

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   STEVEN A. MARCUM  
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 on  
12    Tuesday, March 7, 2006, at 1:21 p.m.

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

02

03 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of Miners'

06 Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 KENNETH A. MURRAY

11 U.S. Department of Labor

12 Mine Safety and Health Administration

13 Coal Mine Safety and Health

14 District 6

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20 Office of the Regional Solicitor

21 1100 Wilson Boulevard

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23

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01 A P P E A R A N C E S (continued)

02

03 RONALD W. STAHLHUT

04 Mine Safety & Health Division

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01 A P P E A R A N C E S (continued)

02

03 ALSO PRESENT:

04 ANTHONY WEBB

05 DERRICK TJERNLUND

06 WILLIAM FRANCAERT

07 MICHAEL FINNIE  
08 DENNY BEITER  
09 C.A. PHILLIPS  
10 EUGENE WHITE  
11 STEVE COX  
12 TOM HUBER  
13 BETH SPENCE  
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01                    P R O C E E D I N G S

02    -----

03            MR. STAHLHUT:

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

15 Incorporated, Aracoma Alma  
16 Number One Mine on January  
17 19th, 2006. This is a joint  
18 investigation that MSHA is  
19 conducting with the State of  
20 West Virginia. I will be  
21 asking the questions for MSHA  
22 in today's interview.

23 With me here today are  
24 members of MSHA's team and the  
25 State's team. MSHA's team

8

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

08 ATTORNEY BELL:

09 Good afternoon, Mr.  
10 Marcum. My name is Keith  
11 Bell, and I represent MSHA,  
12 from Arlington, Virginia.

13 MR. WEBB:

14 I'm Anthony Webb from  
15 MSHA in Pikeville, Kentucky.

16 MR. TJERNLUND:

17           Derrick Tjernlund, tech  
18           support, Triadelphia.

19           MR. FRANCCART:

20           Bill Francart,  
21           Pittsburgh, Pennsylvania.

22           MR. FINNIE:

23           Mike Finnie,  
24           Madisonville, Kentucky.

25           MR. BEITER:

9

01           Denny Beiter,  
02           Triadelphia, West Virginia.

03           MR. MURRAY:

04           Kenny Murray,  
05           Pikeville, Kentucky.

06           MR. STAHLHUT:

07           Here with me today  
08           representing the State of West  
09           Virginia is Mr. Bill Tucker.  
10           Mr. Tucker will be asking the  
11           questions for the State. At  
12           this time, I'd like --- I  
13           would ask Mr. Tucker to  
14           introduce the members of the  
15           State's team here today and  
16           provide a brief statement.

17           MR. TUCKER:

18           The West Virginia  
19           Office of Miners' Health,



20 Safety and Training is  
21 conducting this interview  
22 session jointly with MSHA and  
23 we are in agreement with the  
24 procedures outlined by Mr.  
25 Stahlhut. However, let me

10

01 make it clear that the  
02 Director reserves the right,  
03 if necessary, to call or  
04 subpoena witnesses or require  
05 the production of any record,  
06 document, photograph or other  
07 relevant materials necessary  
08 to conduct this investigation.

09 Steve, my name is Bill  
10 Tucker. I'm with Miners'  
11 Health, Safety and Training.  
12 I work out of the Oak Hill  
13 office.

14 MR. PHILLIPS:

15 How are you doing,  
16 Steve? My name is C.A.  
17 Phillips. I'm the Deputy  
18 Director of the Miners'  
19 Health, Safety & Training in  
20 Charleston, West Virginia.

21 MR. WHITE:

22 Eugene White, district  
23 inspector, Danville, Region  
24 Three.

25 MR. COX:

11

01 Steve Cox, Region  
02 Three, Danville.

03 MR. HUBER:

04 Tom Huber, District  
05 Inspector, Region Three.

06 MS. SPENCE:

07 Beth Spence with the  
08 Governor's Office.

09 MR. STAHLHUT:

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

25 available to the public in the

12

01 hope that greater awareness  
02 about the cause of the  
03 accidents can reduce their  
04 occurrence in the future. The  
05 information obtained through  
06 witness interviews is  
07 frequently included in these  
08 reports. Your statement may  
09 also be used in other  
10 enforcement proceedings.

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

21 This interview with  
22 Steve Marcum is being  
23 conducted under Section 103 of  
24 the Act, of the Federal Mine  
25 Safety & Health Act of 1977,

13

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

12 This interview is being  
13 conducted at the State of West  
14 Virginia Department of  
15 Environmental Protection  
16 Division of Mining and  
17 Reclamation at 1101 George  
18 Kostas Drive, West Virginia  
19 25601, on March 7th at 1:25.

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

14

01 questions. And after we have  
02 finished asking questions, you  
03 may also have the opportunity

04 --- excuse me. You will also  
05 have an opportunity to make a  
06 statement of your own and  
07 provide us with any other  
08 information that you believe  
09 might be important.

10       You are permitted to  
11 have a representative with you  
12 during this interview, and you  
13 may consult with your  
14 representative at any time.

15 You may designate any person  
16 to be your representative.  
17 Following the questions by  
18 MSHA and the State, this  
19 representative will be given  
20 the opportunity to ask  
21 questions for the purposes of  
22 clarification on areas already  
23 discussed.

24       Your statement is  
25 completely voluntary. You may

15

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

06 question. If you need a break  
07 for any reason, let me know.

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

21 MR. MARCUM:

22 (Indicates no.)

23 MR. STAHLHUT:

24 If you would answer no?

25 Verbal statements.

16

01 MR. MARCUM:

02 No.

03 MR. STAHLHUT:

04 Okay. Neither the  
05 transcript of this interview,  
06 nor the content of this  
07 interview will be released to  
08 the public or to the media

09 until MSHA's final accident  
10 investigation report is issued  
11 or until required by court  
12 order or until a public  
13 hearing takes place.

14 If any part of your  
15 statement is based not on your  
16 own firsthand information, but  
17 on information you learned  
18 from someone else, please let  
19 us know.

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

17

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

08 Do you have any  
09 questions about the manner in  
10 which this interview will be

11 conducted?

12 MR. MARCUM:

13 No.

14 MR. STAHLHUT:

15 The court reporter will

16 swear you in.

17 -----

18 STEVEN A. MARCUM, HAVING FIRST BEEN

19 DULY SWORN, TESTIFIED AS FOLLOWS:

20 -----

21 BY MR. STAHLHUT:

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

25 A. [REDACTED]

[REDACTED]

03 Q. Can I call you Steve?

04 A. Yeah.

05 Q. Thank you. Are you appearing  
06 voluntarily at this interview?

07 A. Yes.

08 Q. Has anyone made any promises  
09 to you for giving this statement or  
10 offered you any rewards in exchange  
11 for making your statement?

12 A. No.

13 Q. Has anyone threatened you or



14 warned you not to provide this  
15 statement?  
16 A. No.  
17 Q. Do you understand that you may  
18 refuse to answer any question or  
19 terminate this interview at any time?  
20 A. Yes.  
21 Q. Do you have a representative  
22 with you?  
23 A. A representative of the  
24 company.  
25 Q. Okay. Would you please

19

01 identify your representative?  
02 ATTORNEY HARDY:  
03 David Hardy.  
04 BY MR. STAHLHUT:  
05 Q. When did you first meet Mr.  
06 Hardy?  
07 A. I don't know what day it was  
08 on. What day?  
09 ATTORNEY HARDY:  
10 Just give the best of  
11 your knowledge to him.  
12 A. Two weeks. Maybe two weeks  
13 after the accident.  
14 BY MR. STAHLHUT:  
15 Q. How did this meeting come

16 about?

17 A. They called my house, said

18 that, I need you to come to the mine

19 office and talk to you.

20 Q. Okay. Did anyone from the

21 company contact you about Mr. Hardy

22 representing you?

23 A. No.

24 Q. Did you make the decision to

25 hire Mr. Hardy as your representative

20

01 in this matter?

02 A. No.

03 Q. Did you or do you feel coerced

04 in any way to have Mr. Hardy

05 represent you?

06 A. No.

07 Q. Is Mr. Hardy charging you any

08 fees for their representation?

09 A. No.

10 Q. Has anyone offered to pay or

11 to reimburse you for payment of Mr.

12 Hardy's fees?

13 A. No.

14 Q. Have you been made aware that

15 Mr. Hardy also represents the company

16 in this matter?

17 A. Yes.

18 Q. And that there is a potential

19 conflict of interest to arise between  
20 yourself and the company?

21 A. Yes.

22 Q. Do you want to proceed with  
23 Mr. Harvey representing you, despite  
24 any potential conflicts of interest?

25 A. Yes.

21

01 Q. Okay. Did Mr. Hardy discuss  
02 with you what was going to take place  
03 in today's interview?

04 A. Yes.

05 Q. Who was present during this  
06 discussion?

07 A. Just me and him.

08 Q. Did you talk to anyone who has  
09 already been interviewed?

10 A. No.

11 Q. Were you interviewed by the  
12 company before today?

13 A. No.

14 Q. Did you attend a meeting at  
15 the local grade school?

16 A. Oh, yes. Yes.

17 Q. What was discussed at that  
18 meeting?

19 A. Just the events up to the end  
20 of what --- they tried to make it

21 clear what happened. That's pretty  
22 much it, just ---.

23 Q. Who conducted this meeting?

24 A. Dwayne Francisco, Chris Adkins  
25 and Drexel Short.

22

01 Q. Do you want to proceed with  
02 Mr. Hardy as your representative?

03 A. Yes.

04 Q. All right. How long have you  
05 worked at Aracoma Alma Number One  
06 Mine?

07 A. Four years.

08 Q. What is your current job  
09 classification?

10 A. I'm an electrician.

11 Q. What was your job  
12 classification on January 19th, 2006?

13 A. Electrician.

14 Q. How long have you held that  
15 position?

16 A. About two years.

17 Q. Are you considered a member of  
18 management, a supervisor?

19 A. Yeah.

20 Q. You are considered a  
21 supervisor?

22 A. Yeah. I'm not on the  
23 timesheet as a supervisor, but I

24 guess I am, yeah.

25 Q. And as electrician, how --- do

23

01 you manage people or ---?

02 A. No. We have two crews on hoot

03 owl. And when one --- we got one guy

04 up there that's a certified mine ---

05 or certified foreman. And then he'll

06 have a crew, then I'll have a crew.

07 We've got two crews up there.

08 Q. Okay. So you've got a crew of

09 men you supervise?

10 A. Yeah.

11 Q. Who are these people you

12 supervise?

13 A. It'd be Bill Hurley and Joe

14 Wilson.

15 Q. What other jobs have you held

16 at this mine?

17 A. I was a shield tech at one

18 time, and I was outside man.

19 Q. How many total years of mining

20 experience do you have?

21 A. Four.

22 Q. Going back to you being a

23 supervisor, are you paid more to be a

24 supervisor?

25 A. No. No.

01 Q. So you're paid to be the same  
02 as if you were an electrician?

03 A. Yeah. I'm on the timesheet as  
04 an electrician, but they got me  
05 heading a crew.

06 Q. Does your immediate supervisor  
07 work the same shift you do?

08 A. No. No. Not my immediate  
09 supervisor, no. He works dayshift.

10 Q. Who is your immediate  
11 supervisor?

12 A. Bob Massey or Dave Campbell.

13 Q. Okay. What shift do they  
14 work?

15 A. Dayshift.

16 Q. So who gives you your orders?  
17 I guess your supervisor?

18 A. It would be dayshift. They  
19 write our p.m.s up for us.

20 Q. So you follow a pm sheet,  
21 then?

22 A. Yes.

23 Q. A maintenance sheet; correct?

24 A. Yes, sir.

25 Q. Okay. Let me take you back to

01 the day of January 19th. What shift  
02 were you scheduled to work that day?

03 A. Third shift.

04 Q. Okay. When was that shift  
05 scheduled to start and end?

06 A. At 11:00 and end at 8:00.  
07 11:00 to 8:00.

08 Q. About what time did you arrive  
09 at the mine that day?

10 A. I'm usually there by 10:00.

11 Q. Okay. And who was your  
12 supervisor on that day?

13 A. It would be --- on the same  
14 shift or on the same ---.

15 Q. Okay. Who was your  
16 supervisor, first?

17 A. Bob Massey or Dave Campbell.

18 Q. Okay. Then who was the  
19 supervisor over that shift that you  
20 would be responsible to?

21 A. It would be Lenny Maynard.  
22 He's on the longwall, too.

23 Q. Okay. What were your work  
24 assignments for that day?

25 A. Just routine maintenance and

01 we had the permission to be on the  
02 mother drive.

03 Q. You said permission to be on  
04 the mother drive?

05 A. Yes.

06 Q. Okay. And that was on the  
07 19th?

08 A. Yes.

09 Q. Okay. And so you're --- where  
10 do your duties require you to work in  
11 that area of the mine? I know you  
12 said the mother drive. Where were  
13 the other areas? Was it all in that  
14 area or was there ---?

15 A. No. We just go up there to do  
16 a permissible. Most of our work's on  
17 the longwall.

18 Q. What kind of work do you  
19 normally do on the longwall?

20 A. Servicing the shearer,  
21 checking chain. Check all your oil  
22 levels in all your motors and just  
23 routine maintenance.

24 Q. What was the last shift you  
25 worked prior to that day on the 19th?

27

01 A. The 18th.

02 Q. 18th? Okay. Going back to  
03 the 19th, from the beginning of the  
04 shift, can you sort of give me an  
05 idea --- describe what you did, like  
06 what time you got there and just show  
07 me through the 19th on that day, what



08 you did that day?  
09 A. I got there around 10:00 p.m.  
10 and got dressed, went up and looked  
11 at my p.m.s and then we --- Bob  
12 Massey or Dave Campbell, one, will  
13 call and let us --- make sure we  
14 understand everything that's going on  
15 that night. And we'd go underground  
16 around 11:00. We'd get to the  
17 section, and we'll wait for them to  
18 get done running. They usually shut  
19 down about 1:00. And we'd go spot  
20 the chain up and continue with our  
21 maintenance work from there on.  
22 Q. Okay. Those areas that you  
23 worked in on that day, were they  
24 preshifted on the second shift for  
25 the work that was done on the second

28

01 shift?  
02 A. Yes, sir.  
03 Q. Do you know who preshifted  
04 those areas that you worked in?  
05 A. I'm not --- I can't honestly  
06 answer that. You know, normally I  
07 can't ---.  
08 Q. That's all right. That's  
09 fine. What about the mother drive?

10 Do you specifically know who does the  
11 preshift on the belts in that area on  
12 the previous shift?

13 A. No. I'm sorry, I do not.

14 Q. I guess to back up a little  
15 bit, too, you said you were going to  
16 do permissibility on the mother  
17 drive. What do you mean by  
18 permissibility on that?

19 A. The ground fault to breakers.

20 Q. Okay. So you were doing ---?

21 A. The electrical part.

22 Q. Electrical part. What  
23 required part is that on the  
24 breakers? How often is that  
25 required, I guess?

29

01 A. I do the monthly checks.

02 Q. Okay. We'll probably get back  
03 to that here in just a little bit.  
04 Is there an alarm on your section to  
05 alert you that there's CO alert alarm  
06 levels?

07 A. Yeah.

08 Q. Is there a warning device?

09 A. Yeah. That --- I'm pretty  
10 sure there's one on the back of the  
11 gate box.

12 Q. On the back of the gate box?

13 A. Yes, sir.

14 Q. Does it make a sound or a  
15 noise, or both, or ---?

16 A. Yeah. It'll flash. There's a  
17 red light on it, and it flashes. Or  
18 to the best of my knowledge, there  
19 used to be one on there.

20 Q. Does it make a noise also?

21 A. Yeah. I believe. Yeah.

22 Q. Have you heard this?

23 A. No, sir, I have not.

24 Q. You've not heard it?

25 A. No.

30

01 Q. You haven't had the occasion  
02 to be up there when it's went off or  
03 anything like that?

04 A. Right.

05 Q. So you're just --- you know  
06 it's there by physical location?

07 A. Yeah.

08 Q. Do you ever test or maintain  
09 the CO systems?

10 A. No, I do not.

11 Q. You don't work on the CO  
12 systems?

13 A. No. I don't myself, no.

14 Q. Okay. Change the subject just

15 a little bit here. When were you  
16 trained on the escapeways? Where did  
17 you learn --- were you trained on the  
18 escapeways and when, I guess?

19 A. Probably two weeks before. We  
20 went --- had a safety meeting. We  
21 had safety meetings every week and  
22 they went over the escapeways.

23 Q. When you're referring to this,  
24 was this prior to January 19th or  
25 after?

31

01 A. Before.

02 Q. Before?

03 A. Yeah. When the tail entry's  
04 blocked, they have the tail entry ---  
05 every time it blocks, well, they go  
06 over an escapeway, our primary  
07 escapeway.

08 Q. Okay. Can you describe to me  
09 where your primary escapeway is?

10 A. Go through the last open all  
11 the way across and ---.

12 Q. Would you like to show me on  
13 the map? Would that be easier?

14 A. Yeah. It'd be ---.

15 Q. It's approximately in this  
16 area here. And we're referring to  
17 Exhibit A Marcum. Do you want to

18 mark --- show me ---?

19 (Marcum Exhibit A

20 marked for

21 identification.)

22 A. You say the longwall's right

23 in here?

24 BY MR. STAHLHUT:

25 Q. Approximately right in here.

32

01 A. Okay. If we come through

02 this, walk down to the last open. We

03 get to the last open. Then go our

04 way up.

05 Q. Do you want to mark that on

06 the map, the way you would follow it,

07 with a red pen here? From leaving

08 the longwall face at spad number

09 approximately 3345, two crosscuts

10 over to the ---

11 A. Go all the way over.

12 Q. --- Number Four entry, I

13 believe.

14 A. Four.

15 Q. Then you go in the outby

16 direction to spad number 3305. And

17 he is indicating through the

18 cut-through here. Is that the Number

19 One or Two cut-through?

20 A. It should be Number Two.

21 There was one back down here.

22 Q. The brown on here are belts.

23 A. I think it's one of these two

24 entries right here.

25 Q. And if you would, put an arrow

33

01 to that showing escapeway direction.

02 A. What do you mean?

03 Q. Just put a little arrow right

04 here and say it's the direction of

05 escapeway from the longwall face.

06 And you stopped here at spad number

07 2236 in the main east entries or the

08 north main. The north main entries.

09 What is your alternate escapeway?

10 The section --- are you familiar with

11 the alternate escapeways? Where

12 would the alternate escapeway be?

13 A. They'd be just short of the

14 track entry.

15 Q. The track entry coming off the

16 longwall face?

17 A. Yeah.

18 Q. Would you indicate that with a

19 green pen, where your alternate

20 escapeway would be in, where you, to

21 the best of your knowledge, would

22 think it would be coming off the

23 longwall face?

24 A. Come across the same place.

25 Q. So you're coming across at

34

01 spad number 3345, across from 3348

02 and going in a north direction going

03 outby ---

04 A. Yes.

05 Q. --- up to the Number Two

06 cut-through to spad 3300?

07 A. This is the airlock door;

08 right?

09 Q. Uh-huh (yes).

10 A. I'm pretty sure it's the track

11 entry.

12 Q. Which entry are you talking

13 about being the track entry? I'm not

14 familiar with it. Can you indicate

15 where it's at?

16 A. This should be the track entry

17 here.

18 Q. The track entry would be the

19 Number Two entry as they're numbered

20 left to right, and going across at

21 north of spad number 2236 as

22 indicated on the map. If you would,

23 just put an arrow out here, alternate

24 escapeway.

25 WITNESS COMPLIES

35

01 BY MR. STAHLHUT:

02 Q. You can have a seat again.

03 We'll probably be back to the map.

04 But when you're traveling the primary

05 intake escapeway, I guess, is there

06 any indication that you're in that

07 escapeway? Is there any kind of

08 marking or any kind of colored

09 marking?

10 A. Yeah. They got green

11 reflectors hanging.

12 Q. Green reflectors in the

13 intake?

14 A. Yes.

15 Q. Or the alternate?

16 A. The intake.

17 Q. All right. What color would

18 the markings be, if there is any, in

19 the alternate?

20 A. Yellow.

21 Q. Yellow?

22 A. Yeah.

23 Q. Okay. And you mentioned, I

24 guess I'm backing up a little bit.

25 You mentioned the escapeways. When

36

01 the tailgate was blocked, that you



02 had training when the tailgate  
03 becomes blocked. Have you had any  
04 other training at any other dates?  
05 A. Just the weekly safety. The  
06 weekly safety training thing that we  
07 have before we go underground and  
08 when the tailgate's blocked.  
09 Q. Okay. Is there other --- I  
10 guess backing up to the --- changing  
11 subjects a little bit. We'll get  
12 back to those escapeways here in a  
13 minute. But when the tailgate's  
14 blocked, is there anything else you  
15 do besides review the escapeways? Is  
16 there any other procedures that you  
17 implement when that tail is blocked?  
18 A. Yeah. They put rescuers  
19 stationed on the tail, mid-face and  
20 on the head.  
21 Q. Okay. Is there any other  
22 requirements you're aware of?  
23 A. Not that I know of. I don't  
24 know if there was or not.  
25 Q. The question here, I guess,  
01 when you marked on the map your  
02 alternate escapeway, are those yellow  
03 reflectors marking that alternate

04 escapeway off the longwall face that  
05 you can remember?

06 A. I couldn't honestly answer  
07 that. I don't know.

08 Q. Okay. Thanks. The best you  
09 can do is what you remember, what you  
10 know.

11 These escapeway maps we've  
12 been talking about, is there a map on  
13 the surface somewhere that shows  
14 these escapeways?

15 A. Yeah. Yeah.

16 Q. Where would that map be  
17 located?

18 A. In the conference room.

19 Q. In the conference room?

20 A. Yeah. That's the last place I  
21 seen it, anyway.

22 Q. What room --- I've been to the  
23 mine. But what room's the conference  
24 room, I guess? Is that upstairs or  
25 downstairs?

38

01 A. Yeah. That's upstairs. It's  
02 on the right. The second door on the  
03 right.

04 Q. Okay. And where was this map  
05 located in the conference room?

06 A. Should be on the wall.

07 Q. On the wall?

08 A. Yeah.

09 Q. Towards the outside of the  
10 building or the center of the  
11 building?

12 A. Center.

13 Q. Okay. Was that map kept  
14 updated with any changes and like in  
15 the escapeways or anything, was it  
16 kept up to date, to the best of your  
17 knowledge?

18 A. To the best of my knowledge,  
19 it was, yes.

20 Q. Okay. What about --- was  
21 there an escapeway map somewhere else  
22 where people congregate or where  
23 people normally gather up, you know,  
24 before they go to work?

25 A. They keep one --- I seen one

01 on the mule train.

02 Q. Okay.

03 A. For us. Probably just three  
04 weeks before it happened. They had  
05 laid it on top of the mule train.

06 Q. Did somebody review this map  
07 with you or anything?

08 A. No. They usually done it in a

09 safety meeting before we went  
10 underground.

11 Q. Was there a map on the surface  
12 in an area where people congregate  
13 that you remember, other than in the  
14 conference room?

15 A. Not that I remember, no.

16 Q. Okay. Do you remember when  
17 you last received training on donning  
18 your SCSR?

19 A. When the tail entry was  
20 blocked, we had a safety meeting.  
21 When they put that plan into action,  
22 when they started putting rescuers on  
23 the face, they showed us. Our boss.  
24 Our midnight boss ---

25 Q. Uh-huh (yes).

40

01 A. --- he went over it with us,  
02 showed us how to put it on.

03 Q. He demonstrated how to put it  
04 on?

05 A. Yeah.

06 Q. Did he have you put one on?

07 A. He demonstrated.

08 Q. He just demonstrated it?

09 A. Yes.

10 Q. Well, then, who was this boss?

11 A. It would have been A.C. Kline

12 or Derrick Christian.

13 Q. They'd both do it?

14 A. They'd both be ---.

15 Q. Right. Have you received any

16 other SCSR training?

17 A. Just in the yearly retraining

18 that they had.

19 Q. When was that?

20 A. I really don't know.

21 Q. Before or after the accident?

22 A. It was before. It was before.

23 Q. It was before?

24 A. Yeah.

25 Q. Okay. And under what

41

01 conditions were you trained in that

02 training for the SCSR?

03 A. Yes. They had it like just in

04 a regular room and they'd make you

05 get on the floor and just show how to

06 put it on.

07 Q. Okay. I guess referring back

08 to the SCSR training when the

09 longwall face was blocked, how long

10 had the tailgate been blocked around

11 the longwall?

12 A. Not long. Maybe a week.

13 Q. And is that something that

14 frequently happens or is it something  
15 that just happens intermittently  
16 or ---?

17 A. I don't know how to explain  
18 that. Because they do crib the tail  
19 and it still comes in, so ---.

20 Q. Okay. I guess backing up to  
21 the escapeway map to the one you seen  
22 in the conference room, have you ever  
23 seen people up there going over it or  
24 congregating in that area to go over  
25 the map or anything?

42

01 A. Not to the best --- no.

02 Q. Okay. Let's see. Okay.  
03 Question back on the 19th, you made  
04 reference to the monthly checks. You  
05 first said permissibility. I think  
06 you just said you was doing your  
07 monthly breaker checks ---

08 A. Uh-huh (yes).

09 Q. --- on the ---? I'm assuming  
10 this is what, the power center?

11 A. Yes.

12 Q. Is that a 30-day check or is  
13 that a monthly check or how often is  
14 that required?

15 A. I do it monthly.

16 Q. Monthly?

17 A. Yeah. I've only been doing it  
18 about two months, so ---.

19 Q. So if you do it sometime this  
20 month, that means when would you do  
21 it next?

22 A. About approximately before the  
23 time --- say I done it today.

24 Q. Uh-huh (yes).

25 A. Let's say I do it before the

43

01 7th next month.

02 Q. Okay. Was the tailgate  
03 blocked on the 19th, that day you  
04 worked there?

05 A. Yes, sir.

06 Q. Okay. I think I asked a  
07 little bit of this question before.  
08 But I'm going to back up a little  
09 bit. I asked you, I think, in  
10 clarifying. I'm a little fuzzy on  
11 this. If I specifically asked it, I  
12 asked you about the warning device.

13 The Pyott-Boone fire detection  
14 system, do you ever work on a  
15 Pyott-Boone fire detection system?

16 A. No.

17 Q. Okay. And so you basically  
18 haven't had any training on the

19 Pyott-Boone fire detection system and  
20 you don't normally receive work  
21 assignments on it?

22 A. No.

23 Q. Okay. What kind of training  
24 did you receive from the company or  
25 any other person regarding the water

44

01 sprinkler system at the mother drive?

02 A. When I took that  
03 permissibility over, the dayshift  
04 chief went up there and he just  
05 showed me, just like reasonable  
06 examination of the fire suppression,  
07 make sure it's hung good, the valve's  
08 on, and that's all I --- that's the  
09 only kind of training I ever had.

10 Q. Okay. So back up a little  
11 bit. Can you just sort of give me a  
12 picture of how he did it or what he  
13 instructed you to do or just sort of  
14 explain to me how you make that  
15 examination? I guess I'm trying to  
16 ask here, what you would do.

17 A. Oh. I would just go up and  
18 I'd climb up in the mother belt and  
19 make sure there ain't no --- it ain't  
20 broke from the top or make sure it  
21 ain't no low spots. And if there



22 are, I'll hang it back up. And then  
23 I'll just follow it to the end of the  
24 fire suppression and make sure  
25 everything's tight, there ain't no

45

01 leaks, make sure the valve's on.

02 Q. Okay. Which valve are you  
03 talking about here now?

04 A. To where it hooks to the main  
05 water.

06 Q. Okay. What is located at that  
07 valve? Is there anything else  
08 located above or below that valve?

09 A. No. It's just the valve. To  
10 the best of my knowledge, just the  
11 valve.

12 Q. Okay. Has anyone ever went  
13 over --- are you familiar with the  
14 requirements for the water sprinkler  
15 system and the areas that that water  
16 sprinkler system's got to cover by  
17 regulation? Has anyone ever covered  
18 that with you?

19 A. No. When I was explained to,  
20 that's all I --- to the best of my  
21 knowledge, that's all they said that  
22 had to be done, just the physical  
23 exam.

24 Q. Okay. Have you performed any  
25 other work on that mother drive and

46

01 takeup area?

02 A. No.

03 Q. Are you familiar with any  
04 problems on that mother drive or  
05 takeup area? Have you had to go out  
06 there and do any kind of work on a  
07 bearing or something wrong with  
08 takeup or the takeup rollers cocked  
09 or anything, I guess?

10 A. No. I ain't never ---.

11 Q. And your only assignment out  
12 there would be mainly making the  
13 monthly checks and making the weekly  
14 checks; is that correct?

15 A. No. Not the weekly. Just the  
16 monthly.

17 Q. Not the weekly, just the  
18 monthly?

19 A. Yes, sir.

20 Q. Who would make the weekly  
21 electrical check in them?

22 A. I'm not for sure on that. It  
23 just comes up on the p.m. once a  
24 month to do it.

25 Q. Okay. Let me --- excuse me,

47

01 will you. I didn't mean to interrupt  
02 you.

03 A. No. I'm done now.

04 Q. Okay. Let me move this into  
05 evidence here. And this is a  
06 photocopy of the examination book  
07 from the longwall belt and the mother  
08 drive. And for the record, it's  
09 Number D221 and it's got an Aracoma  
10 Number 003208. The first page is a  
11 cover of the book. It's a bound  
12 book. And a copy of the internal  
13 page. And it is numbered Aracoma  
14 003289. Are you familiar with these  
15 entries in the record book here?  
16 Have you seen this before?

17 (Marcum Exhibit B  
18 marked for  
19 identification.)

20 A. Yes. Yeah.

21 BY MR. STAHLHUT:

22 Q. Did you make these entries?

23 A. Yes, sir. I did.

24 Q. Okay. And now, this is  
25 showing that on the 18th, that you

48

01 made the mother drive --- the mother  
02 drive appears okay at time of

03 inspection. Is that --- what is that  
04 in reference to there?

05 A. Just the hanging of the fire  
06 suppression. I don't know why, but  
07 that's the way I was explained to  
08 fill the books out. Just make it  
09 permissible check. Make sure there  
10 ain't nothing fouled up or nothing  
11 like that.

12 Q. Okay. And then here, the line  
13 below it on the 18th, it says visual  
14 examinations, fire suppression  
15 system. And you can correct me, but  
16 I think it says okay at time of  
17 examination. This is your visual  
18 examination?

19 A. Yes, sir.

20 Q. So this --- these two lines  
21 are just the inspection of the fire  
22 suppression system?

23 A. That's fire suppression, and  
24 that's the power center. I'm sorry  
25 about that.

49

01 Q. The power center or the belt  
02 drive?

03 A. The power center.

04 Q. Power center?

05 A. Yeah. Yeah. That's what I

06 meant by that.

07 Q. Okay. I mean, the way I read  
08 it, I guess I was looking at it like  
09 you made the weekly inspection of the  
10 mother drive, the drive itself.

11 A. Oh, no. No.

12 Q. Who would make that weekly  
13 inspection of the mother drive?

14 A. Honestly, I don't know.

15 Q. Do you know or have you ever  
16 witnessed anyone doing it?

17 A. No. No.

18 Q. Okay. Backing up to the  
19 breaker checks here on --- it's dated  
20 1/18/06. Did you do these on the  
21 18th or was it the 19th? I'm  
22 confused here. I didn't know when  
23 you ---.

24 A. It was the 19th sheet. But it  
25 was the 18th. See, our 19th shift,

50

01 we'd come in on the 18th, on a Friday  
02 night. Which it would be on  
03 Wednesday night; right?

04 ATTORNEY HARDY:

05 The fire occurred on  
06 Thursday.

07 A. Thursday, yeah.

08 BY MR. STAHLHUT:  
09 Q. The fire occurred on a  
10 Thursday.  
11 A. And that would be my 19th  
12 shift.  
13 Q. Did you fill this out or did  
14 you call this out and someone filled  
15 it out for you?  
16 A. I filled that out.  
17 Q. You filled it out?  
18 A. Yeah.  
19 Q. So you filled it out --- and  
20 correct me. I'm trying to understand  
21 this. You're working on the 19th,  
22 you started on the 18th at 11  
23 o'clock?  
24 A. Yes.  
25 Q. So did you fill this out  
01 before you made the examination?  
02 A. No. After. I filled it out  
03 after.  
04 Q. I guess ---.  
05 A. It would have been the 19th.  
06 The date's wrong.  
07 Q. Okay. That's what I'm trying  
08 to get straight on that. How it was  
09 --- I'm just trying to get it  
10 straight. I was trying to

11 understand. Okay. Now, you've got  
12 listings here and you're saying where  
13 the breakers sit at. And the ground  
14 fault?

15 A. Over current, yeah.

16 Q. Ground fault and over current.

17 Okay. How did you determine that?

18 A. We put a jumper between the  
19 monitor and the ground and we set the  
20 breaker up and hit the test button.

21 And then we use a little box to ---

22 you put face to face and switch it

23 on. The ---. I could show you.

24 It's hard for me to ---.

25 Q. You've got a little box. Is

52

01 it something similar to --- is it  
02 referred to as a PDP tester? I'm not  
03 trying to put words in your mouth.

04 But is it something like that? It's

05 a test box of some sort?

06 A. Yeah. It's a test box. It  
07 tests all that. I could show you,  
08 but it's hard for me to explain it.

09 Q. Okay. I understand. I don't  
10 know if we can explain it for the  
11 record, but I think I understand what  
12 you're talking about. So you

13 actually physically put a ground  
14 fault on the system?  
15 A. Yes, sir. Yes, sir.  
16 Q. To test the breaker?  
17 A. Uh-huh (yes).  
18 Q. Okay. How do you do the  
19 monitor, then?  
20 A. I'll make sure that the light  
21 comes on just by using a jumper and  
22 putting the monitor on the ground and  
23 make sure that you've got a monitor.  
24 Q. Do you --- does this trip the  
25 breaker or not?

53

01 A. No. It just throws a monitor  
02 pack on it and that little red light  
03 will come on when you do that on the  
04 monitor.  
05 Q. Okay.  
06 A. And that's what ---.  
07 Q. So just seeing the light on  
08 the monitor is the only thing you're  
09 observing?  
10 A. Right. Yes, sir.  
11 Q. You don't lift the ground wire  
12 or anything anywhere or anything like  
13 that?  
14 A. No.  
15 Q. Okay. Backing up to the



16 examination of the fire suppression  
17 system, can you explain that fire  
18 suppression system to me? I've been  
19 up there, and I guess there's  
20 different components there. And  
21 could you explain to me what all's in  
22 the water sprinkler system and how it  
23 works and where the different  
24 components are at?

25 A. The sprinkler system runs

54

01 right down the middle of the belt  
02 head. And I don't know how far the  
03 sprinklers are apart or anything. I  
04 don't know about the electrical part  
05 of it. I'm under the impression  
06 somebody does it on dayshift. And I  
07 just go up and make sure it was hung  
08 up and run down, everything's running  
09 good and tight.

10 Q. Okay. So that's all you do is  
11 over there at the drive? You don't  
12 go over to the power box or the  
13 starter box and check it out?

14 A. I just go over there and just  
15 threw the breakers. That's all  
16 the ---.

17 Q. But I mean as far as the

18 deluge, I'm just talking about

19 the ---?

20 A. Yeah. I'm just trusted just

21 right there at the drive.

22 Q. Are you familiar with the

23 Pyott-Boone box that's part of the

24 system that's hung on the end of the

25 belt transformer?

55

01 A. No, sir, I'm not. I'm of the

02 impression that somebody else does

03 all that. They just want me to make

04 sure that everything's hung up.

05 Q. All right. Do you have any

06 idea --- I know there's a key switch

07 on the end of this. It says --- I've

08 been up there. It says Old Faithful

09 deluge box on the end of it. And

10 there's an on/off key switch. Does

11 that have any effect on your water

12 sprinkler system?

13 A. I don't know.

14 Q. Okay. And when you're doing

15 this weekly check or this visual

16 check, as you're listing here, you

17 don't ever have the belt running and

18 see if it shuts the belt off?

19 A. No.

20 Q. You don't open a valve? Do

21 you open a valve at the end of the  
22 line?

23 A. I just make sure it's open.

24 And ---.

25 Q. Let me clarify myself there.

56

01 When you open the valve, have you  
02 seen the valve at the end of the  
03 water sprinkler line? At the very  
04 end?

05 A. No. I ain't seen one. I  
06 didn't see it in there.

07 Q. And you don't open it to see  
08 if anything happens?

09 A. No.

10 Q. Okay. And you're saying that  
11 you don't know --- do you know who  
12 does the functional test to the water  
13 sprinkler system?

14 A. No, sir, I do not.

15 Q. Okay. Do you know of anyone  
16 that like --- even up there on the  
17 belt drive and stuff. Do you know if  
18 anyone ever comes up there and checks  
19 the fire hoses or the couplings to  
20 see if they'll fit the fire hose?  
21 Have you ever seen anyone do that  
22 or ---?

23 A. No.

24 Q. Or check about that or have  
25 you heard anyone say they tried one

57

01 and it didn't fit?

02 A. No.

03 Q. Okay. So I guess in that a  
04 same line, you've never seen anyone  
05 check --- see if it's free of debris  
06 or someone putting caps on them or  
07 cleaning them out or greasing the  
08 threads?

09 A. No. No sir.

10 Q. Have you seen anybody do  
11 anything like that to the fire taps?

12 A. No. No.

13 Q. Are you familiar, are there  
14 any fire taps down around the  
15 longwall face around the monorail, in  
16 that area?

17 A. I know we have the water  
18 running down the monorail. But I'm  
19 not sure that there was any kind of  
20 tap in there, no.

21 Q. Okay. And how long --- for  
22 the record, how long was the  
23 monorail, when the cables were fully  
24 stretched out, how long was your  
25 cables running down the monorail?

01 How long a distance is that?

02 A. Let me think. I ain't never  
03 been in on the setup part. But I'm  
04 pretty sure that it's right around  
05 1,000 foot. About seven breaks.

06 Q. Okay. And you haven't got ---  
07 are you familiar with the fire valve  
08 between --- in that 1,000 foot length  
09 or at the --- in the stage loader  
10 area there, is there a fire tap  
11 anywhere in that area?

12 A. No. But they do have washdown  
13 hoses. That's to the water.

14 Q. Washdown hoses being --- what  
15 size are these hoses?

16 A. Three-quarter, half inch hose.  
17 They spray their tailpiece and  
18 they'll clean on the stage loader and  
19 stuff like that.

20 Q. Yeah. But you don't have any  
21 inch and a half fire valves?

22 A. No. No.

23 Q. Valve and an inch and a half  
24 threaded nipple where you could hook  
25 a fire hose in that area?

01 A. No.

02 Q. Okay. Could you clarify, I  
03 guess, on the record back here, who  
04 told you how to fill the book out or  
05 what to fill in here?

06 A. It would be Tom Haynes.

07 Q. Tom who?

08 A. Tom Haynes.

09 Q. Haynes?

10 A. Yeah. He don't work there no  
11 more. There was a gap in there.

12 Eugene was the one that worked there.

13 He quit and nobody had been doing it.

14 And Tom was the one that explained to

15 me how to do it before he quit. But

16 no one there --- it never come up on

17 p.m. shift or nobody on hoot owl to

18 do the permissibility or anything

19 like that. And when Eugene wrote it

20 in the book, that's when I started.

21 Started doing it.

22 Q. Okay. And then you're saying

23 you don't know who checks the floor

24 alarm to see if the sprinklers will

25 shut the belt down?

60

01 A. No, sir. No, sir.

02 Q. Okay. Are you familiar that

03 it does do that?

04 A. Yeah. Yeah. It's went off, I

05 know, on production reports. I've  
06 seen it go off on the fire  
07 suppression where they'd been having  
08 belt trouble. Like I said, if they  
09 would be having belt trouble, it'd an  
10 amount of fire suppression. I don't  
11 know how all that works, but ---.

12 Q. And you're saying you see it  
13 on reports?

14 A. Yeah. On some of their  
15 production reports, it'll say like  
16 four belt off on fire suppression  
17 or ---.

18 Q. Have you ever seen the  
19 longwall belt or have you known the  
20 longwall belt to come down on a  
21 report saying that the belt has went  
22 out on fire suppression?

23 A. No, sir.

24 Q. Do you know if it's monitored  
25 for that?

61

01 A. Yeah. I'm sure it is. Yeah.

02 Q. Are you sure it is?

03 A. I'm almost 100 percent that it  
04 is, yes, sir.

05 Q. How is it monitored? Do you  
06 have any idea?

07 A. No. I ain't never been around  
08 the belt head that much, you know  
09 what I mean? It's not to the point  
10 of knowing something like that.

11 Q. Has anyone ever instructed you  
12 --- you've told me that on the fire  
13 deluge holds, how it's hung up. Has  
14 anyone ever instructed you that  
15 there's a certain direction ---  
16 there's any direction or anything in  
17 the way the sprinkler's supposed to  
18 be pointed or any proper direction or  
19 height or anything like that?

20 A. No. They just make sure it's  
21 hung to the point there ain't nothing  
22 coming down the belt and don't rip it  
23 off.

24 Q. Okay. So no one's told you  
25 there's a correct position for the

62

01 sprinklers?

02 A. No.

03 Q. Okay. While we're on these  
04 water sprinklers and water up around  
05 that mother drive there again, who  
06 installs the water lines along the  
07 belt drives?

08 A. I can't honestly answer that.

09 I don't know.



10 Q. You don't know?

11 A. It's always done before we  
12 start running ---.

13 Q. So you wouldn't have any idea  
14 who installed those water lines  
15 around the mother drive then?

16 A. No.

17 Q. Okay. Do you know if there's  
18 a strainer on the water sprinkler  
19 system?

20 A. No. Sure don't.

21 Q. So you don't check to see if  
22 the strainer's plugged on the water  
23 sprinkler system?

24 A. No.

25 Q. What's the device --- and I'll

63

01 ask you, how familiar are you ---  
02 you're fairly familiar with the water  
03 sprinkler system, sir?

04 A. Yeah.

05 Q. You know where it turns on;  
06 right?

07 A. Turns on, yeah.

08 Q. Okay. Is there anything above  
09 the valve where you turn it on?

10 A. Uh-huh (yes). No. There'd be  
11 a hose hooked straight to.

12 Q. Straight to it?  
13 A. Yeah.  
14 Q. Okay. As you've been walking  
15 down alongside that longwall belt  
16 drive, what color and size is that  
17 water pipe that runs down along the  
18 belt? Do you remember?  
19 A. Yeah. It was smaller than  
20 usual. Maybe a two-inch aqua line.  
21 It run down through there.  
22 Q. Okay. So it's --- you said  
23 two inch?  
24 A. Yeah. Yeah.  
25 Q. And what color was it, sir?

64

01 A. Yellow. Yellow.  
02 Q. What color did you say? I  
03 didn't hear.  
04 A. Yellow.  
05 Q. Yellow?  
06 A. Yeah.  
07 Q. I thought that's what you  
08 said, but I wanted to make sure we  
09 had it clear.  
10 A. Yeah.  
11 Q. How far did that run down the  
12 beltline? Does it go all the way to  
13 the stage loader?  
14 A. No. It just went to the ---

15 the little line just went all the way  
16 to the takeup, to the storage unit.

17 Q. To the storage unit?

18 A. Yeah.

19 Q. Do you know if there's fire  
20 valve outlets between the takeup unit  
21 and the longwall face? Down along  
22 that belt, is there another line that  
23 goes down through there or something?

24 A. No. The longwall was fresh  
25 water, come from behind. And we laid

65

01 the water line and every time we move  
02 the mule train, we'll lay the water  
03 line up to the mule train. It don't  
04 come down the hill. It goes up,  
05 comes from behind.

06 Q. Do you know how far apart fire  
07 valves are supposed to be on the belt  
08 line?

09 A. No. No.

10 Q. Getting back to this fire  
11 suppression system, I guess, do you  
12 know who installed this fire  
13 suppression system at the mother  
14 drive out there?

15 A. No. Like I said, it's always  
16 there when we start running. I don't

17 know who their construction crew is,  
18 exactly.  
19 Q. So I guess I've been up there  
20 a little bit. But there's a box on  
21 the end of the starter box that says  
22 Old Faithful Deluge System. And then  
23 there's another --- there's parts of  
24 the system hanging over the belt  
25 drive. Is this a deluge system or is

66

01 it a water sprinkler system? Or what  
02 do you know about it? What do you  
03 call it?

04 A. It's a deluge, is what I call  
05 it.

06 Q. You call it a deluge system?

07 A. Yeah.

08 Q. What is the difference between  
09 a water sprinkler system and a deluge  
10 system? Do you know?

11 A. No.

12 Q. Was there any kind of fire  
13 suppression --- do you know, was  
14 there any kind of fire suppression  
15 system that extended out over the  
16 belt takeup?

17 A. No.

18 Q. The takeup or the mother drive  
19 head?

20 A. No, there wasn't.

21 Q. Where did this water sprinkler  
22 system end?

23 A. It was all confined around the  
24 belt head. And I think Seven tail  
25 runs through there where it dumps

67

01 onto the belt. I'm pretty sure it  
02 all was confined right there.

03 Q. You're referring to the Seven  
04 tail or are you talking about the  
05 mother drive head roller?

06 A. Yeah. Where they all ---  
07 where the head dumps off to the other  
08 section of the belt.

09 Q. Briefly describe to me ---  
10 you're at the water valve. Where  
11 does this line go to? Does it go ---  
12 it goes up?

13 A. It goes up and back down.  
14 Back down the mother head.

15 Q. To the mother head. Okay.

16 A. Yeah.

17 Q. Then where's it go from the  
18 mother head?

19 A. It dead ends. It's all right  
20 there.

21 Q. Okay. And it just goes up the

22 valve ---?

23 A. Up and ---.

24 Q. And down to the mother head.

25 A. And ---.

68

01 Q. Is there another line that

02 goes the other direction or does it

03 turn or how ---?

04 A. It turns and it will come back

05 down around the bottom where the belt

06 goes. It starts back down toward the

07 longwall. It goes all in that area.

08 Q. Okay. When it turns and comes

09 back, where's the physical location

10 when it turns and comes back? Is it

11 on top of the belt or underneath the

12 belt or --- where is that location of

13 that water sprinkler pipe there?

14 A. It'll run through the side of

15 the belt, and then it will be around

16 the motors, around the bearings, up

17 under the ---.

18 Q. Where's it mounted? What's it

19 mounted to, I guess? I'm trying to

20 clarify it.

21 A. The structure.

22 Q. To the structure?

23 A. Yeah. With rope hangers.

24 Q. With rope hangers?

25 A. Yeah.

69

01 Q. So it's tied along the belt  
02 structure?

03 A. Yeah.

04 Q. Is that correct?

05 A. And then when it's on top,  
06 it's tied off in the wire mesh with a  
07 bolt to the top. It's hanging off of  
08 there.

09 Q. Generally, when you inspect  
10 this, what direction is those water  
11 sprinklers pointed in? Are they up  
12 or down?

13 A. Down. Down.

14 Q. Down?

15 A. Yeah.

16 Q. Are they pointed in or ---?

17 A. Some of them's all different  
18 directions. Some of them will be  
19 down and some of them just at an  
20 angle.

21 Q. So is your answer all  
22 different directions?

23 A. Yeah. All different  
24 directions.

25 Q. Okay. Now, I was confused

70

01 there when you said down and then up.

02 A. Yeah.

03 Q. I want to make sure we're

04 straight so I understand you. Okay.

05 Have you ever been up there and been

06 around that, the driver, are you

07 familiar with right along the Number

08 Seven belt where the mother drive

09 dumps on, is there any water line

10 shutoff valves up in that area?

11 A. I don't know. I ain't

12 familiar with that.

13 Q. You're not familiar with the

14 water valves up there?

15 A. No.

16 Q. Is there a valve up there

17 somewhere that shuts the water off to

18 the fire valves and the water down

19 alongside the mother drive belt, the

20 two-inch yellow line you referred to,

21 is there a valve up there somewhere?

22 Are you familiar with that?

23 A. There's a valve up there,

24 yeah.

25 Q. Uh-huh (yes). Where is it?

71

01 A. It's right on the --- it was.

02 Now, I don't know how many times

03 they've --- if they've changed it.



04 But it was right there where the  
05 two-inch line connects. Just in case  
06 it'd break or ---.

07 Q. Okay. And where did that  
08 two-inch --- that two-inch line  
09 you're referring to, where it  
10 connected to what? The line coming  
11 down the Seven belt?

12 A. No.

13 Q. No?

14 A. Yeah. It connected with the  
15 line going on Seven belt, but the  
16 two-inch line would run down by the  
17 storage unit.

18 Q. Okay. And was that two-inch  
19 line --- where the two-inch line  
20 connected the one on the Seven belt,  
21 was that a two-inch line as well, or  
22 was that a bigger line or ---?

23 A. That was a bigger line, yeah.

24 Q. Okay. So what size line was  
25 that, I guess?

72

01 A. I'm saying six inch. Yeah.

02 Q. What color was it? Was it a  
03 different color?

04 A. It was blue.

05 Q. It was blue?

06 A. Yeah.

07 Q. Now, was there a shutoff valve  
08 on that blue line anywhere around  
09 that point?

10 A. I'm not sure.

11 Q. You're not sure. Okay. Do  
12 you know of anyone that signed that  
13 check to make sure those water valves  
14 are on in that area, that there's  
15 water on the drive of the sprinkler  
16 system?

17 A. I'm sure there are, but I'm  
18 not --- I'm not sure.

19 Q. The day you made the  
20 examination up there on the 18th; is  
21 that correct ---?

22 A. It was on the 19th. It was  
23 the 19th shift.

24 Q. Okay. The 19th for both of  
25 these entries or just the one?

73

01 A. Yeah. Yeah. Both of them.

02 Q. Okay. I knew you said the  
03 breakers was on the 18th, but I  
04 wasn't sure which day you made the  
05 other.

06 A. Yeah.

07 Q. Did you make a check on the  
08 19th? Did you visually see water on

09 that sprinkler system and around that  
10 area on that day you made the  
11 examination?

12 A. No. I just made sure the  
13 valve was off.

14 Q. Okay. You didn't open a valve  
15 anywhere to see if there was any  
16 water there?

17 A. No. No.

18 Q. Have you ever heard of an  
19 annual functional test on the water  
20 sprinkler system?

21 A. No, sir.

22 Q. And so do you know of anyone  
23 that would do that? Have you ever  
24 even heard it mentioned?

25 A. I ain't never heard it, no.

74

01 Q. So then you wouldn't know who  
02 would do that if it's done?

03 A. Right.

04 Q. If this water on this belt ---  
05 so correct me or clarify it for me, I  
06 guess. This waterline going down  
07 along this mother drive belt ends  
08 somewhere down there; is that  
09 correct?

10 A. Yeah.

11 Q. And then your water comes up  
12 from the other direction?  
13 A. Yeah. Our water comes from  
14 behind the wall, yes.  
15 Q. Okay. So unless you open a  
16 valve or something, you don't know  
17 whether you've got water on that  
18 line?  
19 A. Right.  
20 Q. Coming down there?  
21 A. Correct.  
22 Q. Is anyone assigned to check  
23 that or ---?  
24 A. I'm not for sure.  
25 Q. If you was making this

75

01 examination of this water sprinkler  
02 system and you found a wet rock, dust  
03 or mud or something around these  
04 sprinkler heads, would you do  
05 anything with that?  
06 A. Well, yeah. I'd try my best  
07 to clean it up. And if I couldn't do  
08 what I thought was right, I would  
09 report it to my boss.  
10 Q. I'm talking about the water  
11 sprinkler heads.  
12 A. Yeah.  
13 Q. Okay. And you'd report it to

14 your boss, you say?  
15 A. Yes, sir.  
16 Q. And why do you think they  
17 would still need to be cleaned off if  
18 they had mud on them?  
19 A. They wouldn't do their job.  
20 Q. Do you know --- and I guess  
21 we've heard that some of the belts  
22 are monitored in the mine. And they  
23 refer to that as a belt boss system,  
24 I think.  
25 A. Uh-huh (yes).

76

01 Q. Do you know if the Six belt or  
02 the longwall belt, whichever you want  
03 to --- are they monitored by the ---  
04 is the Six belt monitored by the belt  
05 boss system?  
06 A. I have no idea.  
07 Q. You don't know which ones are  
08 monitored?  
09 A. No, I ---.  
10 Q. Okay.  
11 A. No.  
12 Q. Have you ever known of them to  
13 turn the water off to the fire  
14 suppression system because it had  
15 activated and nobody knew why?

16 A. Uh-uh (no).

17 Q. Never experienced that or knew  
18 anything about that?

19 A. No.

20 Q. You mentioned you always  
21 checked to see that the valves were  
22 on. Can you tell me which --- where  
23 these valves were located that you  
24 check to ensure that the water  
25 sprinkler system is on?

77

01 A. If you're facing the belt head  
02 for the longwall side, it'd be up and  
03 over on the left.

04 Q. Over on the left, which would  
05 be the outby side toward the north  
06 entries?

07 A. Yeah.

08 Q. Okay. And that water line  
09 would --- the valve is along there  
10 somewhere?

11 A. Yeah. Yeah.

12 Q. How close to --- is it close  
13 to the head roller or is it close to  
14 the drive --- or where's the physical  
15 location along there?

16 A. It would be by the Seven tail,  
17 before it dumps onto the belt. It  
18 would be right there and it'd run

19 back down.  
20 Q. Okay. Then it would be on the  
21 east side? Let's see. Facing ---  
22 it'd be on the left-hand side ---  
23 A. Yeah.  
24 Q. --- if you're looking toward  
25 the drive in the outby direction;

78

01 correct?  
02 A. Right. Correct.  
03 Q. Is there any other valves you  
04 would check normally to see if  
05 there's water on it?  
06 A. No.  
07 Q. This question here, I guess  
08 I've answered part of it. And I'd  
09 asked you if you'd ever done a  
10 functional test of the system ---  
11 A. No.  
12 Q. --- and you said you wasn't  
13 familiar with it. Do you have any  
14 idea how you would do a functional  
15 test of that system if you were  
16 required to do it?  
17 A. No. You know, nobody ever  
18 explained to me how to. How to do  
19 that.  
20 Q. Okay. When you made your

21 inspection that day of that deluge  
22 system, or that water sprinkler  
23 system, whichever you're calling it.  
24 I think you're calling it fire  
25 suppression system. We'll call it a

79

01 fire suppression system for right  
02 now. When you were examining that  
03 area up there, did you see water  
04 spray around that area anywhere, or  
05 did --- around the head rail area?

06 A. No.

07 Q. Have you --- when the belt's  
08 running --- of course, the belt ---  
09 was the belt running when you were up  
10 there and did an examination?

11 A. No, sir. No, sir.

12 Q. Okay. Because this was  
13 about ---?

14 A. Yeah.

15 Q. Okay. Is there sprays up  
16 there on that head roller for dust,  
17 for the head roller sprays or box in  
18 that area, even though there was ---?

19 A. I don't know. But as far  
20 as ---.

21 Q. You didn't observe any or  
22 observe ---?

23 A. For dust suppression?



24 Q. Yeah.

25 A. No, I did not see --- I mean,

80

01 I didn't pay no attention for dust  
02 suppression. I just followed the  
03 fire suppression part.

04 Q. You're not familiar with any  
05 up there, then, or you've not seen  
06 other sprays?

07 A. No.

08 Q. It's not part of your system?

09 A. Right.

10 Q. Okay. You were talking about  
11 making the examination on this  
12 transformer. And you checked the  
13 ground monitors for the circuits  
14 coming off of this transformer;  
15 right?

16 A. Uh-huh (yes).

17 Q. What do you call this  
18 transformer? Belt transformer? Is  
19 that correct? Or what's your  
20 terminology for this transformer, I  
21 guess it is.

22 A. Let me see. It's just the  
23 power center. I mean, it's ---  
24 distribution box, maybe, if you want  
25 to call it, because it's got ---

01 you've got your pinch roller and your  
02 takeup and all that stuff on it.

03 Q. Okay. And you've made your  
04 monthly check for this.

05 A. Yes.

06 Q. Do you make the monthly high  
07 voltage ground monitor checks in the  
08 mine?

09 A. No, sir.

10 Q. Are you aware of --- or is  
11 there a ground monitor on the high  
12 voltage cable coming into this box  
13 that you tested?

14 A. Yes. It'd be your A stop at  
15 the end of the box.

16 Q. Okay.

17 A. But I don't never fool with  
18 that, because it knocks it plumb out.  
19 You'll knock it out. I don't know if  
20 they've still got the splitter in at  
21 Eight headgate or not. But if they  
22 don't, I could plumb it plumb  
23 outside.

24 Q. Okay.

25 A. At the substation.

01 Q. Uh-huh (yes). Do you know if  
02 anyone makes those checks or who

03 makes those checks, those monthly

04 checks?

05 A. No, sir. I'm not familiar

06 with who does that.

07 Q. Okay. Have you ever had

08 occasion to look in the starter box

09 out there for the belt drive?

10 A. No.

11 Q. You don't ever open the doors

12 on it and look in it or ---

13 A. No. Uh-uh (no).

14 Q. --- have any occasion to work

15 in anything in there?

16 A. No. I'd like to just 'cause

17 of the knowledge part, but no, I

18 don't never get a chance to.

19 Q. Okay. So you're not familiar

20 with it, haven't done anything with

21 it out there?

22 A. No.

23 Q. Haven't heard any of the other

24 shifts talk about, well, we had to go

25 work in the box or we had to do

83

01 anything to the box or anything?

02 A. Uh-uh (no).

03 Q. Anything like that?

04 A. Uh-huh (yes).

05 Q. Okay. Let's come back up here  
06 at the map, and I want to ask you,  
07 you made that examination on the 8th,  
08 up in that area, just to get familiar  
09 with some of the ventilation  
10 controls, right around this belt  
11 drive that you may have seen. Okay.

12 Can you indicate where the mother  
13 drive was located on this map right  
14 here?

15 A. It should be right there.

16 Q. We'll mark that with a blue  
17 pen. Just put a dot up there and  
18 then arrow out by the mother drive.  
19 Just right down there.

20 ATTORNEY STAHLHUT:

21 He's indicated that  
22 just in by spad 3249 is the  
23 mother drive area.

24 BY ATTORNEY STAHLHUT:

25 Q. Okay. Now, while you're doing

84

01 this, where are the power boxes  
02 located that you made the examination  
03 on?

04 A. They would be over here.

05 Q. And indicate that with a black  
06 pen, if you would. Just put a dot  
07 there or something. Okay. You were

08 examining both of these areas.

09 ATTORNEY STAHLHUT:

10 And he indicated here  
11 that inby spad 3266 is where  
12 the power boxes is located.

13 And this is on Exhibit A  
14 Marcum.

15 BY ATTORNEY STAHLHUT:

16 Q. When you were examining these  
17 two areas --- and this was on the  
18 19th; correct?

19 A. Yeah.

20 Q. Do you remember if there was a  
21 brattice in this location? Not all  
22 these brattices are here where  
23 they're supposed to be. When you  
24 examined this area, did you travel to  
25 this area between the two crosscuts?

85

01 Which way did you travel here?

02 A. When I went from here, I come  
03 down through the double doors and  
04 then up, right over to the Two  
05 section.

06 Q. You never went to here. Was  
07 there a brattice when you came up ---  
08 and this would be in the intersection  
09 of the crosscut south of the power

10 boxes at 326, was there a brattice  
11 here?

12 A. No.

13 Q. There was no brattice there?

14 A. No, there wasn't a stopping.

15 Q. While you were at the power

16 center, was there a --- was there a

17 brattice to the north of the power

18 center inby this intersection. 3266?

19 A. No, sir.

20 Q. There was no brattice in

21 either two of these locations;

22 correct?

23 A. No. The power was here, it

24 kind of sneaks a little bit over in

25 --- it's kind of into ---.

86

01 Q. Into the intersection with

02 3266?

03 A. Uh-huh (yes).

04 Q. Okay. Did you notice, did you

05 happen to look down this direction?

06 Could you see this tailpiece here or

07 was there a brattice here? Or did

08 you observe a brattice here?

09 A. You can see the tailpiece, but

10 I mean I never looked close enough.

11 Q. You could see the tailpiece

12 from here so apparently this brattice

13 was not there; is that correct?

14 A. Right.

15 Q. Would you circle that one with  
16 this purple marker and just circle it  
17 and say brattice not there.

18 ATTORNEY HARDY:

19 Ron, is a brattice the  
20 same thing as a stopping?

21 ATTORNEY STAHLHUT:

22 A stopping. I'm sorry.  
23 I'm used to calling them  
24 brattices. Same thing.

25 ATTORNEY HARDY:

87

01 I thought it was, but I  
02 thought I'd ask.

03 ATTORNEY STAHLHUT:

04 In my terminology, it  
05 is, yes. That's what I'm  
06 referring to.

07 ATTORNEY HARDY:

08 All right.

09 BY ATTORNEY STAHLHUT:

10 Q. Are you clear on that, the  
11 difference between a brattice and a  
12 stopping?

13 A. Yeah.

14 Q. I use it interchangeably.

15 Okay. You said you came south from  
16 the mother drive through the --- was  
17 this a door here?

18 A. Yeah.

19 Q. You come through a door?

20 A. The double doors.

21 Q. And then you come into the  
22 power centers here?

23 A. Yeah.

24 Q. Did you have occasion to look  
25 back to the south, was there a

88

01 brattice in this area?

02 A. Yeah, I'm almost 100 percent  
03 positive there was.

04 Q. There was a brattice ---

05 A. Yeah.

06 Q. --- in this area here?

07 A. Yeah.

08 Q. Do you want to mark that on  
09 there? Use the black one there.

10 Just mark the brattice there if you  
11 seen one there. Just put a line in  
12 there where you seen the brattice.

13 Okay. While we're up here, if you  
14 would just sign the map and date it  
15 up there. Today's the 7th. If you  
16 happen to forget --- that way if we  
17 don't forget it, while we'll ---



18 while we're up here, save the trip.  
19 When you referred to these stoppings,  
20 like this one, you said wasn't there,  
21 these other two that were no longer  
22 there or weren't there, how long have  
23 these been gone? Do you have any  
24 idea?

25 A. No, I know that there was one

89

01 here because we used to have to come  
02 through, crawl through a main door.

03 Q. Right.

04 A. But they tore it down and the  
05 block was stacked. If I ain't  
06 mistaken, it was stacked about right  
07 here where they tore it down.

08 Q. Okay.

09 A. But as far as I know, that  
10 ---.

11 Q. How long had that been gone,  
12 that particular stopping there?

13 A. Not too long is the answer, I  
14 mean, as far as a time.

15 Q. Did you ever observe a  
16 stopping you here ---

17 A. No.

18 Q. --- at any point in time?

19 A. No.

20 Q. So there's never been one to  
21 the north of the power boxes?

22 A. Uh-huh (yes).

23 BRIEF INTERRUPTION

24 A. No.

25 BY ATTORNEY STAHLHUT:

90

01 Q. Then you observed this one,  
02 there was no brattice here, but do  
03 you know how long that --- was there  
04 ever one there?

05 A. I have no idea.

06 Q. You don't know? Okay.

07 ATTORNEY HARDY:

08 Ron, could you clarify  
09 that question, north of the  
10 power boxes.

11 ATTORNEY STAHLHUT:

12 North, from the  
13 brattice north of the power  
14 boxes ---

15 ATTORNEY HARDY:

16 Yeah.

17 ATTORNEY STAHLHUT:

18 --- is in the --- it's  
19 one crosscut to the east of  
20 spad 3249 and in the  
21 intersection of spad 3266 to  
22 the south of it.

23 ATTORNEY HARDY:  
24 South is 36 ---?  
25 ATTORNEY STAHLHUT:

91

01 South of this  
02 intersection ---

03 ATTORNEY HARDY:  
04 Okay.  
05 ATTORNEY STAHLHUT:

06 --- where the spad is,  
07 3266.

08 ATTORNEY HARDY:  
09 Thank you.

10 BY ATTORNEY STAHLHUT:

11 Q. Were you involved in  
12 installing these power boxes up here  
13 at the belt drive?

14 A. No, sir.

15 Q. Do you know who installed  
16 them?

17 A. No.

18 Q. Do you have any idea  
19 approximately when they were  
20 installed?

21 A. No.

22 Q. Okay. Did you work on the  
23 29th, December the 29th?

24 A. I don't know to be honest with

25 you.

92

01 Q. Okay. Have you ever heard of  
02 any fires, other than the fire the  
03 day of the incident on the 19th?

04 A. No.

05 Q. Are you personally aware of  
06 --- have you heard of or aware of any  
07 other fires?

08 A. No. No.

09 Q. Okay. So if --- so you  
10 wouldn't be familiar with one, but if  
11 you --- are you familiar at all with  
12 the belt bosses and how they work?

13 A. Yeah, I'm pretty familiar. I  
14 know --- I mean, I don't know exactly  
15 how they're routine would go.

16 Q. Sow how would you know if like  
17 the belt boss was 1.3 belt boss, if  
18 it was referring --- does that refer  
19 to a certain belt?

20 A. Oh, no. I thought you was  
21 talking about the guys that do  
22 inspections.

23 Q. Oh, okay.

24 A. That's my bad.

25 Q. That's my fault. I didn't

93

01 make it clear. I'm talking about a

02 monitoring device ---

03 A. Oh, no.

04 Q. --- and you're talking about

05 performance.

06 A. Yeah.

07 Q. Okay.

08 A. No, I'm not familiar with

09 that, no.

10 Q. Okay. Do you know a Billy

11 Hurley or Joe Wilson?

12 A. Yeah.

13 Q. Do they work for you?

14 A. Yeah, they work on the section

15 with me, yeah.

16 Q. Okay. Are they electricians?

17 A. Yes, sir.

18 Q. Do they have any more or less

19 knowledge or about the same knowledge

20 of the fire suppression system out

21 there than you do?

22 A. No. They just recently got

23 certified within the last year, I'd

24 say.

25 Q. Within the last year?

01 A. Yeah.

02 Q. And have you had them out

03 there working on this area?

04 A. No. No.

05 Q. So they're not --- they've  
06 never worked --- they've not even  
07 received any instruction on it?

08 They're not familiar at all with it?

09 A. No.

10 Q. Okay. How long have you been  
11 a qualified electrician or certified,  
12 if you refer to it that way?

13 A. I got my card, I'd have to  
14 look and see.

15 Q. Just generally. You don't  
16 have to give an exact. I mean, ---.

17 A. About two years, going on  
18 three years I'm pretty sure.

19 Q. How did you receive your  
20 training?

21 A. From just from the dayshift  
22 chief that was up there, either Tom  
23 Haynes or Dave Campbell, either one.

24 Q. Did you have to go through  
25 some training or take a test or

95

01 anything?

02 A. Oh, no.

03 Q. For your electrician's card?

04 A. Oh, yeah. Yeah. Yeah.

05 Q. Okay. Are you familiar with  
06 the electrical system at the mine?

07 Are you familiar with the mine  
08 electrical map, the first question I  
09 guess?

10 A. I am for the longwall high  
11 voltage. The only thing I got any  
12 kind of question on, if they got the  
13 splitter Eight headgate or not for  
14 the longwall power.

15 Q. Okay. Could you explain that  
16 longwall power to me? Where does it  
17 originate and how does it come in  
18 there, and let's --- just for  
19 practical purposes, we'll assume that  
20 the splitter box is there at the  
21 Eight headgate.

22 A. Say if I knocked --- if the  
23 power were knocked from the longwall  
24 or ---?

25 Q. Uh-huh (yes).

96

01 A. It would go to eight headgate  
02 and the, I guess, power sources are  
03 separated or different sources and if  
04 it's not there, it will not plume out  
05 to the parking lot and substation.

06 Q. Okay.

07 A. And that's ---.

08 Q. So if someone called you on

09 the phone and says, you need to  
10 remove the power from the  
11 longwall, ---?  
12 A. If the splitter was in, I'd go  
13 to Eight head, or I could do it right  
14 there at the mother drive ---  
15 Q. Okay. You could ---.  
16 A. --- for the longwall.  
17 Q. And how would you do that?  
18 A. Just pull the blade --- well,  
19 I'd hit the trip switch.  
20 Q. If I'm following you right,  
21 I'm not trying to put words in your  
22 mouth, there's a splitter box at the  
23 mother drive power boxes?  
24 A. Right. Right.  
25 Q. And if we're backing on up

97

01 there line, there's a splitter box at  
02 the Eight headgate?  
03 A. Yeah, if it's not been took  
04 out of line.  
05 Q. It is there, I can verify  
06 that.  
07 A. Oh, it is.  
08 Q. And then there's no other  
09 connections to that system until you  
10 go out on the surface?  
11 A. There shouldn't be, no.



12 Q. So if there was a mine  
13 emergency and someone was outside,  
14 where would you go to pull the power  
15 then?

16 A. I'd pull it there to the top  
17 of the hill or at the parking lot  
18 there.

19 Q. Okay. Is there more than one  
20 electrical system in the mine?

21 A. Yeah, Two section and Three  
22 section.

23 Q. Okay. They're on --- how are  
24 they done?

25 A. I'm not familiar with them.

98

01 Q. Where do they originate from?

02 A. The parking lot. It's out  
03 there at the substation.

04 Q. Okay. Is there any way to  
05 pull any of the power in the boxcut?

06 Are you familiar with that?

07 A. No, I'm not familiar. Not for  
08 the longwall, there's none. There  
09 shouldn't be none.

10 Q. Backing up now, I guess, I  
11 referred to the mine electrical map.

12 Are you familiar with the mine  
13 electrical map? Do you know of any

14 requirement?

15 A. I'm not --- there's no kind of  
16 requirement, no. I just know as far  
17 as if the power knocks, I can take  
18 you and --- you know, go to Eight  
19 headgate and it's knocked to there,  
20 go on outside. But as far as any  
21 kind of requirement, I don't  
22 know ---.

23 Q. So you're not familiar with  
24 the mine electrical map

25 A. No, not to the --- as far as

99

01 requirement, no.

02 Q. Have you happened to notice  
03 the map in the hallway upstairs  
04 that's maintained up there? Do you  
05 know what purpose it is, that's just  
06 outside the maintenance office up  
07 there? Have you ever heard anyone  
08 refer to that as a mine electrical  
09 map?

10 A. Oh, yeah. If you make a  
11 change or something, you have to come  
12 out and mark your map up and ---.

13 Q. If you make a change, ---?

14 A. Take a box out or put a box in  
15 or ---.

16 Q. Okay. Do they refer to that

17 as a mine electrical map?

18 A. I don't know to be honest with  
19 you.

20 Q. Okay. But you have been told  
21 if you make a change, you need to  
22 record it on that map?

23 A. Yeah, tell Robert Ellis or Bob  
24 Massey or tell somebody.

25 Q. Tell someone?

100

01 A. Yeah.

02 Q. Okay. How soon after you make  
03 a change, do you --- does that map  
04 need to be updated?

05 A. I thought the day that it ---  
06 that you do it, it should be updated,  
07 I think. I don't know.

08 ATTORNEY STAHLHUT:

09 Bill, do you want to go  
10 ahead and ask some questions.

11 ATTORNEY TUCKER:

12 Okay.

13 BY ATTORNEY TUCKER:

14 Q. Steve, have you ever  
15 participated in a fire drill?

16 A. Yeah, one time.

17 Q. What did that consist of?

18 A. We went to the --- they made

19 us walk the escapeway from the  
20 Threeway out. The Threeway is right  
21 there inside the boxcut.

22 Q. Have you ever had any type of  
23 training on the firefighting  
24 equipment, the location of it?

25 A. Just around the power center.

101

01 I know you've got to have like six  
02 bags of rock dust and fire  
03 extinguishers and stuff like that.

04 Q. And like during a fire drill,  
05 I mean, you've explained walking out  
06 the escapeway, part of the escapeway,  
07 but as far as the fire drill was have  
08 a scenario that we've got a fire here  
09 and this is your job to do during  
10 this ---

11 A. No.

12 Q. --- if we have a fire and  
13 explained where the waterline ---  
14 that water hose would be, the fire  
15 hose or the fire extinguishers, that  
16 type of ---?

17 A. No, I ain't never --- I ain't  
18 never had no kind of training as far  
19 as that goes.

20 Q. Okay. Are you a certified  
21 diesel mechanic or equipment

22 operator?

23 A. We had an eight-hour class but

24 I don't know if they ever certified

25 us. I'm not no diesel mechanic, but

102

01 we had an eight-hour class, I guess,

02 to operate so you can ---

03 Q. To operate?

04 A. --- operate that equipment ---

05 Q. Right.

06 A. --- operate the equipment.

07 Q. Okay. On the 19th on your

08 midnight shift, were the longwall

09 belts running ---

10 A. No, sir.

11 Q. --- on that shift?

12 A. No.

13 Q. Were they started that morning

14 before you left?

15 A. Yeah. We always tried to

16 start up about 6:30 or so, make sure

17 they were running and like that way,

18 when the coker comes up, they're

19 ready to run.

20 Q. Do you remember if you had any

21 problems with the belt kicking off

22 after you started that morning?

23 A. No, not that I recall. The

24 way everything went smooth, pretty  
25 smooth, I'm pretty sure.

103

01 Q. Are you aware of any problems  
02 that they had with the longwall belt,  
03 say, a few weeks prior to that or  
04 anytime prior to that?

05 A. No.

06 Q. You never had to go down there  
07 to do any type of work ---

08 A. No.

09 Q. --- on the belt?

10 A. Not as far as I know of, no.

11 Q. The water supply for the fire  
12 suppression, have you ever went to  
13 check the systems to see if was on  
14 the property, on your --- you said  
15 that was a monthly test that you do?

16 A. That's what was always  
17 explained --- how I was explained to  
18 do it was to go up and make sure  
19 everything's hung up and the valve  
20 was on and ---.

21 Q. Have you ever found that valve  
22 turned off?

23 A. No.

24 Q. If I understood you right, did  
25 you say you've never performed an

104

01 actual test of the system to see if  
02 it would turn the belt off ---  
03 A. No.  
04 Q. --- or activate the fire  
05 suppression in any way?  
06 A. No.  
07 Q. Okay. Have you ever performed  
08 any kind of test on the slip in  
09 sequence ---  
10 A. No, sir.  
11 Q. --- on the mother drive? When  
12 you go down there to do those exams,  
13 have you ever noticed the airlock  
14 doors being open?  
15 A. No. Every time I've been up  
16 there, they'd be closed.  
17 Q. Have you ever noticed a red  
18 fire hose laying in the walkway or in  
19 the area of the head area of the  
20 mother drive?  
21 A. Uh-uh (no). No. No.  
22 Q. Okay. If you had a  
23 significant problem on the mother  
24 drive, or takeup, who'd be  
25 responsible for repairing it or

105

01 working on it?  
02 A. I have no idea. The only

03 thing that ever comes up on your p.m.  
04 is just part. I don't know who does  
05 --- we'll tell our boss, and I don't  
06 know who they tell. If there was a  
07 problem, I don't know who --- exactly  
08 who they tell.

09 Q. Okay. Do you have any other  
10 certifications, other than electrical  
11 with the state?

12 A. No, sir.

13 Q. Just a miner's certification  
14 and electrical?

15 A. Uh-huh (yes).

16 ATTORNEY TUCKER:

17 That's all I have at  
18 this time. Thank you.

19 BY ATTORNEY STAHLHUT:

20 Q. Just a couple more questions  
21 here. Let's take you back in the  
22 longwall. I didn't ask too many  
23 questions on it. I've got a couple  
24 questions here. I guess, first of  
25 all, is this a high-voltage longwall

106

01 ---

02 A. Yeah.

03 Q. --- or is it low or medium  
04 voltage?

05 A. It's mostly everything is high



06 voltage through there.

07 Q. Okay. Do you have a computer  
08 or a CPU unit to --- located  
09 somewhere in the stage loader or that  
10 area, the central processing unit,  
11 something called a CP unit where  
12 there's a time clock and recording  
13 device and all that stuff? Is there  
14 a PLC screen and something there that  
15 records things?

16 A. No. All we got is the --- the  
17 D04 and the gatebox that just  
18 monitors what's going on, you know  
19 what I mean? It monitors carrying on  
20 the motors and tells you whatever's  
21 running and ---.

22 Q. So you do have that on the ---  
23 has it got a clock on it?

24 A. No, not that I know of.

25 Q. What all does it tell you,

107

01 does it --- what does it record?

02 A. It tells you like your  
03 sequence switch for the belts. If  
04 they go off, it shuts the lines off  
05 and keeps it from dropping out and it  
06 monitors current imbalances and  
07 overcurrents and stuff like that.

08 Q. Do you have a box that  
09 monitors --- okay say --- say you set  
10 the pressure or set the --- say you  
11 do something that say, you set the  
12 --- say you pressurize the shield at  
13 shield 100, have you got a system  
14 that records which shields are set  
15 and which are not and ---?

16 A. Yeah, we've got shield  
17 computer, MSU and SCC, they record  
18 like --- which I think ours are  
19 turned off. It's like got like this  
20 set and if the pressure blow, it will  
21 say it's a shield up.

22 Q. Okay. Does that have a clock  
23 on it?

24 A. Yeah. Yeah.

25 Q. What did you refer to this as

108

01 again for the record? I'm not  
02 familiar with the terminology there.

03 A. It's a SCC and MSU.

04 Q. ACC is that what you said?

05 A. MS --- or let's see, SCC and  
06 MSU.

07 Q. SCC and MSU?

08 A. Yes.

09 Q. Okay. And would that even ---

10 does it log times like when you turn

11 the power off and when you turn it  
12 back on?

13 A. Oh, no. That's just the  
14 shield part that you had talked  
15 about.

16 Q. Just the shields?

17 A. Yes, sir.

18 Q. And the sequence switch, would  
19 it ---?

20 A. The sequence switch is in the  
21 gate box.

22 Q. And it'd give you a time when  
23 those were --- does it record a time  
24 with it?

25 A. No. No, it just --- what's

109

01 happening at the moment.

02 Q. Okay. When you do your exams  
03 on the longwall, up on the longwall  
04 face, you're doing your admissibility  
05 exam, how often do you do those?

06 A. Weekly.

07 Q. It's weekly?

08 A. Yeah. Yeah. The gate box,  
09 stuff like that, we do it every week,  
10 the gate box and all your monitors  
11 and ---.

12 Q. Define weekly for me then? Is

13 it once during the week or is it  
14 every seven days?

15 A. I try to do mine every seven  
16 days, like before my rotation I  
17 worked a 6:00 to 3:00 schedule, I'll  
18 do it on the first day and then the  
19 day before I leave. So really it's  
20 just about twice a week for me on  
21 mine, that way I don't get behind.

22 Q. All right. Now, if you was on  
23 the miner section, would you do the  
24 same thing or would you do that  
25 differently? What's the requirement

110

01 I guess? Is it different for the  
02 longwall than it is on --?

03 A. No, it's all the same, I'd  
04 say. Well, I ain't never been on  
05 miner section, I couldn't honestly  
06 answer. I've been on longwall ever  
07 since I went underground?

08 Q. If you were working on a ---  
09 do you ever have problems with ---  
10 what kind of ground monitors have you  
11 got on the face for like a head drive  
12 motors, tail drive motor, shearers,  
13 stuff like that?

14 A. That's all in the starter box  
15 and on the mule train.

16 Q. Do you know what kind of  
17 ground monitors is there?

18 A. No. But they got the monitor.  
19 It's got the monitor pack. I don't  
20 know the numbers on it or ---.

21 Q. Have you ever encountered or  
22 have you ever found ground monitors  
23 jumpered?

24 A. No.

25 Q. Or had trouble with them where

111

01 they've been jumpered, and you've had  
02 to go and correct the problem where  
03 the --- something was wrong?

04 A. No. If we have any trouble,  
05 we got a spare circuit, if we have  
06 trouble with a ground monitor or,  
07 say, the motor lead or something goes  
08 down, we'll switch it to the spare.

09 We'll put the spare in at that gate  
10 box, you've got something that you  
11 can select what you put in, it says  
12 stage loader motor or the shearer or  
13 something. You put in spare and  
14 switch that gate box and continue  
15 running them while you're working on  
16 that circuit.

17 Q. Then what shift --- when you

18 switch it, what shift would normally  
19 come back and correct that?

20 A. Third, the third shift.

21 Q. Would that be the --- would  
22 that be something you would do on  
23 your shift?

24 A. Yeah.

25 Q. So if you switched, you could

112

01 get --- you might receive work orders  
02 saying I need to go back in there and  
03 repair this ---

04 A. Yes.

05 Q. --- this circuit for some  
06 reason?

07 A. Say we had monitor trouble and  
08 need to get that circuit working  
09 again and put it back over the drive.  
10 That's what we'd do.

11 Q. And you never found anything's  
12 where two went bad or something and  
13 you didn't have any choice but to --  
14 that the monitor was jumpered? You  
15 never found that?

16 A. No.

17 Q. I guess not something you've  
18 seen that's happened?

19 A. No. No.

20 Q. Thank you. Do you know what

21 caused the fire at the mother drive?

22 A. No. All I've heard is rumors  
23 and I wouldn't have no idea. I'd  
24 like to know to be honest with you,  
25 but ---.

113

01 Q. How did you learn of the fire?

02 A. They called. One of my  
03 buddies called that I worked with  
04 said they have a fire at the mine  
05 that evening, which was scheduled off  
06 the night of the 19th, which would  
07 have been my 20th shift. I was  
08 scheduled off that night. And they  
09 called me and told me there was a  
10 fire at the mines.

11 Q. Do you have any ideas on what  
12 could have been done to prevent the  
13 accident?

14 A. No. No, not really. I mean,  
15 I'd like to have all kinds of them  
16 but I don't know really what went on.

17 Q. Is there anything else you'd  
18 like to tell us regarding what  
19 happened the day of the accident or  
20 anything connected with it?

21 A. No, there ain't nothing that  
22 come to mind.

23 ATTORNEY TUCKER:

24 I have just a couple

25 more.

114

01 ATTORNEY STAHLHUT:

02 Okay.

03 BY ATTORNEY TUCKER:

04 Q. Have you ever greased the

05 dolly unit bearings from maybe

06 getting a report on a p.m. or

07 something, maybe a bearing was

08 running hot and have to grease

09 anything down there?

10 A. No, we don't do no kind of

11 maintenance. As far as --- other

12 than like for the fire suppression or

13 something, we do that, but we don't

14 do any kind of greasing or nothing

15 like that.

16 Q. When you've been down there

17 checking the deluge, have you ever

18 noticed like maybe an excess of

19 buildup of grease around the dolly

20 unit or maybe some belt strips where

21 maybe the belts had to be trimmed

22 or ---

23 A. No.

24 Q. --- or shavings or anything of

25 that nature?



01 A. I didn't pay no attention, ---

02 Q. You didn't pay any attention.

03 A. --- you know what I mean?

04 Q. Right. Okay. Have you ever  
05 noticed the longwall belt maybe  
06 running off, been out of alignment,  
07 rubbing one side or the other?

08 A. No.

09 Q. When you've been down there,  
10 have you ever noticed, say, a dolly  
11 unit being wrecked, while you were  
12 down there checking?

13 A. No.

14 Q. On the 19th, did you leave  
15 that morning at your regular time or  
16 what time did you --- do you recall  
17 what time you got out of the mines?

18 A. No, not right off. I know we  
19 was on time because we had everything  
20 running, and we ran a little bit of  
21 coal there, just make sure everything  
22 was running. I'm pretty sure we got  
23 out regular time, which would be  
24 about 9:30 or so, I'd say.

25 Q. Get out around 9:30.

01 A. 9:00, 9:30.

02 Q. So the day shift would have  
03 already been there ---

04 A. Oh, yeah.

05 Q. --- when you left?

06 A. Yeah. We usually stay on  
07 section until they get, make sure  
08 they're fired up, that way they  
09 figure anything that they need help,  
10 we're there for them, helping them.

11 Q. And you don't recall any belt  
12 problems before you left to come out  
13 of the mines?

14 A. No.

15 Q. Hear anybody talking about  
16 belt problems?

17 A. No. They was loading good  
18 when we left.

19 Q. Okay. Thank you.

20 ATTORNEY TUCKER:

21 That's all.

22 ATTORNEY STAHLHUT:

23 Mr. Hardy, any  
24 clarifying questions?

25 ATTORNEY HARDY:

117

01 None. Thank you, Ron.

02 ATTORNEY STAHLHUT:

03 On behalf of MSHA, I'd  
04 like to thank you for

05 appearing here today and  
06 answering our questions and  
07 sharing your information about  
08 the mine. Your cooperation is  
09 very important to us as we  
10 work to determine the cause of  
11 the accident. If you wish,  
12 you can go back now over any  
13 answers you have given during  
14 the interview and you may also  
15 make a closing statement  
16 covering any additional points  
17 that you believe need --- that  
18 should be raised.

19 A. No, I'm fine.

20 ATTORNEY STAHLHUT:

21 We do ask that you not  
22 discuss your interview today  
23 with any person who may have  
24 already been interviewed or  
25 have been asked to give a

118

01 statement in the future. This  
02 will ensure that we obtain  
03 everyone's independent memory  
04 of the events that happened  
05 surrounding the accident.

06 After questioning other

07 witnesses and obtaining  
08 additional information, we may  
09 be asking you back for further  
10 questions.

11 If at some later point,  
12 you have additional  
13 information regarding the  
14 accident that you would like  
15 to provide to us, please  
16 contact Mr. Kenny Murray, he's  
17 the team leader. Here's his  
18 card. And Anthony Webb, and  
19 he's his staff assistant.

20 The Mine Act provides  
21 certain protection for  
22 individuals who participate in  
23 accident investigations. If  
24 at any time you believe you  
25 believe that you have been

119

01 treated unfairly because of  
02 your cooperation in this  
03 investigation, please  
04 immediately contact Mr. Murray  
05 or Mr. Webb. And I want to  
06 thank you again for your help.

07 MR. TUCKER:

08 I'd also like to thank  
09 you, Steve, for coming out

10 today. And I'll mention to  
11 you that the state also has  
12 protection. If you ever feel  
13 like your discriminated  
14 against for reporting safety  
15 violations and if you need us  
16 for anything, there's my card  
17 and here's C.A. Phillips'  
18 card. He's our deputy  
19 director out of our Charleston  
20 office.

21 \* \* \* \* \*

22 EXAMINATION CONCLUDED AT 2:51 P.M.

23 \* \* \* \* \*

24

25