25 have it in the record.

19

01 MR. FRANCCART:
02 We'll get to that.

03 ATTORNEY HARDY:
04 Okay.

05 BY MR. FRANCCART:
06 Q. Mr. Cabell, please state your
07 full name, address and telephone
08 number.

09 A. Bryan Scott Cabell, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 Q. And could you spell your full
14 name for the record, please?

15 A. B-R-Y-A-N, S-C-O-T-T,

16 C-A-B-E-L-L.

17 Q. Are you appearing voluntarily
18 at this interview?

19 A. Yes, sir.

20 Q. Has anyone made any promises
21 to you for giving this statement or
22 offered you any reward in exchange
23 for your statement today?

24 A. No, sir.

25 Q. Has anyone threatened you or

20

01 warned you not to provide this
02 statement?

03 A. No, sir.

04 Q. You understand that you may
05 refuse to answer any question or
06 terminate this interview at any time?

07 A. Yes, sir.

08 Q. Do you have a representative
09 with you today?

10 A. Yes, sir.

11 Q. And can you identify him for
12 us, please?

13 A. David Hardy.

14 Q. When did you first meet Mr.
15 Hardy?

16 A. About the 23rd, 24th of
17 January.

18 Q. And how did you meet him?

19 A. He asked me --- he told me
20 that he was a lawyer for the company
21 and asked if he could ask me the
22 questions about what happened.
23 Q. Have you been made aware that
24 Mr. Hardy also represents the company
25 in this matter and that there's a

21

01 potential for a conflict of interest
02 to arise between yourself and the
03 company?

04 A. Yes, sir.

05 Q. Do you still want to proceed
06 with Mr. Hardy as your
07 representative?

08 A. Yes, sir.

09 ATTORNEY HARDY:

10 And for the record, Mr.
11 Francart, I need to say this
12 for this record, and don't
13 take this as inflammatory, it
14 is the position of Aracoma
15 that it should have been
16 allowed to have
17 representatives beyond myself
18 in this investigation. And I
19 know you're aware of that, but
20 it needed to be said for the

21 record.
22 BY MR. FRANCCART:
23 Q. Have you discussed interviews
24 with people that may have already
25 been here to interview with us, ---

22

01 A. No, sir.
02 Q. --- any of those results? How
03 about have you discussed anything
04 with Randall Crouse ---
05 A. No, sir.
06 Q. --- in the last few days?
07 Steve Hensley?
08 A. No, sir.
09 Q. Pat Kinser?
10 A. No, sir.
11 Q. Mike Shull?
12 A. No, sir.
13 Q. Joe Hunt?
14 A. No, sir.
15 Q. Duane Vanover?
16 A. No, sir.
17 Q. Blue Mayhorn?
18 A. No, sir.
19 Q. Billy Mayhorn?
20 A. No, sir.
21 Q. How long have you worked at
22 the Aracoma Mine, Alma Number One?
23 A. I started in January of 2000.

24 Q. And you're considered part of
25 mine management or are you an hourly

23

01 employee?

02 A. Mine management.

03 Q. And what is your current job

04 classification?

05 A. Right now I'm just a belt

06 walker.

07 Q. What have you done in the past

08 at the mine?

09 A. I was the third shift mine

10 foreman.

11 Q. Third shift mine foreman?

12 A. Yes, sir.

13 Q. What was your job

14 classification on the 19th of

15 January?

16 A. I was a belt walker.

17 Q. And how long have you held

18 that position?

19 A. Since January the 11th. I

20 come back from being injured.

21 Q. What happened to you?

22 A. I twisted my knee. I had to

23 have surgery.

24 Q. Okay. Are you okay now?

25 A. So-so. Working on it.

01 Q. Going through physical

02 therapy?

03 A. Yes, sir.

04 Q. Good luck to you. How many

05 total years do you have working in

06 the mines?

07 A. This year will be 22.

08 Q. Twenty-two (22) years. So

09 let's go back in time now to January

10 19th. What shift did you work that

11 day?

12 A. Second shift.

13 Q. And what time does it start?

14 A. The shift starts at 3:00.

15 Q. And what time do you normally

16 finish your shift?

17 A. Around 12:00 to one o'clock.

18 Q. Okay. What time did you get

19 to the mine that day?

20 A. At the mine, I got there right

21 around 2:00, right around two

22 o'clock.

23 Q. And who's your supervisor on

24 that day, when you got there?

25 A. Jeff Perry. Immediate

01 supervisor was Jeff Perry.

02 Q. And what's his position?

03 A. He's the belt coordinator.

04 Q. Is he your normal supervisor?

05 A. Since I've been back.

06 Q. Okay. And what was your work
07 assignment for the day of the 19th?

08 A. Taking care of about three or
09 four six-foot belt heads and also the
10 mother drive.

11 Q. And how were you told of your
12 work assignment for that day?

13 A. We have a list of duties that
14 must be performed daily. And then
15 anything that we find or anything
16 that must be done other than that, we
17 just do that and tell them what we
18 do.

19 Q. So your assignment comes from
20 a list, and your supervisor doesn't
21 give you the morning --- that morning
22 doesn't give you an assignment,
23 except from the list?

24 A. Just from the list, unless
25 anything special arises up.

26

01 Q. Did anything special arise
02 that day?

03 A. No, sir.

04 Q. Did they tell you of any

05 special conditions in that belt drive
06 area you needed to watch carefully or
07 more carefully than any other day?

08 A. No, sir.

09 Q. Had you worked in that area of
10 the mine before?

11 A. Yes, sir.

12 Q. And when was the last time you
13 were there?

14 A. September the 22nd.

15 Q. So this is the first day
16 you've been back in that area since
17 that day?

18 A. That was the day I got hurt.
19 I was up there during that day.

20 Q. You weren't there on the 19th
21 --- or before the 19th, on the 18th
22 production shifts?

23 A. Yes, sir. Whenever I came
24 back to work, I had been at their
25 fire bossing belts.

27

01 Q. So you were there on the 18th
02 also?

03 A. Yes, sir. I don't know if it
04 was the 18th or the 17th, one of
05 them. I was off one of those days,
06 but I had been there for about a
07 week, since I came back.

08 Q. So you were there for the
09 whole week that you went back?

10 A. I was there on a daily basis
11 from the day I came back, except for
12 --- I think it was the day before or
13 two days before the accident.

14 Q. And you worked second shift
15 that whole time?

16 A. Uh-huh (yes).

17 Q. Thank you. Can you start out
18 from the beginning of your shift and
19 just walk us through what you did
20 that day?

21 A. I went underground about 2:30
22 and I walked to the Three way to get
23 on --- to get to the belt line and
24 proceeded to walk Four belt, Five
25 belt, Six belt, and walked it to the

28

01 tailpiece, came back and walked Seven
02 belt up to the mother drive, and was
03 getting ready to do some more work at
04 --- do some work at the mother drive
05 when all this took place. On my way
06 in there was a couple locations I was
07 stopped at that needed some
08 attention, some shoveling or
09 something like that, and I took care

10 of that on my way in, knowing I was
11 going back to it later on ---
12 thinking I was going back to it later
13 on that night. But I ended up at the
14 mother drive when all this happened,
15 and that's where I was at.

16 Q. Did you talk to anybody from
17 the previous shift that worked in
18 that area?

19 A. Yes, sir.

20 Q. And did they tell you of
21 anything that they may have seen that
22 was unusual?

23 A. He told me that the belt was
24 rubbing somewhat and that he needed a
25 train on it. And he was walking on

29

01 out towards the longwall, he was
02 walking towards the longwall, down
03 the longwall belt, and I didn't see
04 him no more after that or talk to him
05 no more after that.

06 Q. Was he leaving for the shift?

07 A. Yes, sir.

08 Q. He goes out with the longwall
09 crew then?

10 A. Uh-huh (yes).

11 Q. Okay. So you were the first
12 person to become aware that there was

13 a fire ---

14 A. Yes, sir.

15 Q. --- in the drive area?

16 A. Yes, sir.

17 Q. Do you know what caused the
18 fire?

19 A. No, sir.

20 Q. You walked up into the drive
21 area and you say you discovered the
22 fire when you arrived?

23 A. No, sir.

24 Q. Okay.

25 A. The belts was off when I got

30

01 there.

02 Q. They were off?

03 A. Yes, sir. And I was going to
04 do some shoveling. I had to do some
05 checks around the head, around the
06 scrape, rock boxes, and then I was
07 going to grease the head. And before
08 I got to the greasing part is --- the
09 belts had came on and all that took
10 place.

11 Q. So there was no sign of fire
12 while the belts were off?

13 A. No, sir.

14 Q. So the belt started again?

15 A. Yes, sir.

16 Q. And how long after the belt
17 started did you see signs of fire?

18 A. It was a long time before I
19 saw any signs of the fire, but I was
20 working in --- at the discharge part
21 of the belt head and looked back
22 towards the storage unit, and it
23 looked more dustier than usual. It
24 didn't look like smoke, and I didn't
25 smell nothing. It just looked real

31

01 dusty. And I walked back there to
02 see what was --- to see if I could
03 see anything going on, and when I got
04 back there it looked dusty towards
05 the discharge roll. And back there
06 didn't really look dusty, but I found
07 a carriage that was wrecked in the
08 storage unit.

09 Q. So a carriage inside the
10 storage unit. What do you mean by
11 wrecked?

12 A. It sits on a rail on both
13 sides, and it had turned itself
14 sideways where it was latched on one
15 side and not the other, and it caused
16 it to turn sideways a little bit.

17 Q. Do you know how that carriage

18 was latched on the one side and not
19 the other?

20 A. It had a --- like a hinge that
21 folds down and catches a block of
22 metal. And one side, it had come
23 loose, and the other side didn't.

24 Q. Is that typical that that
25 happens at this drive; do you know?

32

01 A. No, not --- no, it's ---
02 they're supposed to come apart at the
03 same time.

04 Q. Has this happened before, in
05 your experience, at this drive?

06 A. No, sir.

07 Q. So what exactly was the first
08 sign? Was it smoke that you saw
09 first?

10 A. At the point I was back there,
11 I could see that the belt was
12 starting to rub a little bit on a
13 bearing, and it was barely --- just a
14 little bit of smoke. So I proceeded
15 to try to go to the back of the
16 storage unit and train the belt off
17 of the bearing. And when I did that,
18 it was getting it off of that bearing
19 and bringing it onto another bearing

20 that was on a different side of the
21 storage unit. But in the same case,
22 when the splices would go back, the
23 belt would rock back and forth and
24 get right back over on the bearing
25 again. And at one point it was ---

33

01 the belt was a lot worse. So I
02 walked up and turned the belts off
03 because I was --- no sign of a fire
04 and it was just --- still just a
05 little bit of smoke. It was not
06 black in color or nothing like that,
07 but it was --- I was just afraid I
08 was going to tear my belt up and I
09 didn't want to spend all night making
10 splices, so I turned the belt off.

11 Q. I can understand that. Now,
12 what time did all this begin with the
13 dust in the air and you went back and
14 investigated?

15 A. I couldn't point out a time.
16 I know what time I started
17 underground. Other than that, I
18 don't think I ever looked at my watch
19 again. I normally don't until it
20 gets --- until I know it's later in
21 the shift and I know it's time to
22 start walking my belts. As far as

23 pinpointing an exact time, no, sir, I
24 could not.

25 Q. So we have --- the belt is

34

01 stopped now, and we still don't have
02 any flames?

03 A. No, sir. Whenever I turned
04 the belt off, I called for help. And
05 after I called for help, I went back
06 to the storage unit and came back
07 again and hollered again to see where
08 they was at so I could get it fixed.

09 And the smoke started getting worse.
10 And you know, I --- that's whenever I
11 --- whenever the smoke started
12 getting worse, I was talking to Fred,
13 Fred Horton, and I noticed not a
14 flame but some red, like cinders,
15 underneath one of the bearings.

16 Where the smoke was getting thick,
17 you could see it real clear then.
18 That's when I first noticed it.

19 Q. Could you tell what type of
20 material was burning at that time?

21 A. No, sir.

22 Q. So you didn't notice flaming
23 so much as a glow, you say?

24 A. It was more of a glow. There

25 was no flame at this time.

35

01 Q. And who did you call?

02 A. Fred Horton.

03 Q. And where did you call from?

04 Which phone did you use?

05 A. The one right beside the

06 roadway.

07 Q. And could you tell us exactly

08 --- on the map, can you identify

09 where that is for us? You can come

10 up if you'd like.

11 A. I know where I'm at here

12 first. Right there on this corner

13 right here, the mother drive, the

14 discharge roller sits here, there's a

15 phone right here, the storage unit

16 starts approximately right in here,

17 and there's --- there was a phone

18 right there on that corner. That's

19 where I was at.

20 Q. So in this location?

21 A. Uh-huh (yes).

22 Q. Why don't you just mark on

23 there the location of the phone?

24 WITNESS COMPLIES

25 MR. FRANCAERT:

36

01 And for the record,

02 that's on the corner of the
03 pillar in the entry between
04 the double doors at spad 3241
05 and spad 3267.

06 BY MR. FRANCAERT:

07 Q. When you called for help, did
08 you get an immediate answer on the
09 phone?

10 A. Yes, sir.

11 Q. And what was their response to
12 you?

13 A. The first time I called, he
14 was in the process of getting the
15 foreman --- getting chain ratchets
16 for me and coming to me to help me.

17 Q. This glow that you saw, was it
18 on the wide side of the belt or the
19 tight side?

20 A. Tight side.

21 Q. Did you know whether or not
22 there were any CO alerts or alarms
23 received on those two sensors in the
24 headgate area?

25 A. I don't know. Those readings

37

01 were --- I didn't go and look at them
02 to see if anything was on it. I know
03 those readings are kept outside. If

04 something happens, the alarm goes
05 off. But I didn't ever see it,
06 though.

07 Q. What would have happened if
08 they got an alarm on the surface?
09 Would they call you or would they
10 call the section first?

11 A. They'd call me.

12 Q. They would call you?

13 A. Uh-huh (yes).

14 Q. Did you receive a call from
15 them at any time?

16 A. No, sir. Not at that time I
17 didn't.

18 Q. Are there any other phones
19 located on the section that you could
20 have gone to besides that one phone?

21 A. There was one at the power
22 box.

23 Q. And I hate to have you come up
24 again, but could you identify that
25 for us?

38

01 A. That's no problem. The power
02 boxes are located here in this entry,
03 in this break, and the phone was on
04 this upper end right here, beside the
05 last one in there.

06 MR. FRANCAERT:

07 For the record, that's
08 just south of spad number 3266
09 in the crosscut.
10 BY MR. FRANCCART:
11 Q. So the friction that you had
12 wasn't the result of a slippage, it
13 was more of a misalignment of the
14 belt?
15 A. That's what I took it as.
16 Q. Okay. When you use the word
17 carriage, is that the same thing as a
18 dolly?
19 A. Yes, sir.
20 Q. And what was the direction of
21 the airflow in that belt entry? Was
22 it toward the section or was it
23 coming out from the section to the
24 main belt?
25 A. It was coming --- whenever I
39
01 was standing at the phone, the smoke
02 was coming towards that area there.
03 Q. So it's in an outby direction?
04 A. It was coming up the mother
05 drive belt.
06 Q. Do you know if that's the
07 proper direction for that air to
08 flow?

09 A. Where I was off for four
10 months and I know there had been some
11 ventilation changes, I really wasn't
12 sure at that time of which way it was
13 supposed to go.

14 Q. You say there were a lot of
15 ventilation changes that you're aware
16 of?

17 A. Not that I'm aware. I don't
18 know what all they did.

19 Q. Okay.

20 A. I just heard talk basically.

21 Q. What kind of talk did you
22 hear? Anything in particular that
23 stands out?

24 A. I just know that they went
25 through a couple panels, they drove

40

01 the panels up. And I know they had
02 to do some, you know, changes there
03 to get things turned back around and
04 all that, and I didn't know exactly
05 what all they did.

06 Q. What was the direction of the
07 airflow in the Number Seven belt?

08 And the Number Seven belt is this
09 belt that runs --- the longwall belt
10 dumps onto it and it dumps onto the
11 belt in the north mains.

12 A. Basically whenever you go
13 through the door there at the
14 overcast, from there to that head the
15 air doesn't move all that much. I
16 mean, there's just a movement. It
17 goes towards the mother drive head is
18 which way it goes.

19 Q. So if I draw on here an arrow,
20 the air direction is this ---?

21 A. If I'm not mistaken, that's
22 --- I'm not positive on that.

23 MR. FRANCCART:

24 I've marked an arrow on
25 the map between spad numbers

41

01 3191 and 3199 to indicate the
02 airflow in the east direction.

03 BY MR. FRANCCART:

04 Q. And you say it's not a very
05 high velocity?

06 A. No, sir, not there.

07 Q. Are you aware of any
08 requirements for velocities in the
09 belt entries in this mine?

10 A. We have to have at least 50
11 feet a minute.

12 Q. Why is that?

13 A. That's in the plan.

14 Q. In the ventilation plan?

15 A. Yes, sir.

16 Q. When you called outside, was
17 there anybody else in the headgate
18 area with you or were you by yourself
19 basically?

20 A. At this point, I was still by
21 myself.

22 Q. And who was the first person
23 that showed up on the scene?

24 A. Pat Calloway.

25 Q. And was he there to help you,

42

01 based on your call for help?

02 A. He was going up to do a job
03 inby towards the section, and I don't
04 know what he was going to do. But
05 when I talked to Fred the last ---
06 the last time I talked to Fred, he
07 said that Pat was coming that day,
08 for me to stop Pat and get him to
09 help me. And by that time, while I
10 was on the phone with Fred, Pat had
11 pulled up.

12 Q. Did he show up before the
13 glowing was observed by you?

14 A. No, sir. It was already
15 glowing whenever he --- whenever he
16 pulled up, a few seconds before that

17 is when I noticed it, maybe a minute
18 at the most.

19 Q. And what did you do when you
20 saw this glow then? Did you ---?

21 A. Whenever he pulled up, I
22 grabbed his fire extinguisher and
23 went down and exhausted the fire
24 extinguisher on the glow.

25 Q. Did you have other fire

43

01 extinguishers in the head area at
02 all?

03 A. Yes, sir.

04 Q. Did you use any other
05 additional extinguishers?

06 A. Whenever I was using that
07 extinguisher, Pat was getting me
08 another one. But whenever that
09 extinguisher exhausted, basically
10 right then is whenever the fire
11 started, or it may have started
12 whenever I was walking down towards
13 it with the extinguisher. But that's
14 whenever it started, the actual
15 flames. And whenever I exhausted
16 that one, Pat was getting me other
17 extinguishers. And as soon as I
18 exhausted that one, before I could

19 get back up, he would grab another
20 one, and it was already --- he would
21 have it there waiting on me.

22 Q. Do you have any idea how many
23 fire extinguishers you used in total
24 to try to put the fire out?

25 A. Two to three. I know I used

44

01 two, and I'm not sure about the third
02 one. I can't remember if I used all
03 of the third one or not.

04 Q. Did you attempt to use water
05 to put the fire out at all?

06 A. Yes, sir.

07 Q. And how did you attempt to do
08 that? Can you explain to us what you
09 went through?

10 A. There was a fire hose laying
11 beside a hard line water line by the
12 storage unit. I proceeded to hook it
13 up. I could not get it to hook up
14 onto the fire tap. And when I
15 couldn't get it to hook up, I just
16 --- I basically just threw the fire
17 hose down and opened the valve,
18 hoping I could direct it towards the
19 fire, but there was no water in it.
20 I shut it back off, and that's when I
21 told Pat to go find out where the

22 water was shut off. I knew it had to
23 be between me and the discharge
24 roller because I knew that I had
25 water on Seven belt.

45

01 Q. Your water supply line for
02 fire suppression, is that the same
03 line that feeds ---

04 A. No, sir.

05 Q. --- the longwall?

06 A. No, sir.

07 Q. It's a separate line?

08 A. Separate line.

09 Q. Where does that water line
10 run?

11 A. Which one?

12 Q. The supply line for the fire
13 suppression.

14 A. It runs up Seven belt.

15 Q. Up Seven belt and to the head?

16 A. Yes. It goes right past ---
17 it goes up to the tailpiece, ---

18 Q. Okay.

19 A. --- and right there at the
20 head it Ts off to the two-inch line
21 and comes back down the belt line.

22 Q. And the two-inch line goes the
23 length of the longwall belt?

24 A. The mother drive belt, yeah.

25 Q. Do you know the extent to

46

01 where that goes in the longwall, the
02 belt entry? Does it go the whole way
03 to the face?

04 A. It changes nightly. Whenever
05 they move down, they change it. And
06 I'm not sure where it was at that
07 day.

08 Q. So the fire tap that you
09 attempted to put the fire hose onto
10 is a threaded connection?

11 A. Yes, sir.

12 Q. And you had problems threading
13 that hose onto that connection?

14 A. Yes, sir.

15 Q. Is there a problem with
16 corrosion on the fitting or was it a
17 size problem or a thread difference?

18 A. It felt like a size problem.

19 Q. Difference in size. Just for
20 clarification, when you refer to the
21 mother belt, is that the longwall
22 belt?

23 A. Yes, sir.

24 Q. And to clarify the direction
25 of airflow on the Number Seven belt,

47

01 is that air direction specified in
02 the ventilation plan also?

03 A. I'm not sure.

04 Q. Are fire taps spaced at the
05 proper locations along the belt?

06 A. I haven't counted it and
07 measured it to see if they're in the
08 exact places.

09 Q. Okay. What color was the fire
10 hose that you tried to connect?

11 A. The fire hose was red.

12 Q. Red color. So when you found
13 you didn't have any water in the
14 line, what was your next step?

15 A. I had told Pat to go see where
16 it was turned off and told him the
17 direction to travel. And he went
18 that way while I was checking the
19 water line out right in that area.

20 And I waited a few minutes on him to
21 see if he could find anything.

22 Q. Did you get on the phone again
23 to call anyone else?

24 A. No, sir.

25 Q. Did you attempt to call the

48

01 section, longwall section, Number

02 Two?

03 A. Well, I had already ---
04 whenever --- I was on the phone
05 whenever Pat had just pulled up.
06 Whenever he first pulled up, that's
07 when I called the section. I'll tell
08 you, I called the dispatcher. I told
09 the dispatcher to shut the section
10 belts off, tell the boss that he had
11 smoke coming up his intake and to
12 evacuate.

13 Q. Now, which section had smoke
14 coming up the intake?

15 A. Two section.

16 Q. How did you know that?

17 A. Whenever I was standing there
18 at the phone, the smoke was coming
19 towards me. And I know it wasn't
20 going back down the intake, so it had
21 to be going that way.

22 Q. How did the smoke get into the
23 intake for the section?

24 A. I don't know that. The doors
25 were shut.

49

01 Q. So there was an adequate
02 supply of fire hose available had
03 there been water in the line?

04 A. Yes, sir.

05 Q. You don't know why the water

06 was shut off or how it was
07 disconnected or ---?
08 A. No, sir. I have no idea.
09 Q. Did you ever find out why?
10 A. No, sir. I just knew it was
11 within 150 feet of me, 200 feet. I
12 knew it was in that area. Because
13 like I said, I had water at the
14 discharge roller and I had nothing
15 back there, so I knew it had to be in
16 that area somewhere.
17 Q. The water tap that you
18 attempted to connect to, can you tell
19 me where it was?
20 A. It was just inby where the
21 fire was 25 feet, 50 feet at the
22 most.
23 Q. Inby, toward the longwall
24 sections?
25 A. Towards the longwall section.

50

01 Q. I'm not going to make you get
02 up for this one. Inby the fire,
03 would that put you about right here?
04 A. Somewhere in that area.
05 Q. In that area? Do you want to
06 mark right there approximately?
07 WITNESS COMPLIES

08 MR. FRANCCART:

09 And for the record,
10 that's in the longwall belt
11 entry, north of spad number
12 3272.

13 BY MR. FRANCCART:

14 Q. Now, the direction of the
15 smoke when you initially saw the
16 smoke, what direction did it travel?

17 A. It come from the storage unit
18 towards the discharge roller.

19 Q. And did it ever change color?

20 A. It went from a real light gray
21 to a black.

22 Q. And how fast did that happen?

23 A. Very quick.

24 Q. Very quick?

25 A. Very quick. Before it got to

51

01 the black --- before it got to the
02 black smoke, I had already called and
03 told the men to come out.

04 Q. So you told the men to
05 evacuate?

06 A. I called the dispatcher and
07 told him to shut the belts off and
08 tell them to get out.

09 Q. Do you know if he called
10 either one of the sections prior to

11 that point?

12 A. I don't know.

13 Q. Do you know if there's any
14 fire suppression in the area of the
15 fire that's permanently installed for
16 extinguishing fires in the event that
17 there would be one detected by the
18 heat sensors in that area?

19 A. I don't think that it's over
20 at the storage unit. I just think
21 that it's over at the drives and the
22 motors, in that area.

23 Q. So you don't know that there
24 was any sprinklers that were
25 activated by the fire ---

52

01 A. No, sir, ---

02 Q. --- at that point?

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

04 Q. As a third shift mine foreman,
05 were you ever responsible for
06 ensuring compliance with the
07 ventilation plan?

08 A. Other than doors, airlock
09 doors, whenever something happened,
10 they would leave me notes to go fix
11 them. But basically my primary job
12 was working on taking care of belt

13 splices and belt rollers on the
14 six-foot belts.

15 Q. Whose responsibility would it
16 be to determine that the airflow is
17 in a proper direction, that the
18 ventilation controls were in their
19 proper locations?

20 A. I'm not sure.

21 Q. Did you notice that smoke was
22 also traveling inby, toward the
23 longwall section at all during this
24 time?

25 A. I couldn't get back to ---

53

01 inby the fire from --- whenever I was
02 fighting the fire, it was just gray
03 and black. And after I got out of
04 that part of it and couldn't fight
05 the fire anymore, I couldn't see if
06 there was any going down the belt
07 line or not.

08 Q. You say you stayed --- you
09 couldn't get inby the fire. You
10 couldn't get on this side of the
11 fire? That would be on the inby
12 side.

13 A. I didn't --- once I was right
14 in there, where the fire was at, you
15 know, I could have went inby then,

16 ---

17 Q. Okay.

18 A. --- but I didn't have a need
19 to. So after going back and forth
20 and then basically letting the smoke
21 run me out of there, then I don't
22 know if it ever went back up the
23 longwall then or not.

24 Q. How did you evacuate from the
25 area?

54

01 A. I went down the intake. Well,
02 no, I went through the double doors.

03 Q. This set of double doors right
04 here?

05 A. Yes, sir, down to the last
06 entry, back by the overcast and
07 proceeded down the primary intake,
08 that way.

09 Q. Can you come up and just mark
10 that for me?

11 WITNESS COMPLIES

12 BY MR. FRANCAERT:

13 Q. I'm going to let you mark the
14 travel route from the location of the
15 fire if you don't mind.

16 A. From when I left?

17 Q. Yes.

18 WITNESS MARKS MAP

19 MR. FRANCCART:

20 That line has been
21 marked by Mr. Cabell, and I'm
22 going to mark it as the escape
23 route.

24 BY MR. FRANCCART:

25 Q. And that leads from the

55

01 section through the double doors on
02 the west side of the mother belt and
03 travels north across an overcast
04 at ---?

05 A. You go under the overcast.

06 Q. You go under the overcast, all
07 right, to spad number 3191, travels
08 west toward the north mains and south
09 again to spad number 2031. And when
10 you got to that point, does that put
11 you back into the intake escapeway?

12 A. I was in fresh air at that
13 point.

14 Q. As far as where the fire
15 started in the mine, you say it was
16 on the dolly. And that was on the
17 outby side of the fire tap?

18 A. Yes, sir, which would --- now,
19 wait a minute. Are you going outby?

20 Q. This is outby the longwall

21 section and this would be inby.

22 A. Okay. I didn't know which way
23 you was talking about.

24 Q. I'm sorry.

25 A. Yes, sir, it's outby the

56

01 longwall section. The fire tap was
02 inby the fire.

03 Q. So the fire was located in
04 this block right here?

05 A. Right.

06 Q. So the fire was south of spad
07 number 3267, in this area; is that
08 correct?

09 A. Yes, sir, that's close.

10 Q. Did you try to find another
11 fire tap somewhere in this line to
12 see if you could connect to it, or
13 was that the only one you ---?

14 A. Well, as I was walking back
15 and forth, I was looking, noticing,
16 and I never noticed water.

17 Q. Okay. The water supply line
18 that supplies your fire suppression,
19 do you know what color that line is?

20 A. Blue.

21 Q. Do you walk the line?

22 A. Yes, sir.

23 Q. Do you make any examinations
24 of the luge system?

25 A. No, sir.

57

01 Q. Do you know who does at the
02 mine?

03 A. The electricians. I just make
04 sure that it's turned on.

05 Q. And do you have any type of
06 handheld gas detector that you carry
07 with you in your work?

08 A. Yes, sir.

09 Q. Does it detect CO?

10 A. Yes, sir.

11 Q. And did you detect any high
12 levels of CO with that handheld?

13 A. No, sir.

14 Q. Did you have any alarms
15 sounding ---?

16 A. I did not have it on me at the
17 time.

18 Q. You didn't. Where was it?

19 A. At the power box.

20 Q. So you had it underground that
21 day?

22 A. Yes, sir.

23 Q. When you went through those
24 airlock doors, the double doors, you
25 closed those doors after you went

01 through them?

02 A. Yes, sir.

03 Q. When you opened those doors,
04 did you feel which way the airflow
05 wanted to come on that belt?

06 A. It was --- when I opened the
07 doors, it come towards me. It come
08 towards the longwall belt.

09 Q. If you would open this set of
10 double doors, which way ---?

11 A. I did not open that set.

12 Q. If you were to, though, would
13 you know which way the air would want
14 to flow?

15 A. No. I had never opened them,
16 so I wouldn't know.

17 Q. Did you ever open those doors
18 for any crews that were coming into
19 the Number Two section?

20 A. No, sir.

21 Q. Did you ever have to consider
22 donning an SCSR while you were in the
23 area?

24 A. No, because I stayed in fresh
25 air.

01 Q. Did you notice when you went

02 underneath this overcast on your
03 escape route, and that's at spad
04 3191, was there any damage to that
05 overcast?
06 A. No, sir, not that I noticed.
07 Q. Did you notice any panels
08 missing from the top of the overcast?
09 A. No, sir.
10 Q. Did you ever see the smoke
11 change direction at all while you
12 were underground?
13 A. No, sir.
14 Q. The fire tap that you
15 attempted to connect to, do you know
16 what color it was?
17 A. Well, the fire tap was metal.
18 Q. It had no color to it?
19 A. No. Just the fire tap --- the
20 tap of it was metal.
21 Q. What about the pipe that's
22 connected to the fire tap?
23 A. It's yellow.
24 Q. It's yellow. Do you have any
25 knowledge of who or when the drop-off
60
01 rollers were chained together?
02 A. Do what now?
03 Q. Do you have any knowledge of
04 when or who chained the two drop-off

05 rollers together?

06 A. I have no idea.

07 Q. And the glowing that you

08 initially saw, was it first at the

09 movable carriage or at the drop-off

10 roller?

11 A. At the movable carriage.

12 Q. Are you familiar with water

13 lines in other areas of the northeast

14 mains at all?

15 A. I know that there's one that

16 goes up the Number Four, under the

17 four-foot belt.

18 Q. It's actually in the belt

19 entry?

20 A. Yes, sir.

21 Q. Are there any water lines

22 between these two belts in the other

23 two entries?

24 A. No, sir, not in that area. It

25 comes up the six-foot belt and then

61

01 gets on the four-foot belt.

02 Q. You couldn't tell what the

03 glowing material was? It wasn't belt

04 or coal, you just couldn't ---

05 A. No, I couldn't tell you.

06 Q. --- describe that? When you

07 were the third shift mine foreman,
08 did you ever direct installation of
09 the belt structure that will extend
10 this mother belt in this direction?

11 A. No, sir.

12 Q. Never worked on that?

13 A. No, sir.

14 Q. When was the last time you
15 participated in an evacuation drill
16 at the mine?

17 A. I couldn't tell you. I've
18 been off so long, I don't know that
19 offhand.

20 Q. Had the escapeways changed
21 considerably since your last time at
22 the mine?

23 A. Not the primary. I wasn't
24 around the mother drive part of it,
25 just very briefly before I got hurt.

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01 But I do know that down the Seven and
02 Six belt, it is still the same.

03 Q. Had you received training on
04 escapeways before?

05 A. Yes, sir.

06 Q. And did the company use any
07 maps to assist in training ---?

08 A. Yes, sir. During our annual
09 retraining, yes, sir.

10 Q. Do you know where these maps
11 are located on the surface and
12 underground?

13 A. Not underground. On the
14 surface, they're in the mine office.

15 Q. Where in the mine office are
16 they located?

17 A. I can't remember if it's the
18 conference room or right out in the
19 hallway. I just know that the maps
20 are there. And if they got something
21 to go over --- I don't know if the
22 escapeway is actually marked on those
23 maps, but if it's something we need
24 to go over, they would go over that.

25 Q. Can anybody go up into those

63

01 offices and look at those maps?

02 A. Yes, sir.

03 Q. Is that a place that normally
04 miners would congregate?

05 A. No, they --- there is a map
06 downstairs. That's where they
07 congregate at. And it's --- there's
08 a table downstairs in the bathhouse
09 part. And there is --- and it's an
10 escapeway map. If I'm not mistaken,
11 it has the escapeway route on it.

12 And it's right there with them every
13 day.

14 Q. That's a table down in the
15 check-in and check-out area?

16 A. Yes, sir.

17 Q. Are you familiar with the
18 ventilation controls in the headgate
19 area?

20 A. No, sir, not at this time.

21 Q. Have you ever had to fight a
22 fire in your past experience?

23 A. No, sir.

24 Q. You've been trained on using
25 fire extinguishers and water hoses,

64

01 though?

02 A. Yes, sir.

03 Q. Do you know of any other fires
04 that have occurred at the mine?

05 A. No, sir.

06 Q. Any nonreportable heating-type
07 events that ---?

08 A. Any what now?

09 Q. Nonreportable to either the
10 state or MSHA?

11 A. I have no idea of any ---.

12 Q. Any hot rollers or anything
13 like that?

14 A. There's been hot rollers and

15 hot bearings, but they've been taken
16 care of as soon as we found them.
17 Q. How do you take care of those?
18 A. Change them.
19 Q. You change them right away?
20 A. No, sir. You change them when
21 --- they was changed on third shift.
22 Q. So how would you identify them
23 as being bad? Do you mark them
24 somehow?
25 A. On the rollers, yes, sir.

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01 We'll mark the rollers with chalk or
02 paint and report it to the third
03 shift. If it's a bearing then, you
04 know, we just tell them which one
05 needs to be changed and it is watched
06 constantly when it's bad. And if it
07 gets red or something like that,
08 we'll shut it off. Or if it starts
09 to damage a belt in any way, we'll
10 shut --- we'll just go ahead and shut
11 the belt off and fix it then.
12 Q. So if you would find a hot
13 roller at the beginning of a shift,
14 you would have somebody stationed
15 there for the remainder of the shift
16 while the belt ran?

17 A. If it was just a regular belt
18 roller, no, we'd take it out. And
19 you know, I was talking like a
20 bearing on the tailpiece, if it
21 needed to be changed then, we'd
22 change it. If it was okay and it
23 wasn't smoking and causing no flames,
24 you know, nothing red or nothing like
25 that, not hurting the shaft any, then

66

01 we'd wait until third shift to change
02 it.

03 Q. And you would actually station
04 a person to watch it?

05 A. Yes, sir.

06 Q. Have you been trained on the
07 use of the CO system at the mine?

08 A. No, sir.

09 Q. You don't know anything about
10 how you evacuate the mine based on
11 alarms for CO sensors?

12 A. That's never been discussed to
13 me.

14 Q. Are you aware that CO sensors
15 detected both warning and alarm
16 levels of CO in that same area on
17 December 23rd, 2005?

18 A. No. I wasn't there at that
19 time.

20 Q. Nobody ever told you about ---

21 A. No, sir.

22 Q. --- that problem? But you
23 were told from the previous shift
24 that there was a problem with the
25 training of the belt?

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01 A. He didn't say nothing major.

02 It was just --- you know, the belt
03 was riding, you know, one way or the
04 other.

05 Q. Is that pretty much typical to
06 have training problems on that belt?

07 A. I haven't had any while I was
08 there.

09 Q. So you don't know if there was
10 any training problems on that belt
11 prior to you coming back to work?

12 A. No, I don't know.

13 Q. Now, you said Pat went to
14 check to see why the water was off.
15 Did he ever come back and tell you
16 why? Did he find the problem?

17 A. I waited a few minutes on him,
18 and then I was thinking maybe he
19 didn't know exactly where I said to
20 go. So I went --- I met him back at
21 the overcast where the airway goes

22 underneath the six-foot belt. I met
23 him there, and he said that he turned
24 the valve somewhere outby towards the
25 Number Six six-foot belt. I knew

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01 that was the wrong place to go. I
02 don't know what valve he touched. I
03 have no idea. I knew where I was
04 talking about had to be between me
05 and the discharge. And I could see
06 about the whole line up to the motors
07 of the mother drive. I couldn't see
08 on the other side of it because of
09 the smoke. So I proceeded to go
10 through the door at the overcast and
11 come up Seven belt to see if I could
12 get to it that way. And I got about
13 75 feet from the discharge point of
14 it, and smoke was heavy there and I
15 couldn't go no further.

16 Q. The diesel mantrip that
17 arrived, was that --- well, let me
18 tell you where it was first. It was
19 the diesel mantrip that came in the
20 travelway and broke down underneath
21 this mother belt. Are you aware of
22 that?

23 A. I didn't know that it was
24 broke down. Pat brought one up, and

25 that's where he parked it.

69

01 Q. So Pat parked it there. Did
02 he ever go back and try to restart
03 that?

04 A. I don't know, not that I --- I
05 never did see him do it.

06 Q. That's the trip that Pat
07 drove?

08 A. Yeah.

09 Q. Just to clarify, did you say
10 that you had water pressure at the
11 dry head roller?

12 A. I had roller pressure where
13 the discharge roller is. We had
14 water spraying on Seven six-foot
15 belt.

16 Q. That's for dust control?

17 A. For dust control. I knew that
18 I had water there.

19 Q. Okay. So that's on a
20 different supply line?

21 A. That's on the blue aqua line.

22 Q. And that goes onto the
23 longwall?

24 A. No. That's on the blue aqua
25 line that goes to the Seven six-foot

70

01 tailpiece.

02 Q. Okay. Have you ever observed
03 the belts rubbing together between
04 the drop-off rollers? And do the
05 drop-off rollers stay in place after
06 dropping off?

07 A. While I was there, I did not
08 notice the belt ever rubbing while I
09 was there since I've come back. Do
10 they stay there? Some of them was
11 dropped off towards the back of the
12 unit and they was together. And
13 whether they move --- I have not seen
14 them actually move up and --- you
15 know, up and down. They might not be
16 exactly where they're supposed to be
17 as far as where they initially drop
18 off at. But how far from that point
19 I couldn't tell you.

20 Q. Do you know who's in charge of
21 the maintenance of the CO system at
22 the mine?

23 A. No, sir.

24 Q. The water valve that you
25 thought was turned off, is it on this

71

01 map?

02 A. The what now?

03 Q. The location of that water

04 valve that you thought was turned
05 off, is it on this map?
06 A. Well, yeah.
07 Q. Can you come up and identify
08 that location?
09 A. I have a --- I don't know
10 where the exact cutoff is, what I
11 know is. Because I had water coming
12 up this belt line. I knew that. I
13 was here. I had no water there. So
14 I knew the problem was between here
15 and there. That is what I know.
16 Q. We'll mark an area here
17 between the fire area and the
18 discharge roller at spad 3240 ---
19 where it's written over, can you read
20 that one?
21 A. Forty-nine (49).
22 Q. 3249, ---
23 A. Right.
24 Q. --- that area that's the area
25 where the valve would have been

72

01 turned on. And I'll mark that as
02 water valve turned off. We're going
03 to have to clarify a few terms with
04 you for the audience here. Using the
05 word carriage, are you referring to

06 one of the drop-off dollies or the
07 main dolly pulled by the wench?
08 A. One of the drop-off dollies.
09 Q. Are you aware of any hot
10 rollers, bearings or frictional
11 heatings that set off the CO system
12 at all?
13 A. Not that I know of.
14 Q. Have you ever seen piles of
15 shavings of belt alongside the belt
16 at any location?
17 A. Maybe in the past.
18 Q. Do you know where that may
19 have been?
20 A. No. Just from past
21 experiences, I've seen it before.
22 Q. You didn't see it on this
23 belt?
24 A. No, not on this belt I
25 haven't.

73

01 Q. Do you know how they occur and
02 why they occur?
03 A. If the belt is rising on one
04 side or the other and it catches a
05 piece of -- or it catches anything,
06 that would cut it. You know, it
07 would cut it.
08 Q. But you didn't see any on this

09 longwall belt ---

10 A. No, sir.

11 Q. --- in the areas that you

12 traveled? How far inby to the

13 section did you go on the longwall

14 section?

15 A. That day?

16 Q. Yes.

17 A. That day I hadn't been to the

18 longwall section yet.

19 Q. So you had just come up to the

20 drive area?

21 A. Right.

22 MR. FRANCCART:

23 Terry, I'm going to let

24 you go ahead and ask some

25 questions.

74

01 BY MR. FARLEY:

02 Q. Now, Bryan, just sort of bear

03 with me. I'm going to be bouncing

04 around here, trying to clarify some

05 things.

06 A. No problem.

07 Q. I know you said you recently

08 returned from having been off with an

09 injury. When did you actually

10 return?

11 A. I think it was the 11th.
12 Q. January 11th?
13 A. Yes, sir.
14 Q. Now, how long had you been
15 off?
16 A. Since September the 22nd.
17 Q. What time do you normally
18 start your belt examinations?
19 A. Around 8:00.
20 Q. Do you have a Mine Foreman
21 Fire Boss Certification?
22 A. Yes, sir.
23 Q. What belts, if any, were you
24 going to preshift on January 19th for
25 the oncoming shift?

75

01 A. The four-foot belts and the
02 longwall belt and the six-foot belts.
03 And me and Fred --- it's usually down
04 the Five head, Five, Six and Seven,
05 and then the four-foot belts and
06 longwall belts.
07 Q. Okay. When you make the belt
08 examinations, what hazards or
09 violations do you normally look for?
10 A. I mostly look for planing and
11 dusting. If I have rollers that I
12 can't take care of, I'll report them
13 to the third shift foreman.

14 Q. Were you ---?

15 A. I also look at the top. If I
16 have any problems, you know, I would
17 take care of that. But I haven't had
18 that problem.

19 Q. When you make your
20 examinations and you do your work
21 assignments on the Five and Six and
22 Seven belts, do you normally walk
23 uphill?

24 A. I'm up and down them all the
25 time.

76

01 Q. But from the outset, from the
02 start of your shift?

03 A. From the start of the shift, I
04 walk up the six-foot belts and in
05 towards --- I end up at the mother
06 drive. I don't walk the longwall
07 belt until usually about the last
08 part of the shift.

09 Q. When the fire started and you
10 determined that this valve --- you
11 had no water here in the fire area,
12 ---

13 A. Uh-huh (yes).

14 Q. --- would you have had enough
15 hose to reach something --- another

16 outlet on the Number Seven belt?

17 A. I hadn't stretched it out to
18 see how much I had there.

19 Q. Okay.

20 A. But there was a couple joints
21 of hose there, so that's --- you
22 know, that's a couple hundred feet
23 right there.

24 Q. Okay. When you called
25 concerning the evacuation, if I

77

01 understood you correctly, you called
02 the dispatcher; is that correct?

03 A. Yes, sir.

04 Q. What's the dispatcher's name;
05 do you know?

06 A. I can't really say.

07 Q. Okay. And you asked him to
08 call the Two section here and tell
09 them to evacuate?

10 A. I told him to turn the belts
11 off, get a hold of the crew and tell
12 them to get off, that they had smoke
13 coming in the intake.

14 Q. Did anybody mention a CO
15 monitor alert that might have
16 occurred at approximately 2:30 p.m.
17 on January 19th?

18 A. I haven't heard nothing about

19 that.

20 Q. Have you ever responded to CO
21 alarms in the past?

22 A. Yes, sir, in the past I have.

23 Q. Okay. Where and when, most
24 recently?

25 A. It's been a long time, but it

78

01 was down around Number Two six-foot
02 head, towards Rum Creek. And they
03 got --- had an alarm down there, and
04 I went and checked to find out what
05 was wrong.

06 Q. Had you previously ever
07 noticed any problems in the storage
08 unit --- with the storage unit being
09 out of alignment and poorly secured?

10 A. No, sir.

11 Q. With all the belts that you
12 had to preshift, can you get this
13 done in a three-hour period?

14 A. Sure.

15 Q. I'd assume you'd have to move
16 pretty quickly; wouldn't you?

17 A. Yes, sir. I try to be on the
18 furthest end. I try to be there at
19 eight o'clock to start. That way I
20 can just start right at the right

21 time.

22 Q. Now, after this was all over,
23 I think your mining belt and
24 self-rescuer were found over there
25 around the power center. How did

79

01 that happen? How did that get over
02 there?

03 A. Whenever I walked inside, I
04 had some shoveling to do right there
05 at the discharge roller. I just hung
06 it up right there, just stayed real
07 close to it. And then once
08 everything started, I --- and it got
09 smoke over in that area, I wasn't
10 going back to it. I stayed in fresh
11 air.

12 Q. Now, when Mr. Calloway worked
13 to try to find the problem with the
14 water, as far as you know, he never
15 actually ---?

16 A. He told me that he turned the
17 valve. Which valve he turned, I
18 don't know. I don't know of anything
19 that he done, but he did tell me that
20 he turned something on or off,
21 whatever.

22 Q. I'm assuming that at some
23 point you had walked or ridden

24 through these airlock doors in the
25 mother drive area here?

80

01 A. Just the outby set, not the
02 inby set.

03 Q. Would the inby set have been
04 installed sometime while you were off
05 with your injury or something?

06 A. Yeah, it --- yeah, whenever I
07 was off, that's whenever all those
08 ---.

09 Q. So you wouldn't have passed
10 through this ---?

11 A. If I had to get up that area,
12 I was always going around the power
13 boxes and going around that way. I
14 had to go through one of them, but
15 not through both of them.

16 Q. And if I understood correctly,
17 Pat brought the vehicle and parked it
18 right there?

19 A. It was somewhere right close
20 in that area.

21 MR. FARLEY:

22 Go ahead.

23 MR. FRANCAERT:

24 Do you mind if we take
25 a short break?

01 MR. FARLEY:

02 Sure.

03 A. That's fine.

04 SHORT BREAK TAKEN

05 MR. FRANCCART:

06 Back on the record.

07 BY MR. FRANCCART:

08 Q. Bryan, can you identify which
09 belt is the Number Seven belt on this
10 map? You don't have to come up, just
11 tell me.

12 A. The one going from the left to
13 the right, the one that the mother
14 drive dumps onto, yes, sir.

15 Q. That's identified on this map
16 as the 72-inch belt. Now, did you
17 ever see smoke along that belt?

18 A. No, sir.

19 Q. So the smoke that you saw
20 coming off the fire was coming out
21 the longwall belt?

22 A. The only part I saw on the
23 Seven belt was right there at the
24 discharge roller itself.

25 Q. So you did see smoke at this

01 point?

02 A. Yes, sir.

03 Q. And that point was spad number
04 3248. Now, when you did your
05 examinations of the belt that
06 morning, did you walk to the tail of
07 Number Seven belt?

08 A. I hadn't examined nothing. My
09 examination was going to come later
10 in the shift. But yes, I did walk
11 the Seven belt.

12 Q. When you came down ---?

13 A. I started from the head,
14 coming up to the tail.

15 Q. You put your belt down here?

16 A. Yes, sir.

17 Q. How did you get there?

18 A. I walked from Seven head up to
19 the tail.

20 Q. You walked the length of the
21 belt. I don't know if you can see
22 from where you are, but there's a
23 stopping marked on this map just inby
24 the tail of Seven belt. And that
25 would have been between the tail and

83

01 where you left your belt. Do you
02 remember a door in that stopping or
03 was that stopping there?

04 A. No stop there.

05 Q. There's no stopping there?
06 A. Uh-huh (yes).
07 Q. Do you know if that stopping
08 was ever there? Can you tell if it's
09 been taken out?
10 A. I don't know.
11 Q. Okay. How about the other
12 ventilation controls along the
13 perimeter of this area. These
14 stoppings were in?
15 A. Uh-huh (yes).
16 Q. How far down did you travel
17 along the northwest --- northeast
18 mains?
19 A. I just went to the tailpiece.
20 Q. You went to this tailpiece?
21 A. Uh-huh (yes).
22 Q. You didn't come up ---?
23 A. Well, right there at --- right
24 in there.
25 Q. You came into this crosscut

84

01 here?
02 A. Yeah. But I didn't go in ---
03 I never did have to go inby that.
04 Q. And that was the crosscut just
05 south of spad number 3265, where we
06 had the phone, in this crosscut?
07 A. Uh-huh (yes).

08 Q. Okay. And you were going to
09 shovel somewhere that night you said.

10 A. Right there at the
11 blow-through. That's where I was
12 going to shovel and grease at.

13 Q. Do you want some water?

14 A. Yeah, please.

15 Q. Can we go back to that
16 question?

17 A. Yeah.

18 Q. You were going to shovel
19 somewhere?

20 A. Right there where the longwall
21 belt dumped onto the six-foot belt,
22 ---

23 Q. Okay. Right here?

24 A. --- yeah, right --- I was
25 going to be doing some shoveling

85

01 there and also at the tailpiece.

02 Q. That's at spad number 3248 and
03 then inby toward Number Two section
04 ---

05 A. Right.

06 Q. --- on that tail? And why
07 were you going to shovel there?

08 A. It's just a daily thing.

09 Q. Daily?

10 A. Yeah. If you get any spillage
11 or something that comes back --- it's
12 usually about maybe six inches in
13 height maybe, a couple shovel fulls.

14 Q. Mainly carry-back on the
15 bottom belt?

16 A. Yeah.

17 Q. Is there a belt scraper in the
18 tail area at all?

19 A. At the flow-through.

20 Q. Okay. I can't remember ---
21 there might be one there at the
22 tailpiece also. I can't --- no, I
23 can't remember if it is, come to
24 think of it or not. I know that
25 there's one there at the flow-

86

01 through. I know that for a fact.

02 Q. And where is that on this map?

03 A. Right there where the longwall
04 belt dumps onto the six-foot belt.

05 Q. So that would be right at the
06 intersection here at this spad number
07 3248?

08 A. Right.

09 Q. Have you ever examined the
10 longwall belt?

11 A. Yes, sir.

12 Q. And when was the last time you

13 examined that belt?

14 A. I examined it earlier in the
15 week. I'm not sure exactly what day
16 it was. But usually there was
17 somebody there with me. On the days
18 whenever we overlapped and whenever I
19 had somebody there with me, they
20 would do the longwall belt, and I
21 would do the four-foot belts.

22 Q. Did you happen to notice
23 anywhere in your travel that day ---
24 I know you weren't there very long,
25 but did you notice anywhere where the

87

01 edge of the belt may have been cut
02 and folded over on the walking side
03 of the belt?

04 A. I checked the splices whenever
05 I'm --- when I'm there --- you know,
06 I --- whether I'm walking along the
07 belt or not, when I hear them coming
08 by, I'll stop and look up and check
09 them, and I never did see anything
10 that was tore up on any of the
11 splices.

12 Q. Again, we need to clarify
13 something. And I'm a little unclear
14 in my mind on how the smoke was going

15 to the Number Two section. If you're
16 stopping line was intact here, how is
17 this air that's coming off the tail
18 getting into your intake here?

19 A. I couldn't tell you. I just
20 know which way it went whenever it
21 started.

22 Q. So you knew it was going
23 toward the Number Two section off the
24 tail?

25 A. I knew that it was coming from

88

01 the fire area towards the discharge
02 roller. I never did go inby that
03 area to see which way it went.

04 Q. So you're not sure that it
05 actually went ---?

06 A. No. I don't know --- from
07 there on up, I don't know. I mean, I
08 just took it for granted that that's
09 the way it was going.

10 Q. I'm sorry to jump around on
11 you.

12 A. That's all right.

13 Q. I need to clarify some things.

14 A. That's fine.

15 Q. The glowing that you first
16 saw, was it between the storage unit
17 track or between the far track on the

18 tight side rib?

19 A. Do what now? Explain that
20 again.

21 Q. Was the glowing between the
22 storage unit track or between the far
23 track on the tight side rail?

24 A. It was right underneath the
25 tight side rail.

89

01 Q. Okay. When you looked at the
02 dolly the last time before the fire,
03 did you notice there was any excess
04 grease on the side of the dolly at
05 all?

06 A. No more than normal.

07 Q. Just normal lubrication. You
08 say you never saw smoke traveling in
09 the outby direction on the Number
10 Seven belt?

11 A. No, sir. I walked up --- when
12 I walked up the Seven --- walked up
13 the Seven belt was the only time I
14 was on Seven belt. And when I walked
15 up that, there was no smoke on that
16 belt. Other than that, after that, I
17 wasn't walking on Seven belt anymore
18 after that.

19 Q. Okay. This one stopping in

20 particular that's just north of spad
21 number 3265, and that's in the same
22 crosscut as the power center, ---
23 A. Right.
24 Q. --- do you know if this
25 stopping was in or not?

90

01 A. Yes, it was in.
02 Q. It was in.
03 MR. FRANCCART:
04 Terry, you have some
05 more?
06 BY MR. FARLEY:
07 Q. I don't want to beat a dead
08 horse here, but I want to make ---
09 A. That's fine.
10 Q. --- sure that I've got
11 something here. Now, you've told us
12 that the smoke was flowing from the
13 fire area toward the discharge in the
14 longwall belt?
15 A. Right.
16 Q. Now, we have a stopping here
17 and we have doors here. And you also
18 told us that the stopping --- the map
19 indicates right here just inby the
20 Number Seven tailpiece was not there?
21 A. Right.
22 Q. Now, in terms of how that

23 smoke entered the intake and traveled
24 toward the Two section, is there any
25 other possibility other than it went

91

01 through this entry or crosscut where
02 that stopping was no longer there?

03 A. I couldn't tell you that.

04 Q. Is there any other
05 possibility?

06 A. Not unless --- not that I know
07 of, not unless you have a hole in the
08 stoppings or somewhere, you know.

09 You could have holes in the stopping
10 on your main intake pulling it that
11 way.

12 Q. I mean, I'm just sitting here
13 trying to figure it out. Now, if I
14 phrase it ---.

15 A. I mean, you know, ---. And if
16 you're ---.

17 Q. That's the only way it could
18 have gotten up there?

19 A. You could have had --- yeah,
20 there's ways. You could have had
21 holes in your doors. You could have
22 had cracks in your doors.

23 Q. We've got a whole stopping
24 that's not there.

25 A. Right.

92

01 Q. So unless I'm wrong, we've got
02 a whole bunch of smoke that's coming
03 up --- that's coming towards this
04 discharge unit and turning right
05 through that area where that stopping
06 used to be?

07 A. Yes, sir.

08 Q. One more thing. When you
09 first got started here with the fire,
10 I think I understood you to say there
11 was a fire hose lying along the belt
12 line?

13 A. It was laying in the walkway.

14 It was stretched out.

15 Q. And it was red?

16 A. Yes, sir.

17 Q. Now, was that the hose that
18 you attempted to hook up to the water
19 tap?

20 A. Yes, sir.

21 BY MR. FRANCAERT:

22 Q. I know this is going to be
23 difficult to describe, but can you
24 tell us how much grease on the side
25 of the dolly would you consider to be

93

01 a normal amount?

02 A. Just barely, not very much.

03 Q. So it's like a skim coat?

04 A. Yeah.

05 Q. The take-up points that you

06 had installed at the drive here, did

07 you lose any tension on that during

08 the fire, did you notice?

09 A. No.

10 Q. Do you know when power to the

11 drive in the take-up was removed?

12 A. I don't know the time.

13 Q. Back up to the map here. And

14 I know it doesn't show any stoppings

15 here in these two crosscuts, but do

16 you know, were there any stoppings in

17 these two crosscuts south of the spad

18 number 3265? That would be the

19 crosscut where the phone is

20 installed, in these two ---?

21 A. I know there's not one --- I

22 know that there's no stopping where

23 the power boxes are. There's no

24 stopping between that and the

25 travelway. Now, on that next

01 crosscut I'm not sure about.

02 Q. Okay. I'm going to ask you to

03 come to the map one last time and

04 label a couple things for us. Could
05 you please mark or label where the
06 carriage is in the belt entry?

07 A. Where the carriage is?

08 Q. Yes.

09 A. Well, the storage unit itself
10 is like from here to about in here.

11 Q. Okay.

12 A. And that's approximately ---
13 the carriages are in that.

14 Q. Okay. And could you write
15 that on the map for us?

16 A. What do you want me to write,
17 just the storage unit or just ---?

18 Q. Just draw a line and label it.

19 WITNESS COMPLIES

20 BY MR. FRANCAERT:

21 Q. And could you also mark where
22 the power boxes are in that crosscut?

23 WITNESS COMPLIES

24 MR. FRANCAERT:

25 Is there anything else

95

01 you want marked up here,

02 Terry?

03 MR. FARLEY:

04 I think that will do.

05 BY MR. FRANCAERT:

06 Q. Could you sign the map and put

07 today's date on there, please. That
08 verifies that everything you've told
09 me I put on here correctly.

10 A. What is today?

11 Q. Today is the 10th. Okay.

12 That's all for now. I got one more
13 question.

14 MR. FRANCCART:

15 Do you want to go next?

16 MR. FARLEY:

17 Sure.

18 BY MR. FARLEY:

19 Q. When Fred arrived to help you,
20 were there any other efforts to fight
21 the fire after that, other than what
22 you've already told us?

23 A. No. You couldn't get to it.

24 Q. During your belt examinations,
25 do you examine the CO sensors?

96

01 A. Whenever I go by the sensors,
02 the digital readout, I'll make sure
03 it's not --- you know, not high.

04 Q. Okay.

05 MR. FARLEY:

06 Thank you.

07 BY MR. FRANCCART:

08 Q. Bryan, do you have any opinion

09 on how this accident could have been
10 avoided?

11 A. I've never seen nothing like
12 that before in my life. Twenty-two
13 (22) years, I've never --- I've seen
14 rubbings on belts and I've seen
15 bearings get hot. I've never seen
16 nothing like that in my life. I
17 don't know. I don't know what
18 happened.

19 Q. Do you consider this a freak
20 accident?

21 A. Yes, I do. I don't know what
22 caused it or how it went up like it
23 did. I couldn't tell you. Like I
24 say, I've never seen nothing like it
25 before in my life.

97

01 Q. If you were to experience this
02 and were able to put that fire out,
03 what would you have done beyond that
04 to notify your supervisor or mine
05 management about what that problem
06 was?

07 A. Well, once I got the fire out,
08 if I would have been able to get the
09 fire out, I just --- Fred should have
10 been there by that time, you know.
11 So we would have stopped and looked

12 and found out what the problem was

13 and fixed it immediately.

14 Q. So you would have notified

15 your supervisor?

16 A. Oh, yeah.

17 Q. Is that the policy at the

18 mine?

19 A. Yeah, absolutely.

20 Q. Do you understand what the

21 policy is for notification of MSHA of

22 a reportable mine fire?

23 A. Not of MSHA I don't.

24 Q. How about the state?

25 A. No. I just know to call my

98

01 boss and tell them what's going on.

02 Q. Do you know who the general

03 mine foreman is at the mine?

04 A. I know who it was before, and

05 I think I know who it is now.

06 Q. Can you tell us the name?

07 A. Right now, I believe it's

08 Dusty Dotson.

09 Q. Based on what you've learned

10 from this fire, if you had

11 experienced a hot roller or any

12 problem on the belt where you've

13 created CO, would you think you would

14 respond differently to those than you
15 have in the past?

16 A. Yeah. I'd get to it a lot
17 quicker than probably I would have in
18 the past or I'd tell them to shut the
19 belts off immediately. Because they
20 can shut any belt in that mine --- if
21 I'm not mistaken, they can shut any
22 belt in that mines off from the
23 office. And if they got a problem,
24 that needs to be shut off then.

25 Q. Okay. I know this may sound

99

01 like we're beating a dead horse, but
02 we need some clarification on one
03 point. Now, the belt entries have to
04 be separated from the intake
05 escapeway by stoppings, permanent
06 ventilation controls, overcast
07 stoppings. What would make you think
08 that smoke would be going up the
09 section, Number Two section intake
10 escapeway? What possibly could
11 create that circumstance?

12 A. I don't know what created it,
13 but you know, I just know that the
14 smoke was coming towards me, and I
15 knowed it was seeping, going up
16 towards the power boxes and also to

17 the doors, that area there. I knowed
18 it was going that way. So how it,
19 you know --- I didn't know --- if you
20 had any return or anything up that
21 way that was pulling it, I didn't
22 know.

23 Q. Have you discussed the cause
24 of the fire with the mine management,
25 as a management team?

100

01 A. Nobody knows what happened.
02 We don't know what caused it yet.

03 Q. Do you know of a meeting that
04 was sponsored by the company at the
05 grade school sometime after the
06 accident occurred?

07 A. I have no idea about that.

08 Q. You're not aware of that?

09 A. Uh-huh (yes). Nope.

10 MR. FARLEY:

11 I have two
12 clarification questions.

13 MR. FRANCCART:

14 We have another
15 question, if you don't mind.

16 A. Can I clarify something on
17 that map?

18 BY MR. FRANCCART:

19 Q. Sure.
20 A. Where you got that escape
21 route marked, ---
22 Q. Okay.
23 A. --- that's not the primary
24 escapeway. The whole line is not.
25 Q. That's the way you came out?

101

01 A. That's the way I came out.
02 Because the primary escapeway goes
03 over those overcasts.
04 Q. We wanted to know which way
05 you came out, so ---. Is that the
06 way?
07 A. Yeah, that's ---.
08 Q. That's your route, but that's
09 not the escapeway?
10 A. Right.
11 Q. Okay. Just two more
12 questions and then I'll be finished
13 up, hopefully. Do you normally, as a
14 belt examiner, check stoppings that
15 separate the intake from the belt?
16 A. As I'm walking --- you know,
17 as I'm walking a belt line, if
18 there's a hole in one of these intake
19 stoppings, you'll feel the air as you
20 go by it. And that's basically about
21 what I notice for.

22 Q. Do you check a map ---?

23 A. And if I have a problem, I'll
24 tell somebody about it.

25 Q. Do you check a map to see

102

01 whether or not a stopping is in place
02 that should be there or it's marked
03 on the map to see if the map is
04 accurate?

05 A. I've never had to.

06 Q. Do you think you should do
07 that?

08 A. Check the map? If I have a
09 problem that I feel like I need to
10 check a map, I'll check a map.

11 Q. Let me see if you can imagine
12 this in your mind. If you're
13 standing in the future 72-inch belt,
14 where the structure would be
15 installed right now, ---

16 A. Uh-huh (yes).

17 Q. --- at this location here, at
18 spad number 3266, if you're looking
19 inby, would you see a stopping in
20 this area?

21 ATTORNEY HARDY:

22 Bill, at this point I'm
23 going to ask for a recess.

24 You've investigated. You've
25 asked ---.

103

01 ATTORNEY BARISH:

02 Dave, you don't have
03 any standing here.

04 ATTORNEY HARDY:

05 I'm his representative.

06 ATTORNEY BARISH:

07 That doesn't matter.

08 You can ask clarifying
09 questions and that's it.

10 ATTORNEY HARDY:

11 It's a voluntary
12 interview. The voluntary
13 interview is over until we go
14 out in the hall and talk a
15 minute. Thank you. How about
16 that?

17 ATTORNEY BARISH:

18 That's fine. You just
19 can't make statements.

20 WITNESS CONFERS WITH REPRESENTATIVE

21 MR. FRANCCART:

22 Back on the record.

23 BY MR. FRANCCART:

24 Q. Let me rephrase this last
25 question, and then we'll finish up.

104

01 When you are standing at this 3266
02 spad, that would be just north of the
03 phone, in that crosscut with the
04 power boxes, and you're looking
05 toward the Number Two section, can
06 you see a stopping in that entry?

07 A. Not that I can remember.

08 MR. FRANCAERT:

09 Anything else?

10 ATTORNEY HARDY:

11 I've got two clarifying
12 questions.

13 MR. FRANCAERT:

14 Sure.

15 ATTORNEY HARDY:

16 They're very brief and
17 they're clarifying.

18 BY ATTORNEY HARDY:

19 Q. One thing I wanted to get
20 clear on the record, Bryan, when did
21 you --- at what point on this time
22 line from when you got up there at
23 the mother drive and then you called
24 the dispatcher, at what point ---
25 when you called the dispatcher and

105

01 said that you needed to get people
02 off the Number Two section, what was

03 going on at the mother drive at that
04 time?

05 A. It was --- I was just getting
06 smoke at the --- back there at the
07 storage unit. It was before the
08 embers, before the flames, before any
09 of the fire, any of that took place.
10 I just had some smoke there.

11 Q. So you told the dispatcher at
12 the time you had smoke but before you
13 had the embers ---

14 A. Yes, sir.

15 Q. --- that he needed to get
16 personnel off the Number Two section?

17 A. Yes, sir.

18 Q. With respect to the --- I'll
19 test my eyesight here, the marking up
20 on this map, where it says water
21 valve turned off, ---

22 A. Uh-huh (yes).

23 Q. --- now you testified that you
24 tried to get to that fire tape and
25 you didn't get water at the fire tap;

106

01 is that right?

02 A. Right.

03 Q. Did you actually have the
04 chance then to go up and examine the
05 water valve --- and the water valve

06 I'm talking about is the one that
07 would have controlled the fire tap,
08 in other words, the one on the ---?

09 A. The shut-off valve?

10 Q. Yeah, the shut-off valve. I
11 guess it's for the yellow --- the
12 yellow two-inch line?

13 A. Uh-huh (yes).

14 Q. After that happened, did you
15 get to go up and look at that valve?

16 A. No, I couldn't see the valve.
17 I tried to get up to it. I never
18 could get to it. I just know that
19 the problem was between the storage
20 unit and the four-inch line. What
21 the problem was, I don't know.

22 Q. So you don't know whether or
23 not that valve was, in fact, shut
24 off?

25 A. No, I do not know. I didn't

107

01 see it.

02 Q. Did you make an effort to get
03 to it?

04 A. Yes, sir.

05 Q. How close did you end up
06 getting to it?

07 A. Probably 75 feet from the ---

08 from where the water line turns,
09 right handle.

10 Q. Why were you not able to get
11 up to it?

12 A. Because of the smoke.

13 ATTORNEY HARDY:

14 That's all the
15 clarifying questions I have.

16 MR. FRANCCART:

17 Okay. On behalf of
18 MSHA, I thank you for your
19 patience and for appearing
20 here today and answering our
21 questions and sharing your
22 information about the mine.
23 Your cooperation has been
24 extremely helpful and very
25 important to us as we work to

108

01 determine the cause of the
02 fire and how to prevent these
03 accidents in the future. If
04 you wish, you may now go back
05 to any answer you've given
06 during the interview, and if
07 you'd like to clarify any of
08 those answers you can do that.
09 And if you'd like to make a
10 closing statement covering any

11 additional points you believe
12 should be raised, you can do
13 that now.

14 A. I'm fine.

15 MR. FRANCCART:

16 We do ask that you do
17 not discuss this interview
18 today with any person who may
19 have already been interviewed
20 or may be asked to interview
21 in the future. This will
22 ensure that we obtain
23 everybody's independent memory
24 as to what happened
25 surrounding the accident.

109

01 After questioning other
02 witnesses and obtaining
03 additional information, we may
04 be asking you back for further
05 questions. At some point
06 later, we will have additional
07 information regarding the
08 accident that --- I'm sorry,
09 let me start that paragraph
10 over. If, at some point
11 later, you have additional
12 information regarding the

13 accident you would like to
14 share with us that you haven't
15 shared with us today, please
16 contact Kenny Murray, who's
17 the district manager and lead
18 investigator. He's out of the
19 Pikeville office. Or his
20 staff assistant, Mr. Anthony
21 Webb, over here, and they will
22 provide you with their cards.

23 The Mine Act provides
24 certain protection for
25 individuals who participate in

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01 accident investigations. If
02 at any time you believe you
03 have been treated unfairly
04 because of your cooperation in
05 this investigation, please
06 contact Mr. Murray or Mr.
07 Webb. And again, we thank you
08 so much for your help.

09 A. Thank you.

10 MR. FARLEY:

11 I might add that the
12 State mine laws provide the
13 same measure of protection.

14 MR. FRANCO:

15 And that ends this

16 interview. Bryan, thank you

17 very much.

18 A. Thank you.

19 * * * * *

20 SWORN STATEMENT

21 CONCLUDED AT 3:30 P.M.

22 * * * * *

23

24

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