

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   RICHARD CROCKETT  
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 17, 2006, at 10:38  
13    a.m.

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01 A P P E A R A N C E S (cont.)

02

03 ALSO PRESENT:

04 STEVE COX

05 MICHAEL FINNIE

06 DENNIS A. BEITER

07 RONALD W. STAHLHUT  
08 CHARLES W. POGUE  
09 C.A. PHILLIPS  
10 EUGENE WHITE  
11 BETH SPENCE  
12  
13  
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01                    P R O C E E D I N G S

02    -----

03                MR. POGUE:

04                My name is Charlie

05    Pogue. I represent the Mine

06    Safety and Health

07    Administration, which is an

08    Agency of the United States

09    Department of Labor. I'm a

10    member of the MSHA's accident

11    investigation team that is in

12    charge with investigating the

13    accident that occurred at the

14    Aracoma Coal Company, Inc.,

15 Aracoma Alma Mine Number One,  
16 on January the 19th, 2006.

17 This is a joint  
18 investigation that MSHA is  
19 conducting with the State of  
20 West Virginia. I will be  
21 asking questions for MSHA in  
22 today's interview. With me  
23 today are other members of the  
24 MSHA's team and the State  
25 team. MSHA's team includes

8

01 various specialists and  
02 members of the Solicitor's  
03 Office. At this time, I would  
04 like to ask each of the  
05 members of MSHA's team to  
06 identify themselves for the  
07 record.

08 ATTORNEY BELL:

09 Good morning. I'm  
10 Keith Bell, Solicitor's  
11 Office, Arlington, Virginia.

12 MR. WEBB:

13 I'm Anthony Webb,  
14 District 6, Pikeville,  
15 Kentucky.

16 MR. STAHLHUT:

17 Ron Stahlhut, MSHA of  
18 Vincennes, Indiana.

19 MR. BURKE:

20 Tony Burke, MSHA,  
21 Whitesburg, Kentucky.

22 MR. FINNIE:

23 Mike Finnie, MSHA of  
24 Madisonville, Kentucky.

25 MR. MURRAY:

9

01 Kenny Murray,  
02 Pikeville, Kentucky.

03 MR. FRANCCART:

04 Bill Francart,  
05 Pittsburgh, Pennsylvania.

06 MR. BEITER:

07 Denny Beiter,  
08 Triadelphia, West Virginia.

09 MR. POGUE:

10 Here with me today  
11 representing the State of West  
12 Virginia is Mr. Bill Tucker.  
13 Mr. Tucker will be asking the  
14 questions for the State. At  
15 this time, I would ask Mr.  
16 Tucker to introduce the  
17 members of the State team who  
18 will be here today.

19 MR. TUCKER:



20 I need to read a brief  
21 statement for the record. The  
22 West Virginia Office of  
23 Miners' Health, Safety &  
24 Training is conducting this  
25 interview session jointly with

10

01 MSHA. We're in agreement with  
02 the procedures outlined by Mr.  
03 Pogue. However, let me make  
04 it clear that the Director  
05 reserves the right, if  
06 necessary, to call or subpoena  
07 witnesses or require the  
08 production of any record,  
09 document, photograph or other  
10 relevant materials necessary  
11 to conduct this investigation.  
12 Again, my name is Bill Tucker,  
13 I work out of the Oak Hill  
14 office.

15 MR. COX:

16 Steve Cox, Region  
17 Three, Danville.

18 MR. PHILLIPS:

19 Good morning, Richard.  
20 C.A. Phillips, Deputy Director  
21 of Miners' Health, Safety &

22 Training, Charleston, West  
23 Virginia.

24 MR. WHITE:

25 Eugene White, District

11

01 Inspector, Region Three,  
02 Danville.

03 MS. SPENCE:

04 Beth Spence with the  
05 Governor's Office.

06 MR. POGUE:

07 This investigation is  
08 being conducted by MSHA and  
09 the State of West Virginia to  
10 gather information to  
11 determine the cause of the  
12 accident and to help prevent  
13 this from happening in the  
14 future. These interviews are  
15 an important part of the  
16 investigation. After the  
17 investigation is completed,  
18 MSHA will issue a written  
19 report detailing the nature  
20 and the causes of the  
21 accident. MSHA accident  
22 reports are made available to  
23 the public in hope that  
24 greater awareness about the

25 causes of accidents can reduce

12

01 their occurrence in the  
02 future. The information  
03 obtained through witness  
04 interviews is frequently  
05 included in these reports.  
06 Your statements --- your  
07 statement will also be used in  
08 other enforcement proceedings.

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

21 This interview with Mr.  
22 Richard Crockett is being  
23 conducted under Section 103(a)  
24 of the Federal Mine Safety &  
25 Health Act of 1977 as part of

13

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

11 This interview is being  
12 conducted at the Department of  
13 Environmental Protection in  
14 Logan, West Virginia on March  
15 the 17th of 2006 at 10:40 a.m.

16 Mr. Crockett, can I  
17 call you Richard?

18 MR. CROCKETT:

19 Richard, yes.

20 MR. POGUE:

21 The interview will  
22 begin by asking you a series  
23 of questions. Feel free at  
24 any time to clarify your  
25 statement that you make in

14

01 response to the questions.  
02 After we have finished asking  
03 questions, you will have an

04 opportunity to make a  
05 statement on your own and  
06 provide us with any other  
07 information that you believe  
08 may be important. You are  
09 permitted to have a  
10 representative with you during  
11 the interview, and you may  
12 also consult with your  
13 representative at any time.  
14 You may designate any person  
15 to be your representative.  
16 Following the questions by  
17 MSHA and the State, this  
18 representative will be given  
19 an opportunity to ask  
20 questions for the purpose of  
21 clarification on areas already  
22 discussed.

23 Your statement is  
24 completely voluntary. You may  
25 refuse to answer any question

15

01 and you may end your interview  
02 at any time. If you do not  
03 understand a question, tell me  
04 and I will rephrase the  
05 question. If you need a break

06 for any reason, please let me  
07 know. You may request an  
08 opportunity to make a  
09 confidential statement, which  
10 we will withhold from the  
11 public to the extent allowable  
12 by law. Should you desire to  
13 give a confidential statement,  
14 you should advise me before I  
15 begin your interview so that I  
16 can reschedule your interview  
17 in order to properly consider  
18 your request.

19 MR. CROCKETT:

20 No.

21 MR. POGUE:

22 A court reporter will  
23 record your interview and will  
24 later produce a written  
25 transcript of the interview.

16

01 I ask that you state all your  
02 answers verbally because the  
03 court reporter cannot record  
04 your gestures like nodding of  
05 your head.

06 If any part of your  
07 statement is based not on your  
08 own first-hand knowledge but

09 on information that you've  
10 learned from someone else,  
11 please let us know. Please  
12 answer each question as fully  
13 as you can, including any  
14 information that you've  
15 learned from someone else. We  
16 may not ask the right  
17 questions to learn the  
18 information you have, so do  
19 not feel limited by the  
20 precise questions asked. If  
21 you have information about a  
22 subject area of a question,  
23 please provide us with that  
24 information. Do you have any  
25 questions about the manner in

17

01 which the interview will be  
02 conducted?

03 MR. CROCKETT:

04 No.

05 MR. POGUE:

06 Will you please swear

07 in Mr. Crockett, please?

08 -----

09 RICHARD CROCKETT, HAVING FIRST BEEN

10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 -----

12 MR. POGUE:

13 Thank you.

14 BY MR. POGUE:

15 Q. Please state your full name,  
16 address, telephone number and please  
17 spell your last name for the record.

18 A. [REDACTED]

[REDACTED]

22 Q. Thank you. Are you appearing  
23 voluntarily for this interview?

24 A. Yes.

25 Q. Has anyone made any promises

18

01 to you for giving this statement or  
02 offered you any rewards in exchange  
03 for making your statement?

04 A. No.

05 Q. Has anyone threatened you or  
06 warned you not to provide this  
07 statement?

08 A. No.

09 Q. Do you understand that you may  
10 refuse to answer any questions or  
11 terminate this interview at any time?

12 A. Yes.

13 Q. Do you have a representative



14 with you today?

15 A. No.

16 Q. Do you wish to have a

17 representative with you?

18 A. No.

19 Q. Okay. We'll go ahead and

20 proceed on with the questions.

21 A. All right.

22 Q. Who was your employer on

23 January 19th of 2006?

24 A. Pinnacle Mining Company.

25 Q. What was your job title and

19

01 position on January the 19th, 2006?

02 A. Dispatcher.

03 Q. Dispatcher. When you reported

04 to the mine that night, what was your

05 capacity as far as mine rescue?

06 A. Actually I was already at the

07 mine when we got a call, so I

08 reported as a member of the mine

09 rescue team, to the station.

10 Q. How many years have you worked

11 for Pinnacle?

12 A. Thirty (30) and a half.

13 Q. How many total years mining

14 experience do you have?

15 A. Thirty (30) and a half.

16 Q. Okay. Could you briefly  
17 describe some of your mining  
18 background?

19 A. General inside initially or  
20 skilled --- unskilled laborer. I've  
21 roof bolted and primarily fire bossed  
22 for 20-plus years. I'm currently  
23 dispatcher.

24 Q. Okay. Thank you. Do you have  
25 any prior mine rescue experience?

20

01 A. Prior ---?

02 Q. In fighting mine fires,  
03 recovering mine fires?

04 A. Yes.

05 Q. Could you briefly describe  
06 some of those experiences?

07 A. Well, if I'm not mistaken,  
08 back in 1988, we were involved in  
09 sealing a mine fire for one of the  
10 U.S. Steel Mines. That was primarily  
11 my only underground firefighting  
12 activities. I've done a lot of  
13 training on surface but underground,  
14 that's the only actual hands-on  
15 training.

16 Q. Okay. Earlier you said  
17 something about already being at the  
18 mine. Could you clarify that,

19 please?

20 A. Yes. I received a call

21 roughly 9:15 from the head of safety

22 for Pinnacle Mining and he notified

23 me of the problem.

24 Q. And where were you at, at that

25 time?

21

01 A. I was in the dispatcher's

02 shack at the mines?

03 Q. At Pinnacle?

04 A. Right.

05 Q. Okay. What day did you report

06 to Aracoma Mine?

07 A. Initially it was the day that

08 --- the day the fire occurred, which

09 I'm not sure what the dates were?

10 Q. January the 19th?

11 A. January 19th.

12 Q. Does that sound right?

13 A. Right.

14 Q. Okay.

15 A. Just before midnight.

16 Q. You arrived at the mine just

17 before midnight?

18 A. Gee, I think so. It was right

19 around, you know, 11:30, midnight,

20 maybe 12:15 so it was somewhere in

21 that neighborhood.

22 Q. When you arrived at the mine,  
23 were you by yourself or was that with  
24 other team members from Pinnacle?

25 A. All my team members, yes.

22

01 Q. How many teams from Pinnacle  
02 came to the mine?

03 A. At that time, only one.

04 Q. Eventually, how many?

05 A. Eventually we sent another  
06 team to assist in extinguishing the  
07 fire?

08 Q. So you had --- during the  
09 recovery operation, you had at least  
10 two teams there?

11 A. Right.

12 Q. Both teams had team captains?

13 A. Yes. The second team was  
14 designated team captain but they had  
15 ---.

16 Q. What type of apparatuses do  
17 you guys carry?

18 A. We have the BG-4s.

19 Q. BG-4s.

20 A. Also we have the 174-As, too.  
21 Our second team had the 174-As and we  
22 had the BG-4s.

23 Q. Okay. When you arrived at the

24 mine, who did you report to?

25 A. To be honest with you, I don't

23

01 remember the man's name.

02 Q. Was it a company official?

03 A. It was a company official that

04 notified the command center that we

05 had arrived. At that time, they told

06 us to go ahead and get our clothes

07 on, gear up and they would call me to

08 the command center initially.

09 Q. What time did you ---

10 approximate time did you get all

11 suited up and ready to go

12 underground?

13 A. We were probably suited up and

14 ready to go within 30 minutes after

15 our arrival.

16 Q. Was that sometime after

17 midnight or ---?

18 A. Yes.

19 Q. Okay. And that would have

20 been on January the 20th?

21 A. That's correct.

22 Q. Okay. Did you go for a

23 briefing at that point?

24 A. No. We gathered our equipment

25 and we went down into the box cut and

01 we were stationed there waiting to be  
02 briefed.

03 Q. Were you briefed in the box  
04 cut?

05 A. We got a general outline of  
06 what was going on and was able to  
07 glance at some of the maps, but we  
08 weren't actually formally briefed,  
09 no.

10 Q. You say you glanced at some of  
11 the map. Which maps were they?

12 A. They had a mine map downstairs  
13 that we were able to look at.

14 Q. Was it hung on a wall in a  
15 particular room?

16 A. Actually someone brought it in  
17 and hung it on the --- like a storage  
18 bin in the holding area. And I'm not  
19 sure who brought that in, but ---.

20 Q. Where was the holding area,  
21 underneath a canopy in the box cut?  
22 Is that the holding area?

23 A. That's right.

24 Q. So you were given a briefing  
25 in the box cut?

01 A. Not a formal briefing, no. We  
02 were just able to look at the maps

03 and try to orientate ourselves since  
04 we weren't familiar with the mines.

05 Q. Were you given a map to take  
06 underground with you?

07 A. Yes.

08 Q. And did it appear to be  
09 updated to what you ---?

10 A. Yeah, best I could tell, you  
11 know. What little knowledge I had of  
12 it, yes.

13 Q. Well, in the briefing, did  
14 they give you the mine fire location  
15 at the belt drive? Did they ---

16 A. Yes.

17 Q. --- tell you that? Did they  
18 tell you anything about the  
19 firefighting efforts to that point?

20 A. The only thing they told me  
21 that no one had done any firefighting  
22 efforts to that point.

23 Q. Did they tell you why or ---?

24 A. No.

25 Q. Okay. Did you feel you had an

26

01 opportunity to ask questions  
02 concerning the situation underground,  
03 the status of the fire?

04 A. At that particular time, yes,

05 I guess so.

06 Q. Okay. What was the first day  
07 that you and your team went  
08 underground?

09 A. The first day was January the  
10 20th.

11 Q. Let's back you a little bit.  
12 The person that notified you of the  
13 mine fire, who was that?

14 A. The head of safety for  
15 Pinnacle was the one that called me.

16 Q. Do you recall his name?

17 A. Jim Bennett.

18 Q. Jim did? Who was the map ---  
19 do you have a designated map man for  
20 your team?

21 A. Normally I do, yes, Mike  
22 Plumley.

23 Q. Mike?

24 A. Mike Plumley.

25 Q. Okay. What happened to that  
01 map?

02 A. The map that we had --- well,  
03 when we arrived at the fire area,  
04 where the telephone was situated,  
05 there was no maps there so when we  
06 called out to reference where we were  
07 at and what we were doing, so I left



08 my map there at the mine phone.

09 Q. Okay. Do you know if it was  
10 ever picked up by anybody and brought  
11 to the surface?

12 A. No, I don't.

13 Q. Okay. Did it seem like  
14 whenever you were in the box cut that  
15 you were delayed in getting  
16 underground for any particular  
17 reason?

18 A. The only reason that we were  
19 delayed was they were wanting to ---  
20 well, they redirected the  
21 exploration. And when we initially  
22 got there, they were exploring the  
23 bleeder area, I guess you would call  
24 it, and once we arrived, then they  
25 decided that they would go back and

28

01 explore the entries inby the fire.

02 They felt like it was probably more  
03 pertinent to find the people there  
04 than it was going in the direction  
05 they were going in when we first got  
06 there.

07 Q. Is that something they told  
08 you at the briefing that they wanted  
09 you to go in and start exploring the

10 Four Right bleeder entries or ---?

11 A. No. No. Actually, all they  
12 told me was, you know, they were  
13 going to send us up and try to get  
14 water to the fire area. And then  
15 once we got there, then you know, we  
16 were to fight or attempt to put water  
17 on the fire, try to knock down some  
18 of the smoke.

19 Q. Do you recall who was told to  
20 go to the Four Right bleeder entries?

21 A. Well they were --- when we  
22 first arrived there, I was told they  
23 had teams exploring the Four North  
24 bleeder entries.

25 Q. Do you recall which teams

29

01 those were?

02 A. I know it was one of the  
03 Massey teams. Oh gee, and possibly  
04 Elk Run, but I can't say for certain.  
05 I do know they had a couple teams  
06 exploring that.

07 Q. What days were you actually  
08 underground at the Aracoma Mine fire?

09 A. We were underground on the  
10 20th and the 21st.

11 Q. On those occasions, were you  
12 given a briefing prior to going

13 underground?

14 A. Yes.

15 Q. Mine maps, were you given mine  
16 maps?

17 A. Yes, both times.

18 Q. And how was the briefing? Do  
19 you know at the conclusion of the  
20 briefing, what your assignment was  
21 for that shift? Was it clear what  
22 you were going to do?

23 A. Well, the first briefing we  
24 had, I wasn't sure if we were going  
25 to just primarily put water on the

30

01 fire, try to cool it or that if we,  
02 once we got there, we were going to  
03 explore. Then that was pretty much  
04 made to --- you know, it come about  
05 once we got there that they wanted us  
06 to fight the fire.

07 Q. Okay. The maps that you were  
08 given, did you have any problems with  
09 the maps?

10 A. As far as the accuracy of the  
11 stoppings?

12 Q. Yes, the accuracy of the  
13 stoppings, the accuracy of  
14 ventilation controls in general,

15 survey stations, any of that?  
16 A. I did notice --- and we were  
17 in a really confined area, so we  
18 didn't --- you know, we didn't branch  
19 out and do any exploration. But we  
20 were a little bit concerned that some  
21 of the stoppings might not have been  
22 where they were located on the map.

23 Q. Did you have that concern and  
24 other team members on your team have  
25 that same concern? I mean, was that

31

01 something that you found during ---?

02 A. It was a mild concern ---

03 Q. Okay.

04 A. --- because ---.

05 Q. Well, had you found stoppings  
06 indicated on a mine map and not  
07 underground? I mean, ---.

08 A. Well, the area that we were at  
09 the first night, there might have  
10 been a door that was showed on the  
11 map that wasn't located in that area  
12 in a stopping. Primarily, everything  
13 seemed to be in place, except one of  
14 the stoppings.

15 Q. Okay. We're going to take a  
16 trip to the wall maps here and we're  
17 going to look at those and anything

18 of that nature, we need to identify  
19 on the mine map for us. If you  
20 could, just real general right now,  
21 kind of review once you left the  
22 surface area in the box cut and went  
23 under that first night, where did you  
24 go and where did you finally end up  
25 that evening?

32

01 A. Well, after they briefed me,  
02 they determined that they had to have  
03 power on the booster pumps for the  
04 fresh water. So we accompanied four  
05 gentlemen with the Aracoma Mines that  
06 was familiar with the locations of  
07 the power source for the booster  
08 pumps. So initially, we went with  
09 them to the area where they had to  
10 isolate some power, knock some power  
11 and try to power up the booster pump.

12 Q. Do you know where the area is  
13 underground?

14 A. I got a general idea of where  
15 it's at, but as far as knowing exact  
16 locations, I probably wouldn't be  
17 able to tell you.

18 Q. All right.

19 A. We were there probably ---

20 gee, we were there probably a good  
21 three hours.

22 Q. At the location ---?

23 A. At the location. Primarily  
24 because command center didn't allow  
25 us to power up anything. You know,

33

01 we went to those locations, you know,  
02 found out where everything was at and  
03 we just sat for a couple hours until  
04 the command center gave us permission  
05 to have their --- those guys set the  
06 power up.

07 Q. Did they get that approval to  
08 set the power up?

09 A. Yes.

10 Q. Okay. And then what happened?

11 A. Once we got everything powered  
12 up, then we proceeded to the fire  
13 area. They wanted to locate guys  
14 along the fresh waterline to open a  
15 few fire valves to bleed pressure off  
16 once they started ---.

17 Q. Is this in the tram road or is  
18 this in the belt entry for north  
19 mains or where were these valves  
20 located? Do you recall?

21 A. Primarily in the north ---  
22 north mains area.

23 Q. Okay.

24 A. There may have been some in  
25 the other areas, but primarily in the

34

01 north mains area.

02 Q. When you guys were sitting  
03 there waiting for permission to power  
04 up, what do you mean by powering up?  
05 Was that just to have the power to  
06 the load centers or ---?

07 A. Right. Power to the load  
08 centers so that we could set the  
09 breakers up on the booster pumps to  
10 pressurize the fresh waterline.

11 Q. Did you --- at that time, did  
12 you power up the pumps, the booster  
13 pumps?

14 A. Yes.

15 Q. Was that prior to opening  
16 those valves in the waterlines or was  
17 that afterwards?

18 A. We powered up first and then I  
19 think they cracked some of the lines  
20 to bleed pressure off, then we  
21 powered up the booster pump.

22 Q. Okay. Do you recall --- those  
23 other folks that were with you, were  
24 they company officials or were they

25 another mine rescue team?

35

01 A. They were company officials.

02 Q. Do you know those company

03 officials by name?

04 A. No, I don't.

05 Q. Do you recall any writings on

06 their hardhats that would indicate

07 nicknames or ---?

08 A. I just remember one of the

09 guys there, his name's Fred, but ---.

10 Q. Fred?

11 A. Right. I don't know what his

12 title was.

13 Q. Did they ever introduce

14 themselves to you and tell you

15 what ---?

16 A. Yeah, we were introduced, I

17 just can't recall their names.

18 Q. Okay. Now, we're to the point

19 where you've opened those valves

20 along the --- did you say the tram

21 road or the belt entry?

22 A. Primarily the belt entry.

23 Q. Okay. And then what did you

24 do from that point?

25 A. Well, once we got to the

36

01 location of the mine phone, I called



02 outside and talked to them. They  
03 wanted us to go ahead and hook a  
04 waterline up with some outlets to lay  
05 out soft line.

06 Q. Where was that phone located  
07 at?

08 A. It was in the belt entry, the  
09 four-foot belt entry of north mains.

10 Q. Okay.

11 MR. POGUE:

12 I'd like to take a  
13 break right now.

14 SHORT BREAK TAKEN

15 BY MR. POGUE:

16 Q. Richard, let's go to the wall  
17 maps and you detail from the point of  
18 that night, on the 20th, where you  
19 were instructed to go up and install  
20 waterlines and we'll ask you some  
21 questions up at the map.

22 A. All right.

23 Q. Do you also have a map that  
24 you brought to the interview?

25 A. Yes, I have a map of the ---.

37

01 Q. What is that map of?

02 A. It's of the lower end of these  
03 panels at Nine headgate, tailgate

04 and ---.

05 Q. Would this be the area right

06 in here, Richard?

07 A. Yes.

08 Q. Okay. Before we get too much

09 further, can you illustrate by

10 marking with this marker here, do you

11 know how far those gentlemen went up

12 into the Four Right area to check the

13 power and to check the pumps or

14 any ---?

15 A. Actually we didn't do anything

16 on this end. When we powered

17 everything up was at these mains here

18 to get to the fresh waterline that

19 was up through here charged.

20 Q. Okay. But do you know if they

21 went back in this area and how far

22 they went? Can you indicate any

23 travel at all?

24 A. This area here, we traveled

25 day two; okay? Day one, we went up

38

01 here and fought the fire. Day two,

02 when we come back, we come ---.

03 Q. So actually the only purpose

04 of being in this Four Right area was

05 just to set the power up, energize

06 power?

07 A. Wherever the power supplies  
08 are located along this mains, that's  
09 the only areas that we --- we were in  
10 the night that I was there, the  
11 initial night.

12 Q. Okay.

13 MR. POGUE:

14 Right now we're  
15 referring to Exhibit A  
16 Crockett, and it's a map of  
17 the north mains and northeast  
18 mains. Okay.

19 (Crockett Exhibit A  
20 marked for  
21 identification.)

22 BY MR. POGUE:

23 Q. Just go ahead and take us up  
24 through these entries and get us to  
25 the point where you're ---.

39

01 A. Well, primarily it's a  
02 straight shot, however, we did change  
03 entries in a couple places. And to  
04 be honest with you, I don't know  
05 exactly what entry we traveled to  
06 arrive up to as far as we could get.

07 Q. Did you travel the belt entry  
08 or were you in a --- like a mantrip?

09 A. We crossed underneath the belt  
10 at one location and I'm assuming that  
11 that may be at these double doors  
12 here. And then we traveled the  
13 intake entry adjacent to the belt and  
14 we took that as far as we could until  
15 we ran into some more mantrips and  
16 then we stopped and walked from  
17 there.

18 Q. Could you indicate on the map  
19 where you possibly may have stopped  
20 that night?

21 A. Oh, gee.

22 Q. This is the 72-inch belt right  
23 here.

24 A. I'm going to guess, best guess  
25 is somewhere in this area here.

40

01 Q. And for what purpose did you  
02 stop there anyway?

03 A. They were --- if I'm not  
04 mistaken, there were already a couple  
05 mantrips parked at that location, so  
06 we pulled in behind them and got out,  
07 geared up, walked up, went through  
08 one of these doors into the belt  
09 entry of the 48-inch belt and then we  
10 walked the belt up to the location of  
11 the mine phone.

12 Q. Let's move over to Exhibit B  
13 Crockett.

14 MR. POGUE:

15 And it's a more  
16 detailed map of the northeast  
17 mains junction with the north  
18 mains area of the mine.  
19 (Crockett Exhibit B  
20 marked for  
21 identification.)

22 BY MR. POGUE:

23 Q. This would be your mother  
24 belt, that's your drive.

25 A. Okay.

41

01 Q. And indicate with your marker  
02 there what areas you actually  
03 traveled in.

04 A. Okay. We come up the belt  
05 line.

06 Q. This is the 72-inch belt.  
07 This is the mother drive.

08 A. Okay.

09 Q. This is the 48-inch belt right  
10 here. Show your travels when you  
11 guys went out if ---.

12 A. It'd be the Number Three entry  
13 from that cut-through.

14 Q. Can you show it on here?  
15 A. Well, my best recollection is  
16 that we came up and went through one  
17 of these doors right here and  
18 traveled up the belt line to the  
19 location of the mine phone.

20 Q. All right. Is that a mine  
21 phone location right here?

22 A. Well, that's what I'm trying  
23 to do is get my bearings.

24 Q. Take your time. Can you  
25 indicate phone by that circle?

42

01 A. Yes.

02 Q. Just go ahead and draw and  
03 mark that where the phone is.

04 A. There's a phone right here.

05 Q. Okay. Was there a phone back  
06 here?

07 A. Not to my knowledge.

08 Q. I think, based on this  
09 location here, can we move to this  
10 other map ---

11 A. Sure

12 Q. --- where it's a little bit  
13 more --- okay.

14 A. Which is --- it's consistent  
15 with this stopping with a door in it.

16 Q. All right.

17 A. Which ---  
18 Q. That would be ---?  
19 A. --- is not on that map there  
20 but it is on this map.  
21 Q. Is this your phone location  
22 right here at survey station 3202?  
23 A. Yeah, I'm pretty sure that's  
24 it right there.  
25 Q. Can you mark that, please?

43

01 WITNESS COMPLIES  
02 BY MR. POGUE:  
03 Q. Okay. Now, indicate your  
04 route of travel with your marker  
05 there, just ---.  
06 A. That night while we were there  
07 ---  
08 Q. Yes.  
09 A. --- the entries I actually  
10 traveled in?  
11 Q. Yes.  
12 A. All right. Went as far as  
13 that.  
14 WITNESS COMPLIES  
15 BY MR. POGUE:  
16 Q. This would be your drive area  
17 right here, the mother belt with the  
18 tail right here.

19 A. I just don't recall that  
20 overcast being there.  
21 Q. We'll mark out travel first  
22 and then we'll get on the ventilation  
23 controls and waterline. Up here  
24 would you sign and put today's date  
25 on that, please.

44

01 WITNESS COMPLIES

02 BY MR. POGUE:

03 Q. Okay. Could you --- you've  
04 indicated that your travel on the  
05 20th is indicated by the red marker.  
06 Can you give us the condition of the  
07 ventilation controls in those areas,  
08 what condition they were in?

09 A. Just as shown on the map, they  
10 were intact, the stopping with a door  
11 in it right here.

12 Q. Okay. Do you recall any of  
13 these stoppings --- were they all in  
14 pretty good shape, any block missing  
15 out of them that you can recall?

16 A. No. This one had an existing  
17 waterline stuck through it, but the  
18 best I recall, it had been plastered  
19 around so it was all intact.

20 Q. Was it a blue line or a ---?

21 A. Yes.



22 Q. Okay. Could you indicate  
23 that, please?

24 WITNESS COMPLIES

25 BY MR. POGUE:

45

01 Q. Were there any other lines  
02 coming through that stopping at that  
03 point?

04 A. No, not at that point.

05 Q. I've got a photograph I want  
06 to show you of that stopping there.  
07 How about this stopping right here,  
08 was it --- had any blocks missing out  
09 of it?

10 A. You know, I don't recall but I  
11 can't say for fairly certain.

12 Q. Okay. How about in --- at  
13 survey station 3210 traveling east,  
14 can you recall what the condition of  
15 these stoppings were through here?

16 A. When we arrived, this one here  
17 had a door in it intact.

18 Q. Was it open or closed?

19 A. Closed. That one was both  
20 intact on the right.

21 Q. You mentioned earlier  
22 something about this overcast right  
23 here.

24 A. I don't recall seeing that  
25 overcast there.

46

01 Q. Is it missing then?

02 A. Yeah. You know, it was smoky  
03 through there. I don't recall any  
04 overcast being there at all.

05 Q. Were you guys under apparatus?  
06 Were you traveling by yourself in  
07 this area or ---?

08 A. We were under apparatus from  
09 this point inby, in this entry.

10 Q. At your briefing on the  
11 surface, is this what they pretty  
12 much had told you you were going to  
13 be doing once you got underground,  
14 exploring these entries up in here?

15 A. Well, these entries had  
16 already been explored by previous  
17 teams.

18 Q. Okay.

19 A. So basically they just told us  
20 to report to that location.

21 Q. All right. What about these  
22 stoppings around here? You indicated  
23 this one was --- this one had a door  
24 in it, it was closed?

25 A. That was closed intact. That

47

01 one was intact.

02 Q. Okay. Did you travel from the  
03 belt entry through this crosscut to  
04 survey station 3234?

05 A. No. We traveled through this  
06 door in either 3210 or 3224.

07 Q. Okay. Let me show you a  
08 photograph of this stopping right  
09 here and see if you remember. Okay.  
10 Do you recognize this stopping right  
11 here? This is looking downhill.

12 A. That's probably that stopping  
13 right here.

14 Q. Actually I think we're looking  
15 at --- I think from the belt entry.

16 A. The belt entry?

17 Q. Yes.

18 A. Okay.

19 Q. Towards survey station 32 ---.

20 A. Well, I knew it was in this  
21 entry here.

22 MR. POGUE:

23 We're looking at  
24 Exhibit C Crockett that's a  
25 photograph of the stopping

01 between survey station 3229

02 and 3235. And that's what

03 Richard is looking at right  
04 now.  
05 (Crockett Exhibit C  
06 marked for  
07 identification.)  
08 BY MR. POGUE:  
09 Q. Do you recall that stopping?  
10 A. No. The night we were there,  
11 --- see, we knocked out a hole to put  
12 the four-inch line through this  
13 stopping right here.  
14 Q. Is that one of these lines  
15 right here?  
16 A. Apparently it's one of those  
17 lines right there.  
18 Q. Is it the hole at the top  
19 where you knocked it out ---  
20 A. Yes.  
21 Q. --- to put it through?  
22 A. Right.  
23 Q. What about the hole in the  
24 middle of the ---  
25 A. The night of ---.

01 Q. --- stopping?  
02 A. Yeah, that was not there when  
03 we were there.  
04 Q. Okay. So that waterline or  
05 that hole wasn't there ---

06 A. They must have did that after.

07 Q. --- on January the 20th or  
08 that night of the 20th?

09 A. Yeah, after we left.

10 Q. Okay.

11 MR. POGUE:

12 We have an Exhibit D  
13 Crockett, which is another  
14 photograph of the stopping,  
15 and it's --- actually it's a  
16 ---.

17 (Crockett Exhibit D

18 marked for  
19 identification.)

20 BY MR. POGUE:

21 Q. Can you identify that, that  
22 photograph right there?

23 A. This is looking back from  
24 right there.

25 Q. Were you guys in this --- in

50

01 that entry between survey station  
02 ---.

03 A. Now, see this --- if I'm not  
04 mistaken, this one here is looking  
05 from there --- from the belt entry  
06 down this way.

07 Q. This would be from the uphill

08 looking down, Exhibit D.  
09 A. Exhibit D you're saying it's  
10 from there looking in?  
11 Q. Yes.  
12 A. Okay. Right.  
13 Q. Does that look familiar to  
14 you?  
15 A. That's familiar.  
16 Q. Okay. Crockett C would be  
17 looking ---?  
18 A. Looking back towards it.  
19 Q. Okay. Were you in this area?  
20 Did you travel in this area?  
21 A. All the traveling we did was  
22 just to get the line hooked up to  
23 establish our manifolds at this  
24 location here.  
25 Q. So you did travel through this  
51  
01 area between survey station 3229 and  
02 3234?  
03 A. Actually don't recall  
04 traveling through there. I was on  
05 the other end helping knock this hole  
06 out and push the line through. We  
07 had some other gentlemen on the other  
08 side.  
09 Q. All right. Let me show you  
10 one other photograph. Okay.

11 MR. POGUE:  
12 This is a photograph of  
13 the stopping located between  
14 survey station 3239 and 3234.  
15 And it's an extension, appears  
16 to be extension of waterlines.  
17 (Crockett Exhibit E  
18 marked for  
19 identification.)

20 BY MR. POGUE:

21 Q. Does that look familiar to  
22 you? Were you in that area?

23 A. Actually no, I wasn't. It  
24 doesn't look familiar. You know, all  
25 of our traveling took place just

52

01 where I showed so we really didn't  
02 spend much time through that, this  
03 area here, other than hooking up our  
04 waterline.

05 Q. Okay.

06 A. And like I say, I was on this  
07 end of it.

08 Q. You were at survey station  
09 3229?

10 A. Yeah, primarily.

11 Q. Okay. All right.

12 MR. POGUE:

13           Okay. We have another  
14 map here and it kind of gives  
15 us a layout of the waterline  
16 right here at the junction of  
17 --- at survey station 3229.

18 And this is on Exhibit F  
19 Crockett.

20 (Crockett Exhibit F  
21 marked for  
22 identification.)

23 BY MR. POGUE:

24 Q. And could you maybe talk a  
25 little bit about exactly where your

53

01 waterlines started at in this 48-inch  
02 belt? What point you got to as far  
03 as extending?

04 A. Well, initially, you know like  
05 I said, we powered up the booster,  
06 charged the fresh water line. We  
07 were notified that they had already  
08 had the T in the line and it should  
09 be ready to hook a line to it to  
10 extend over through that stopping to  
11 hook our ---.

12 Q. What size was that fresh  
13 waterline?

14 A. The fresh water line was eight  
15 inch I think.



16 Q. Okay.

17 A. But once we arrived there and  
18 we got the fresh waterline charged,  
19 we found out that they had actually  
20 T'ed into the discharge line, not the  
21 six-inch discharge line. So we had  
22 to go back and shut off the fresh  
23 water and wet cut off ---.

24 Q. Where was that at?

25 A. It was outby in the belt

54

01 entry, I don't know how far, two,  
02 three, four breaks, something like  
03 that.

04 Q. Was that a regular shutoff  
05 valve?

06 A. I believe so, yes. I didn't  
07 go back there to ---.

08 Q. Was that on the inby side of  
09 the drive where that was done for  
10 this 48-inch belt?

11 A. I'm not familiar where the  
12 drive is, so I can't really say. But  
13 ---.

14 Q. So you have an eight-inch  
15 waterline up in here and now you're  
16 ---.

17 A. Well basically, what we did,

18 we just turned the fresh water off,  
19 we had to cut that loose, we had to  
20 cut the fresh waterline at that  
21 location and put in reducers, you  
22 know, hook up our reducers.

23 Q. How did you reduce it? What  
24 did you do to reduce that line?

25 A. Actually we found enough

55

01 scraps laying in that location, I  
02 guess where they had done some work  
03 before to reduce it down from an  
04 eight to a six. And that's what the  
05 T consisted of, a six-inch line.

06 Q. Can I show you something here,  
07 Richard?

08 A. Sure.

09 Q. Does this drawing right here  
10 at the eight inch and the six inch,  
11 does that pretty much show what you  
12 guys did as far as ---?

13 A. Well, the six inch --- what we  
14 did that night, now we didn't do  
15 anything inby there, so I don't know  
16 what this is here. We T'ed off just  
17 one time right there

18 Q. With a four-inch line?

19 A. With a four-inch line.

20 Q. The way the drawing indicates?

21 A. That's correct.

22 Q. But you did not install this  
23 other four-inch line?

24 A. No

25 Q. Do you remember what color

56

01 this line was?

02 A. I believe it was blue also.

03 Q. Blue?

04 A. It might have had some yellow  
05 mixed in with it, but I think it's  
06 primarily blue.

07 Q. Okay. This top waterline, you  
08 said earlier that you guys put that  
09 in or was that already in?

10 A. We hooked it up. Now, part of  
11 it might have been laying in that  
12 break and they may have had some of  
13 it installed. We knocked a couple  
14 blocks out, pushed the line through  
15 there.

16 Q. So that stopping was solid  
17 before you guys put the waterline  
18 through it?

19 A. To the best of my knowledge,  
20 it was solid.

21 Q. How about where these cables  
22 came through, was that block out or

23 was it plastered up to the point  
24 where it was a solid stopping?  
25 A. If I'm not mistaken it was

57

01 pretty much solid because we had to  
02 take a block or three block to knock  
03 a hole in it.

04 Q. Okay. Let's ID this stopping  
05 that they're talking about right here  
06 and let's see, this would be ---.

07 A. No, the more I think about it,  
08 I think that stopping --- I don't ---  
09 actually, I don't recall that. You  
10 know, I don't know.

11 Q. Okay

12 A. I can't remember exactly which  
13 ---.

14 Q. I think actually this stopping  
15 ---.

16 A. This stopping was this one  
17 right here.

18 Q. Right. This stopping is ---.

19 A. And this was already out.

20 Q. What we're looking here is at  
21 Exhibit D Crockett, is the stopping  
22 that's in this crosscut right here,  
23 and that's where the lines were  
24 coming from. Did you say this  
25 stopping was out?

01 A. Well, the more I think --- I  
02 don't remember dealing with two  
03 stoppings to get the waterline  
04 through the stopping.

05 Q. So it had to be ---?

06 A. It had to be this one right  
07 here.

08 Q. Okay. Do you know that this  
09 one was out?

10 A. I don't recall it being in.  
11 I know I went through the crosscut, I  
12 don't recall anything being there.

13 Q. Can you circle it and just say  
14 missing, please?

15 WITNESS COMPLIES

16 BY MR. POGUE:

17 Q. Okay. And the stopping just  
18 north of survey 3234 is the Exhibit D  
19 Crockett stopping; okay?

20 A. Okay. It's hard dealing with  
21 these small blocks, I'm not used to  
22 it.

23 Q. That's all right. You're  
24 doing a good job. When did you  
25 exactly put that blue line through

01 that stopping? Do you recall any

02 time on the 20th?  
03 A. It must have been 6:00 a.m. in  
04 the morning, I'd say roughly because  
05 it took us --- you know, we sat down  
06 here for two and a half hours  
07 probably before they gave us  
08 permission to actually charge the  
09 line and then once we got it charged  
10 and we had to replace the T, fresh  
11 water blew apart there and the  
12 four-inch line ---.

13 Q. The eight-inch blew apart back  
14 here?

15 A. Yeah.

16 Q. Could you indicate  
17 approximately where that was?

18 A. Well, I'm thinking it was ---  
19 let's see, I'm thinking about three  
20 crosscuts outby.

21 Q. That's fine.

22 A. Okay. And cutoff luckily was  
23 outby there.

24 Q. Okay. So you've extended now,  
25 --- you've extended that waterline

60

01 down here to the survey station 3234?

02 A. Right. The waterline was  
03 extended approximately right there at  
04 that corner. I don't recall this

05 other door.

06 Q. Could you indicate, was it

07 missing or ---? Do me a favor and

08 with this black marker, indicate the

09 waterline.

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. And this is, what, a four-inch

13 waterline?

14 A. This is a four-inch.

15 Q. Okay. Do that for me. Okay.

16 That night did you extend any other

17 waterlines?

18 A. Not hard line. We run our

19 fire hose from that location.

20 Q. Let me get you another. Can

21 you indicate with the blue marker the

22 extension of the fire hose from the

23 fire tap right there?

24 A. Okay. We had a tap right here

25 which we run to this location and

61

01 then we had a tap back here which

02 would be around to that location.

03 Q. Okay. And you're indicating

04 that at survey --- from survey

05 station 3234 east to it looks like

06 3236, you extended to the crosscut, a

07 fire hose; is that correct?

08 A. That's correct.

09 Q. And was this stopping in place  
10 here?

11 A. Yes.

12 Q. All right.

13 A. I don't know the reason that  
14 had to go up.

15 Q. Was it a man door?

16 A. Yes.

17 Q. Can you indicate that on  
18 there?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Were there any holes in that  
22 stopping right there?

23 A. Not initially, no.

24 Q. Okay. And you did knock ---?

25 A. We did knock probably, I don't

62

01 know, four --- four blocks out  
02 initially to stick the nozzle through  
03 to try to cool this area through  
04 here.

05 Q. Okay. When you knocked those  
06 blocks out, did you look into the  
07 belt entry to see the fire at that  
08 point?

09 A. You could feel the heat.



10 Actually see the flames? No.

11 Q. Smoke?

12 A. The smoke was thick bellowing  
13 out of the hole pretty good.

14 Q. Was it hitting you in the face  
15 at that point?

16 A. Yes. We did all that under  
17 ---.

18 Q. Okay.

19 A. Now, we did make this hole a  
20 little bit bigger as the day  
21 progressed.

22 Q. To what point did the hole  
23 actually get opened up to, from two  
24 or three block to what?

25 A. It probably went from four

63

01 block to a dozen blocks during the  
02 time we were there.

03 Q. Could you indicate that?

04 WITNESS COMPLIES

05 BY MR. POGUE:

06 Q. Okay. What about this inby  
07 stopping, did you also have to knock  
08 block out of there?

09 A. We knocked approximately two  
10 blocks out of it.

11 Q. You were there when the blocks

12 were actually knocked out? Or you  
13 know that your team members knocked  
14 them out?

15 A. I know for a fact that we  
16 knocked them out.

17 Q. Okay. How about this stopping  
18 right here?

19 A. Well, what we did was we  
20 initially tried to foam through this  
21 opening here. We had some pressure  
22 problems so we cut the foam out,  
23 sprayed a little water, once we got  
24 the pressure taken care of, then we  
25 re-hooked the foam up and foamed this

64

01 for an extended period of time.

02 Q. So you went from the fire hose  
03 module to a foam generator at that  
04 location?

05 A. No, it wasn't a foam  
06 generator, it was just an inductor.

07 Q. Okay.

08 A. It ran out of some buckets  
09 that we carried from the mantrips.  
10 So we foamed this for an extended  
11 period of time, we sprayed water  
12 through these two blocks here. After  
13 an hour or two roughly, we moved this  
14 one down to here. We moved this one

15 down to there because ---.

16 Q. You moved the fire hose ---

17 A. Yes.

18 Q. --- from --- where did you

19 first move the fire hose?

20 A. Well, what we did was we moved

21 --- we shut this one down, added a

22 line to it, moved it up to here;

23 okay?

24 Q. All right.

25 A. And then we added a line to

65

01 that one and moved it up to this

02 corner right here.

03 Q. Okay.

04 A. There was visible flames right

05 here.

06 Q. Could you see the stopping

07 that was ---?

08 A. To my knowledge, there was no

09 stopping in there but visibility was

10 very limited.

11 Q. Could you say that it was

12 missing?

13 A. My best guess was yes, it was

14 missing.

15 Q. Could you indicate that on the

16 mine map, please? You can take that

17 up here, just say missing.  
18 WITNESS COMPLIES  
19 BY MR. POGUE:  
20 Q. Okay. Continue on with ---.  
21 A. So what we did was we sprayed  
22 water from this corner to try to cool  
23 as much into this crosscut as we  
24 could because we had visible flames.  
25 We did that for a while here and here

66

01 and then we brought it back into  
02 these two locations. And we were  
03 still concerned --- it was pretty hot  
04 in there, so we had concerns about,  
05 you know, the stopping possibly  
06 breaching on us.

07 Q. Oh, so you just --- you just  
08 retreated your fire hose back into  
09 the original location?

10 A. Right. We just --- we kind of  
11 just flipped flopped back and forth.

12 Q. Did you continue doing that  
13 the whole night?

14 A. Pretty much the whole morning  
15 and once we established a waterline.

16 Q. When you initially hooked your  
17 --- into this eight-inch line up  
18 there, did it seem like you had water  
19 pressure or ---?

20 A. Not near enough, no.

21 Q. Was there any adjustments made  
22 to the water system at that time?

23 A. My understanding --- I didn't  
24 do the calling and someone called  
25 out, talked to them and told them

67

01 that they needed the pressure boosted  
02 up on the line.

03 Q. So when you initially started  
04 your firefighting down here, did you  
05 have that pressure or was that after  
06 you ---?

07 A. We had enough water pressure  
08 to actually use our nozzles, not  
09 enough to push foam.

10 Q. And that was prior to them  
11 turning the booster pumps on or ---?

12 A. That's correct. Right. Once  
13 they --- once they boosted it up a  
14 little bit, it did a little better,  
15 but if I'm not mistaken, sometime  
16 during the night we might have called  
17 them and asked them to boost it up  
18 just a tad more.

19 Q. Okay.

20 A. I know there were some  
21 concerns about that line, whether it

22 could hold the pressure of not.  
23 Q. Okay. For the remainder of  
24 the 20th on that first shift that you  
25 were underground, what did you do

68

01 then?

02 A. That's all we did.

03 Q. That's all you did?

04 A. Yeah, we kept a couple people  
05 at each station, rotated out.

06 Q. Okay. Let's talk about the  
07 second shift that you were in the  
08 mine before we go to ---. Let's back  
09 up here. What condition was this  
10 overcast in right here since you  
11 traveled in that area? Were there  
12 doors in it? Was it in good shape?

13 A. That overcast was turned  
14 against me, but I don't recall --- I  
15 don't really recall that much about  
16 it. We might have crossed it. But I  
17 don't recall it not being intact, put  
18 it that way.

19 Q. Okay. How about this overcast  
20 right here. Did you travel through  
21 this area? So you don't know if this  
22 was in there or not in there?

23 A. I don't even remember that one  
24 being there, but it might have been.

25 Q. Okay. All right. Let's start

69

01 with the second --- second day.

02 Again, had you been briefed when you

03 left the surface?

04 A. Day two, they took us in and

05 they felt like they had one entry

06 down on the bottom end of --- which I

07 guess this is called Four Right?

08 Q. Yes.

09 A. Okay. They had hoped that

10 they might have one entry that could

11 have been possibly fresh air and that

12 would have been the setup base for

13 the next fire panel. For some

14 reason, they were thinking that that

15 might be clear of smoke.

16 Q. And you're indicating on

17 Exhibit A that we're talking in

18 reference to the Ten headgate area on

19 the ---

20 A. That's correct.

21 Q. --- front side of it where the

22 setup entry would be?

23 A. Right.

24 Q. And did you actually travel

25 down in there with ---?

70

01 A. Yes.

02 Q. Okay. Can you kind maybe just  
03 show us how you traveled or anything  
04 about that area that you remember?

05 A. Okay. They sent four members  
06 of the Aracoma Mine to accompany us,  
07 four officials, because we weren't  
08 familiar ---.

09 Q. Four officials?

10 A. Well, four ---.

11 Q. Mine rescue people?

12 A. No. They were just employees.

13 Q. Okay.

14 A. I don't know, I assume  
15 salaried.

16 Q. Did they have apparatuses on?

17 A. No. No. They --- we took two  
18 mantrips.

19 Q. Did you understand at the  
20 briefing in the command center that  
21 these individuals were going to be  
22 traveling with you without  
23 apparatuses?

24 A. Yeah. This area had been  
25 explored the previous day.

71

01 Q. Okay.

02 A. They knew that they had fresh  
03 air up to the double doors, which I



04 don't --- it's not on this map here.

05 I'm pretty sure it's on my map.

06 Q. Okay. Yeah, you refer to your  
07 map that ---. What we need to do is,  
08 as you talk about this map here, we  
09 need to be marking our map here.

10 A. Okay. Well, that's the route  
11 of travel that we took up to right  
12 here, which is the last entry of the  
13 panel. Right there is where you had  
14 the door if I'm not mistaken. Okay.  
15 Since being in that area, I guess the  
16 command center felt comfortable with  
17 those guys taking us up to that  
18 location because they knew that was  
19 clear air.

20 Q. Okay. Just continue on with  
21 your exploration up through that  
22 area.

23 A. Well, what they wanted us to  
24 do in the command center was, I was  
25 told that this stopping here had been

72

01 breached after the fire had started.

02 They said ---

03 Q. Did they indicate who had  
04 knocked it out?

05 A. They might have, but I don't

06 recall any names, but apparently one  
07 of the foreman. They said one of the  
08 foreman had in an effort to reduce  
09 the amount of smoke coming down this  
10 entry had breached this stopping in  
11 hopes of that smoke being pulled this  
12 way.

13 Q. How about indicating on this  
14 map the location of that stopping,  
15 please?

16 A. Okay.

17 WITNESS COMPLIES

18 BY MR. POGUE:

19 Q. And it was --- was it  
20 completely out, half missing or you  
21 didn't see it?

22 A. Actually, I couldn't --- you  
23 know, the dense smoke, you know,  
24 pretty much ---.

25 Q. Okay.

73

01 A. And I don't think --- I don't  
02 think I deviated from the route that  
03 I was supposed to travel, which was  
04 indicated on here, highlighted. But  
05 that stopping was not.

06 Q. It wasn't out?

07 A. No.

08 Q. Okay.

09 A. He told me initially, he said  
10 --- said, you'll be able to go up and  
11 go through this stopping and get in  
12 that setup face and travel all the  
13 way down through here.

14 Q. Was that the case?

15 A. No.

16 Q. All right. So ---.

17 A. To the best of my knowledge  
18 was that stopping was still intact.

19 Q. Okay. Could you indicate over  
20 here this stopping installed or  
21 something?

22 WITNESS COMPLIES

23 BY MR. POGUE:

24 Q. Is that something they told  
25 you at the briefing or ---?

74

01 A. Yeah.

02 Q. And who told you that at the  
03 briefing?

04 A. If I'm not mistaken, it was  
05 Chris and Frank.

06 Q. Okay. Chris?

07 A. Chris --- that's all I know  
08 his name as.

09 Q. Okay.

10 A. And he works for Massey, I

11 know that.

12 Q. All right.

13 A. He's pretty much ram-rodding

14 it for the company with Massey.

15 Q. Okay. At this point here,

16 what was your --- what was your

17 direction of travel?

18 A. Our direction of travel to the

19 best of my knowledge, was --- now,

20 this is --- like I say, this is to

21 the best of my knowledge.

22 Q. Sure.

23 A. When we couldn't get in that

24 way, I went down to the next stopping

25 and it was intact just like it shows

75

01 here.

02 Q. Okay.

03 A. And I thought, well, maybe

04 they messed up. So then we came back

05 out to belt entry and came up through

06 here.

07 Q. What was the condition of this

08 stopping?

09 A. Door.

10 Q. And it was, what, closed

11 position, open to the ---

12 A. Right.

13 Q. --- the man door?

14 A. Yeah.

15 Q. What about this stopping, was  
16 it the same way?

17 A. That was a supply door.

18 Q. That would be like an  
19 equipment door that you could take a  
20 scoop through?

21 A. Right.

22 Q. And it was in what position?

23 Closed?

24 A. Closed yeah. It wasn't ---.

25 Q. Was this your furthest point

76

01 of travel?

02 A. No. We traveled down there  
03 and traveled up through here and then  
04 through here. There was a stopping  
05 there that was intact just like it  
06 was. And then we went outby.

07 Q. Any other controls in this  
08 entry right here?

09 A. Yeah. Well, actually, because  
10 you had a regulator here with three  
11 or four blocks out.

12 Q. No sliding door, just blocks  
13 out?

14 A. Blocks out ---

15 Q. Okay.

16 A. --- with a curtain and then we  
17 had water right here.  
18 Q. Was --- this area right in  
19 here, had it been previously explored  
20 also or were you the first team in  
21 there?  
22 A. I don't know how far the  
23 initial teams --- I do know they went  
24 inby this door because they knew they  
25 had smoke inby the door.

77

01 Q. And this is --- all this  
02 information and all this travel that  
03 you're giving us now, that was all  
04 discussed at your briefing?  
05 A. Well, they felt like this  
06 entry here was going to be possibly  
07 fresh air for some reason.  
08 Q. Do you recall what the air  
09 direction was up in that area?  
10 A. Practically zero.  
11 Q. Zero movement?  
12 A. Yeah.  
13 Q. And you couldn't really  
14 determine what direction air was  
15 moving?  
16 A. Right. And you had a stopping  
17 right here in this entry which wasn't  
18 on the map.

19 Q. Okay. Does that pretty much

20 ---?

21 A. That's pretty much what we

22 made --- we made all that with one

23 bottle. We came back, I called

24 outside, told them what I had.

25 Q. Where did you call from?

78

01 A. They run us a line up to right

02 here.

03 Q. Was there anybody back at that

04 telephone while you guys were inby?

05 A. I had a --- my roof bolter

06 stayed right here at the phone with

07 the four guys, the company guys,

08 three or four.

09 Q. Was there an MSHA rescue

10 person with you guys up in there?

11 A. Yeah, I think so but I can't

12 remember his name.

13 Q. Could it have been Mike Hicks?

14 A. No, it wasn't Mike.

15 Q. Is there anything else you can

16 tell us about this area? Were the

17 pumps running when you guys went up

18 through there?

19 A. No.

20 Q. The pumps were off?

21 A. The pumps were off. These  
22 pumps were off right here.

23 Q. And they were --- what kind of  
24 pumps were those?

25 A. I don't know.

79

01 Q. Collection pumps or ---?

02 A. I can only assume they were  
03 submersible pumps, but I don't really  
04 know.

05 Q. Did you pass by the booster  
06 pumps up in this area? Do you  
07 recall?

08 A. If I did, I don't recall them.  
09 But I do know after we explored them  
10 initially and I told them that the  
11 water was too deep at this location,  
12 ---.

13 Q. Could you indicate that on the  
14 map?

15 A. Yeah, the water right there.

16 WITNESS COMPLIES

17 A. We called outside ---.

18 BY MR. POGUE:

19 Q. And you're saying by over ---  
20 or too deep, was it over the  
21 apparatus controls or the apparatus?

22 A. I didn't go --- it appeared to  
23 be, but I mean, I went up to the



24 corner. Once it started getting over  
25 my boots and I could see nothing but

80

01 water ---. And we found no methane  
02 up there so we --- when we got back,  
03 we told them that, you know,  
04 everything was clear as far as  
05 methane. So then they said they were  
06 going to go ahead and power those  
07 pumps up, which they did.

08 Q. Okay.

09 A. So we called out for extra  
10 bottles. They brought us some more  
11 bottles and we were going to go back  
12 in because I wanted to get inby this  
13 point here just to see what the  
14 conditions, you know, if they were  
15 any different from the rest of this,  
16 and it was all heavy.

17 Q. Did you ever --- did you ever  
18 go back up in there?

19 A. No. Actually when we got  
20 ready to leave is when the briefing  
21 officer said, hey, we found them,  
22 possibly could have found somebody.

23 Q. Okay. And that's while he was  
24 at this location, this front location  
25 right here?

01 A. He was there. We were all  
02 there.

03 Q. Okay. Then at that point,  
04 what did you guys do?

05 A. We took our apparatuses back  
06 off.

07 Q. And then what?

08 A. Waited on confirmation to come  
09 out.

10 Q. Okay. And did you get that  
11 confirmation to leave?

12 A. Yeah, I think, if I'm not  
13 mistake, we were probably the first  
14 team back out from underground.

15 Q. And that would have been on  
16 the 21st?

17 A. That's correct.

18 Q. Okay. Can you sign and date  
19 this map for me, please?

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. When you were in this setup  
23 entry down here, do you recall the CO  
24 concentration was?

25 A. I'm thinking it was like 180

01 parts per million.

02 Q. Would it be on your note map

03 that you have there?

04 A. I don't think so.

05 Q. Okay. So you think ---?

06 A. Visibility really wasn't good

07 enough to mark anything on the map.

08 Q. What was your visibility like,

09 was it ---?

10 A. It was probably a couple feet.

11 What we did was we went three guys

12 went three abreast down through

13 there. It was bad enough that I was

14 in the middle and I had one guy on

15 one side and one on another. I could

16 see their lights but they couldn't

17 see each other lights.

18 Q. Were you guys tied off to each

19 other at that point?

20 A. No.

21 Q. Whenever we talked earlier,

22 you said --- you mentioned Chris.

23 Would that have been Chris Adkins?

24 A. I don't know Chris' last name.

25 I do know he --- you know, he's

83

01 somewhere in the management part of

02 Massey.

03 Q. That's fine. You can go ahead

04 and have a seat for right now.

05 A. All right.

06 Q. You know earlier I asked you  
07 about if an MSHA person had traveled  
08 with you. This is a list. Do you  
09 recognize any names on that list as  
10 being anybody that traveled with you?

11 WITNESS REVIEWS DOCUMENT

12 A. Oh, isn't that terrible. No,  
13 I don't recall the name.

14 BY MR. POGUE:

15 Q. That's okay.

16 A. I can eliminate some though.

17 MR. POGUE:

18 Well, that's all the  
19 questions I have right now.

20 Bill, you can go ahead and

21 ---.

22 BY MR. TUCKER:

23 Q. I just have a few questions  
24 for you, Richard, maybe, to try to  
25 establish any kind of --- some type

84

01 of time frame or something. Do you  
02 recall ever looking at your watch  
03 once you got to the fire area?

04 A. I looked at it a lot.

05 Q. Can't remember what time it  
06 was?

07 A. Yeah, it was a long day. I'm

08 thinking that we actually arrived up  
09 there somewhere between 3:30 and  
10 4:00, to the --- to the telephone  
11 area. I'm thinking, around that  
12 time, 3:30, four o'clock.

13 Q. Is that at the area where you  
14 was waiting to put the power in on  
15 the pump?

16 A. No. The area that we were  
17 waiting to put power in on the pumps,  
18 we were there --- it seemed like it  
19 was 3:30 in the morning by the time  
20 that they decided to go ahead and  
21 power everything up. And then just  
22 as soon as we got power on, then we  
23 --- you know, we went straight to the  
24 fire area. So it was probably like  
25 30 minutes later, so it may have been

85

01 4:00, 4:30 by the time we actually  
02 arrived to the phone.

03 Q. When you arrived down to the  
04 fire area, do you recall if they had  
05 water at that point? Do you remember  
06 any conversations about water?

07 A. I don't think we actually ---  
08 well, it was real close to the time  
09 when we arrived that they pressurized

10 the line. And then we realized that  
11 we had to change all that over.

12 Q. You mentioned that your crew  
13 had done a good bit of work on the  
14 waterline, installing waterline and  
15 working on that. Do you remember if  
16 there was anybody else working on the  
17 water line?

18 A. Some guys that were familiar  
19 with --- since that waterline is a  
20 lot different than what we're  
21 familiar with, actually I had never  
22 --- I have never dealt with it all,  
23 so you know, although we assisted,  
24 primarily the work was done by the  
25 guys that worked at that mine or were

86

01 familiar with that line along with,  
02 you know, one of my guys, Mike  
03 Plumley. Since Mike's a pumper at  
04 our mines, he's real familiar with  
05 the different types. And he knew  
06 what --- basically what we would need  
07 to T that six inch up to the eight  
08 inch and so forth.

09 Q. So this is all in an area  
10 where it had already been explored  
11 and at that point, ---

12 A. Yeah.

13 Q. --- some of the company  
14 workers were allowed to come and  
15 assist in installing the waterlines?

16 A. That's correct.

17 Q. Did you happen to look at your  
18 watch when you first started putting  
19 water on the fire? Have any idea  
20 what time that was?

21 A. I can only guesstimate it was  
22 probably two and a half hours after  
23 we arrived before we actually got  
24 water on the fire, because like I  
25 say, we had to change the T over, we

87

01 --- the eight-inch line busted, the  
02 four-inch line split, so that took  
03 awhile.

04 MR. TUCKER:

05 That's all I got.

06 MR. POGUE:

07 Okay, Bill. I have a  
08 closing statement to read to  
09 you, Richard. On behalf of  
10 MSHA, I thank you for  
11 appearing here today and  
12 answering our questions and  
13 sharing your information about  
14 the mine. Your cooperation is

15 very important to us as we  
16 work to determine the cause of  
17 the accident. If you wish,  
18 you may now go back over any  
19 answers that you've given  
20 during the interview and you  
21 may also have a closing  
22 statement covering any  
23 additional points you believe  
24 should be raised. At this  
25 point, do you have any

88

01 statement you'd like to make?

02 A. The only statement I have is  
03 that everything --- every statement  
04 I've made today is based on what I  
05 think had happened, you know, the  
06 best of my knowledge. You know  
07 ---.

08 MR. POGUE:

09 That's fine.

10 A. Other than that, no.

11 MR. POGUE:

12 Okay. We ask that you  
13 not discuss your interview  
14 today with any person who may  
15 have already been interviewed  
16 or who may be asked to give a  
17 statement in the future. This



18 will ensure that we obtain  
19 everyone's independent memory  
20 of the events surrounding the  
21 accident. After questioning  
22 other witnesses and obtaining  
23 additional information we may  
24 ask you back for further  
25 questioning. If at some

89

01 point, you have additional  
02 information regarding the  
03 accident that you would like  
04 to provide us, please contact  
05 Mr. Kenny Murray, lead  
06 accident investigator or his  
07 staff assistant, Anthony Webb.  
08 I have two cards here for them  
09 with their phone numbers and  
10 addresses on it.

11 The Mine Act does  
12 provide certain protection for  
13 individuals who participate in  
14 accident investigations. If  
15 at any time, you believe that  
16 you've have been treated  
17 unfairly because of your  
18 cooperation in this  
19 investigation, please

20 immediately contact Mr. Murray  
21 or Mr. Webb. And I'd like to  
22 thank you today very much for  
23 participating.

24 MR. TUCKER:

25 Richard, the State also

90

01 offers protection against  
02 discrimination against miners.  
03 Here's my card if you need to  
04 contact me about anything.

05 A. Okay.

06 MR. TUCKER:

07 Here's C.A. Phillips'  
08 card. He's our Deputy  
09 Director out of our Charleston  
10 office. And on behalf of  
11 Miners' Health, Safety &  
12 Training, I'd like to thank  
13 you and your team for all the  
14 hard work that you do and we  
15 appreciate you taking your  
16 time on your day off to come  
17 down here today.

18 A. Okay. Well, thank you.

19 MR. POGUE:

20 Thanks.

21 \* \* \* \* \*

22 EXAMINATION CONCLUDED AT 12:00 P.M.

23

\* \* \* \* \*

24

25