

01 EXAMINATION UNDER OATH
02 OF
03 BUCKY DON HARVEY
04
05
06
07 Taken pursuant to Notice by Autumn D.
08 Furby-Pritt, a Court Reporter and
09 Notary Public in and for the State of
10 West Virginia, Department of
11 Environmental Protection, 1101 George
12 Kostas Drive, Logan, West Virginia on
13 Friday, March 3, 2006, at 1:21 p.m.

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

02

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04 District Three Inspector

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06 Health, Safety & Training

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25

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

02

03 ANTHONY BURKE

04 CMS&H Inspector

05 US Department of Labor
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01 A P P E A R A N C E S (cont.)

02

03 ALSO PRESENT:

04 C.A. PHILLIPS

05 ARLIE A. WEBB

06 RONALD W. STAHLHUT

07 MICHAEL FINNIE
08 DERRICK TJERNLUND P.E.
09 CHARLES W. POGUE
10 BETH SPENCE
11 JEFF WAGGETT
12 BILL FRANCA
13 DANNY COOK
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01 I N D E X

02

03 WITNESS: BUCKY DON HARVEY

04 QUESTIONS

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01 P R O C E E D I N G S

02 -----

03 MR. BURKE:

04 My name is Anthony
05 Burke and I represent the Mine
06 Safety & Health
07 Administration, and we're an
08 agency of the United States
09 Department of Labor. I am a
10 member of MSHA's accident
11 investigation team that is
12 charged with the investigation
13 of the accident that occurred
14 at the Aracoma Coal Company,

15 Inc. Aracoma Alma Mine Number
16 One, back on January the 19th,
17 2006.

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

24 With me here today are
25 other members of MSHA's team

8

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

10 ATTORNEY BARISH:

11 Hello, Bucky. My name
12 is Dan Barish. I'm with the
13 Solicitor's Office for MSHA.
14 And I work out of Arlington,
15 Virginia.

16 MR. WEBB:

17 I'm Anthony Webb. I
18 work for MSHA in Pikeville,
19 Kentucky.

20 MR. STAHLHUT:

21 Ron Stahlhut, MSHA,
22 Vincennes, Indiana.

23 MR. POGUE:

24 Charlie Pogue, MSHA,
25 Hunker, PA.

9

01 MR. FINNIE:

02 Mike Finnie, MSHA, from
03 Madisonville, Kentucky.

04 MR. TJERNLUND:

05 Derrick Tjernlund, MSHA
06 tech support, Triadelphia.

07 MR. BURKE:

08 And here with me also
09 today representing the State
10 of West Virginia is Mr. Eugene
11 White. Mr. White will be
12 asking the questions for the
13 State. At this time, I would
14 like to ask Eugene to
15 introduce his team and he has
16 a brief statement for you,
17 too.

18 MR. WHITE:

19 How are you doing,

20 Bucky? First, I want to read
21 this brief statement to you.
22 It says, the West Virginia
23 Office of Miners' Health,
24 Safety & Training is
25 conducting this interview

10

01 session jointly with MSHA and
02 we are in agreement with the
03 procedures outlined by Mr.
04 Burke. Let me make it clear
05 that the Director reserves the
06 right, if necessary, to call
07 or subpoena witnesses or
08 require the production of any
09 record, document or photograph
10 or other relevant materials
11 necessary to conduct this
12 investigation.

13 My name's Eugene White.
14 I'm a district inspector out
15 of Region Three in Danville,
16 West Virginia.

17 MR. PHILLIPS:

18 How are you doing,
19 Bucky?

20 MR. HARVEY:

21 Pretty good.

22 MR. PHILLIPS:
23 My name's C.A.
24 Phillips, and I'm Deputy
25 Director with Miner's Health,

11

01 Safety and Training out of
02 Charleston, West Virginia.

03 MS. SPENCE:
04 I'm Beth Spence with
05 the Governor's Office.

06 MR. BURKE:
07 All right. Thank you.
08 This investigation is being
09 conducted by MSHA and the
10 State of West Virginia, Bucky,
11 to gather information and
12 determine the cause of the
13 accident to help this from
14 happening in the future.

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

25 greater awareness about the

12

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

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

22 This interview with
23 Bucky Harvey is being
24 conducted under Section 103(a)
25 of the Federal Mine Safety &

13

01 Health Act of 1977, as a part
02 of an investigation by the
03 Mine Safety & Health
04 Administration into the
05 conditions, events and
06 circumstances surrounding the
07 fatalities that occurred at
08 the Aracoma Alma Mine Number
09 One, and that's located at
10 Route 17 North, Bandmill
11 Hollow Road in Stollings, West
12 Virginia 25646.

13 This interview is being
14 conducted at the State of West
15 Virginia Department of
16 Environmental Protection,
17 Division of Mining and
18 Reclamation. Their address is
19 1101 George Kostas Drive, here
20 in Logan, West Virginia 25601.
21 It is currently 1:26 p.m. on
22 March the 3rd, 2006.

23 Can I call you Bucky,
24 for the record?

25 MR. HARVEY:

01 Uh-huh (yes).

02 MR. BURKE:

03 Bucky, this interview

04 will begin by asking you a
05 series of questions. Now, you
06 can feel free at any time to
07 clarify any of your statements
08 that you make in response to
09 your questions.

10 After we have finished
11 asking questions, you will
12 also have the opportunity to
13 make a statement on your own
14 and provide us with any other
15 information that you think
16 that might be important in
17 this investigation.

18 You are permitted to
19 have a representative with you
20 during this interview and you
21 may consult with your
22 representative at any time.

23 You may designate any person
24 to be your representative.

25 Following the questions by

15

01 MSHA and the State, this
02 representative will be given
03 the opportunity to ask
04 questions for the purposes of
05 clarification on areas that

06 we've already discussed.

07 We want you to know
08 your statement is completely
09 voluntary. You may refuse to
10 answer any question, and you
11 may end this interview at any
12 time. That is your right. If
13 you do not understand a
14 question that we ask, tell us
15 and we'll rephrase that
16 question to make it more
17 understandable for you. If
18 you need a break for any
19 reason whatsoever, just let me
20 know and we'll take a five,
21 ten-minute break, whatever you
22 need.

23 You may request the
24 opportunity to make a
25 confidential statement, which

16

01 we will withhold from the
02 public to the extent allowed
03 by law. Should you desire to
04 give a confidential statement,
05 you should advise me before I
06 begin your interview so that I
07 can reschedule your interview
08 in order to properly consider

09 your request. Would you like
10 to have a confidential
11 interview or make a
12 confidential statement?

13 MR. HARVEY:

14 No.

15 MR. BURKE:

16 Okay. Thank you. A
17 court reporter will record
18 your interview and later
19 produce a written transcript
20 of this interview. I ask that
21 you state all of your answers
22 verbally, because she can't
23 understand nodding your head
24 yes or shaking your head no.
25 So you have to give a verbal

17

01 answer.

02 Neither this transcript
03 of this interview nor the
04 content of this interview will
05 be released to the public or
06 the media until MSHA's final
07 accident investigation report
08 is issued or until required by
09 a court order or a public
10 hearing takes place.

11 If any part of your
12 statement is not your first-
13 hand knowledge, but
14 information that you learned
15 from someone else, let me
16 know. And we use that
17 information also.

18 Please answer each
19 question as fully as you can,
20 including any information that
21 you learned from someone else.
22 We may not ask the right
23 questions to learn the
24 information you have, or
25 something that you know, so

18

01 don't feel limited to the
02 questions that we ask. If
03 you've got any comments or
04 anything that you want to add,
05 feel free to do that. If you
06 have any information about the
07 subject area of a question,
08 please provide us with that
09 information.

10 Do you have any
11 questions at all in the manner
12 that we're going to conduct
13 our interview today?

14 MR. HARVEY:

15 No.

16 MR. BURKE:

17 Okay. Will you please

18 swear Bucky in?

19 -----

20 BUCKY DON HARVEY, HAVING FIRST BEEN

21 DULY SWORN, TESTIFIED AS FOLLOWS:

22 -----

23 BY MR. BURKE:

24 Q. Bucky, please just give us

25 your full name, your mailing address

19

01 and your telephone number, including

02 area code, and spell your last name

03 for the record.

04 A. H-A-R-V-E-Y. [REDACTED]

[REDACTED]

09 Q. Okay. And state your full

10 name.

11 A. Bucky Don Harvey.

12 Q. Okay. So it's all right that

13 we call you Bucky? That's not a

14 nickname, that's your regular name?

15 A. Right.

16 Q. Okay. Bucky, are you
17 appearing here voluntarily today for
18 this interview?

19 A. What do you mean, voluntarily?

20 Q. Just that no one forced you to
21 come here today.

22 A. Yeah. It's voluntary.

23 Q. Okay. Has anyone made a
24 promise to you for giving your
25 statement, or offered you any kind of

20

01 reward for making a statement today?

02 A. No.

03 Q. Has anyone threatened you or
04 warned you not to provide your
05 statement to us today?

06 A. No.

07 Q. Now, we want you to make sure
08 that you understand that you may
09 refuse to answer any of our
10 questions, and you do have the right
11 to terminate this interview at any
12 time. That's your choosing. Bucky,
13 do you have a representative with you
14 today?

15 A. Yeah.

16 Q. Please identify your
17 representative for the record.

18 ATTORNEY HARDY:

19 David Hardy.

20 A. David Hardy.

21 BY MR. BURKE:

22 Q. Okay. Bucky, when did you
23 first meet Mr. Hardy?

24 A. About 20 minutes ago.

25 Q. Okay. And how did this

21

01 meeting come about? Describe that
02 meeting for us.

03 A. Y'all called me, what,
04 yesterday, the day before yesterday.

05 Q. Uh-huh (yes).

06 A. I talked to our safety
07 director, Charles Kann. He told me I
08 didn't have to come if I didn't want
09 to. I said, I ain't got no problem
10 about coming down here talking to
11 y'all. He said if I wanted a
12 representative, I could have one.
13 They gave me the number. I called
14 them. He met me down here.

15 Q. Okay. So you initiated the
16 first action to contact the
17 representative?

18 A. Right.

19 Q. Okay. Do you feel that you
20 were coerced to have Mr. Hardy as

21 your representative or forced to have
22 a representative?

23 A. No.

24 Q. Voluntarily?

25 A. Voluntarily.

22

01 Q. Okay. Have you been made
02 aware that Mr. Hardy also represents
03 the company in this matter and
04 there's a potential for a conflict of
05 interest to arise between yourself
06 and the company? Are you aware of
07 that?

08 A. What do you mean, now?

09 Q. Mr. Hardy is Massey Energy's
10 attorney.

11 A. Yeah.

12 Q. And he is representing the
13 company in this matter.

14 A. Right.

15 Q. Do you feel that there may be
16 a conflict of interest in
17 representing Massey Coal and you,
18 too?

19 A. Nope.

20 Q. Okay. Do you want to proceed
21 with Mr. Hardy as your
22 representative?

23 A. Yep.

24 Q. Okay. Were you ever
25 interviewed, Bucky, by the company

23

01 after the accident?

02 A. Nope.

03 Q. No interview has taken place?

04 A. Nope.

05 Q. Did you happen to attend a

06 meeting at a local grade school that

07 the company put on?

08 A. Yeah.

09 Q. Okay. Could you describe when

10 and where that meeting took place?

11 A. At Holden Grade School.

12 Q. Okay. Was any MSHA people or

13 state people there during that

14 meeting?

15 A. Not as I recall.

16 Q. Okay. Could you give us some

17 details of maybe what was talked

18 about during that meeting?

19 A. The only thing they told us in

20 that meeting is where they found them

21 at, all that and this and that, and

22 we was going to be contacted --- we'd

23 have to contact them if we was going

24 to work the next following day or

25 not. That's about it, though.

01 Q. Okay. Okay. Now, Bucky, how
02 long have you worked there at the
03 Alma Mine Number One?

04 A. About six year.

05 Q. Okay. Where are you employed
06 at this time? Are you still working
07 there?

08 A. Still at Aracoma Coal.

09 Q. Okay. What's your job title?

10 A. I run a roof bolter on Ten
11 Headgate.

12 Q. A roof bolter on Ten Headgate?

13 A. Right.

14 Q. Okay. What was your position
15 on January the 19th, 2006?

16 A. January the 19th?

17 Q. The day of the accident.

18 A. Running roof bolter.

19 Q. Okay. How many other jobs,
20 Bucky, have you done since you've
21 worked there at the mine?

22 A. I run the supply motor,
23 bolting now, run the headgate on
24 longwall. Run the scoops, shield
25 hauler, run the buggy a little bit.

01 Q. Okay. Now, I want to take you
02 back, going back to January the 19th

03 and ask you --- I guess I can ask you
04 how many total years you have in the
05 mines.

06 A. Six years.

07 Q. About six years. So you
08 worked at Aracoma pretty well
09 exclusively?

10 A. Yeah. For about two months
11 there, I quit. Then I went back to
12 them.

13 Q. Okay. Let's go back to
14 January the 19th, the day of the
15 accident. What shift did you work
16 that particular day?

17 A. Day shift.

18 Q. You worked the day shift?

19 A. Yeah.

20 Q. What was your starting and
21 quit times that day?

22 A. Started at 7:00, go outside at
23 4:00.

24 Q. Okay. About what time did you
25 get there that morning?

26

01 A. To section?

02 Q. First thing that morning.

03 About what time do you normally show
04 up for work?

05 A. About 6:30.

06 Q. About 6:30? And you start at

07 7:00?

08 A. Uh-huh (yes).

09 Q. You work about a nine-hour

10 day?

11 A. Nine-hour shift.

12 Q. Who was your boss that day?

13 A. Don Haggie and Chris Hernley.

14 Q. Okay. Is Don your normal

15 supervisor on a daily basis, pretty

16 much?

17 A. Yeah.

18 Q. Him and Chris?

19 A. Him and Chris both.

20 Q. Okay. What type of work were

21 you assigned to do that day? On

22 January the 19th, now, we're talking

23 about.

24 A. Run the roof bolter.

25 Q. Okay. Tell us a little bit

27

01 about bolting top now. You're on the

02 --- you say Ten Headgate?

03 A. Right.

04 Q. That's not Two Section, that

05 was the Ten Headgate.

06 A. No. Ten Headgate panel.

07 Q. Okay. About what was you

08 doing that particular day? Spot
09 bolting or ---?
10 A. Putting the --- we put
11 ten-foot cable bolts up and then
12 monorail hangers and belt hangers up.
13 Q. Okay. So you pretty well
14 worked in Ten Headgate on the 19th?
15 A. Right. That certain day,
16 though, we was down all day making
17 splices on the bolter cable. Hoot
18 owl went down there that night with
19 the scoop. We didn't hang the cable
20 the day before. They run over a
21 cable. So me and Nicky, can't think
22 of what his last name is, Baisden,
23 and Jesse Jude, made splice on our
24 cable all that day.
25 Q. Okay. So you pretty well

28

01 broke down pretty much the whole day,
02 then, with the roof bolter cable?
03 A. Yeah.
04 Q. You've worked in that area
05 several times before, I guess.
06 A. Yeah.
07 Q. And was familiar with that
08 part of the mine, wasn't you? How
09 recently before the 19th had you been

10 in that area? What day was you
11 there? Was you there the previous
12 day on the 18th, working there also?

13 A. Yeah.

14 Q. Okay. Now, what I'd like to
15 ask you to do, Bucky, if you can
16 remember and reflect back in your
17 mind, go back to that dayshift, that
18 morning you arrived at the mine, and
19 kindly walk us through. A lot of
20 folks, at some point in time, that
21 may listen to this, don't know a
22 whole lot about mining. So maybe you
23 could just walk us through from the
24 time that you got there and got ready
25 to go in the box cut and go

29

01 underground, what your day consisted
02 of that day and give us a little
03 rundown of what you done.

04 A. I got there that morning, put
05 my clothes on, boots on, in the
06 bathhouse, waited for Don and Chris
07 to come down. We went down in the
08 box cut, got a manbus, went to Ten
09 Headgate, me and Nicky Poole went
10 down in Ten Headgate, went down, put
11 the breakers in on the pinner.

12 The pinner breaker went in,

13 hit the start button, the light just
14 dimmed out. Got back on the phone,
15 called Chris. Chris told me, he
16 said, I'll be right down there. He
17 come down there, checks it out. He
18 can't get it to go, either. He gets
19 back on the phone, hollers for Jesse
20 Jude. Jesse Jude comes up there. He
21 comes down in there, makes splices on
22 the cable about all that day, then we
23 come back up there that evening, come
24 out and go up to the house.
25 Q. Did you get to put up any

30

01 bolts at all that day?
02 A. No.
03 Q. You was pretty well down all
04 day?
05 A. Pretty well down all day.
06 Q. Okay.
07 A. We didn't get up there 'til
08 around 9:30, ten o'clock that
09 morning.
10 Q. Okay.
11 A. On account of the rides in the
12 box cut.
13 Q. So you was kind of waiting on
14 a ride more or less ---

15 A. Yeah.

16 Q. --- transportation issue. And
17 you had a late start to start with?

18 A. Right.

19 Q. Okay. Now, up in that part of
20 the area, I know you drove us around,
21 and you're pretty well familiar with
22 just about the entire mine, aren't
23 you?

24 A. Yeah, pretty much.

25 Q. Okay. Have you ever bolted

31

01 top on a working section?

02 A. Not at Aracoma. I did for
03 Blue Stone Coal.

04 Q. Okay. So you've pretty well
05 been on the outby crew?

06 A. Yeah.

07 Q. Pretty well exclusively the
08 whole time you've been there?

09 A. No, since about --- I'm going
10 to say December 2nd, 3rd, somewhere
11 in that area.

12 Q. Are you familiar with your
13 escape routes out of the mine in the
14 event of an emergency? Say something
15 was to happen on the day shift. Do
16 you know how to get out of the mine
17 and get out in a hurry, the proper

18 escape routes, escapeways, your
19 primary and secondary escapeways?

20 A. Yeah.

21 Q. Okay. I would like to ask you
22 to come up here to the map. And
23 we're going to the map up here and
24 we'll call this Exhibit A, Harvey.
25 And if you don't care, Bucky, just

32

01 step right up here and we'll come to
02 the map and we'll ask you a few
03 questions about this.

04 (Harvey Exhibit A
05 marked for
06 identification.)

07 BY MR. BURKE:

08 Q. Maybe you can give us a
09 rundown --- we're at the map and this
10 is Exhibit A --- of where you were
11 actually working on the 19th, on the
12 date of the accident. And you can
13 kindly take this red pen and give us
14 a little marking on there about where
15 you were located during that shift.

16 A. Ten Headgate here; right?

17 Q. Uh-huh (yes).

18 A. Okay. And we marked on here.

19 Q. Now, are you talking about the

20 new head drive installation?

21 A. Coming across the top of them

22 mains here, we're going to drop down

23 in Ten Headgate.

24 Q. Uh-huh (yes).

25 A. And right down in here

33

01 somewhere, this would be where a

02 cripple drive's going to sit.

03 Q. Okay. Now, define that term

04 for folks that may not know what that

05 is.

06 A. Cripple drive's just a --- not

07 a whole belt head. It's got four

08 rollers on it, it pulls the belt from

09 down where the longwall's at, up to

10 that point, then it just dumps right

11 into another belt and pulls it on up

12 the hill.

13 Q. Okay.

14 A. Keeping your belt here at the

15 top of the hill, going all the way.

16 Q. Now, we may not know the exact

17 location, but if you could just

18 kindly make a mark on there and put

19 an approximate location about where

20 you were working that day? And to

21 give you a little landmark, you know,

22 this is a seal. This brown line is

23 your 48-inch belt that goes all the
24 way up to Two Section.

25 A. Uh-huh (yes).

34

01 Q. And that is Ten Headgate.
02 This is Nine Tailgate. And this is
03 what we call the mother drive right
04 here. This is where the longwall's
05 currently at. And naturally, this
06 map doesn't show the entire workings
07 of the mine. But it comes in just
08 immediately outby spad 2239 on the
09 North Mains and it comes up and shows
10 a cutout of the top portion of the
11 mine. That's basically just
12 something that we can work with. We
13 didn't put the whole map up there
14 because it's so big, you know, it'd
15 take up the whole wall.

16 A. Yeah.

17 Q. But it doesn't have to be in
18 the exact location. If you can
19 kindly approximate about where you
20 was at on the Ten Headgate and tell
21 us what you were doing there that
22 day?

23 A. I'd say we were about 20
24 breaks down in there.

25 Q. About 20 breaks in?

35

01 A. Right.

02 Q. And make a little mark about

03 where you was at.

04 Q. And he's indicated that he was

05 in the area in the Number Three entry

06 on that particular block at survey

07 station 3791. And the Number Two

08 entry adjacent to that same block

09 would be spad number 3789. So

10 basically, what had you intended to

11 do that day when you was there?

12 A. When we got down there, we was

13 planning on putting the cable bolts

14 up, some monkey face, and the

15 monorail hangers.

16 Q. Okay. Now, there's another

17 good term. Monkey face. Define that

18 one for us.

19 A. That's a monorail hanger, is

20 what it is.

21 Q. Uh-huh (yes).

22 A. So we call them monkey faces.

23 Q. Oh. It's different everywhere

24 we go.

25 A. Right.

36

01 Q. Oh.

02 A. People call them different
03 things.
04 Q. Okay. Now, monorail, define
05 that. That is --- what's the purpose
06 of a monorail?
07 A. That pulls you. The monorail,
08 it comes in like ten-foot joints.
09 Q. Uh-huh (yes).
10 A. All your hoses hang on them,
11 you've got dollies. You put your
12 hoses over them. And as the longwall
13 pushes forward, you push your hoses
14 forward with the monorail.
15 Q. Sure. So it facilitates
16 having to manhandle the hoses and
17 cables and things of that nature?
18 A. Right. Right.
19 Q. Okay. About --- do you know
20 probably approximately in this area
21 you've indicated where your roof
22 bolter was at that day? Was it in
23 that general vicinity, too, where you
24 was at?
25 A. Yeah.

37

01 Q. Okay. Just draw me a little
02 line and date that 1/19, about where
03 we were working, or make you a little

04 notation that that was where you was
05 working on that day, on January 19th.
06 Somewhere in that vicinity, just
07 write you a little note right there
08 saying this is where we were working
09 on January the 19th. Or just put
10 working on 1/19, to save time.

11 That's good. Now, getting
12 back to the map, kindly bring me in
13 from this point, and this is your
14 travel roadway. As you can kindly
15 define the way that you would travel
16 and show me how you get from this
17 point of the mine back to where you
18 was working on Ten Headgate, and you
19 can use that red pen to kind of draw
20 me a few arrows and show me exactly
21 your travel route, how you get from
22 this point up to Ten Headgate.

23 A. What do you got coming across
24 right here?

25 Q. That is your Number Seven

38

01 belt. Those brown lines are the
02 beltlines. This is a 48, of course,
03 this is Number Six. This is Number
04 Seven belt, and that's your mother
05 belt, your mother drive. Right here
06 is your mother drive.

07 A. Uh-huh (yes).

08 Q. And this is the doors that you
09 park. Right here is your big water
10 hole. This is the doors normally
11 where we come down and around and
12 park our rides when you haul us in
13 right in this vicinity of spad 3192.

14 A. And up there's ---.

15 Q. That's your 48-inch belt, that
16 brown line.

17 A. We're coming from back down
18 here.

19 Q. Yeah. This is Six Belt, your
20 main line. I guess this would be the
21 travel roadway that you was traveling
22 in on right here. And this would be
23 the beltline that you was traveling
24 in on right here. And this would be
25 the beltline adjacent to it. And

39

01 stoppings separate the intake here
02 that we're traveling from the belt.
03 That give you a little location point
04 where we were at. That's your
05 cut-through. That's the Number Two
06 cut-through, is what you call that,
07 from the longwall.

08 A. All right.

09 ATTORNEY BARISH:

10 Bucky, you need to

11 speak up just a little bit.

12 It's hard for her, the court

13 reporter, to hear you.

14 A. All right.

15 BY MR. BURKE:

16 Q. Okay. And he's drawing arrows

17 on the map to show his way traveling

18 to Ten Headgate.

19 A. Right here is Six belt; right?

20 Q. That is Seven. That's the

21 Seven belt that goes over to the

22 mother drive. The mother drive dumps

23 onto this belt.

24 A. All right. We come up here

25 and ---.

40

01 Q. Go under those overcasts.

02 A. All right. Seven belt's here?

03 Q. That's the 48-inch belt.

04 A. Okay. What's this up right

05 here?

06 Q. That's where that old gas

07 well's at that they had to drive

08 around.

09 A. Uh-huh (yes).

10 Q. So you pretty well know it's

11 hard to determine --- picture in your

12 mind where you're at inside versus
13 the map, isn't it?

14 A. Yeah. Looking at the map. I
15 think we would go across this.

16 Q. Yeah. That's your beltline.
17 That's the 48-inch belt that goes up
18 to Two Section.

19 A. Come back around this way.
20 Then go over here. Then go over
21 here.

22 Q. Okay. Now, this is your
23 double doors that goes over the
24 travel roadway right there to give
25 you a little bearings where you're

41

01 at. The four doors that you have to
02 get off and open when you go the way
03 that Two Section travel.

04 A. Over here. Go under this one,
05 that's the overcast.

06 Q. Yeah, that's the overcast.
07 Both of those are overcasts.

08 A. This one.

09 Q. That's your travel roadway.
10 Kindly make a little arrow in the
11 direction that you travel. There you
12 go.

13 A. Now here and back up to here

14 and through here.
15 Q. Okay. And draw that arrow
16 there.
17 A. Then we go through the double
18 doors here.
19 Q. Uh-huh (yes).
20 A. Actually, we go back up the
21 hill right there somewhere.
22 Q. Yeah. There's a stop there
23 that they do switch directions, the
24 way the travel roadway went. This is
25 Nine tailgate. Now, that's the

42

01 tailgate of the active longwall.
02 A. We should have went right back
03 here somewhere. Right back up over
04 here.
05 Q. Okay. It don't have to be
06 exact. We'll specify that for the
07 record, that this is an
08 approximation.
09 A. Right.
10 Q. This is Number One, Two,
11 Three, Four, Five and Six entries and
12 this is where the seal is at.
13 A. Right.
14 Q. The location, remember where
15 they punched into the works?
16 A. Right here's the 48-inch belt.

17 Q. That's the 48-inch beltline
18 running right there, that brown line.
19 A. I think we come back up here.
20 Q. Okay.
21 A. Come around the belts.
22 Q. Okay.
23 A. Come on across, and then
24 across, then we go down to Ten
25 Headgate.

43

01 Q. Okay.
02 A. Straight down in here.
03 Q. Then you went straight down
04 from that point?
05 A. Yeah. You had to walk from
06 here.
07 Q. Okay. You couldn't ride from
08 that point, could you?
09 A. Right. Get off the manbus, go
10 in there.
11 Q. Correct. We started over here
12 on the North Mains at spad 2236. If
13 you don't care, Bucky, put me some
14 arrows going in there, just a couple,
15 three of those, to let us know the
16 direction of your travel up through
17 there. We've started there in the
18 Number Four intake entry at spad

19 2236. And he has drawn on the map
20 that he's proceeded inby up to spad
21 2843, in this general vicinity. And
22 then he's turned right onto the
23 Northeast Mains over to spad --- what
24 was that? 3157. Down to spad 3188
25 over to spad 3212, again, in the

44

01 direction through the double doors,
02 at spad 3204, he's proceeded inby on
03 the Northeast Mains up to spad 3311
04 where he turns up the hill and
05 proceeds inby in the Number Three
06 entry, one crosscut outby spad 3308,
07 all the way to Ten Headgate,
08 immediately adjacent to spad 3653.
09 So that's pretty much the route of
10 travel that you would come in every
11 day as you'd come up and around and
12 through the doors and up to where you
13 were going?

14 A. Right.

15 Q. Now, from this point right
16 here, I've got a green ink pen. Do
17 you know the way out, the primary
18 escapeways from Two Section, all this
19 area, and how to get you back to
20 fresh air in the event of emergency?
21 Are you familiar with your primary

22 escapeways in this mine?

23 A. They was on the Two Section;
24 they got in the intake through there.
25 Got in the intake and there's smoke.

45

01 I don't know why, never did that
02 before that. But they're saying they
03 hit smoke.

04 Q. Uh-huh (yes).

05 A. Ten Headgate's here. Two
06 Section come off right up here.

07 Q. Yeah. And Two Section's
08 actually about right in here. That's
09 about where the feeder's at now.
10 They're turning down what will be 11
11 gate.

12 A. Eleven Headgate.

13 Q. Yeah, 11 Headgate. They're
14 just about three or four crosscuts up
15 in there. So that map is pretty
16 close to being correct. Somewhere in
17 that vicinity. So the Number Three
18 entry would be your beltline, then
19 you've got --- Number One would be
20 your return. And Number Two would be
21 the belt, and then you've got Three
22 and Four. So your primary escapeway
23 would naturally be which one of those

24 entries?
25 A. Which one did you say was the
01 feeder was in?
02 Q. The feeder's right here.
03 That's about where your belt's at
04 right now.
05 A. Uh-huh (yes).
06 Q. So that's pretty close to
07 where it's at. That'd be Number Two.
08 A. And what's over right here.
09 Q. That's Number Three and this
10 is Number Four entry.
11 A. Uh-huh (yes). Number Two,
12 that'd be ---?
13 Q. The belt.
14 A. Belt line.
15 Q. Uh-huh (yes).
16 A. And the intake would be over
17 here.
18 Q. Okay.
19 A. The return would be on the
20 other side.
21 Q. Okay. Show us about where
22 your intake would be. Draw us a
23 green arrow in the outby direction of
24 the intake entry. Make a little
25 arrow going outby there for us.

46

47

01 MR. BURKE:

02 Bucky's indicated that
03 the Number Three entry would
04 be the primary escapeway from
05 Two Section.

06 BY MR. BURKE:

07 Q. And how would we travel,
08 Bucky, once we get into the Northeast
09 Mains? How would we travel that?
10 Which entry here would be the primary
11 escapeway back to the main line, back
12 down to where Number Six belt would
13 be on the North Mains?

14 A. Be on the intake.

15 Q. Okay. Could you just draw us
16 a straight line down through there
17 the way you would travel if you was
18 leaving Two Section from the intake
19 air course?

20 A. And you've got an overcast
21 there; right?

22 Q. Well, they're showing on the
23 map. Now, these ventilation controls
24 that are on this map, it doesn't
25 necessarily mean that they're there.

48

01 A. Right.

02 Q. This is just a copy.

03 A. Passed it up there, didn't I?
04 Q. Okay. Draw you a little arrow
05 down there. That's the way you go
06 out.
07 A. Right.
08 Q. Okay. Now, for the record, we
09 come off of Two Section in the
10 Northeast Mains and the Number Three
11 entry outby to spad 4228. We turn
12 left and proceed out in the Number
13 Five entry all the way past Ten
14 Headgate, all the way past Nine
15 Headgate, back to one crosscut inby
16 spad 3321. We make a left turn and
17 proceed outby two crosscuts to spad
18 3311. We make a right turn and
19 proceed outby through the double
20 doors underneath ---
21 A. There's Nine Tailgate here.
22 Q. --- the longwall belt.
23 A. Right.
24 Q. And then you come exactly,
25 pretty much, here. We retrace our
49
01 steps back to the North Mains to spad
02 2831 exactly the way you came in?
03 A. Right.
04 Q. And to your knowledge, is that
05 your primary escapeway off of the

06 Northeast Mains?

07 A. Yeah.

08 Q. Now, Bucky, as you travel this
09 area every day and you worked there,
10 what did you say for the record,
11 about ---

12 A. Six years.

13 Q. --- six years? Do you have an
14 opportunity to kindly come in this
15 way as a manbus driver or driving a
16 piece of equipment and open these
17 doors on a daily basis here?

18 A. Yeah.

19 Q. Okay. When you come to this
20 first set of doors on the intake side
21 and you open those, is it hard or
22 pretty easy to open those doors?

23 A. These are pretty easy. No, I
24 take that back. Right here, the
25 first set of doors has got an

50

01 overcast.

02 Q. Uh-huh (yes).

03 A. The air is coming up this way.
04 This set of doors right here is going
05 to be hard to open.

06 Q. Okay.

07 A. The air deflects --- it comes

08 up this way, hits it right here in
09 the set of doors. That set there is
10 hard to open.

11 Q. Okay. Now, he's saying here
12 --- I don't want to interrupt you.

13 A. All right. Go ahead.

14 Q. That spad 3212, he shows the
15 direction of the intake air current
16 up to spad 3238 where that first
17 door's at.

18 A. Right.

19 Q. So there's a little bit of
20 resistance on that door as you try to
21 open it?

22 A. Yeah. On account of one
23 reason. The air is coming up here,
24 hitting these doors head on.

25 Q. Uh-huh (yes).

51

01 A. Backs off the doors, comes
02 back and comes across the overcasts.

03 Q. Okay. Now, what about the
04 second set of doors? Once you close
05 these and come underneath the mother
06 drive belt and get to this set of
07 doors, is there any resistance on
08 those?

09 A. Long as you got this first
10 door right here closed, this door

11 right here is easy to open.

12 Q. Uh-huh (yes).

13 A. These two doors right here
14 shouldn't have no air on them two.

15 Q. Okay. Why would that be?

16 A. Because the beltline right
17 here should be isolated with the
18 doors.

19 Q. Okay.

20 A. It's got this door right here,
21 if you'd open it first, pull your
22 manbus in, then go back and open ---
23 well, you go back and close this
24 door.

25 Q. Uh-huh (yes).

52

01 A. That blocks all the air and
02 puts it back across the overcast.

03 Q. Okay.

04 A. And if you'd open both sets of
05 doors, then the belt wouldn't be
06 isolated.

07 Q. Okay. Now, he's indicated
08 that if you open that door adjacent
09 to spad 3238, that's the one that's
10 got the most pressure on it.

11 A. Right.

12 Q. And once you close that, the

13 next door, spad 3241, is a little bit
14 easier.

15 A. Right.

16 Q. Is that correct?

17 A. Yes.

18 Q. Okay. Now, anything else you
19 want to say about this area right
20 here?

21 A. These two doors right here
22 shouldn't have that much pressure on
23 them.

24 Q. Okay.

25 A. Because all your air's back on

53

01 these two doors.

02 Q. Okay. Now, did you ever have
03 an opportunity when you get off here
04 to look around in this longwall belt
05 area?

06 A. Not really.

07 Q. Do you ever get a chance to
08 work in that part of the mine?

09 A. No, I don't.

10 Q. Do you ever say howdy to
11 anybody working in that neck of the
12 woods there on a daily basis? Do you
13 see a belt man or someone working in
14 this area or someone that maybe would
15 help you open the doors as you come

16 through?

17 A. Usually the beltman, they had
18 the mother drive, works on Seven Head
19 --- on Six Head. Six Head goes back
20 down. And he has them three belts
21 take care of on his own self.

22 Q. All right.

23 A. Only time we'd ever see a
24 beltman, when I was on the longwall,
25 the only time I'd see a beltman is

54

01 when you're walking to the mother
02 drive of the belt, down, or we had a
03 gob out up at the head, I'd go up
04 there and get the gob out of there.

05 Q. Okay. Now, you pretty well
06 drive. And I know you was a good
07 driver. You was real good to us when
08 we was driving in and out of the
09 mine. When you come through this
10 Number Three door, located adjacent
11 to spad 3267, did you happen to look
12 to your left there and see any blocks
13 stacked on that rib right there?

14 A. No.

15 Q. Where those power centers were
16 located in this area right here?

17 A. No. I didn't pay no attention

18 to it.

19 Q. Have you ever had an
20 opportunity to do any type of walking
21 in this area to look around for any
22 reason?

23 A. Not much.

24 Q. So pretty well basically, you
25 were up on Ten Headgate?

55

01 A. Right.

02 Q. And that's your basic location
03 where your work station's at?

04 A. Yeah.

05 Q. Okay. Anything else you want
06 to comment, before we sit down, on
07 the map? Any other questions that
08 you may have? Anything that I could
09 answer for you?

10 A. Uh-huh (yes). One question.

11 Q. All right.

12 A. Them boys, when they come off
13 the section, I don't know exactly
14 where the manbus was sitting in this
15 area. I ain't good with these maps.
16 They said when they was coming off
17 the section --- they were coming off
18 the section here.

19 Q. Uh-huh (yes).

20 A. They're coming out. Right

21 here's Ten Headgate, but the manbus
22 was on farther back. Manbus should
23 have been right here.

24 Q. Uh-huh (yes).

25 A. Why did they hit smoke in the

56

01 intake?

02 Q. That's the question we're
03 asking.

04 A. I don't know. That's what I'm
05 asking you.

06 Q. That's why we're all here, to
07 find out why.

08 A. Why? They should have --- why
09 should they have to go over in the
10 secondary, the 48-inch beltline, to
11 get out of smoke?

12 Q. Good question. In your
13 opinion as a miner that's worked six
14 years, how could that smoke get in
15 the intake air course?

16 A. No idea.

17 Q. In your past experiences, how
18 can smoke pollute an isolated intake
19 escapeway? What would be your
20 opinion on that?

21 A. I'd say there's a stopping out
22 somewhere or ventilation ain't right.

23 Q. Very possible. Very possible.

24 A. You should never have smoke
25 coming in the intake.

57

01 Q. That's true. And that's the
02 big reason that we're all here.
03 That's the questions we're asking.
04 We want to know why.

05 A. I mean, I walked around
06 through that, and I know he probably
07 ain't in here, the camera guy. I
08 walked around with them holding the
09 light. And you can see a few holes
10 in stoppings, maybe one block or
11 something gone. But not to what
12 they're saying. You can walk back up
13 that intake, see how the doggone
14 roof's got smoked up.

15 Q. Yeah. Bucky, we appreciate
16 your candidness and your honesty.
17 Sit down and we'll continue on.
18 Appreciate your comments, too.
19 Really do. As part of your training,
20 Bucky --- I'll take that pencil here
21 from you. Thank you. As part of
22 your training, has anyone taught you
23 the escape routes or showed you an
24 escapeway map at the mine?

25 A. They showed us maps. Usually

01 they were, I'm going to say, at least
02 once a month, maybe two months, we'll
03 walk our escapeway.

04 Q. Okay. Have you participated
05 in an escapeway drill that someone
06 actually walked you out of the
07 mine ---

08 A. Yeah.

09 Q. --- on any occasion?

10 A. On the longwall section. We
11 hadn't got to it on the Ten Headgate
12 panel yet.

13 Q. Okay.

14 A. Which I already knowed it,
15 though.

16 Q. Okay. Now, how far back has
17 that been, Bucky? Can you recollect
18 back when you walked off the longwall
19 panel? About how long ago was that?

20 A. I'm going to say probably
21 October.

22 Q. October of 2005?

23 A. Yeah.

24 Q. Okay. Have you ever sat down
25 with anyone and actually folded out

01 an escapeway map and looked at that

02 map to kind of get your bearings?
03 Has anyone ever sat you down and
04 showed you an escapeway map on one of
05 those sections that you were on?
06 A. Yeah. We've sat down and
07 looked at the maps. But to me, I can
08 sit there and look at a map all day
09 long, and I can't get nowhere with
10 it.
11 Q. Yeah.
12 A. It does me better if I walk it
13 myself. That way I can recognize
14 stuff, know where everything's at.
15 Q. Yeah. That first-hand
16 knowledge is good, isn't it?
17 A. Right.
18 Q. When you can actually walk it
19 and see. It's one thing looking at
20 it on the map and another thing
21 actually ---
22 A. You're exactly right.
23 Q. --- putting the rubber where
24 the road's at, huh?
25 A. Right.

60

01 Q. Are you comfortable that you
02 have enough knowledge that in the
03 event of emergency that you could
04 find your way out of the mine and get

05 to fresh air?

06 A. Depended where you was at,
07 now.

08 Q. Elaborate a little bit on
09 that. Say we were up on Two Section
10 today and something happened, we
11 needed to get out in a hurry. Are
12 you comfortable with that escapeway
13 off Two Section?

14 A. On the section, no. I don't
15 ever work on the section. Now, back
16 outby the section, yeah, I can get
17 you out of there. On the miner
18 section, no.

19 Q. So you've never really had any
20 experience on those sections to ---

21 A. Not at Aracoma.

22 Q. --- to be comfortable enough
23 with it to ---?

24 A. Right.

25 Q. Okay. How about your SCSR?

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01 If an emergency were to happen, we're
02 underground right now, say at Ten
03 Headgate, and we encounter smoke, do
04 you think that you could put that
05 SCSR on and get that on correctly and
06 isolate yourself to where you can

07 attempt to make an escape if you
08 needed to?
09 A. Yes.
10 Q. When have you had your latest
11 SCSR training?
12 A. Back in January.
13 Q. January?
14 A. Yes, sir.
15 Q. About how long in January?
16 About what day?
17 A. About the 15th, 20th. That
18 was when we had a retraining.
19 Q. Okay. What did they make you
20 do, Bucky, when they --- did they
21 actually make you don the rescuer, or
22 ---?
23 A. When we got down there, we had
24 it at the Holden Grade School.
25 Q. Uh-huh (yes).

62

01 A. And it sounds crazy, you can
02 laugh at it if you want to. They put
03 everybody in a little bathroom, a
04 little young 'uns bathroom, turned
05 the light out, right?
06 Q. Uh-huh (yes).
07 A. And they give you a --- it's
08 called a practice rescuer, but it's
09 the real thing. They turned the

10 light out. They give you two minutes
11 to have the thing took apart, put on
12 and the safety goggles and everything
13 on and be back out within two
14 minutes.

15 Q. All right.

16 A. They put the lights out and
17 everything. You ain't got no light
18 or nothing.

19 Q. Did you pass?

20 A. Yeah, I passed mine.

21 Q. Good. Good.

22 A. I mean, there's a lot of them
23 didn't pass. They panicked up.

24 Q. Well, that's pretty good
25 first-hand training right there,

63

01 then, isn't it?

02 A. Right. I mean, it sounds
03 funny, somebody putting you in a
04 bathroom and closing the door, lights
05 are out. But it's good experience.

06 Q. It is. It really is.

07 A. But my knowledge, if y'all are
08 coal miners, the state or the
09 federal, whoever it is, should come
10 up with some kind of plan where they
11 can come up with --- I want to say

12 just a rescuer that's a practice
13 rescuer that they can take home and
14 practice with. And we can sit here
15 all day and say what we could do,
16 what we will do when we get in that
17 situation. But 'til you're in a
18 bathroom with a light out, it's a
19 whole different story.

20 Q. Yeah. It's a whole different
21 world when it's an emergency and you
22 actually have to do it; isn't it?

23 A. Right. Uh-huh (yes). It is.

24 Q. But do you feel pretty
25 comfortable with that training that

64

01 if, you know, if God forbid it were
02 to happen, something were to happen,
03 that you can get that rescuer on and
04 escape safely?

05 A. Yeah.

06 Q. Do you feel comfortable with
07 it?

08 A. Uh-huh (yes).

09 Q. Going back, and I know it's
10 kind of a little bit back and forth
11 between rescuers and escapeways. But
12 do you have a map anywhere on the
13 mine site before you go underground
14 that you would look at that would be

15 designated as an escapeway map?

16 A. Uh-huh (yes). Right there in
17 the lamp house.

18 Q. Okay. Where's that at in the
19 lamp house?

20 A. Right there on that big table.

21 Q. Okay.

22 A. We've got a big table right
23 there in the lamp house. It's got
24 one of them on it. Or you go
25 upstairs. Got one on the wall in

65

01 there, the longwall office wall.

02 You've got one on it. Or you can go
03 to the superintendent's office.

04 They've got one on it.

05 Q. Okay. Has anyone ever set you
06 down and given you any training and
07 said, Bucky, you know, you're going
08 to Ten Headgate. This is your
09 escapeway out of the mine? Have they
10 actually given you any training to
11 show you the escape routes out of the
12 mine?

13 A. They have. But like I was
14 saying a while ago, it don't do me no
15 good to look at maps. It does me
16 better if I can walk out them myself.

17 That way, I know --- I can recognize
18 stuff and I go back to it.

19 Q. Okay. I want to switch gears
20 a little bit now that we feel
21 comfortable that you're comfortable
22 with your escapeways and your rescuer
23 training.

24 On that particular day, on the
25 19th, and I know y'all --- you were

66

01 saying that you had some cable
02 problems with your roof bolter.

03 A. Right.

04 Q. And you didn't get to do much
05 that day, if anything, because you
06 were down all day. Do you know if
07 there's any problems with any of the
08 belts underground, or if they were
09 having belt problems, anything that
10 you may have heard that they might
11 have been having problems out of,
12 typically the mother belt? The one
13 where the fire actually occurred.

14 Had you heard anybody say that there
15 was a problem at all that day,
16 anything that you might recollect?

17 A. I heard somebody saying they
18 had trouble on the belts that day.

19 They was wanting Jesse Jude up there,

20 but he was down there with us all
21 day, down in the bottom of Ten
22 Headgate.

23 Q. Okay. Do you have any idea
24 what the trouble might have been, or
25 just ---?

67

01 A. No idea.

02 Q. No idea whatsoever? Looking
03 --- have you ever had an opportunity
04 to walk beltlines or get over in the
05 belt entries for any reason at all?

06 A. Yeah. I used to work outby,
07 running them supply motors.

08 Q. Uh-huh (yes).

09 A. We used to go back on the old
10 panels and recover structure and
11 belt.

12 Q. Okay. What about the
13 beltlines that are actually running
14 on a day-to-day basis? Have you ever
15 been around any of those running belt
16 conveyors ---

17 A. Yeah.

18 Q. --- and had a chance to walk
19 them in any way or ---?

20 A. When I worked longwall, I run
21 the headgate, there right beside the

22 belt, ten hours a day.

23 Q. Uh-huh (yes).

24 A. And our job was, we had to

25 walk up, I think it was seven breaks,

68

01 every day ---

02 Q. Uh-huh (yes).

03 A. --- to check for stuck bottom

04 rollers, top rollers. That's about

05 as far as I went, was seven breaks.

06 Q. Okay.

07 A. Up the beltline.

08 Q. Are you aware of the CO

09 monitoring system that's installed on

10 those beltlines?

11 A. Yeah.

12 Q. Do you have knowledge of that?

13 A. Yeah.

14 Q. In your opinion, what's the

15 purpose for that CO monitor on that

16 beltline?

17 A. Let you know if there's smoke

18 around or CO.

19 Q. Okay. When you worked on the

20 longwall, about how long did you work

21 up there?

22 A. I'm going to say about a year.

23 Q. Okay. Somewhere around that

24 headgate, did you have a warning

25 device of any type that would allow

69

01 you to see a visual warning or hear a
02 noise if a CO alert went off anywhere
03 in the mine?

04 A. Yes. I had a --- the back of
05 the --- not on the back of the gate
06 box, right back up from the gate box
07 where the cable's hung on ---

08 Q. Uh-huh (yes).

09 A. --- we had a warning device
10 right there.

11 Q. Okay. And if something
12 happened in the mine or anywhere all
13 along the belt conveyor, let's say,
14 what did that thing do? What did it
15 do?

16 A. It's like a buzzer goes off.

17 Q. Okay. And you could audibly
18 hear that?

19 A. You couldn't hear it long as
20 they was --- if there was a dry
21 clinking, I call it dry clanging, but
22 dry chaining ---.

23 Q. Not running no coal.

24 A. Right. A lot of people say it
25 different ways.

70

01 Q. Uh-huh (yes).

02 A. As long as that was going on,
03 you can't hear nothing.

04 Q. Oh, okay.

05 A. Now, if you've got coal coming
06 across the chain, you can hear some.
07 But you've got a red flasher on
08 behind it. If you're standing there
09 watching for it, you can see it.

10 Q. Okay.

11 A. But if you're doing 500
12 different things, you ain't going to
13 sit there and watch that.

14 Q. Now, when you worked up there
15 on the longwall, and that's been a
16 while back, and you may or may not
17 remember, but do you remember which
18 way the air was flowing? Was it
19 coming in toward the longwall or
20 going out on the beltline there?

21 A. Coming down the beltline.

22 Q. You say coming down, coming
23 toward the headgate?

24 A. You got just a little bit of
25 air coming down the beltline.

71

01 Q. Uh-huh (yes).

02 A. The air come across the last
03 open break. But you had a little bit

04 of air coming back down the beltline.

05 Q. Okay.

06 A. Not no big amounts of air.

07 Q. Okay. So about how long did
08 you tell me you worked up there on
09 the longwall?

10 A. I'm going to say a year.

11 Q. About a year?

12 A. Right.

13 Q. Okay. And did you ever have
14 any problems with ventilation up
15 there in that year that you was there
16 and maybe lose your air for whatever
17 reason?

18 A. There was a set of doors
19 somewhere in that mine, I don't know
20 where it's at. If somebody opens
21 that set of doors, you would lose
22 your air on the wall. The air would
23 come back across the face. Not go
24 back from the head to the tail.

25 Q. Uh-huh (yes).

72

01 A. The air would come from the
02 tail to the head.

03 Q. So it would reverse the air if
04 someone opened the set of doors
05 somewhere?

06 A. Right.

07 Q. Would you have any knowledge
08 of where those doors might be?

09 A. I don't know if the doors are
10 in the box cut or Number One four-way
11 or where the doors are at.

12 Q. Okay.

13 A. Now, soon as them doors are
14 shut, air will go back the other way.

15 Q. Okay. I'm bouncing around a
16 little bit on you. But going back to
17 that problem that you had on your
18 roof bolter that day, and they asked
19 for Mr. Jude to come down and work on
20 the head drive, who was it that
21 called for him to come and work on
22 that head drive? Do you have any
23 idea who that might have been?

24 A. I don't know if it was Brandon
25 Conley or Karl White.

73

01 Q. Brandon Conley or Karl White.

02 A. Right.

03 Q. Now, what's their positions?

04 A. Both of them's beltmen.

05 Q. Both of them's belt people?

06 A. Right.

07 Q. Okay.

08 A. That's where --- they both had

09 the mother drive.

10 Q. When you received your
11 training on those escapeways, was
12 that before the fire or after?

13 A. Before.

14 Q. Before the fire?

15 A. Uh-huh (yes).

16 Q. Have you received any training
17 to this point after the fire?

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

19 Q. Could you describe that for us
20 and let us know what that consisted
21 of?

22 A. They all put us down in the
23 lamp house. They had each crew,
24 Three Section, Two Section, longwall,
25 outby, they had them all separated to

74

01 come up to the table. The boss was
02 showing them their escapeway back
03 outside. Primary and secondary.

04 Q. Okay. And you feel
05 comfortable with that training that
06 they gave you?

07 A. Yeah. Pretty much. But I
08 mean, like I say, I'm not going to go
09 out and look at maps all day. Me,
10 I'd rather walk it. That way, I know

11 exactly where I'm at.

12 Q. Have they given you any
13 training since the accident on your
14 emergency evacuation firefighting
15 procedures program? That's a whole
16 mouthful. But that's your
17 firefighting emergency evacuation
18 plan. Are you familiar with that in
19 any way?

20 A. Are you talking about the
21 escapeway plan?

22 Q. Escapeway plan, if you want to
23 call it that.

24 A. Yeah.

25 Q. Okay.

75

01 A. Yeah.

02 Q. What did they train you in
03 those aspects? What was that
04 training consisting of there?

05 A. More or less about putting
06 your rescuers on, don't wait 'til you
07 get in the smoke before you don them.
08 As soon as you think you need them,
09 put them on ---

10 Q. Okay.

11 A. --- get in the intake, come
12 out.

13 Q. Okay. So you feel pretty

14 comfortable with that training that
15 you received now?

16 A. Yes.

17 Q. And was that given to you
18 before the accident or afterwards?

19 A. That one there was given to us
20 after. The other one was give to us
21 before.

22 Q. Okay. Okay. You was talking
23 about in that year's time that you
24 worked on the longwall and that air
25 would happen to reverse. Was you

76

01 responsible to report that to
02 someone, or was your foreman aware
03 that you had a reversal of
04 ventilation current there?

05 A. They'd holler back off the
06 line, they got no phones up on the
07 line.

08 Q. Uh-huh (yes).

09 A. They could holler back down to
10 the headgate, they'd tell you to
11 holler outside and get ahold of the
12 evening shift or day shift mine
13 foreman and tell them the air was
14 coming the wrong way, and they'd go
15 fix it.

16 Q. Did you cease production when
17 the air reversed?

18 A. When the air went back the
19 other way, we'd shut the wall down.

20 Q. So you didn't mine any coal if
21 it's ---?

22 A. No. If the air ain't coming
23 back across the face, if it's coming
24 back from the tail, it'd be pulling
25 your methane back across the face.

77

01 Q. Okay. Have you ever found any
02 methane on that longwall as they were
03 cutting?

04 A. No. I run the headgate part.

05 Q. Okay. So you're on the fresh
06 air side pretty much all the time,
07 then?

08 A. Right. Right. When I was up
09 there.

10 Q. Have you ever seen the foreman
11 --- who was your foreman --- ask this
12 question first --- on that longwall
13 panel when you were there?

14 A. Ed Ellis.

15 Q. Ed Ellis?

16 A. Right.

17 Q. Did you ever see Ed conduct
18 any type of methane checks or take

19 ventilation checks, air readings with
20 an anemometer or ---?

21 A. He did at the head, the last
22 open break.

23 Q. Uh-huh (yes).

24 A. Now, whether he took a methane
25 detector with him down in the mine, I

78

01 don't know. I never was down that
02 way.

03 Q. Okay.

04 A. I was always at the head.

05 Q. Did you like working on the
06 longwall?

07 A. I liked the longwall. I didn't
08 like the schedule.

09 Q. So it's ---?

10 A. Four and two scheduling.

11 Q. Uh-huh (yes).

12 A. When I was off, the young ones
13 was in school, then when the weekend
14 rolled around, they was home, I had
15 to work.

16 Q. Yeah. So you like the job
17 that you're doing now a whole lot
18 better?

19 A. Oh, yeah.

20 Q. You feel more comfortable with

21 it?

22 A. Love it.

23 Q. Have you ever worked on the
24 construction crew installing belt
25 lines or anything of that nature?

79

01 A. Yeah, but it's been about five
02 and a half years ago.

03 Q. So it hasn't been anything
04 recent? You haven't done any
05 construction work in recent times?

06 A. No.

07 Q. Okay. Have you heard --- and
08 I know you didn't work the evening
09 shift, but talk gets around. Have
10 you heard any speculation of why ---
11 and I know me and you talked about
12 this a little bit a while ago, why
13 that that smoke could have gotten in
14 the intake and polluted that airway
15 on Two Section?

16 A. The only thing I've heard, the
17 first set of doors was open. Still,
18 yet, that shouldn't put your air back
19 up the intake.

20 MR. BURKE:

21 Okay.

22 BY MR. WHITE:

23 Q. Okay. Bucky, I'm going to

24 just ask you a few general questions.
25 I have several here. And I'll try to

80

01 go through them just as quick as I
02 can. Do you need a break or
03 anything?

04 A. Uh-uh (no).

05 Q. Okay. Do you normally operate
06 any of the diesel rides at this mine?

07 A. Yeah.

08 Q. And you've had some training
09 on that?

10 A. Yes.

11 Q. Where'd you receive that
12 training at?

13 A. At the mines.

14 Q. And by whom?

15 A. Not the safety director we've
16 got now, the other one. I can't
17 think of what his name was.

18 Q. Okay. During your travels up
19 in the Northeast Mains area, where
20 you traveled through the double
21 doors, set of doors, and you went
22 under the mother drive belt ---

23 A. Right.

24 Q. --- was that area kind of hot?

25 Do you know what I mean, hot? Like a

01 difference in the climate. When you
02 was inside those doors around the
03 belt area, did it always feel warmer
04 there than it would anywhere else?

05 A. About the same.

06 Q. About the same? Did it appear
07 like it was hazy or smoky?

08 A. Uh-uh (no).

09 Q. Never did?

10 A. No, I never did ---.

11 Q. Never did pay any attention?

12 A. No.

13 Q. Okay. All right. When you
14 were working on the longwall as a
15 headgate operator and you were
16 talking about a lot of excessive
17 noise ---

18 A. Uh-huh (yes).

19 Q. --- did you wear hearing
20 protection?

21 A. Yes.

22 Q. What type hearing protection
23 did you wear?

24 A. It's them old green ones.

25 Q. To just plug in your ears?

01 A. Right.

02 Q. Okay. While you were working

03 on the headgate --- and I suppose ---

04 was this on Number Nine Headgate?

05 A. Eight and Nine.

06 Q. Eight and Nine. Can you tell

07 me what the tailgate blockage plan

08 is?

09 A. The tailgate blockage plan?

10 Q. Yes, sir.

11 A. What are you saying by that?

12 Q. Do you know what that is?

13 A. You mean the tailgate's

14 blocked?

15 A. Okay. Can you explain what is

16 supposed to occur when a tailgate is

17 blocked? Any specialized training or

18 anything like that?

19 A. Yeah. There's supposed to be

20 another escapeway plan, if your

21 tailgate entry's blocked, there

22 should be self rescuers stored, say,

23 mid-face. Some people says they're

24 stored on the tail. If they're

25 stored on the tail, it ain't going to

83

01 do you no good. If you get smoke

02 back on the tail, you ain't going to

03 go back and get rescuers. They

04 should be stored at mid-face, if it's

05 blocked.

06 Q. Okay.

07 A. And MSHA's supposed to be
08 called when it's blocked; right?

09 Q. If you say so.

10 A. Well, I mean, that's just what
11 I hear.

12 Q. Okay. All right. When you
13 were talking about the training you
14 received at the grade school about
15 donning your SSCR ---

16 A. Right.

17 Q. --- or SCSR, have you ever
18 been in smoke before?

19 A. No.

20 Q. Have you ever had to use a
21 rescuer before?

22 A. Just down there in that
23 retraining class.

24 Q. Okay. So you've never really
25 actually had to don one in ---

84

01 A. No.

02 Q. --- an emergency circumstance?

03 Okay. At the headgate, do you know
04 where the firefighting hose would be
05 located?

06 A. The firefighting hose?

07 Q. Yes, sir.

08 A. Should be over at S-1 car.

09 Q. S-1 car?

10 A. Right.

11 Q. Well, where would you hook the
12 hose up to? Where's your fire valves
13 located in the general area of the
14 headgate on the longwall face?

15 A. Should be at the next entry
16 over from where the headgate's at,
17 two entries over.

18 Q. Okay. Is there fire valves or
19 fire taps located on the monorail
20 system?

21 A. No.

22 Q. There's none located on Nine
23 Headgate monorail system to where you
24 could tap into a fire valve?

25 A. No.

01 Q. Okay. But you mentioned a
02 little bit ago that you attended the
03 meeting at the Holden Grade School?

04 A. Right.

05 Q. And you discussed about ---
06 you were told where they found the
07 victims?

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

09 Q. Could you explain or elaborate

10 a little bit on what was said about
11 that?

12 A. They just told us where they
13 found them at.

14 Q. Did they give you locations?

15 A. No. They didn't really give
16 us no locations. They just tried to
17 show us on the map. I can't --- I
18 don't understand them maps. But when
19 we went back up there and going back
20 over all that stuff, that's when
21 y'all was going over that. Then I
22 knowed where they was at.

23 Q. Yeah. Now, who was trying to
24 explain where the victims were found
25 at the grade school meeting?

86

01 A. Dwayne Francisco and Chris
02 Adkins.

03 Q. Okay. If you don't mind, you
04 stated earlier that you was employed
05 at Aracoma and you quit and then you
06 came back; is that correct?

07 A. Right.

08 Q. Would you like to elaborate on
09 why you quit?

10 A. Well, when I quit down there,
11 I was running supply motor. There's
12 two other boys that works down there,

13 does the same job, haul supplies.

14 They was making \$22 there, I was

15 making \$15.60.

16 Q. Okay.

17 A. And when I went up there and

18 told them, this ain't right. They

19 said, what do you mean, this ain't

20 right? I said, these two boys here

21 are making \$5 more than what I am on

22 there. And I do the same work they

23 do. Well, that's the way they was

24 hired in.

25 Q. Now, this was --- at that

87

01 time, it was track mines ---

02 A. That's when we had track.

03 Q. --- with battery equipment;

04 correct?

05 A. Right.

06 Q. Was you a contractor?

07 A. No.

08 Q. Have you ever been a

09 contractor ---

10 A. Yes.

11 Q. --- while you worked there?

12 A. Yes.

13 Q. And who was you employed by?

14 A. Lightning Contractors and

15 Apollo.
16 Q. All right. Okay. Let's go
17 now on the 19th, when your crew had
18 went in that morning to work at Ten
19 Headgate. And I suspect --- is it
20 fair to say that you're on the setup
21 for the headgate side or how --- what
22 is --- I don't understand exactly
23 what part of the construction crew
24 you're a part of.

25 A. We've got to go in first. The

88

01 miner section drives the belt entry
02 up, the six-foot belt. We've got to
03 go back in, we wire mesh it all, put
04 six-foot belt hangers up before Don
05 Haggie and them come in putting
06 structure in.

07 Q. Okay.

08 A. Then you've got to go up to
09 the mother drive, you've got to
10 re-wire mesh all that, put all your
11 belt hangers up all the way to the
12 bottom.

13 Q. Okay. And how many people's
14 on your crew?

15 A. Now or before?

16 Q. On the 19th.

17 A. Me, Darrick ---.

18 Q. You don't have to be exact.
19 A. We'll say 11.
20 Q. Eleven (11)? Now, you are
21 still part of Mr. Haggie and Mr. ---?
22 A. Chris'.
23 Q. Chris Herndon's crew?
24 A. Right.
25 Q. It's just you do the other

89

01 part of the job. Do you help install
02 the beltlines?
03 A. No.
04 Q. Do you help set the ---?
05 A. I haven't been up there that
06 long.
07 Q. Do you help set the mother
08 drives and the storage units up?
09 A. No.
10 Q. Okay. So on the 19th, you was
11 making these splices. You said Jesse
12 Jude came up.
13 A. Right.
14 Q. And you're saying he was with
15 you all day?
16 A. Yeah. All the way 'til, I'm
17 going to say three o'clock.
18 Q. Did he come out with you on
19 the mantrip?

20 A. No.
21 Q. Did you guys walk or ride out
22 that day?
23 A. We rode out.
24 Q. Have you ever had to walk in?
25 A. To the section?

90

01 Q. Yes, sir.
02 A. Yeah. On our own free will,
03 though.
04 Q. Why would you walk?
05 A. Didn't have a ride.
06 Q. No rides. Was that a common
07 occurrence?
08 A. Not a lot, really.
09 Q. You did that a lot?
10 A. Not real often.
11 Q. Okay. Let's talk a little bit
12 about going back to fire hose. Have
13 you ever actually been shown how to
14 hook up fire hose to the fire
15 outlets, or given a specific job to
16 do in the event a fire would occur,
17 that someone within mine management
18 would say, okay, your --- part of
19 your job would be for you to do this
20 or do that. Have you ever had any
21 kind of training like that since
22 you've been at this mine?

23 A. No.

24 Q. So if you were operating the
25 bolt machine on Ten Headgate and the

91

01 bolt machine that you were operating
02 would catch fire, what would you do?
03 If it was blazing, I mean, what was
04 your first reaction? What are you to
05 do? Do you know?

06 A. First thing I'd do, I'd get
07 ahold of the superintendent or the
08 bosses on top of the hill and I'd get
09 out of there.

10 Q. Okay.

11 A. They can replace a roof
12 bolter. They can't replace another
13 body.

14 Q. When you walked your escapeway
15 as you stated earlier, you walked
16 some escapeways; is that correct?

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

18 Q. I supposed you walked off of
19 Eight Headgate and Nine Headgate?

20 A. Yeah.

21 Q. You walked those escapeways
22 and you referred to the escapeway
23 travel route that you marked on
24 Exhibit A Harvey, did you notice

25 reflectors or any type of markings to

92

01 indicate the way out of the mine?

02 A. No. Just on the intake

03 travelway. I'm pretty sure they was

04 green reflectors. And the beltline,

05 I'm not real sure about it.

06 Q. Okay. At the mother drive

07 area, where you went through the

08 double doors, and I'm talking about

09 the area where you go under the

10 mother drive belt on Nine Headgate.

11 A. Uh-huh (yes).

12 Q. Did you ever notice a lot of

13 oil cans or oil storage stations

14 sitting there anywhere?

15 A. Never did pay no attention to

16 them.

17 Q. Have you ever had the

18 opportunity to be around the power

19 stations or fire centers for the

20 number Nine Headgate? And I'm

21 talking about in the crosscut in

22 between the inby set of air doors,

23 airlock doors.

24 A. No.

25 Q. You never had any reason to be

93

01 in that area?

02 A. No.

03 Q. Have you ever had a reason to
04 be around number Seven Belt,
05 tailgate, in this area here, at the
06 end of the Seven Belt?

07 A. Nope.

08 Q. Are you a certified mine
09 foreman, fire boss?

10 A. No. No.

11 Q. Have you ever had the
12 opportunity to clean belts?

13 A. Shovel belt?

14 Q. Prior to 1/19, prior to the
15 day of the event?

16 A. No.

17 Q. Have you been doing some belt
18 work since?

19 A. Are you talking about
20 shoveling belt now?

21 Q. Yes, sir.

22 A. Yeah, since then I have.

23 Q. Okay.

24 A. Oh, yeah. More than what I
25 want of it.

94

01 Q. When you talked earlier about
02 possibility of --- and I think you
03 made a comment --- if I've

04 misunderstood you, you correct me ---
05 that you talked to some of the crew
06 that they escaped, they ran into
07 smoke ---.

08 A. Right.

09 Q. So you had a conversation with
10 some of the miners that did escape
11 off of the Number Two Section?

12 A. All that I've heard is when
13 they come off of the section, they
14 got down and they cut around the
15 corner, they hit smoke right there.
16 I think they went maybe another break
17 or so and then donned their rescuers.
18 Then they got down there where the
19 cribs are built. I don't know where
20 that's on the map at. They went
21 through a man door then got over in
22 the secondary. That's what I
23 couldn't understand, why smoke was in
24 the intake.

25 Q. And who had --- who made them

95

01 comments? Do you remember?

02 A. Mike Plumley.

03 Q. Mike Plumley?

04 A. Right.

05 Q. The boss that was on the Two
06 Section the night ---

07 A. Right.

08 Q. --- the evening of the event?

09 A. Right.

10 Q. And who was in the --- who
11 else was part of that conversation?

12 A. I think it was you.

13 Q. Pardon?

14 A. I think it was you. When we
15 was down there at --- in the bath
16 house --- not the bath house, but
17 right there at --- where everybody
18 stands there every morning, when
19 everybody's ready. I don't know.

20 There was one of y'all. They come
21 down there and asked Plumley to give
22 a little briefing on what they'd run
23 into up there.

24 Q. Okay. Well, I don't remember.

25 A. Well, it might not have been

96

01 you.

02 Q. Okay.

03 A. But it was one of y'all, the
04 state or federal.

05 Q. Would have that been when they
06 had the massive safety meeting?

07 A. Yeah. It was in a meeting one
08 morning.

09 Q. Okay. All right. Prior to
10 the day --- prior to January the
11 19th, 2006, day of the event, did the
12 construction crew have safety
13 meetings?

14 A. That morning?

15 Q. No. Any time prior to that.

16 Do you normally have safety meetings
17 at the mines?

18 A. Every Monday.

19 Q. Every Monday. And where do
20 you have those?

21 A. Right there at --- I call it
22 lamp house. That's where everybody
23 stands at when the bosses come
24 downstairs.

25 Q. Okay. So you was talking

97

01 about after the event of January the
02 19th, that someone showed you your
03 escapeway?

04 A. Right.

05 Q. Who showed you that escapeway?

06 A. Don Haggie and Chris Herndon.

07 Q. Did they physically point on a
08 map and show you how to get off Ten
09 Headgate?

10 A. Yeah.

11 Q. And the way that they showed

12 you to get off, is that the way you
13 marked on this map, Exhibit A,
14 Harvey, showing the way you would get
15 off?

16 A. No. If we was down in Ten
17 Headgate, we wouldn't go back up, up
18 to the top. If we're on Ten Headgate
19 ---.

20 Q. Well, if you don't care,
21 Bucky, why don't you come to the map,
22 if you're going to --- and show us
23 exactly what you'd do. We're going
24 to have Bucky come back here to the
25 map, Exhibit A, and show us his

98

01 escape route.

02 A. Here on Ten Headgate, say
03 you're on Ten Headgate down in here,
04 smoke starts coming down in here,
05 it'd be stupid to leave from down
06 here and try to go back up. You
07 don't know what you're going to run
08 into when you get back up to here.

09 Q. Okay.

10 A. So I'm down here in Ten
11 Headgate. I'm going to come back
12 down here over on --- I'm going to
13 say this would be the 48-inch belt.

14 I'm going to come down here, I'm
15 going to go down this, I'm going to
16 call it a secondary. I'm going to go
17 down in this way. Because all this
18 has been isolated, and very little
19 air travels down this way. Okay?
20 There ain't no working area down here
21 no more.

22 Q. Okay.

23 A. So I'm going to come all the
24 way back down here, say we get in the
25 secondary beltline entry, and we'll

99

01 come back to the bottom. I'm going
02 to shoot back across over to old
03 Three Section.

04 Q. Okay. And for the record, old
05 Three Section is not shown on this
06 map.

07 A. Right.

08 Q. What Bucky's stating, that if
09 he was on Ten Headgate, we'll use
10 crosscut Number 19. He'd said he
11 would be traveling outby toward
12 Number Three section that was not
13 shown on ---. Do you care to draw us
14 an arrow, please?

15 A. Coming back off old Three
16 Section?

17 Q. If you would, yeah.

18 A. If I'm coming back off old
19 Three Section, I'll come down here.
20 I'll come down here and come on
21 across.

22 Q. All right. That's good. Just
23 mark old Three Section, traveling
24 toward Old Three. And we'll be able
25 to understand that.

100

01 A. After I get back down there to
02 Old Three section, I'd come back
03 across that here, I'd get back out
04 into the main intake. Then I can go
05 straight on outside.

06 Q. Okay. Now, Bucky, if you're
07 working in this area right here, and
08 we'll use, for reference marking,
09 spad 3582, and smoke came up on you,
10 would you mark on this map your
11 travel route out of the mine?

12 A. If I was here?

13 Q. If you're there.

14 A. All right. I'd come right
15 back up here, 3581, shoot across to
16 3567, go through this man door and
17 out through that intake.

18 Q. Okay. Could you use a red pen

19 on that, please? Just use a red pen
20 and --- you know, we'll start you at
21 spad 3582 and we'll put a mark here.

22 A. Uh-huh (yes).

23 Q. And if you don't care, just
24 show me your escape route out of the
25 mines from that location. And by

101

01 method of using a red pen.

02 A. If I was here at 3582, I'd go
03 to 3581. I'd shoot across to 3567,
04 I'd go through this man door and
05 straight out.

06 Q. Go ahead and take me all the
07 way out to ---.

08 A. Oh, the overcast.

09 MR. BURKE:
10 Kindly draw a little
11 bit under it.

12 MR. WHITE:
13 Above or below.

14 MR. BURKE:
15 Above or below. There
16 you go. It doesn't have to be
17 right on.

18 A. Come through here, come
19 through there, come through the
20 double doors. Come out here. Go
21 through there. Come back over.

22 Right like that.

23 BY MR. WHITE:

24 Q. Okay. For reference on the
25 map, Bucky indicated that if he was

102

01 at spad 3582 on the Northeast Mains,
02 that he would travel uphill to spad
03 3581, travel outby one break, 3567.
04 He would travel uphill 3566 and he
05 would follow the same travelway out
06 that he travels in on a diesel ride,
07 taking through the double airlock
08 doors, under the Number Nine Headgate
09 mother belt, through the double
10 doors, and then back out into the
11 Northeast Mains intake. Is that ---

12 A. Right.

13 Q. --- close to ---?

14 A. Yeah.

15 MR. WHITE:

16 Okay. All right.
17 Thank you, sir. And for the
18 record, I would like to
19 indicate that he's stating
20 that's how he would travel
21 today if he was there in
22 smoke.

23 BY MR. WHITE:

24 Q. When you're working on Nine
25 Headgate or Eight Headgate and you

103

01 were talking about you was asked if
02 you ever detected methane?

03 A. Uh-huh (yes).

04 Q. And I think you made the
05 statement that --- I'm not for sure
06 what you said. But isn't there a
07 methane monitor located on the
08 headgate?

09 A. Yes.

10 Q. Have you ever detected or
11 noticed any levels of methane on that
12 monitor while working at this
13 operation at Aracoma?

14 A. The methane monitor would go
15 off. A lot of times, it'd be just a
16 --- I would say a false alert. False
17 alert. You'd need to holler back up
18 there to the boss. He wouldn't pick
19 nothing up.

20 Q. Okay. All right. Mr. Ed
21 Ellis, did you ever work for Ed?

22 A. Yes.

23 Q. Is he employed at the mines at
24 the present date?

25 A. He quit.

104

01 Q. Do you know why he quit?

02 A. I have no idea. Now, this is
03 just what I hear. That him and Rod
04 Morrison had a few words.

05 MR. WHITE:

06 Okay. That's all the
07 questions I have at the
08 present time.

09 MR. BURKE:

10 Okay. We've had, for
11 the record, some more MSHA
12 accident investigation team
13 members enter the room during
14 the state's questioning. And
15 for the record, we'd like for
16 those individuals, and I think
17 we've got one from the state
18 that have come in. The MSHA
19 people, would you care to
20 identify yourselves for the
21 record?

22 MR. WAGGETT:

23 Jeff Waggett, Hunker,
24 PA.

25 MR. BURKE:

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01 All right.

02 MR. FRANCCART:

03 Bill Francart, MSHA
04 tech support, Pittsburgh,
05 Pennsylvania.
06 MR. BURKE:
07 And would the
08 representative of the State of
09 West Virginia please recognize
10 himself?
11 MR. COOK:
12 Danny Cook, inspector
13 out of the Danville office.
14 MR. BURKE:
15 Thank you.
16 BY MR. BURKE:
17 Q. Okay. Bucky, I believe we're
18 just getting close to being done with
19 you.
20 A. I hear you.
21 Q. All right. Not too much.
22 Now, I'm going to ask you to make
23 that little dance one more time back
24 up here to the map.
25 A. I'm going to give him a ten
01 before it's over with.
02 Q. Uh-huh (yes). I got two on
03 you already, Bucky.
04 A. I got ten on you. It's all
05 right.

06 Q. When you physically walk your
07 escapeways out of the mine, what area
08 of the mine were you in when you
09 walked those escapeways?

10 Q. Ten Headgate.

11 A. Who was with you during that
12 time frame that you walked those?

13 A. Richard Williams.

14 Q. Richard Williams. Who is he,
15 now?

16 A. He'd be my bolt man. He
17 bolted with me.

18 Q. Okay. So you and Richard and
19 who else would have walked that?

20 A. Don Haggie.

21 Q. And he's your boss; correct?

22 A. (Indicates yes).

23 Q. Okay. When you're working up
24 on Ten Headgate, have you ever had a
25 problem with ventilation? Have you

107

01 ever lost your air? I know there's
02 not a lot of air moving up there now.
03 But have you ever had any ventilation
04 problems that you were concerned
05 with?

06 A. No. Not that I know of.

07 Q. Do you have any active water

08 lines down in there, since you're
09 working down in there? Do you have
10 any firefighting protection in that
11 vicinity?

12 A. You should have --- you've got
13 four-inch --- I think it's four-inch
14 water line over on the 48-inch
15 beltline. Whether you can put a fire
16 out with that, I don't know that.

17 Q. Do you think they would have
18 any water for firefighting purposes
19 up on Ten Headgate there? Or have
20 you ever looked?

21 A. Never did pay no attention to
22 it.

23 Q. One more general question with
24 the map. As you come through these
25 double set of doors and you go

108

01 underneath the longwall belt and come
02 through the other set of the doors,
03 as you're traveling up through here,
04 why would you go uphill at this
05 location? Or in that general
06 vicinity? Why would you turn and go
07 uphill into another entry? Is there
08 a reason for that?

09 A. I think there's a fall down in
10 this area. I'm thinking there's a

11 fall in here.

12 Q. Somewhere in between the mine
13 tailgate, in between Nine Headgate
14 and tailgate, there may be a fall; is
15 that the reason?

16 A. Right.

17 Q. Have you ever had opportunity
18 to look as you was traveling this
19 way, the entry above you to see that
20 they're installing a new 72-inch belt
21 project up through there?

22 A. Right. Yes.

23 Q. Tell us a little bit about
24 that. What's the deal on that, that
25 new structure they're putting in

109

01 there?

02 A. This is your Number Seven.

03 Q. Uh-huh (yes).

04 A. This would be Seven head right
05 here. We're running structure on out,
06 away out there, say, Ten Headgate.
07 And I'm going to put it back to right
08 here.

09 Q. Okay.

10 A. We'll run our structure the
11 whole way out to here. Longwall belt
12 will come up out of Ten Headgate.

13 Q. Uh-huh (yes).
14 A. And dump onto this belt.
15 Q. Okay.
16 A. And run it on out.
17 Q. So basically, that's an
18 extension of the Number Seven belt?
19 A. Right.
20 Q. That would be going up to the
21 next headgate, the Number Ten
22 Headgate?
23 A. Right. It'll go on up with
24 the Ten Headgate.
25 Q. Did you ever get a chance to

110

01 work with them guys on that or look
02 at any of that?
03 A. I never was down in this part
04 of the area. I was always down in
05 here.
06 Q. Do you remember or have any
07 idea how long they've been working on
08 this, putting this structure in up
09 through here?
10 A. I'd say since, before like
11 November. I'm going to say, I think,
12 about October. Maybe September.
13 I've been working on bolting all this
14 and putting structure in.
15 Q. So they've been working there

16 quite a while, then, to get this
17 prepared to run that beltline on
18 that?

19 A. Right.

20 Q. Do they put the wire mesh and
21 all that up on the beltline before
22 they actually start in with the
23 structure?

24 A. Yes. You have to.

25 Q. Okay. That's just something

111

01 that you all do for additional roof
02 support?

03 A. Right.

04 Q. That's the purpose for that?

05 A. Right.

06 Q. You've never walked from Ten
07 Headgate down through here to see how
08 far up the structure comes or what
09 kind of job they were doing on this?

10 A. Just when we walked it, you
11 know, with y'all.

12 Q. Could you remember in any of
13 this area here where they'd taken any
14 stoppings out, or it looked like a
15 stopping had been removed?

16 A. When we walked it that day, me
17 and you and somebody else, had a few

18 stoppings missing. I can tell where
19 some had been, had been tore out.
20 Some places where some should be.
21 Q. Uh-huh (yes).
22 A. I mean, I ain't no ventilation
23 man. But it don't take a genius to
24 figure out where a stopping should be
25 at.

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01 Q. Okay. In your opinion, where
02 should a stopping be? What should
03 that stopping be placed at?
04 A. The beltline coming up here,
05 you've got the beltline coming up
06 this entry; right?
07 Q. Uh-huh (yes).
08 A. And there would be a break,
09 there would be a break. There should
10 be a stopping here and a stopping
11 there. Stopping there, stopping
12 there. All the way up through there.
13 Q. Okay. He's indicating
14 starting at spad 3266, just inby
15 Seven tail, that the area should have
16 a stopping to the north and to the
17 south of this location. Why would
18 that be all the way up through there?
19 Why would you want stoppings there
20 along the belts?

21 A. To isolate your belt, and that
22 would isolate the intake from your
23 beltline, too.

24 Q. Now, what would be the
25 significance or importance in that?

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01 A. Isolating it in case of a fire
02 or anything. That keeps it from the
03 smoke getting back over into the
04 intake.

05 Q. Very good. Very good. From
06 this point, your normal work area ---
07 and I have personally walked all of
08 Ten Headgate.

09 A. Right.

10 Q. All the way around the way you
11 said you would go, around Three
12 Section back out to the mains. I
13 walked all of that myself,
14 personally. Do you know of any
15 stoppings that may have been knocked
16 in this area? And why?

17 A. Down this way?

18 Q. Yes. Has any of these
19 stoppings been removed? I'm not
20 necessarily stating that every one of
21 these stoppings indicated is an
22 actual stopping. But do you know of

23 any stoppings that had been removed,
24 that maybe you took a scoop or
25 someone took a scoop and just knocked

114

01 the brattice out or whatever ---?

02 A. The one, I'm thinking it's ---

03 I think the fourth one off the hill.

04 Q. Uh-huh (yes).

05 A. Or the fifth one off the hill.

06 It's knocked out, you've got a power

07 box sitting over there in the break.

08 Q. Could you mark on the map just

09 an approximate location where that

10 would be and just put an X beside the

11 stopping that you think may be

12 knocked out?

13 Q. Okay. Now, which one of the

14 stoppings would have been knocked out

15 up through here on the stopping line?

16 Okay. Draw a little line right there

17 and put knocked out.

18 Q. Okay. Now, would you know why

19 that they would remove those

20 stoppings?

21 A. They got one stopping knocked

22 out right here.

23 Q. Uh-huh (yes).

24 A. For the power box.

25 Q. And that --- for the record,

01 that would be at spad 3696.

02 A. They knocked that one out for
03 the power box. That one, I think it
04 was going back up here, I can't tell
05 you for sure. But anyway, they come
06 down here, got over here, come down
07 this tailgate.

08 Q. Uh-huh (yes).

09 A. Using that for a roadway.

10 Q. Okay.

11 A. So you have the mother drive
12 over here. I don't know what entry
13 that's in. The mother drive, you got
14 that big, steep hill you've got to
15 come back up over.

16 Q. Uh-huh (yes). Uh-huh (yes).

17 A. You can't hardly get a scoop
18 up.

19 Q. Okay. So that's more or less
20 to facilitate travel down in there?

21 A. Right.

22 Q. To make it easier to get your
23 scoops around?

24 A. And run our supplies and all
25 that in there.

01 Q. Bucky, we talked about this

02 earlier, your opinion on how to
03 isolate this beltline. If the
04 beltline was running up from spad
05 3249 in that area where Seven tail is
06 at right now, current location, this
07 is exactly where it's at, proceeding
08 inby on the Northeast Mains at spad
09 3266 and on inby toward Ten Headgate,
10 for the record, just a couple of
11 those, show me with your green pen
12 how you marked those stoppings, where
13 you would put it if you had the
14 chance to put those stoppings to
15 isolate that belt.

16 A. All right. The tailpiece is
17 here; right?

18 Q. Uh-huh (yes).

19 A. 3249?

20 Q. That's correct.

21 A. That's the stopping there;
22 right?

23 Q. The map shows that.

24 A. All right. Say there's a
25 stopping, I'd come right here, one

117

01 there. And then you got one there,
02 put one here.

03 Q. Okay. That's good. And draw
04 me a little line there. And put

05 isolate there.

06 MR. BURKE:

07 Okay. Now, Bucky's
08 indicated on the map about
09 five crosscuts inby on the
10 Northeast Mains, beginning at
11 spad 3266, that he would have
12 a stopping line to the south,
13 or to the right of the Number
14 Seven belt if that belt were
15 to be projected up through the
16 Northeast Mains.

17 A. Them right there should
18 be ---.

19 BY MR. BURKE:

20 Q. Have you ever had an
21 opportunity to look at that stopping
22 to see if it was there?

23 A. There's a stopping right
24 there.

25 Q. How do you know that?

118

01 A. 'Cause me and you walked that.

02 Q. Thank you, Bucky.

03 A. Now, it don't take a rocket
04 scientist to figure that one, that
05 belt right there would be isolated.

06 Right? I mean, I ain't no air man,

07 but I mean, that would isolate the
08 belt.

09 Q. Do you think, in your opinion,
10 that that could have helped prevent
11 the smoke from going on Two Section's
12 intake? Or would that facilitate it?

13 A. Well, if the belt's coming up
14 here, where the mother drive's around
15 the headgate; right here. The belt
16 caught on fire here.

17 Q. Here's your beltline where the
18 belt caught on fire.

19 A. All right.

20 Q. This is actually your belt.
21 The brown lines are your belt.

22 A. Right.

23 Q. This is the mother drive and
24 this would have been where you travel
25 under with your diesel rides.

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01 A. Right.

02 Q. Right underneath the mother
03 drive.

04 A. The belt burnt back ---

05 Q. Uh-huh (yes).

06 A. --- back in this way. But
07 this stopping here is not here.

08 Right?

09 Q. Uh-huh (yes).

10 A. That one right there. That's
11 where the smoke come back, come right
12 back down in here, turned back down
13 into the intake. Right?

14 Q. That's correct. In your
15 opinion, which direction do you think
16 that air was flowing on the 19th
17 there?

18 A. The air was coming up the
19 intake, coming back up and over here.

20 Q. Uh-huh (yes).

21 A. And down, back up, and then up
22 and around.

23 Q. Okay. Do you think the air
24 flow from the longwall mother belt
25 and the Number Seven belt, that that

120

01 smoke, if that air was traveling in
02 that direction, that that smoke could
03 pollute the intake at that location
04 of spad 3249 at that stopping that's
05 depicted on the map?

06 A. If this stopping right here is
07 not in --- okay. I know it's not.
08 You know it's not. You know, you sit
09 here and say it is, but if it ain't,
10 that would be the smoke would come
11 out back up this beltline, come back

12 out here and short circuit at this
13 stopping here is in, this one's in
14 and all them's in, right?
15 Q. Uh-huh (yes).
16 A. It's going to come right here
17 and hit these stoppings, and it's
18 going to knock it right back down
19 into the intake. Because the intake
20 air is going to pull it down and then
21 back up.
22 Q. And while I've got you here,
23 Bucky, would you care to sign your
24 name on this map and put today's
25 date? It's March the 3rd.

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01 Q. Thank you, Bucky. Bucky, in
02 your opinion, you have quite a bit of
03 experience behind you now, a little
04 better than six years in the mines.
05 What do you think that could have
06 been done to prevent this accident?
07 A. What could have been done?
08 Q. What could have been done, in
09 your opinion?
10 A. In which way?
11 Q. In any way. If you'd have
12 been the boss right here in this
13 situation, what could you have done
14 or what could have been done, in your

15 opinion, that may have prevented this
16 tragedy from happening?

17 A. Well, the first thing he did,
18 he gathered all of his men up. He
19 had them all at the manbus. They was
20 all together when they donned their
21 rescuers. He done about --- I don't
22 know. He done about all he could do.
23 You know, he got all of his men out
24 he could. Where the other two got
25 off to, nobody still don't know. But

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01 to me, once they got out there and
02 hit that smoke, they should have come
03 right down Ten Headgate.

04 Q. Do you think that might have
05 been a better option, in your
06 opinion?

07 A. Well, yeah. I mean, if you're
08 up there on Two Section, you come out
09 there and hit smoke right there, you
10 have a straight shot down to Ten
11 Headgate, down into fresh air once
12 you got to the bottom.

13 Q. Is there any other comments
14 that you would like to make?

15 A. Nope.

16 BY MR. WHITE:

17 Q. Couple real quick questions,
18 Bucky, then we're going to let you
19 go. Can you ride a diesel ride or
20 any type of a ride down Ten Headgate,
21 or is that something you would have
22 to physically walk?

23 A. You can take one down in
24 there, but you've got to have
25 something to pull it back up out of

123

01 there with.

02 Q. Would it not make it all the
03 way out to the bottom end?

04 A. No.

05 Q. Okay.

06 A. No.

07 Q. Are you aware of any other
08 fires that have occurred at this
09 mine?

10 A. No.

11 MR. WHITE:

12 Okay. That's all I
13 have. Thank you.

14 MR. BURKE:

15 Mr. Hardy, do you have
16 any clarifying questions?

17 ATTORNEY HARDY:

18 No, sir.

19 MR. BURKE:

20 Bucky, on behalf of
21 MSHA, I thank you for coming
22 in today and sharing all the
23 knowledge that you have that
24 you've shared with us. We
25 appreciate you. Your

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01 cooperation is very important
02 to us as we work to determine
03 the cause of what happened
04 there on January the 19th at
05 Aracoma Number One Mine. In
06 reflecting back, if you want
07 to comment on any of the
08 answers you've given during
09 our interview or make a
10 closing statement of your own
11 or have any opinions, we'd
12 like to pause a moment and
13 give you that opportunity, if
14 you've got anything on your
15 mind.

16 A. Nope. I'm good.

17 MR. BURKE:

18 We ask, Bucky, that you
19 don't discuss this interview
20 today with any person that may
21 have already been interviewed

22 or any person that we may want
23 to interview in the future.
24 This will ensure that we
25 obtain everyone's independent

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01 memory of the events
02 surrounding the accident that
03 occurred at Aracoma Number One
04 Mine on the January the 19th,
05 2006. After questioning other
06 witnesses and obtaining
07 additional information, we may
08 be asking you back for further
09 questions. If the need
10 arises, then we'll contact
11 you.

12 If at some later point,
13 you have additional
14 information regarding this
15 accident that you'd like to
16 provide us, Kenny Murray is
17 our lead accident
18 investigator. And of course,
19 you know Anthony.

20 A. Uh-huh (yes).

21 MR. BURKE:

22 You hauled us around
23 several times in the mine.
24 They've provided business

25 cards for you and contact

126

01 information. And Eugene's got
02 some cards for you, too, and
03 maybe a statement along that
04 line.

05 MR. WHITE:

06 Yeah. Okay. Bucky,
07 the State of West Virginia
08 appreciates your cooperation
09 with us. Here's one of my
10 cards that has my name and my
11 phone numbers. And also, I
12 have Mr. C.A. Phillips', who
13 is the Deputy Director of the
14 agency who is located in
15 Charleston. If you have any
16 questions or anything you'd
17 like to add or ask, just give
18 us a call.

19 A. All right.

20 MR. BURKE:

21 Bucky, the Mine Act
22 provides certain protection
23 for individuals who
24 participate in these accident
25 investigations. If at any

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01 time you believe you've been
02 treated unfairly because of
03 your participation and
04 cooperation in this
05 investigation, you contact
06 MSHA at one of those contact
07 numbers. And Eugene, you all
08 have the same privileges, do
09 you not?

10 MR. WHITE:

11 Yes, sir. The State of
12 West Virginia affords you
13 protection against any act of
14 discrimination. And that's in
15 the West Virginia Code.

16 MR. BURKE:

17 Bucky, on behalf of
18 MSHA and the State of West
19 Virginia, we appreciate you
20 coming in today, buddy.

21 A. No problem, buddy.

22 MR. BURKE:

23 Thanks a bushel.

24

25 **INTERVIEW CONCLUDED AT 2:54 P.M.**