

01 EXAMINATION UNDER OATH
02 OF
03 JAN LYALL
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 8, 2006, at 10:03
13 a.m.

14

15

16

17

18

19

20

21

22

23 Any reproduction of this transcript
24 is prohibited without authorization
25 by the certifying agency.

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

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

11
12 WILLIAM TUCKER
13 Assistant Inspector at Large
14 West Virginia Office of Miners'
15 Health, Safety & Training
16 142 Industrial Drive
17 Oak Hill, WV 25901

18
19 KEITH A. BELL, ESQUIRE
20 U.S. Department of Labor
21 Office of the Solicitor
22 1100 Wilson Boulevard
23 Arlington, VA 22209-2296

24
25

3

01 A P P E A R A N C E S (cont.)
02
03 WILLIAM J. FRANCO, P.E.
04 Mining Engineer

05 Pittsburgh Safety and Health
06 Technology Center
07 Ventilation Division
08 P.O. Box 18233
09 Cochrane Mill Road
10 Pittsburgh, PA 15236
11
12
13 ANTHONY BURKE
14 CMS&H Inspector
15 U.S. Department of Labor
16 Mine Safety & Health Administration
17 Whitesburg Field Office
18 704 Highway 2034
19 Whitesburg, KY 41858
20
21
22
23
24
25

4

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

02

03 ALSO PRESENT:

04 STEVE COX

05 MICHAEL FINNIE

06 DENNIS A. BEITER

07 RONALD W. STAHLHUT
08 CHARLES W. POGUE
09 C.A. PHILLIPS
10 EUGENE WHITE
11 BETH SPENCE
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5

01 I N D E X

02

03 OPENING 7 - 16

04 WITNESS: JAN LYALL

05 QUESTIONS

06 By Mr. Pogue 16 - 65

07 By Mr. Tucker 65 - 66

08 By Mr. Pogue 66 - 74

09 CLOSING 74 - 77

10 CERTIFICATE 78

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

6

01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04 A Map 72

05 B Map 30

06 C Map 45

07

08

09

10

11

12
13
14
15
16
17
18
19
20
21
22
23
24
25

7

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

02 -----

03 MR. POGUE:

04 My name is Charles
05 Pogue. I represent the Mine
06 Safety and Health
07 Administration, which is an
08 Agency of the United States
09 Department of Labor. I'm a
10 member of the MSHA 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, on January 19th, 2006.

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

8

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

08 ATTORNEY BELL:

09 Jan, I'm Keith Bell
10 from the Solicitor's Office in
11 Arlington, Virginia.

12 MR. STAHLHUT:

13 Ronald Stahlhut, MSHA
14 of Vincennes, Indiana.

15 MR. FINNIE:

16 Mike Finnie, MSHA in

17 Madisonville.

18 MR. FRANCCART:

19 Bill Francart, Tech

20 Support in Pittsburgh.

21 MR. BEITER:

22 Denny Beiter from

23 Triadelphia.

24 MR. MURRAY:

25 Kenny Murray,

9

01 Pikeville, Kentucky.

02 MR. BURKE:

03 Anthony Burke, MSHA of

04 Whitesburg, Kentucky.

05 MR. POGUE:

06 Okay. Here with me

07 today as a representative of

08 the State of West Virginia is

09 Mr. Bill Tucker. Mr. Tucker

10 will be asking the questions

11 for the state. At this time,

12 I would ask Mr. Tucker to

13 introduce the members of the

14 state team who are here today.

15 MR. TUCKER:

16 I just have a brief

17 statement I need to read to

18 you. The West Virginia Office

19 of Miners' Health, Safety &

20 Training is conducting this
21 interview session jointly with
22 MSHA. We're in agreement with
23 the procedures outlined by Mr.
24 Pogue. However, let me make
25 it clear that the Director

10

01 reserves the right, if
02 necessary, to call or subpoena
03 witnesses or require the
04 production of any record,
05 document, photograph or other
06 relevant materials necessary
07 to conduct this investigation.
08 Again, my name is Bill Tucker,
09 and I work out of the Oak Hill
10 office.

11 MR. PHILLIPS:

12 Good morning to you.
13 I'm C.A. Phillips, Deputy
14 Director of Miners' Health,
15 Safety & Training, Charleston,
16 West Virginia.

17 MR. WHITE:

18 Eugene White, District
19 Inspector, Danville, Region
20 Three.

21 MR. COX:

22 Steve Cox, Region

23 Three.

24 MS. SPENCE:

25 Beth Spence with the

11

01 Governor's Office.

02 MR. POGUE:

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

25 frequently included in these

12

01 reports. Your statement may
02 also be used in other
03 enforcement proceedings.

04 I'd like to thank you
05 in advance for your appearance
06 here. We appreciate your
07 assistance in the
08 investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 critical in our success in
12 making the nation's mines
13 safer.

14 This interview with Jan
15 Lyall is being conducted under
16 Section 103(a) of the Federal
17 Mine Safety & Health Act of
18 1977 as part of an
19 investigation by the Mine
20 Safety & Health Administration
21 into the conditions, events
22 and circumstances surrounding
23 the fatalities that occurred
24 at the Aracoma Alma Mine
25 Number One located on Route 17

13

01 North, Bandmill Hollow Road,
02 Stollings, West Virginia,
03 25646.

04 This interview is being
05 conducted at the Department of
06 Environmental Protection in
07 Logan, West Virginia on March
08 the 8th, 2006 at approximately
09 ten minutes after 10:00.

10 Mr. Lyall, this
11 interview will begin by asking
12 you a series of questions.
13 Feel free at any time to
14 clarify any statements that
15 you make in response to the
16 questions. After we have
17 finished asking the questions,
18 you will have an opportunity
19 to make a statement of your
20 own and provide us with any
21 information that you believe
22 may be important. You are
23 permitted to have a
24 representative with you during
25 the interview, and you may

14

01 consult with your
02 representative at any time.
03 You may designate any person

04 to be your representative. Do
05 you have a representative
06 today?

07 MR. LYALL:

08 No.

09 MR. POGUE:

10 Okay. Your statement
11 is completely voluntary. You
12 may refuse to answer any
13 question and you may end your
14 interview at any time. If you
15 do not understand a question,
16 tell me and I will rephrase
17 the question. If you need a
18 break for any reason, please
19 let me know. You may request
20 the opportunity to make a
21 confidential statement, which
22 we will withhold from the
23 public to the extent allowed
24 by law. Should you desire to
25 give a confidential statement,

15

01 you should advise me before I
02 begin your interview so that I
03 can reschedule your interview
04 in order to properly consider
05 your request.

06 A court reporter will
07 record your interview and will
08 later produce a written
09 transcript of the interview.
10 I ask that you state all the
11 answers verbally because the
12 court reporter cannot record
13 your gestures like nodding of
14 your head.

15 If any part of your
16 statement is based not on your
17 own firsthand knowledge but on
18 information that you have
19 learned from someone else,
20 please let us know. Please
21 answer each question as fully
22 as you can, including any
23 information that you learned
24 from someone else. We may not
25 ask the right questions to

16

01 learn the information you
02 have, so do not feel limited
03 by the precise question asked.
04 If you have information about
05 the subject area of a
06 question, please provide us
07 with that information. Do you
08 have any questions about the

09 manner in which the interview
10 will be conducted?

11 MR. LYALL:

12 No.

13 MR. POGUE:

14 Okay. Will you please

15 swear Mr. Lyall in?

16 -----

17 JAN LYALL, HAVING FIRST BEEN DULY

18 SWORN, TESTIFIED AS FOLLOWS:

19 -----

20 BY MR. POGUE:

21 Q. Please state your full name,
22 address and telephone number, and
23 spell your last name for the record.

24 A. [REDACTED]

[REDACTED]

03 Q. Okay. Are you appearing here
04 today voluntarily ----

05 A. Yes.

06 Q. --- for this interview? Do
07 you understand that you may refuse to
08 answer any question or terminate this
09 interview at any time?

10 A. Yes.

11 Q. Okay. We'll go ahead and
12 start with the questioning now, Jan.

13 How long have you worked for the Mine
14 Safety & Health Administration?

15 A. Just over 12 years.

16 Q. What is your job title?

17 A. Job title is code man
18 inspector, roof control.

19 Q. What office for the Mine
20 Safety & Health Administration do you
21 work out?

22 A. I'm in the District Three,
23 district office Morgantown.

24 Q. Have you always worked in the
25 Morgantown office?

18

01 A. No.

02 Q. What other offices or areas of
03 the mine --- or the country have you
04 worked in for the Mine Safety &
05 Health?

06 A. Before --- in Morgantown, I
07 was also in ventilation for, like,
08 six months. Before that, I was in
09 Oakland field office. I was on
10 District Three. And before that, I
11 was in Castle Dale, Utah, District
12 Nine.

13 Q. How many total years of mining

14 experience do you have?

15 A. I had 11 years before, so that
16 would be 23.

17 Q. And how many years total have
18 you been with the Mine Safety &
19 Health Administration?

20 A. Twelve (12).

21 Q. Are you a member of the Mine
22 Safety & Health Administration's mine
23 rescue team?

24 A. Yes.

25 Q. How many years have you been a

19

01 member of the team?

02 A. I'm about to finish up my
03 ninth year.

04 Q. Do you have any prior
05 experience with any other company
06 teams or ---?

07 A. No.

08 Q. What day did you arrive at the
09 Aracoma Alma Mine Number One?

10 A. It would be Friday evening.

11 Q. What date?

12 A. I believe the fire started on
13 the night of the 20th, so this would
14 be the 21st.

15 Q. Am I wrong on dates?

16 A. Yes.
17 Q. Let's ---.
18 A. Was it the 19th?
19 Q. Yeah, it was the 19th.
20 A. So I arrived around six
21 o'clock on the 20th.
22 Q. How many days were you at
23 Aracoma?
24 A. I think five.
25 Q. So that would have been from

20

01 the 20th through the 25th?
02 A. Yes.
03 Q. How were you notified to
04 report to Aracoma Mine?
05 A. I was called by Jeff Crouse to
06 come to the mine.
07 Q. Approximately what time was
08 that?
09 A. That was just after one
10 o'clock.
11 Q. And how did you know that?
12 A. Because I was forwarding data
13 about one o'clock and about ten
14 minutes later the phone rung at the
15 office.
16 Q. Okay. Did you travel by
17 yourself to the mine?
18 A. Traveled by myself.

19 Q. What time did you get to the
20 mine then?

21 A. I think it was --- it was
22 close to six o'clock p.m.

23 Q. Once you got to the mine, what
24 was your assignment?

25 A. They said I'd worked all day

21

01 made prog notes and they probably
02 needed some help to stay outside that
03 night.

04 Q. So the first night that you
05 got there, you didn't actually go
06 underground?

07 A. Well, we had several teams
08 that had already been in without a
09 government person and I was hoping
10 the first people that went in the
11 mine would show up about midnight,
12 which they didn't, did not. Around
13 one o'clock I decided to go in the
14 mine, a.m.

15 Q. On which date was that?

16 A. It'd be the next day. And
17 from 1:30, two o'clock, I went in the
18 mine.

19 Q. Okay.

20 A. A.M.

21 MR. POGUE:
22 We'd like to take a

23 break right now.

24 SHORT BREAK TAKEN

25 BY MR. POGUE:

22

01 Q. So Jan, again, can you tell me
02 what day you actually went into the
03 mine?

04 A. The first time I went inside
05 the mine was on the 21st. And that's
06 going to be around 1:30, two o'clock
07 a.m.

08 Q. Can you recall what team you
09 traveled with on that night?

10 A. No.

11 Q. Did you also ---?

12 A. Yes, I can.

13 Q. Okay.

14 A. I was with XL Team.

15 Q. All right.

16 A. Sorry.

17 Q. How about on the 22nd and the
18 23rd conclusive to the 25th, can you
19 --- did you also travel with mine
20 rescue teams during that period of
21 time?

22 A. On Saturday's shift. They was
23 bringing --- they found the bodies,

24 was bringing them up, so we was held
25 up on the outside quite a while,

23

01 until like 8:00 p.m. And we was told
02 to go just above the fire and keep
03 putting foam on it. So almost all
04 the shift was in that location.

05 Q. Let's go to the wall maps that
06 we have up here, Jan. I've got some
07 questions that are directly related
08 to those maps and for the sake of
09 clarifying. Okay. Jan, you said
10 that after you went in the first
11 night on the 21st that you traveled
12 with the mine rescue teams.

13 A. Yes.

14 Q. Okay. Up here is the box cut
15 and this would be your route of
16 travel. This is the north mains,
17 northeast mains right here. Can you
18 just generally say --- describe to us
19 what areas of the mine that you
20 traveled with the mine rescue teams?

21 A. My first day in, we came to
22 this area. We came up to the belt
23 and we went to, what's going to be,
24 Ten headgate or ---.

25 Q. Okay. So Jan, you're

01 indicating that you actually traveled
02 with a team on the 48-inch belt up to
03 the northeast mains?

04 A. When we got over to the
05 overcast, we traveled the belt entry
06 to get down in here.

07 Q. What day was that?

08 A. That would be the first day,
09 it's going to be the 21st.

10 Q. How about just marking that on
11 the map?

12 A. Mark the location where we
13 ---?

14 Q. Yeah, approximately where you
15 started at and the travel route that
16 you used up through that area.

17 A. I don't recall how, other than
18 the overcast I think.

19 Q. This is the Number Seven belt
20 right here, the 72-inch belt. Okay.
21 And the reason why you traveled this
22 area was for what purpose?

23 A. That's how the other teams had
24 traveled before and we would be away
25 from contaminants in the lower

01 entries. Then that was the easiest
02 way to get in to there.

03 Q. Was this your travelway to a
04 fresh air base?

05 A. Yes.

06 Q. That's what it was? Can you
07 ---.

08 A. That's how the teams had
09 traveled and they had had fresh air
10 bases down the belt. I don't recall
11 which fresh air base this one were.

12 Q. Okay.

13 MR. POGUE:

14 All right. Jan has
15 indicated from approximately
16 survey 3234 in the northeast
17 mains to survey station 3828
18 that was the route that they
19 traveled to get to the inby
20 fresh air base in the
21 northeast mains.

22 A. It's a possibility that might
23 be fresh air base 12.

24 BY MR. POGUE:

25 Q. And that was on the 21st?

26

01 A. The morning of the 21st.

02 Q. What about on the time period
03 from the 22nd to the 25th, what areas
04 of the mine were you in?

05 A. Well, before we went to here,
06 we was assigned to go on the bottom
07 of the entries. We stopped on the
08 track and we came to some power
09 centers along here to start pumps.
10 Because this is on a hill, on a
11 slope, they were expecting this to be
12 flooded out. And the starter box to
13 the pump was through a door and two
14 members of the team went under
15 apparatus because of the smoke and
16 the CO to start the pump. And we had
17 to go back to the track to start the
18 power center. The first thing we
19 examined it, went back energized the
20 power center, and then went in the
21 door to turn the pump on.

22 Q. And that was on January 21st?

23 A. That was the first thing I did
24 going in the mine on the 21st.

25 Q. Then from the Four Right

27

01 entry, then you proceeded inby where
02 the ---

03 A. Yes.

04 Q. --- northeast mains area of
05 the mine?

06 A. Correct. My second day was
07 putting foam in the fire area, the

08 longwall, that would be Nine

09 headgate.

10 Q. Did you do that pretty much

11 the whole shift?

12 A. We did that the whole shift,

13 just kept putting foam in. I think

14 some of the members of the team I was

15 with carried some jacks around this

16 area.

17 Q. Okay. When you were talking

18 earlier about these pumps that were

19 down in Four Right, did you actually

20 start them that night?

21 A. We started the pump.

22 Q. And the pumps were off

23 whenever you got there?

24 A. The pumps was off. The power

25 center was --- the power was off of

28

01 it.

02 Q. It was degreased also.

03 A. Yes. Well, the power center

04 here was de-energized.

05 Q. And you're indicating ---.

06 A. Someone had to start this

07 power center to get the power supply

08 to this power center.

09 Q. Okay. So you're indicating

10 that the power center that was
11 located in the north mains had to be
12 energized to energize the power ---

13 A. Yes.

14 Q. --- center that was in the
15 Four Right?

16 A. It had electricity. It was
17 energized.

18 Q. Okay. All right. Let's go
19 back up to the mother drive, the
20 longwall belt area drive. What did
21 you do on subsequent days up there?

22 A. For the --- my second day in
23 the mine was totally really putting
24 foam in.

25 Q. That would have been like the

29

01 22nd?

02 A. That'd be the 22nd.

03 Q. Okay.

04 A. The 23rd because we was moving
05 people from the team at Sago. My
06 assignment was outside the whole
07 night. And I stayed over until
08 Charlie came about 5:00 a.m.

09 Q. When you say Charlie, Charlie
10 ---?

11 A. Pogue.

12 Q. Okay. What about subsequent

13 days to that?

14 A. The next day, ---.

15 Q. Which would have been the ---

16 what date, the 24th?

17 A. The 23rd. The next day, they

18 was letting more people from the mine

19 enter the mine. And I had mentioned

20 to Charlie Pogue, we've got a lot of

21 people in the mine. And he said, it

22 may be a good idea to map the area.

23 And he gave me a map then I went

24 around the fire area, couldn't get

25 into the belt line because of the

30

01 foam we was still pumping. And the

02 team was also trying to set jacks in

03 some of the entries.

04 Q. Where is that map at now that

05 you were given ---?

06 A. The original map I kept and I

07 brought it with me today. When I got

08 outside that day, I gave it to Todd,

09 made a copy to pass on to the

10 investigation team.

11 Q. If you'll turn around and look

12 at this second map, which is Exhibit

13 B Lyall. Is that the map that --- is

14 that the ---?

15 (Lyll Exhibit B marked
16 for identification.)
17 A. This would be a copy from that
18 map. The map I've got is large,
19 small scale and this is what --- I
20 think this is the size Todd copied to
21 give to the team. And I did sign it
22 on the day I did it.

23 BY MR. POGUE:

24 Q. That date indicates the day
25 that you actually made the map of it?

31

01 A. Yes.

02 Q. And that's from being
03 underground ----

04 A. Right.

05 Q. --- when that map was made?

06 A. Correct.

07 Q. Okay. Let's back up to
08 Exhibit A here, Lyall, and take the
09 marker right here and draw the pump
10 and the pump doors, if you can do
11 that down here in this Four Right
12 area, in the location of the power
13 center.

14 WITNESS COMPLIES

15 A. I came close.

16 BY MR. POGUE:

17 Q. Well, that's fine.

18 A. It was through the doors.
19 They sent a person with us,
20 electrical person to take us there.
21 We didn't have a map, I don't think,
22 that night.
23 Q. Okay. That's all right. If
24 you don't know the route, that's
25 fine.

32

01 A. I do not. I'm thinking it was
02 like 20 blocks we walked.
03 Q. But you do know it was in the
04 Four Right entries?
05 A. Yes, that is what I'm
06 thinking.
07 Q. How about signing this map
08 right here. Put your signature and
09 the date. Okay. Now that we're up
10 here and we're talking about the
11 maps, Jan, do you recall in any of
12 your travels with the teams, any team
13 members or anybody talking about the
14 mine maps that you were given to take
15 underground, the accuracy of them?
16 A. There was quite a bit of talk
17 about the maps being off, the
18 stoppings not being in. When I did
19 this mapping, there was a few

20 overcast, that the top had been cut
21 out but no overcast. And I did hear
22 people before I went in, they were
23 talking about, you know, the map
24 shows stoppings being in, they're not
25 there and ---.

33

01 Q. Was that something ---

02 information that you received prior
03 to going in?

04 A. No. I just heard the other
05 people --- those people talking about
06 it.

07 Q. On the day that the --- on the
08 23rd when this --- when you collected
09 all this information and it was put
10 on the map, whose handwriting is that
11 right there, on that map?

12 A. Because the scale of the map
13 we had and because of my neatness, I
14 asked the XL Team team who was the
15 map man. No one volunteered being
16 the map man and I said, who's neat at
17 writing, and one of the members said,
18 I have had mechanical drawing class.
19 I told him, he was elected. I said,
20 we're going to map them. I said I'll
21 tell you what to put on the map. So
22 we started mapping.

23 Q. In those locations where
24 you've made notes and indications of
25 ventilation controls, did you

34

01 physically go into those areas?

02 A. Yes. But if you look at the
03 whole area, even some of the belt
04 lower side we was able to get in.
05 And the inner section of the belt due
06 to the foam was not able to get in
07 there. We was able to get to
08 approaches on both sides of it.

09 Q. Do you recall what team or
10 team members you talked to about
11 helping you with ---?

12 A. It was XL Team from Kentucky,
13 District Six.

14 Q. Let's look with some detail at
15 this mine map and we'll locate some
16 of these ventilation controls on the
17 mine map and talk about some of the
18 notes that were taken. We'll try to
19 locate everything by survey stations.

20 A. Okay.

21 Q. Let's start over here in the
22 northeast mains at survey station
23 3204 heading north to survey station
24 3236. And can you describe what the

25 map indicates?

35

01 A. We did not do that. Evidently
02 the map that we had, someone had been
03 in this area.

04 Q. Okay.

05 A. We did not do that that night.

06 Q. What about this --- the map
07 indicates a figure of 57,000 and
08 that's --- the arrow is pointing just
09 east of survey 3204. What does that
10 represent?

11 A. We also did not do that area.

12 It must have been on a map that they
13 have had.

14 Q. Okay. All right. If you'll
15 look here, Jan, I've got these
16 entries identified from left to
17 right, from Four through Eight. And
18 what I'd like to do is start at
19 survey --- here at survey station
20 number 3221 and describe what
21 ventilation controls the map
22 indicates. And what I'd like to do
23 is just proceed on down this line of
24 stoppings that --- between Number
25 Five and Number Six entry and

36

01 identify what we have in those areas?

02 A. Okay. Between 3234 and 3239,
03 the map showed there's a door in the
04 stopping. Their stopping was there
05 and had a six-foot by six-foot hole.
06 And there was loose blocks laying
07 there and that indicates that the
08 firefighting teams had put a hole in
09 the stopping.

10 Q. Was there any waterlines or
11 any power cables or anything going
12 through that stopping at that
13 location?

14 A. Not that I remember. There
15 was one in that area, but I don't
16 remember for sure if it went through
17 that.

18 Q. This circle that is on this
19 map at that ventilation control, is
20 that a circle that you put on the map
21 or did somebody else put that on
22 there?

23 A. The person I had doing the map
24 put the circle on the map.

25 Q. If we come back down to survey

37

01 station 3221, and if we look east of
02 that survey station, what does that
03 represent?

04 A. There was a check curtain had
05 been put out by someone, but there
06 was a check curtain, brattice cloth,
07 in that entry.

08 Q. Okay. Let's go ahead further
09 east in the Number Six entry and
10 describe your notes and the
11 ventilation controls you had at that
12 point.

13 A. When we traveled to try to get
14 in this intersection, we had foam
15 coming back toward 3239 for a
16 distance of around 30 feet. And the
17 foam looking in this entry was to the
18 roof and the belt entry.

19 Q. What entry are you traveling
20 in at this point to be able to
21 observe that?

22 A. We was going from 3239 to, I
23 guess, it's 3249.

24 Q. That's correct. Okay. Let's
25 go to the next crosscut between

38

01 Number Five and Six entry, and that
02 would be at survey station 3266.
03 It'd be north.

04 A. Okay. But between 3266 going
05 up the map, there had been a stopping
06 in it. It's got a four by four hole,

07 check curtain.

08 Q. Did it look like that hole ---
09 why was that four by four hole ---?

10 A. It appeared to me because some
11 blocks was there, the teams had
12 knocked a hole to get through the
13 stopping to be able to fight the
14 fire, and the check curtain was
15 covering up the four by four hole, to
16 stop the air later from getting
17 through it. So he made essentially a
18 door through that stopping to go back
19 and forth. Staying between Five and
20 Six, I don't have spads, but One
21 entry to the right of 3266 looking
22 up, the maps showed a stopping being
23 in. There is no indication of a
24 stopping had ever been there.

25 Q. What does the word none

39

01 indicate?

02 A. None means stopping, there's
03 nothing there, there was no blocks
04 there.

05 Q. And that circle indicates?

06 A. That's out. It's not there.
07 Also just north of it or above it,
08 the rib, we did indicate as being

09 bad. In the next entry over, spad
10 3332, looking from the Number Six
11 entry to Number Five, they've got the
12 same thing with stoppings shown on
13 the map with no stopping, no blocks,
14 nothing there. So it was identified
15 as none on the map. Going one more
16 entry over, spad 3321, and looking up
17 from the Six entry to Number Five,
18 we've got the same thing with a map
19 showing a stopping being in and there
20 is no indication of it being there.
21 And also at the north right corner,
22 smoke had been --- traveled through
23 here, soot marks indication.

24 Q. Okay.

25 A. I also got some indication on

40

01 this particular map having trouble
02 reading the second word, something
03 about having --- about the bolts. I
04 think it says pottied out around the
05 bolts.

06 Q. And that's between survey
07 station Numbers 3321 heading north to
08 survey station 3330 to Number Five
09 entry?

10 A. Correct.

11 Q. Okay, Jan. Let's look at the

12 map here, also the Number Five entry,
13 you have some additional notes in
14 Number Five entry between the survey
15 station 2236 to 3330. What do you
16 indicate there?

17 A. Thirty-six (36), I don't see
18 it. Okay. In this entry on the
19 upper side of it, we have several
20 indications of bad ribs and soot had
21 been coming through. That soot would
22 be indications of how the smoke and
23 the heat had traveled from the fire
24 area to the direction of ---.

25 Q. What direction --- I'm sorry,

41

01 go ahead.

02 A. It had went in from the fire
03 inby the miner on this map to where
04 we have the numbers indicated in the
05 entries.

06 Q. Could you indicate what
07 direction of airflow was up in that
08 Number Five entry?

09 A. It's going to be as originally
10 indicated on the map, so ---.

11 Q. What about the Number Six
12 entry, do you recall the direction of
13 air in that entry?

14 A. Number Six also is going to be
15 the same way going inby to the miner
16 section.

17 Q. Were you over at Number Seven
18 entry and Eight, these locations?

19 A. We stayed away from --- did
20 not go in Number Eight, but at 3333
21 and Number Seven entry, we was in
22 that intersection.

23 Q. Do you recall the direction of
24 air movement at that location?

25 A. It was also going in Seven

42

01 entry inby.

02 Q. That's inby to the Two Right
03 section?

04 A. Yes.

05 Q. All right. Let's back up a
06 little bit and we'll go over here to
07 Nine headgate and I've also numbered
08 these entries here Number One, Two,
09 Three and Four.

10 A. Okay.

11 Q. Let's put ourself in Number
12 Four entry traveling in an outby
13 direction, which would be north, and
14 at survey station 3280, let's start
15 there and describe what the map
16 indicates to us.

17 A. Okay. At 3280 and Number Four
18 entry, we did not go there. At 3278,
19 was on the backside of it in the
20 Number Three entry and that stopping
21 was intact as indicated on the map.

22 Q. What direction or what entry
23 did you travel at that time?

24 A. We traveled what --- we came
25 from the top --- I think we came from

43

01 the top down in the Number Three
02 entry.

03 Q. How about at survey station
04 here 3276. Describe to us what the
05 map indicates and what your notes
06 indicate about the condition of the
07 ventilation controls.

08 A. In the one block above 3276,
09 the map indicated an overcast being
10 in. When we got there, the top had
11 been cut out. That overcast could be
12 put in and it was --- the roof was
13 supported but I really couldn't see
14 the overcast even being there. It
15 definitely was not there. So we put
16 a circle around the overcast
17 indicating no overcast. Also the map
18 above it indicated a regulator and

19 regulator was not there.
20 Q. So by the word none, you're
21 indicating that ---
22 A. That ---.
23 Q. --- that regulator was not
24 there?
25 A. Right.

44

01 Q. How about over in Number Four
02 entry between station 3271 and 3212
03 station, the map indicates a
04 regulator at that position. Were you
05 there?
06 A. We did not go there in Number
07 Four entry.
08 Q. So you don't know what the
09 status of that is?
10 A. I don't know.
11 Q. All right. Let's go back in
12 the Nine headgate entry, Number Two
13 entry. And just north of survey
14 station 3279, Number Two entry,
15 there's more notes on the mine map.
16 Could you describe those notes? What
17 do you have in front of you right
18 now, Jan?
19 A. When we turned the map in, I
20 kept --- Todd gave me the original
21 back because it had --- I had

22 indications we was having trouble
23 turning over maps. I decided to keep
24 a copy, which I've had at my office
25 the whole time. After talking to

45

01 Kenny where he asked me to be here
02 today, I went back to the office last
03 night and because of the size of the
04 original map, I enlarged it to be
05 able to see today.

06 Q. So that ---?

07 A. This is a copy from the
08 original map.

09 MR. POGUE:

10 Let's make this C and
11 go take this up to the board.

12 (Lyll Exhibit C marked
13 for identification.)

14 OFF RECORD DISCUSSION

15 BY MR. POGUE:

16 Q. Okay. Jan, the map you have
17 in your hand now is Exhibit C Lyall,
18 And it is a copy of an original map
19 of the Nine headgate entries. Would
20 you go ahead and continue on with
21 your description of the notes and the
22 map that indicates the ventilation
23 controls now?

24 A. From 3275 going up the map to
25 3273, the map showed the intersection

46

01 at 3273 being an overcast. It was
02 like the one I had mentioned before,
03 there was --- the top was cut out but
04 there's no overcast.

05 Q. Continue up Number Two entry
06 from survey station 3273 to survey
07 station 3270 in Number Two entry.

08 A. The next thing the map
09 indicated, I was shown to a door.
10 There was no door, but there was a
11 stopping, and it was in. If you come
12 on up, the map shows a second door
13 before you get to intersection 3270,
14 there is no door.

15 Q. So the door, the ventilation
16 control door, just south of 3270 is
17 missing from what you can remember?

18 A. Yes, there was only one
19 stopping in there and neither of the
20 doors was in as indicated on the map.

21 Q. And just north of 3273, you
22 have that door, it was intact or was
23 that a stopping at a door?

24 A. There was a stopping.

25 Q. Okay. So that line that you

47

01 have indicated going across the entry
02 is a stopping?

03 A. Yes.

04 Q. So let's go further up Number
05 Two entry in the north direction
06 between survey station 3270 to 3241.

07 A. On this I showed --- have some
08 high voltage cable in the area and it
09 had some burned marks on the jacket
10 of the high voltage cable.

11 Q. Also what does the map
12 indicate?

13 A. Also there is an indication of
14 a stopping being in that had a hole
15 two feet by four feet, had been
16 knocked out, appeared to me to be
17 done by the rescue teams, one of
18 them.

19 Q. Were there any power cables or
20 waterlines going through the stopping
21 at that location?

22 A. It evidently had cable going
23 through with some cables going
24 through it.

25 Q. Okay. Survey station 3241,

48

01 this would be up in Number Seven
02 entry of northeast mains. Looking

03 north, there's a line --- the map
04 indicates a line across the crosscut
05 there. What is that, the line that
06 is drawn?

07 A. There is a stopping in it and
08 that was not shown on the map.

09 Q. So the line indicates that
10 there is a stopping at that location
11 right now?

12 A. Yes. That's all I've got on
13 there, six feet by five feet hole.
14 We also had ties hanging cable in the
15 area. The nylon had some small heat
16 damage in the area.

17 Q. Okay. Let's back up again in
18 Nine headgate entries and we're going
19 to locate ourself at the belt entry
20 at survey station 3282. Looking ---
21 or traveling north to 3274, you have
22 some notes. And could you describe
23 what the map indicates at that point?

24 A. From 3274 going south to 3282,
25 about 20 feet in, we had a set of

49

01 doors that the belt went through and
02 on the belt was material appeared to
03 be more rock than coal coming from
04 the longwall. That was on the belt.

05 Q. At that location, what do the

06 two Xs mean?

07 A. One of them --- on the small
08 one on the corner, there's a new CO
09 sensor laying on the floor in a box,
10 had plastic wrapped around it with no
11 heat damage.

12 Q. What does the second X
13 indicate there?

14 A. I think that's his indication
15 of the belt that had the material
16 coming uphill for a distance of what
17 we estimated to be 40 feet.

18 Q. Okay. At survey station 3274
19 looking north to survey station 3272,
20 there's an area that's outlined in a
21 heavy dark outline. What's that
22 indicate?

23 A. I assume this was made by
24 someone, it was already on the map in
25 the green. We didn't do that because

50

01 the map we was given, someone had
02 made the maps up. The original map
03 was in green and it was already on
04 the map.

05 MR. POGUE:

06 Jan, I'm going to take
07 a five-minute break here and

08 just ---.

09 SHORT BREAK TAKEN

10 BY MR. POGUE:

11 Q. Let's talk about the map that
12 you have in front of you right now.

13 A. Yes.

14 Q. Can you describe what this map
15 is?

16 A. After I got a call from Kenny
17 Murray last night to be here, I knew
18 I had the original map that's been in
19 question that surrounds the fire
20 area, so I went back to the office,
21 and due to the small size scale of
22 that map, I enlarged it --- or I
23 worked with Mike Stark to enlarge
24 this map last night.

25 Q. Okay. And this is --- this

51

01 map that you're talking about is

02 Exhibition C ---

03 A. Yes.

04 Q. --- Lyall?

05 A. Yes.

06 Q. And what are the differences
07 between this map and Exhibit B that
08 is on the wall?

09 A. Well, the first difference
10 would be Exhibit C is in color, has

11 got the escapeways, yellow and green
12 marked with the color. The area that
13 we had just talked about between
14 3272, 3227, that indication was not
15 made by myself or the map man I had
16 with me, and on this map it is in
17 green. And north of it, or above,
18 there's also got an area where the
19 fire was within indication in green.
20 We did not do that marking on the
21 map.

22 Q. Would you say that that green
23 marking that you see there, is that
24 --- does that represent the fire area
25 from what you know of the fire area?

52

01 A. Yes. My assumption at the
02 time was someone in the command
03 center had evidently marked this area
04 up because of the fire. That is an
05 assumption though. The arrows is
06 also in color and when --- because I
07 was planning on giving this to the
08 investigation team, last night when
09 this map was reduced, I put on
10 enlarged 3/7/06 by Mike Stark and we
11 did it between 4:30 and 5:00 last
12 night, and I put the location we did

13 it was District Three office.
14 Q. Okay. Jan, let's take this
15 map and go back up to the wall map.
16 Okay. I think we've tied in the Nine
17 headgate entry at the Number One
18 entry which is your belt entry of the
19 mother drive. We're at survey
20 station 3272. Looking --- or heading
21 north in the Number One entry,
22 there's a --- the map indicates
23 another ventilation control?
24 A. The map indicates a regulator
25 being in the belt entry. There was

53

01 no regulator at this location. And
02 on the map we turned in, we also put
03 a circle around it to indicate it was
04 not in place.

05 Q. Could you describe what this
06 area is in the Number One entry
07 between survey station 3272 and
08 survey station ---?

09 A. This is going to be the
10 longwall belt and as you go up the
11 hill, it's going to include the
12 takeup area for the longwall belt.
13 And that is where some heat and
14 around where the fire should be. As
15 we was going up the hill, we're

16 starting to get into foam and wasn't
17 able to go up in this entry very much
18 from here.

19 Q. Okay. All right. Now, we're
20 in the entries in northeast mains at
21 survey station 3249, entry Number Six
22 looking east.

23 A. Okay.

24 Q. And on the map, it --- there
25 indicates a triangle there. What

54

01 does that symbolize?

02 A. My own --- what this triangle
03 --- the map indicated a stopping
04 being here, there was no stopping in
05 there.

06 Q. What's the triangle represent?

07 A. We had marked it out. Also up
08 on top of our map we got there's a
09 big roller. If I'd take a tape and
10 measure around it, I'd probably come
11 up with like a 36-inch roller in that
12 entry. Also in this entry, a team at
13 some point had put jacks because of
14 roof conditions and at the time we
15 was doing the mapping, it was being
16 worked.

17 Q. Would that be the tail roller

18 for the Number Seven belt, six-foot
19 belt?

20 A. Yeah.

21 Q. And you're indicating at that
22 location that there's ventilation
23 control?

24 A. Well, there's no control
25 between the two spad numbers as

55

01 mentioned, 3249 and 3266. There's no
02 stopping in there.

03 Q. What does the heavy black line
04 indicate between survey station 3249
05 and 3266?

06 A. That is a difference and that
07 was on the original map. It was in
08 brown and we did not make that line.

09 Q. Let's back up a little bit in
10 the northeast mains at that stopping
11 line that was indicated on the mine
12 map there between entries Five and
13 Six and the map indicates that a six
14 foot by six foot knocked out
15 firefighting foam, 30-inch. What
16 could you tell me about that? You
17 said earlier that that hole was at a
18 stopping. Why was that hole in
19 there? What was the purpose of it?

20 A. Okay. Are we talking between

21 3234 and 3239?

22 Q. Yes.

23 A. I would think a team needed

24 space to get through to be able to

25 get to the fire. Also not being ---

56

01 they may have been looking for the

02 bodies or something at the time, too.

03 But a team --- it appeared a team

04 needed the space through the stopping

05 to travel through there.

06 Q. Did you actually see a team

07 member knock this block out of the

08 stopping?

09 A. No, I did not.

10 Q. Did you hear anybody say that

11 they had knocked the blocks out of

12 the stopping?

13 A. No.

14 Q. Let's move into the

15 ventilation control between 3266 and

16 looking north to the overcast, you

17 have a stopping there with a four by

18 four hole.

19 Q. Yes.

20 A. It also had a curtain in it to

21 --- I guess to stop ventilation from

22 coming through it or smoke or the

23 heat from coming off out of it. I'd
24 think one of the rescue teams would
25 have tried to seal off the hole and

57

01 it made it like a door so the teams
02 could go in and out of it without
03 really changing ventilation.

04 Q. Were there any blocks to
05 indicate ---?

06 A. There was some blocks and they
07 was down the hill --- or down the
08 south side, there was a few blocks
09 there.

10 Q. Did you see a mine rescue team
11 knock those blocks out?

12 A. No.

13 Q. Did somebody tell you they
14 knocked them out?

15 A. No. That would be an
16 assumption from seeing the blocks
17 laying there, it appeared someone
18 knocked them out.

19 Q. Jan, earlier you had made a
20 statement about you had trouble
21 turning the maps over. What do you
22 mean by that?

23 A. I got a complaint from A Team
24 that they was --- as they would go in
25 the mine, they was trying to map what

01 they was doing through their shift,
02 and they would go outside to turn
03 them in. And someone from Massey
04 said we don't need the maps. And
05 they was complaining to me. I had
06 mentioned this when I saw ADM Lincoln
07 Selfe and he indicated he'd like to
08 have the maps and when he was there
09 onsite was taking the maps. But
10 evidently several teams had made maps
11 and did not hand them in.

12 Q. Do you know what Linc did with
13 those maps?

14 A. No.

15 Q. For the record, on Exhibit B
16 up here, Exhibit B Lyall, I have
17 identified the northeast entrance on
18 this map as being Number Four, Five,
19 Six, Seven and Eight. And on the
20 Nine headgate entry, I've also
21 identified the entries as entry from
22 left to right, entry One, Two and
23 Three and Four. Okay. Jan, we're in
24 --- on the map again, entry Number
25 Six at survey station 3266 looking in

01 the south direction, there's an X

02 right there on the corner. Could you
03 tell me what that is?

04 A. We found a mine belt that had
05 a self rescuer on it just laying
06 there on the ground. A lot of teams
07 wanted to --- thought it may have
08 been one of the deceased, but someone
09 had looked at the name on it and said
10 this person is outside. I thought
11 there was slight heat damage on the
12 self-rescuer. And the belt might
13 have had some indication it may have
14 shrunk a little bit from heat damage.

15 Q. From survey station 3249 inby
16 to the Number Two section, there's
17 another line outlining the entry to
18 survey station 3332. What do you
19 think that indicates?

20 A. We put a square around here
21 that belt structure was going down
22 this entry.

23 Q. Were there any ventilation
24 controls between survey station 3266
25 inby the 3232 station?

60

01 A. There was no ventilation
02 controls in there. On the map though
03 has got a one line. Cannot say for
04 the company why that line's on there,

05 because their stoppings, according to
06 the map, shows a two-line system. So
07 why? I don't know why it has a got a
08 line there, but there was no stopping
09 through there.

10 Q. Let's go back to survey
11 station 3266 Number Six entry. How
12 about identifying the notes that were
13 indicated on the map there from
14 Number Six entry to Number Seven
15 entry?

16 A. Okay. We've got --- there is
17 three power centers in this area.
18 We, at some point, had dandered off
19 around the belt to keep anyone from
20 trying to be in there to pick up and
21 mess with the belt with the
22 self-rescuer on it. We was --- there
23 was heat damage and the plates was
24 pulled away from the roof. The top
25 was bad. There was sloughage on the

61

01 ribs. The line in the rib that's
02 like a long I shows the area of the
03 bad ribs.

04 Q. Were there any ventilation
05 controls between the Number Six and
06 Number Seven entry at that location?

07 A. There is no ventilation
08 controls between --- in that block,
09 no.
10 Q. Okay. Let's look at survey
11 station 3267, Number Seven entry.
12 What do you have drawn there?
13 A. At the intersection of 3267,
14 we didn't get into the belt entry.
15 We could look through --- into it and
16 the foam was five feet high, which is
17 probably a few feet from the roof
18 line.
19 Q. Where did you observe that?
20 From what location did you observe
21 that, Jan?
22 A. On this map at --- where the
23 Six would be was a door that was
24 open. We indicated here 14 inches.
25 Q. Where is that exact location?

62

01 A. The door is not as marked on
02 the map. The door would be where the
03 six is, 3267.
04 Q. Mark it on this map. What
05 kind of door was that, Jan? Was it
06 an equipment door, man door?
07 A. There was a large equipment
08 doors that's eight-feet wide.
09 Q. Do you recall traveling

10 through any of these doors that are
11 in this Number Seven entry?

12 A. I went up to the door, as far
13 as I went. I didn't get in the belt
14 entry on either side of it.

15 Q. What position were those doors
16 in, probably from the time you were
17 up there --- or when you first got up
18 there, what position were they in?

19 A. The door was open 14 inches.

20 Q. Which door are you talking
21 about here being open 14 inches?

22 A. It'd be where I had marked
23 with the red marker on the Six.

24 Q. Okay. What about this, the
25 door at Number Seven entry?

63

01 A. The door going toward the face
02 at Number Seven entry was open.

03 Q. At survey station 3333, Number
04 Seven entry, northeast mains, you
05 have an X there. What does that
06 indicate?

07 A. That indicates that they had
08 stored some gob and it covered up
09 half of the height of the mine
10 height. Half the area we had there
11 from rib to floor was halfway

12 consumed from gob that they had
13 stored there.

14 Q. And you're indicating a
15 stopping at that location?

16 A. Yes. And it was intact.

17 Q. Survey station 3267, Number
18 Seven entry, northeast mains, the
19 first intersection inby, you have
20 some notes between Number Six and
21 Number Eight entry. Could you
22 clarify those?

23 A. Okay. That first word that we
24 indicated was jackets, jackets is
25 meant to be the outer part of a cable

64

01 and the second word is scorched. The
02 jackets was blistered from the heat
03 damage of the cables going through
04 here. In the bottom of the entry,
05 there is also some gob. We indicated
06 it as being muck, went into the
07 intersection. We had stopped at this
08 point and did not go down into Number
09 Eight entry. At that area, looked
10 somewhat normal, didn't have the heat
11 damage or the soot that we had had in
12 Number Seven entry.

13 Q. At survey station 3266, what
14 was the position of the check curtain

15 looking north?

16 A. It had a ---.

17 Q. Which side of the stopping was
18 it on?

19 A. The check curtain?

20 Q. Yeah.

21 A. Was on the upper side of what
22 would be referred to as north side.

23 Q. And you saw the curtain in
24 that position?

25 A. Yes.

65

01 Q. Okay.

02 MR. POGUE:

03 Bill, do you have any
04 questions?

05 MR. TUCKER:

06 No. Wait a second. I
07 have a couple just
08 clarifications.

09 BY MR. TUCKER:

10 Q. The door at spad 3267, Number
11 Seven entry, the doors seem to
12 indicate that the door opened toward
13 the mother drive; is that correct?

14 A. That would be indication from
15 this company map that it would open
16 toward the mother drive, yes.

17 Q. Is that the way that you ---?

18 A. It is not. The door opened
19 inby to the miner section where we
20 have indicated here at Number Seven.

21 Q. Okay. Just to clarify one
22 other thing, when we were talking
23 about this line coming through at the
24 tailpiece at --- is it 3249?

25 A. Yes.

66

01 Q. I think in our discussion, we
02 mentioned that that was a brown line,
03 but on the original map, it's
04 actually shown as a red line; is that
05 correct?

06 A. Well, it's in between would be
07 my color analysis, that's between the
08 brown and the --- it's not reddish
09 and ---

10 Q. Okay.

11 A. --- that's chocolate,
12 reddish-chocolate.

13 Q. Okay.

14 MR. POGUE:

15 Again, let's --- I'm
16 sorry, Bill, were you done?

17 MR. TUCKER:

18 Yeah, I just wanted to
19 clarify that area.

20 BY MR. POGUE:

21 Q. Let's go back to the mine map
22 a second. Where you're indicating
23 the 14-inch opening and the ---

24 A. Yes.

25 Q. --- is that in a man door or

67

01 is that in the equipment door?

02 A. That is a large equipment
03 door, which is --- the norm would be
04 like six-feet high, eight-feet wide
05 door. It was the northern door that
06 was open or the one on the right
07 looking where we indicate Number
08 Seven going out of the mine. There
09 was a double set of doors.

10 Q. So this door was open in what
11 position to the inby?

12 A. The other side. The middle of
13 the door was swung but right at
14 toward where we indicate the Number
15 Seven here on the map would be inby
16 to the section.

17 Q. What about the inby door
18 located in the same entry, Number
19 Seven entry, outby survey station
20 3333? What was its position?

21 A. The door was --- we don't

22 indicate on the map, but from memory,
23 the door was completely open, and I
24 don't remember if they went inby or
25 outby. By this door opening the

68

01 opposite from the way it is indicated
02 on the map, you would assume this
03 one's probably also opposite from the
04 indication of the map.

05 Q. Okay. The stopping that is
06 located between survey station 3239
07 and 3241, you have a six by five hole
08 in there. What can you tell me about
09 the hole? Did you see somebody knock
10 the block out of the ---?

11 A. I did not see anyone knock the
12 hole through the stopping.

13 Q. Did anybody tell you that the
14 blocks were knocked out?

15 A. At no time did anyone say that
16 they had knocked any stopping with
17 the teams was with or hear anyone
18 knocking stoppings out.

19 Q. Were blocks laying there to
20 indicate that --- can you recall?

21 A. There was some blocks laying
22 there on the downhill side from south
23 side.

24 Q. They weren't stacked, they

25 were just scattered?

69

01 A. No, they was just like someone
02 --- it appeared to be like someone
03 had took a hammer and knocked the
04 blocks out of the stopping.

05 MR. POGUE:

06 Okay. That's all I
07 have, Jan. Do you have
08 anything else, Bill?

09 MR. TUCKER:

10 No.

11 MR. POGUE:

12 Okay.

13 BY MR. POGUE:

14 Q. Is there anything else you
15 would like to tell us regarding what
16 happened on the day of the accident
17 or subsequent to the day?

18 A. I did go some other places in
19 the mine that we have not indicated.
20 I made the tailgate on the --- I
21 believe it's the next day after this
22 one.

23 Q. Which would have been the
24 24th?

25 A. Yes. We made the most inby

70

01 entry would be outside from the
02 longwall.

03 Q. Well, let's go up to a mine
04 map and you can indicate your route
05 of travel.

06 MR. POGUE:

07 And we're going to mark
08 the Exhibit B Lyall map
09 indicating subsequent travel
10 on January the 24th.

11 A. And how we worked our way out,
12 I don't know what entry.

13 BY MR. POGUE:

14 Q. Where did you travel --- from
15 this point here, you traveled ---?

16 A. We traveled and at the power
17 center location that I mentioned on
18 the first night I was in the mine, a
19 mantrip came and picked us up.

20 Q. What was the purpose in
21 traveling this entry here?

22 A. I think that came from the
23 district manager wanted everything
24 tied in to make sure everything was
25 open and airflow was okay. And they

71

01 had had problems on the tailgate
02 being --- had fell in. When we got
03 across from the tailgate, they

04 appeared the roof fall may be
05 completely from the tailgate over to
06 the entry we was in.

07 Q. Can you mark that roof fall,
08 Jan, and indicate what you're
09 marking?

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. Label that, what does that
13 indicate. What direction did you
14 have your ---?

15 A. They blocked it from what we'd
16 be calling would be the north to the
17 south or downhill.

18 Q. Anything else you can tell us
19 about that travel down through that
20 entry?

21 A. They anticipated that it'd
22 still be flooded on the lower end.
23 Some people anticipated we might not
24 get out and have to walk back up the
25 hill, but we got to work through a

72

01 few puddles, holes, to the top of
02 your boots, so most people made it
03 through without getting wet.

04 Q. So that was the extent of your
05 travel on ---

06 A. On that day, yes.

07 Q. --- the 24th? In traveling

08 --- this map doesn't --- the Exhibit

09 B Lyall map does not indicate, but

10 the current tailgate is at Number 17,

11 just inby Number 17 --- I'm sorry,

12 Exhibit B Lyall --- Exhibit A Lyall

13 indicates that the longwall face is

14 at crosscut Number 20, when in fact,

15 it's just inby crosscut Number 17.

16 (Lyall Exhibit A marked

17 for identification.)

18 A. The indication I put on the

19 map was in conjunction with the

20 longwall face, not necessarily what's

21 on the map. If it's a couple blocks

22 off, it would mean my ID would need

23 to be a couple blocks up.

24 BY MR. POGUE:

25 Q. Okay. Do you have anything

73

01 else to add there, Jan?

02 A. Not on this shift. The next

03 day, I was back in the miner section.

04 Exhibit A does not have the miner

05 section on it.

06 Q. Okay. That would have been

07 section Three?

08 A. And I was also with XL on this

09 night and we went through the doors,
10 started at the mouth of the section
11 and made it to the face area of the
12 mine.

13 Q. Okay.

14 A. It had split ventilation. I
15 would guess the most noticeable thing
16 we measured 9,016 feet a minute on
17 the right side and we only had
18 movement on the left side.

19 Q. Okay, Jan. Let's go ahead and
20 sit down. Do you recall if belt air
21 was being used to ventilate the faces
22 in the Three section? It's all
23 right.

24 A. I do know it was in common
25 with the entry we was walking.

74

01 Q. What entry was that that you
02 walked?

03 A. Without seeing the map, we
04 walked one block to the right of the
05 belt entry. At a couple spots to get
06 around the puddles, we did go in
07 other entries to get around.

08 Q. So do you know if the belt air
09 was being used to ventilate the
10 section?

11 A. No.

12 Q. Okay.

13 MR. POGUE:

14 Let's take about a

15 five-minute break.

16 SHORT BREAK TAKEN

17 BY MR. POGUE:

18 Q. Is there anything else you'd

19 like to tell us regarding what

20 happened on the day of the accident,

21 Jan, or subsequent days to the

22 accident?

23 A. No.

24 MR. POGUE:

25 Okay. Do you have any

75

01 further questions, Bill?

02 MR. TUCKER:

03 No.

04 MR. POGUE:

05 On behalf of MSHA, I

06 thank you for appearing here

07 today and answering our

08 questions and sharing your

09 information about the mines.

10 Your cooperation to us is very

11 important as we work to

12 determine the cause of the

13 accident. If you wish, you

14 may go back now over any
15 answer that you have given
16 during the interview and you
17 may also make a closing
18 statement covering the
19 additional points you believe
20 should be raised. If you have
21 any ---.
22 A. No. But if something comes
23 up, I'd be available to come back or
24 get ahold of me if any questions come
25 up. I'd be happy to help.

76

01 MR. POGUE:
02 We ask that you do not
03 discuss your interview today
04 with any person who may have
05 already been interviewed or
06 who may be asked to be given a
07 statement in the future. This
08 will ensure that we obtain
09 everybody's independent memory
10 of the events surrounding the
11 accident.

12 If at some point in
13 time you have additional
14 information regarding the
15 accident that you would like

16 to provide us with, please
17 contact Kenny Murray. I have
18 two business cards here. One
19 of Mr. Murray and Mr. Anthony
20 Webb. You can contact them if
21 you have any additional
22 information.

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

77

01 accident investigations. If
02 at any time you believe that
03 you have any problems with
04 being mistreated or anything
05 of that nature, Jan, you can
06 contact Anthony Webb or Kenny
07 Murray. Bill?

08 MR. TUCKER:

09 I'd just like to say,
10 Jan, we do appreciate you
11 coming in, appreciate the work
12 you do as a mine emergency
13 team member. And the state
14 also offers protection against
15 discrimination against
16 reporting safety violations or
17 anything of that nature.
18 Here's one of my cards and

19 here's C.A. Phillips' card.
20 He's deputy director out of
21 our Charleston office.

22 MR. POGUE:

23 Okay, Jan. Thank you.

24 * * * * *

25 EXAMINATION CONCLUDED AT 11:44 A.M.