

01 EXAMINATION UNDER OATH
02 OF
03 DAVID MICHAEL RUNYON
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, April 13, 2006, at 8:07
13 a.m.

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17 ALSO PRESENT:
18 DENNIS A. BEITER
19 RONALD W. STAHLHUT
20 CHARLES W. POGUE
21 C.A. PHILLIPS
22 BETH SPENCE
23 DERRICK TJERNLUND
24 EUGENE WHITE
25

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

02 -----

03 MR. STAHLHUT:

04 My name is Ron
05 Stahlhut. I represent the
06 Mine Safety and Health
07 Administration, which is an
08 Agency of the United States
09 Department of Labor. I am a
10 member of MSHA's accident team
11 that is charged with

12 investigating the accident
13 that occurred at the Aracoma
14 Coal Company, Incorporated,
15 Aracoma Alma Mine Number One,
16 on January 19th, 2006.

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

7

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

08 ATTORNEY BELL:

09 Good morning, Dave. My
10 name is Keith Bell. I'm from
11 the Solicitor's Office in
12 Arlington Virginia.

13 MR. WEBB:

14 Anthony Webb from MSHA

15 of Pikeville, Kentucky.

16 MR. POGUE:

17 Charlie Pogue, MSHA,

18 Hunker, Pennsylvania.

19 MR. MURRAY:

20 Kenny Murray, MSHA,

21 Pikeville, Kentucky.

22 MR. TJERNLUND:

23 Derrick Tjernlund, MSHA

24 Tech Support, Triadelphia.

25 MR. FRANCCART:

8

01 Bill Francart,

02 Pittsburgh, Pennsylvania.

03 MR. BEITER:

04 Denny Beiter,

05 Triadelphia, West Virginia.

06 MR. STAHLHUT:

07 And like I said, I work

08 out of Vincennes, Indiana for

09 MSHA. Here with me today

10 representing the State of West

11 Virginia is Mr. Bill Tucker.

12 He will be asking the

13 questions for the State. And

14 at this time, I would like Mr.

15 Tucker --- I would ask Mr.

16 Tucker to introduce the

17 members of his team and he's
18 got a statement for you.

19 MR. TUCKER:

20 Appreciate you coming
21 in this morning, Dave. I've
22 got a brief statement I need
23 to read for the record. The
24 West Virginia Office of
25 Miners' Health, Safety &

9

01 Training is conducting this
02 interview session jointly with
03 MSHA. And we're in agreement
04 with the procedures outlined
05 by Mr. Stahlhut. However, let
06 me make it clear that the
07 Director reserves the right,
08 if necessary, to call or
09 subpoena witnesses or require
10 the production of any record,
11 document, photograph or other
12 relevant materials necessary
13 to conduct this investigation.
14 Again, my name is Bill Tucker,
15 I'm with Miners' Health,
16 Safety & Training. I work out
17 of the Oak Hill office.

18 MR. PHILLIPS:

19 Good morning, David.

20 My name is C.A. Phillips. I'm
21 the Deputy Director with the
22 Office of Miners' Health,
23 Safety & Training in
24 Charleston, West Virginia.

25 MS. SPENCE:

10

01 I'm Beth Spence with
02 the Governor's Office.

03 MR. STAHLHUT:

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

22 accidents can reduce their
23 occurrence in the future.
24 Information obtained through
25 witness interviews is

11

01 frequently included in these
02 reports. Your statement may
03 also be used in enforcement
04 proceedings.

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

15 This interview with
16 David Michael Runyon ---- is
17 it all right if I call you
18 Dave?

19 MR. RUNYON:

20 Yeah, that's fine.

21 MR. STAHLHUT:

22 Okay. Is being
23 conducted under Section 103(a)
24 of the Federal Mine Safety &

25 Health Act of 1977 as part of

12

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

12 This interview is being
13 conducted at the Department of
14 Environmental Protection at
15 Logan, West Virginia, on April
16 13th, 2006 at 8:10 a.m.

17 Mr. Runyon, the
18 interview will begin by asking
19 you a series of questions.
20 Feel free at any time to
21 clarify any statements that
22 you make in response to the
23 questions. After we have
24 finished asking questions, you
25 will have an opportunity to

13

01 make a statement of your own
02 and to provide us with any
03 information that may --- that
04 you may believe to be
05 important.

06 You are permitted to
07 have a representative with you
08 during this interview. You
09 may consult with your
10 representative at any time.
11 You may designate any person
12 as your representative.

13 Following questions by MSHA
14 and the State, this
15 representative will be given
16 an opportunity to ask
17 questions. Do you have a
18 representative? Do you desire
19 one?

20 MR. RUNYON:

21 Well, I thought he was
22 going to be here, but he
23 didn't I guess. I was
24 supposed to have called him, I
25 reckon. I don't know. But

14

01 that's all right.

02 MR. STAHLHUT:

03 Did you have a

04 particular person?

05 MR. RUNYON:

06 I figured he would
07 know. I figured he would keep
08 in contact with you all. It
09 was --- I can't think of who
10 he is. I can't think of his
11 name. Been busy. I can't
12 remember what his name is.

13 ATTORNEY BELL:

14 Is he a company lawyer?

15 MR. RUNYON:

16 Yeah, he's a company
17 lawyer. I just asked him to
18 be here, because I ain't got
19 nothing to hide from you all
20 or from the company.

21 MR. STAHLHUT:

22 Do you want to go ahead
23 and proceed then without him?

24 MR. RUNYON:

25 Yeah, it will be all

15

01 right. I figured he would be
02 here. I was probably supposed
03 to call him.

04 ATTORNEY BELL:

05 He might have

06 overslept.

07 MR. STAHLHUT:

08 He might have. You may
09 request --- do you want to go
10 ahead and proceed?

11 MR. RUNYON:

12 Yeah, go ahead.

13 MR. STAHLHUT:

14 Okay. You may request
15 the opportunity to make a
16 confidential statement, which
17 we will withhold from the
18 public to the extent allowed
19 by law. Should you desire to
20 give a confidential statement,
21 you should advise me before I
22 begin your interview so that
23 we can reschedule your
24 interview in order to properly
25 consider your request. Do you

16

01 want a confidential interview?

02 MR. RUNYON:

03 No, this will be fine.

04 MR. STAHLHUT:

05 Okay. A court reporter
06 will record your interview and
07 will later produce a written
08 transcript of the interview.

09 I ask that you state all of
10 your answers verbally because
11 the court reporter cannot
12 record your gestures like if
13 you're nodding your head or
14 something. You need to answer
15 yes or no or verbally respond.

16 MR. RUNYON:

17 Okay.

18 MR. STAHLHUT:

19 If any part of your
20 statement is based not on your
21 own firsthand knowledge but on
22 information you learned from
23 someone else, please let us
24 know. Please answer each
25 question as fully as you can,

17

01 including any information that
02 you learned from someone else.
03 We may not ask the right
04 questions to learn the
05 information that you have, so
06 do not feel limited by the
07 precise question asked. If
08 you have information about
09 that subject area, go ahead
10 and please provide us with

11 that information. Do you have
12 any questions about the manner
13 in which this interview will
14 be conducted?

15 MR. RUNYON:

16 No, sir.

17 MR. STAHLHUT:

18 Will the court reporter
19 please swear Mr. Runyon?

20 -----

21 DAVID MICHAEL RUNYON, HAVING FIRST
22 BEEN DULY SWORN, TESTIFIED AS
23 FOLLOWS:

24 -----

25 BY MR. STAHLHUT:

18

01 Q. Please state your full name.

02 A. David Michael Runyon.

03 Q. [REDACTED]

[REDACTED]

10 Q. Okay. And spell your last
11 name for the record.

12 A. R-U-N-Y-O-N.

13 Q. Okay. Are you appearing

14 voluntarily at this interview?

15 A. Well, if I was voluntarily I

16 would. I have other stuff I have to

17 do. I mean, I'm actually ---

18 Q. No one's forced you to be ---

19 come here?

20 A. No, nobody's forced me. I

21 just heard that we had to be here.

22 That's what I was told.

23 ATTORNEY BELL:

24 Who told you, you had

25 to be here?

19

01 A. Just other workers.

02 BY MR. STAHLHUT:

03 Q. Okay. It's voluntary.

04 A. I didn't know it was

05 voluntary.

06 Q. Has anyone made any promises

07 to you for giving this statement or

08 offered you any reward in exchange

09 for making your statement?

10 A. No.

11 Q. Has anyone threatened you or

12 warned you not to provide this

13 statement?

14 A. No.

15 Q. Do you understand that you may

16 refuse to answer any question or
17 terminate this interview at any time?

18 A. Yeah.

19 Q. Okay. And I asked about your
20 representative just a little bit
21 earlier. And we covered that I
22 believe, so we're going to proceed
23 without a representative now. Okay.
24 You're willing to proceed?

25 A. Yeah, go ahead.

20

01 Q. Okay. How long have you
02 worked at Aracoma Alma Number One
03 mine?

04 A. Around 18 months. This month
05 will be around 18 months.

06 Q. What is your current job
07 classification?

08 A. Just outby. I mean, just
09 working on the belts outby.

10 Q. Okay. You say --- are you a
11 --- you work on the belts, is that
12 ---

13 A. Yeah.

14 Q. --- mainly what you do?

15 A. Yeah, mainly. Yeah.

16 Q. Okay. What was your job
17 classification on January 29th ---
18 19th, I'm sorry, the day of the

19 accident? January 19th.

20 A. I was up at the mother drive
21 that night --- or Wednesday night I
22 was. Wednesday night.

23 Q. Okay. Are you considered a
24 member of management?

25 A. Uh-uh (no).

21

01 Q. What other jobs have you held
02 at the mine, other than outby
03 beltman? Have you had other jobs at
04 the mines that you've held or ---?

05 A. That's about it. I mean, I
06 was on move crew when I first
07 started. Then they took me off of
08 move crew. I didn't like it.

09 Q. What did the move crew do, I
10 guess?

11 A. We moved belt. Just make
12 power moves and stuff like that.

13 Q. Power moves, belt. Did you
14 move machinery or the longwall face
15 or anything like that?

16 A. No, just --- no.

17 Q. Okay. Now, have you --- how
18 many total years of mining experience
19 do you have? Is this your first job
20 or ---?

21 A. Yeah, the first.

22 Q. In the mine. Okay. Did you

23 start as an employee of Aracoma Mine

24 or did you start with ---?

25 A. Contractor.

22

01 Q. Contractor? Who was the

02 contractor you started with?

03 A. Apollo.

04 Q. How long did you work for

05 them?

06 A. Right around three months

07 maybe, something like that.

08 Q. Okay. Who is your immediate

09 supervisor? Who was your immediate

10 supervisor on the 19th?

11 A. Tom Adkins.

12 Q. Tom Adkins?

13 A. Yeah.

14 Q. Does he work on the same shift

15 as you do?

16 A. Yeah.

17 Q. Okay. What --- let me take

18 you back to January 19th here. And

19 what shift were you scheduled to work

20 on January 19th?

21 A. Third.

22 Q. Third shift?

23 A. Uh-huh (yes).

24 Q. What time was that shift
25 scheduled to start and end?

23

01 A. 11:00. It started at 11:00
02 and ended at 8:00.

03 Q. At 8:00?

04 A. Yeah.

05 Q. About what time did you arrive
06 at the mine on that day?

07 A. You're talking about on the
08 Wednesday night?

09 Q. Yeah, for the third shift.

10 A. Probably about 10:30,

11 Q. About 10:30? Okay. And who
12 was your supervisor on January 19th,
13 that day?

14 A. Tom Adkins if he was there.

15 Q. And he's your normal
16 supervisor.

17 A. He's the normal ---.

18 Q. Okay.

19 A. There's more than one, but
20 he's the normal.

21 Q. Right. Who would be some of
22 the other ones that would be
23 considered your supervisor?

24 A. Mark Keyser and if he's there,
25 Bryan Cabell. That'd be about it.

01 Unless someone off the move crew
02 wasn't moving belt or something that
03 night, they'd have them check on us.
04 The boss on the section, on that
05 section.

06 Q. Okay. So someone like Bryan
07 Cabell and someone with ---?

08 A. Yeah. The reason I'm saying
09 that is because I can't remember if
10 Tom was there that night or not.

11 Q. It's been a while.

12 A. Yeah, it's been a while. I've
13 been through a lot since then.

14 Q. I hear you. Do you remember
15 what your work assignment was for
16 that day or what you did on that day
17 of the day of --- starting the 18th
18 or the 19th, basically that day
19 before the accident? The last shift
20 before the accident.

21 A. The first thing I usually do,
22 I always check splices in the belt.
23 I help out by checking --- you know,
24 just by looking at other stuff, like
25 scrapers and stuff and make sure they

01 ain't broken or worn. I used to hang
02 them every day when all the belts

03 were running, check for rollers. You
04 know, check to see if I seen any
05 stuck rollers or something like that.
06 That's after I check the splices in
07 the belt. That's basically about it.

08 Q. Okay. When you mentioned
09 check for stuck rollers, how do you
10 --- is the belt normally running when
11 you'd be checking for those rollers?

12 A. Yeah.

13 Q. How would you normally address
14 those when you found out it would be
15 a roller? Did you drop them out or
16 how did you correct it?

17 A. Well, if I could, we'd ---
18 you're talking about the mother drive
19 or any belt?

20 Q. Any belt. Well, specifically,
21 let's say the mother drive in this
22 particular instance.

23 A. In the storage unit, no, I
24 couldn't. But behind the storage
25 unit going down, I could. If they

26

01 were stuck, I'd drop them.

02 Q. Okay. Was it --- would it be
03 the normal practice to drop it on,
04 like one side or would you drop both

05 sides?

06 A. If I could drop two sides, I
07 would. If I could drop one side,
08 that's how I'm dropping it, just one
09 side. But it would be fixed. We'd
10 go back and we'd fix it, we'd put a
11 new one in.

12 Q. Put a new one in?

13 A. Yeah.

14 Q. When would you go back and put
15 that new one in?

16 A. Try to that same night.

17 Q. That same night?

18 A. Yeah. If we had one --- if we
19 had them available.

20 Q. When you dropped --- say, in
21 an instance where you just dropped it
22 on one side, and the belt's running,
23 would there --- when you dropped it
24 on one side, would there be any
25 precautions you would take or would

27

01 you just drop it on one side and try
02 to replace it as soon as you could?

03 Or how would you address that?

04 A. What do you mean?

05 Q. Okay. Say you dropped the
06 roller on one side and say you chose
07 not to drop it on the other side and

08 you left one side attached to the
09 belt, would that roller still be ---
10 let me rephrase my question first.

11 Would that roller still be in
12 contact on that other side of the
13 belt?

14 A. Sometimes it wouldn't
15 sometimes it wouldn't.

16 Q. Okay.

17 A. And I guess just according to
18 how low it was, the bottom of the
19 belt.

20 Q. If it was in contact, would
21 you leave it that way or would you
22 try to shut the belt off and drop
23 that roller then or what would you
24 do?

25 A. Well, on third shift, we only

28

01 run the belts for probably maybe an
02 hour at the most after we got there
03 just to clear them up and everything.
04 And at that time, if I noticed it
05 being stuck, yeah, I'd drop it at
06 that one side. But if it wasn't
07 hurting nothing, I'd leave it there
08 until we cut the belt off, then I'd
09 go and drop the other side.

10 Q. Would it --- the normal
11 practice --- when you dropped your
12 rollers off, did you normally shut
13 the belt off when you was robbing it
14 off or ---

15 A. You just ---.

16 Q. --- just leave it running?

17 A. Yeah.

18 Q. Had you ever received any
19 instructions on whether you should
20 leave the belt running or should not
21 leave the belt running or how you
22 would ---

23 A. No.

24 Q. --- address how you'd drop a
25 roller, you know, if the belt was

29

01 running?

02 A. No. If it was --- if the
03 roller was stuck and it was --- and
04 the belt was running, I'd --- like if
05 the bottom belt was going down, I
06 wouldn't stand on the bottom side of
07 which way the bottom belt was
08 running, so the roller would come
09 back and hit me, no. I'd stand
10 behind it on the opposite side.

11 Q. Was it common --- you worked
12 third shift and you stated that the

13 belts part of the night were not
14 running. Were there a lot of rollers
15 left that had been dropped off? Did
16 you have to replace a lot of rollers
17 on third shift when you were working
18 on the belts?

19 A. Sometimes, we'd have to
20 replace a lot of them. We'd do what
21 we could. There wasn't enough of us
22 to do it.

23 Q. Was there times when there was
24 several rollers left?

25 A. Under the belt?

30

01 Q. Under the belt that hadn't
02 been replaced?

03 A. I didn't --- I'd pull them all
04 out.

05 Q. Okay. Going back to the ---
06 in your earlier --- I'm bouncing
07 around here a little bit. Forgive
08 me. But when you're going back to
09 when you would make the power moves
10 on the section and you said you did
11 that for a short period of time. Was
12 your supervisor present when you were
13 doing that?

14 A. Uh-huh (yes).

15 Q. What sections did you move
16 power on?
17 A. Two section.
18 Q. Two section?
19 A. No, no. Wait a minute. That
20 was Three section.
21 Q. Three section?
22 A. Three section, yeah.
23 Q. Okay. Was there a supervisor
24 present when you made those power
25 moves?

31

01 A. Uh-huh (yes).
02 Q. Was those power moves made
03 with the power center energized?
04 A. I can't remember.
05 Q. Okay. Do you know, was there
06 --- like after you made the power
07 move and you were hanging these high
08 voltage cables, was the power center
09 energized or did you hang the high
10 voltage cable energized?
11 A. I can't remember. That's when
12 I first started, I can't remember.
13 Q. Sure. That's fine. Okay.
14 Getting back to the belts. When you
15 worked around the mother drive on the
16 19th, that last shift before the
17 accident, did you see --- or do you

18 know who made the on-shift
19 examination of the belt, the mother
20 drive belt on that day?

21 A. I can't remember who was
22 there. I can't remember who was
23 there.

24 Q. Did you see anyone --- or did
25 you --- do you make examinations on

32

01 the belt, ---

02 A. No.

03 Q. --- pre-shift examinations or
04 examine the belt?

05 A. No.

06 Q. Or fill the books out for the
07 examination? Do you know who did
08 that day?

09 A. No. Whoever walked the belt
10 that night or ---.

11 Q. You didn't see anyone ---

12 A. No.

13 Q. --- walk the belt?

14 A. I can't remember what boss was
15 there. I remember the person that
16 was there with me ---

17 Q. Right.

18 A. --- that was working with me.

19 But as far as a boss, I can't

20 remember who was there that night.

21 Q. Who was working with you?

22 A. Kevin Ferguson.

23 Q. Kevin Ferguson, okay. I just

24 --- I know it's been a while. I'm

25 just trying to jog your memory here

33

01 if you did remember, you know. It's

02 been a little while, so I'm just

03 trying to get as much information as

04 we could here from you and what you

05 remember. Do you happen to remember

06 that night when you checked the belt,

07 how much belt was in the storage unit

08 for the mother drive?

09 A. It wasn't a whole lot. I

10 can't remember exact amount.

11 Q. Was it like half or two-thirds

12 or do you have any idea?

13 A. Maybe around 200 or 250. 200

14 to 250 feet maybe. I remember

15 pulling belt that week, I just can't

16 remember exactly when. It was either

17 on a Monday or a Tuesday when we

18 pulled belt, you know, robbed the

19 storage unit.

20 Q. You mentioned one of the first

21 things you did was check the splices

22 on this belt. Where would you

23 normally stand when you'd check those
24 splices? Was there a certain area
25 ---?

34

01 A. It was where that pump is on
02 the --- where the pinch roller was.

03 Q. Okay.

04 A. You just stand right there.

05 Q. Stand right in that area,
06 right --- so you'd be in close
07 proximity to the takeup?

08 A. Yeah.

09 Q. The moveable carriage on the
10 takeup anyway, where the winch or
11 tooth probably would have been?

12 A. Yeah, I was right behind it.

13 Q. Right behind it?

14 A. Yeah.

15 Q. Okay. Did you ever notice
16 when you was --- when you was
17 watching for those splices in there
18 and did you observe what the belt
19 line --- was the belt running true,
20 was it running off? Was there
21 anything --- was that belt running
22 unusual in any way when you observed
23 it that day --- that morning?

24 A. No. I can't really remember,

25 but I don't think --- no, I don't

35

01 remember it running off.

02 Q. You would probably --- you

03 know, it was rubbing off to one side

04 or ---?

05 A. No.

06 Q. That would have been something

07 you would have noticed, I would

08 think. You'd be looking for things

09 like that?

10 A. Yeah, that's what --- yeah.

11 Q. Okay. Did you happen to

12 notice what the arrangement of those

13 drop-off rollers were or were any of

14 them bunched together and then

15 dropped off or were they --- or was

16 --- the roller would drop off the

17 carriage rollers or --- I don't know,

18 what do you refer to them as?

19 A. I just call them drop-off

20 rollers.

21 Q. Okay. Drop-off rollers?

22 A. Yeah. I don't remember them

23 ever being more than one dropped off

24 in a bunch.

25 Q. Okay. I just wondered if you

36

01 noticed anything on that particular

02 morning. You didn't notice any of
03 them cocked or ---?

04 A. No. I remember when I left
05 that morning, that belt was running
06 okay to me. Which they're going to
07 change a little bit from when they
08 get loaded and when they --- when
09 they're emptied. But at that time
10 when I left, it was --- it was
11 running okay from what I can
12 remember. It wasn't running off or
13 nothing.

14 Q. Okay. Do you remember that
15 night? Was Mr. Ferguson working with
16 you that night?

17 A. Yeah.

18 Q. You were working together
19 then?

20 A. Yeah.

21 Q. Do you remember doing any
22 adjustments or anything that night?

23 A. No.

24 Q. Or nothing out of the ordinary
25 on that takeup that you remember ---

37

01 that sticks out in your mind?

02 A. No, I can't remember anything.

03 Q. No problems with the winch or

04 the belt didn't kick off while it was
05 running? Or no problems that you're
06 aware of?

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

08 Q. You mentioned many times the
09 belt rubbed off and we've been in
10 there and seen evidence. How long in
11 your estimation does it take for the
12 belt to rub on those bottom rollers
13 before it would cut those --- one of
14 those brackets in two, where the belt
15 rubs the bottom roller bracket?

16 A. As thick as that belt was, I
17 have no idea. It probably wouldn't
18 take long.

19 Q. I didn't know if you had an
20 idea or if you was used to seeing
21 them like you'd see it?

22 A. I ain't never --- when I was
23 up in there, I've never seen the belt
24 one cut in two. I never did sit and
25 watch it cut in two.

38

01 Q. Yeah.

02 A. But I couldn't tell you about
03 how long it would take. It probably
04 wouldn't take very long.

05 Q. What would you normally --- if
06 you see one rubbing by the mother

07 drive ---?

08 A. I'd try to train it over.

09 Q. Okay.

10 A. Train the belt over, yeah.

11 Q. Okay. When you checked the

12 belt and splices and stuff, do you

13 have any idea --- do you remember was

14 the belt loaded when you were

15 checking that splice?

16 A. At first it was. Then it

17 would empty up, we'd let it empty up

18 before we done anything to it.

19 Q. Did you notice a difference in

20 the alignment when it was loaded and

21 when it was unloaded, as you ---?

22 A. Not on the top, but sometimes

23 you will on the bottom. But not at

24 that time. I can't ---.

25 Q. At that time you didn't, okay.

39

01 And does it make a difference when it

02 comes to the storage unit whether the

03 belt was loaded or unloaded in your

04 experience when you've been up there

05 working on the belt?

06 A. When it was wet and dry, yeah,

07 you could tell there's a difference.

08 It seemed like when it was wet, it

09 would run better, when it had more
10 water on it. Then it would --- if it
11 was dry, it would start --- it'd
12 start running. It seemed like just
13 --- I just ---.

14 Q. Drew it back and forth ---

15 A. Right.

16 Q. --- or something?

17 A. Yeah.

18 Q. What area was this when it was
19 dry, when it would start ---?

20 A. It'd start running in the
21 storage unit side to side sometimes.

22 Q. In the storage unit side to
23 side when it was dry. When did ---
24 was there a watering device on that
25 belt to dampen that belt? Was there

40

01 any kind of a road wiper or was there
02 ---? Sometimes you'll have a spray
03 on the belt ---

04 A. Like a spryer or something

05 Q. --- or a road wiper.

06 Sometimes they have a piece of road
07 with a wet spot or something like
08 that. Was there anything on that
09 belt ---?

10 A. I think they wetted it down
11 towards the tail, down where the wall

12 was.

13 Q. Towards the tail?

14 A. Yeah, I don't know exactly
15 where the water come from down there.

16 Q. Was that belt --- did that
17 belt run dry very often?

18 A. No.

19 Q. Usually longwalls put a lot of
20 water on the belt.

21 A. Yeah.

22 Q. When would --- when did you
23 see them --- I guess I'm trying to
24 visualize when the belt would get
25 dry. Was there any particular time

41

01 stuck in your mind when you would see
02 that belt get dry, I guess?

03 A. When we'd go to make a splice
04 on it or something, I'd run it dry
05 just so the clamps would hold better.

06 And sometimes early in the morning
07 when you first start the belt back up
08 there wouldn't be no water on it,
09 because it wouldn't be run or
10 nothing.

11 Q. All right.

12 A. But then I'd notice sometimes
13 the belt would run a little ---

14 whichever direction it would run, it
15 would run off a little ways.

16 Q. All right.

17 A. Then I'd be there usually when
18 they start running it, when they
19 start loading coal and you can tell
20 the difference when the belt starts
21 getting wet and they start running
22 belt.

23 Q. And it got wet from the
24 longwall?

25 A. Yeah.

42

01 Q. When it was going to the
02 longwall face, it wasn't running ---
03 that was when the belt would run dry
04 up?

05 A. Well, it would be right there.
06 Yeah, I guess depending on long it
07 was running before it would dry up.

08 Q. Yeah. How long --- that was
09 going to be my next question. I
10 mean, when the longwall wasn't
11 running, you said you --- if you was
12 going to splice it, you'd run the
13 belt dry ---.

14 A. Probably about 15 minutes just
15 ---.

16 Q. You'd let it run ---?

17 A. Just enough to get some of the
18 water off.
19 Q. Okay. So that's what I was
20 wondering, how long it took to dry
21 the belt up --- how long it would be.
22 Do you --- when you were working on
23 this, this mother drive belt or any
24 of the other belts where they got ---
25 when you --- you said you --- do you

43

01 normally walk the belt and look for
02 bad rollers?

03 A. No. I don't normally walk the
04 belt.

05 Q. You didn't normally ---?

06 A. If I --- I did a lot of
07 walking then, but sometimes I'd come
08 through next to the tail and I'd walk
09 up the belt. Sometimes when I leave
10 I start from the head and walk out
11 towards the tail to leave. And yeah,
12 if I saw stuck rollers, and you know,
13 you got one bearing that's going
14 down, a spark and everything else,
15 yeah, I'd drop it.

16 Q. Did your supervisor ever tell
17 you on the way in, you've got a bad
18 roller or ---?

19 A. Sometimes. It's according to
20 like whatever --- who's on the
21 dayshift or second shift that would,
22 I guess, have the time to walk the
23 belts to see.

24 Q. Were they ever --- like if
25 they were still in contact with the

44

01 belt and everything and it was still
02 up and running, were they ever marked
03 as a hazard or were they tagged in
04 some way or did the supervisor just
05 know where the location was? How did
06 you ---?

07 A. I don't know. I don't
08 remember them ever getting tagged.
09 Some of them was tagged, some of them
10 wouldn't, just marked with a piece of
11 chalk or something.

12 Q. People examining the belt, did
13 they ever --- did you ever have a
14 belt examiner or someone come up and
15 tell you of a hazardous condition ---

16 A. Not to me.

17 Q. --- at a certain point, you
18 need to ---

19 A. Not to me.

20 Q. --- take care of this roller
21 or something like that or ---? Okay.

22 A. They'd call it out, I guess,
23 because they'd have a list of what
24 was needed to be done.

25 Q. Do you remember that night ---

45

01 I know it's been a while. But were
02 you up around the head roller ---
03 were the water sprays on the head
04 roller and the rock box, I think you
05 called up there --- you usually got
06 some sprays up there. Were these
07 water sprays functional that night
08 when the belt was running when you
09 first got up there? Do you remember
10 seeing a water spray, that water
11 spray that's usually up there that
12 sprays on the belt?

13 A. I don't remember there being
14 one that was spraying on that belt.

15 Q. You don't remember one being
16 there? Do you ever remember one?

17 A. There was sprays there, but I
18 didn't --- as far as them kicking on
19 when the belt started up, I don't
20 remember them ever doing that. I
21 thought it was just in case there was
22 a fire, they'd kick on.

23 Q. Okay. So you don't remember a

24 spray that ---

25 A. No.

46

01 Q. --- when the transfer shoots

02 it that sprayed water ---?

03 A. No. It would just keep the

04 water --- no, that's why I said, I

05 didn't know where the water had come

06 from besides down at the longwall

07 when it was running. There wasn't no

08 sprayer up there, no.

09 Q. Okay. Have you ever seen one

10 of those drop-off rollers cocked in

11 the storage unit?

12 A. Uh-huh (yes).

13 Q. And what was that situation or

14 can you explain that situation when

15 you saw that one cocked? What did

16 you observe?

17 A. Well, we cut the belts off and

18 --- if it was cocked, I guess it's

19 just according to which one, I guess.

20 And then sometimes the belt would rub

21 on one side. We would have to wait

22 until the belts cut off before we

23 done anything to it.

24 Q. You'd go ahead and let the

25 belt rub until it shut off or ---?

47

01 A. Until it would cut off,
02 because when we got there, they
03 wasn't running probably but another
04 30 minutes or an hour at the most and
05 they'd be done. We'd watch it to
06 make sure it wasn't going to smoke or
07 get hot or that.

08 Q. That's what I was going to ask
09 you. Was there any smoke? What did
10 you do when you --- to correct that,
11 like even after a belt would cut off
12 or something?

13 A. We'd just --- we'd take a
14 couple chain ratchets down there and
15 try to straight then up the best we
16 could. You know, it --- if we'd move
17 it two inches, that'd help a lot. So
18 that's --- that's basically about all
19 we could really do.

20 Q. Did you ever try hit them with
21 a tie or something, bump them back
22 into place?

23 A. I have done it before with a
24 crib block. I have hit one just to
25 --- you ain't got much --- many

48

01 places to hook a chain ratchet to it.
02 But yeah, I have took one to knock it

03 loose, then --- to make it move a
04 little bit so it'd --- yeah.

05 Q. Did you have problems --- do
06 you remember, like in this instance,
07 one of these rollers were --- when
08 they were moved, was there --- was
09 that a problem where these rollers
10 would try to move a little bit after
11 they were dropped off and then
12 cocked? Was that a normal problem?

13 A. Yes, sir. I don't know what
14 would cause it, no.

15 Q. Do you remember the --- was
16 there locking devices or some sort of
17 device installed on those wheels?

18 A. We just put new bolts in that,
19 for that. The ones that was in them
20 was too short and they wasn't ---
21 before they kept calling a break and
22 I didn't know what number --- where
23 they was talking about, a break. If
24 I knew it was bolts, heck, I would
25 have brought bolts from home to fix

49

01 it. I didn't know it was bolts.

02 Q. When did you put those in?

03 A. I was before the accident.

04 Q. Do you remember how long? Was
05 it a week, two weeks? Do you know

06 --- can you remember at all?

07 A. Maybe a month or two. I

08 really ain't for sure.

09 Q. Did it seem to make

10 improvement ---

11 A. Yeah.

12 Q. --- when you put those bolts

13 in?

14 A. Yeah.

15 Q. And did you see those

16 carriages --- or drop-off rollers or

17 carriage rollers, sort of ---?

18 A. It wasn't --- it wasn't

19 cocking as bad.

20 Q. It wasn't cocking as bad?

21 A. No.

22 Q. Okay. Going back to when you

23 checked these splices and you said

24 you were, what, just outby the pinch

25 roller?

50

01 A. Yeah, right around there.

02 Q. In that area somewhere when

03 you was checking those splices, can

04 you pretty well see where the --- the

05 alignment be coming through the

06 storage unit?

07 A. What do you mean the

08 alignment?

09 Q. The alignment of the belt,

10 could you see the ---?

11 A. No, I couldn't. Well, if it

12 was up close to me, I would. If it

13 was ---

14 Q. If it was back ---

15 A. Yeah.

16 Q. --- you couldn't see it?

17 A. --- going back down there, I

18 couldn't see it.

19 Q. On the night of the accident,

20 could you see it from there, on the

21 night before the accident?

22 A. I don't remember but I

23 wouldn't be able to see it good, no.

24 It was too far down in there.

25 Q. Did you --- after you check

51

01 splices, do you usually go down there

02 and ---?

03 A. That's the first place I

04 usually go.

05 Q. Go to the takeup first and

06 observe the alignment of it?

07 A. Yeah.

08 Q. Okay. Do you know who made

09 the --- you worked third shift and

10 --- do you know, did anyone --- do

11 you remember seeing anyone make a
12 weekly electrical examination on that
13 belt drive? Or who would do that?

14 A. Yeah, weekly. See, I heard
15 that before. I heard it just here
16 recently about that. I guess it was
17 on the news or something or in the
18 paper or something. I heard it from
19 somebody. But I thought there was an
20 inspector there before that was
21 checking the boxes and everything. I
22 guess it was an electrical
23 examination. I don't know.

24 Q. Well, ---.

25 A. Because we had --- there was

52

01 two --- there was two third-shift
02 electricians that was going out every
03 morning around 4:30 or 5:00 picking
04 up someone and bringing them in,
05 checking them.

06 Q. Okay. That was probably an
07 examination. But the mine's required
08 to make ---

09 A. Well, see I thought that's
10 ---.

11 Q. --- an electrical
12 examination ---

13 A. I'm sorry, I didn't know.

14 Q. --- regardless of what
15 inspectors do.

16 A. Well, I didn't know.

17 Q. I didn't know if you saw
18 someone from Aracoma Mine. It would
19 be the mine's responsibility to make
20 a weekly examination of electrical
21 equipment. And like that belt has
22 electrical equipment. And I didn't
23 know if you saw --- as you were
24 working around the mother drive if
25 you saw one of the electricians at

53

01 some point in time during the shift
02 come down and make an examination or
03 if you knew who did that.

04 A. Sometimes I'd see one, but I
05 didn't know what they was doing.

06 Q. Who was it you seen?

07 A. It was --- I don't know his
08 --- their last --- well, yeah, I do.
09 Shane Baisden and Steve something.

10 They call him Gutwrench. Those are
11 the two that usually goes around.
12 Which I don't know how much they
13 know, what they know and don't know.

14 Q. Right. Were you familiar with
15 the water sprinkler system that was

16 installed over that and around the
17 belt drive to protect the drive area?
18 Where you see the water sprinkler
19 system, like the sprinklers we've got
20 in the ceiling here, you've seen them
21 hanging from the roof and then
22 between the belts.

23 A. That's the only kind I seen.

24 Q. Okay. And what were --- did
25 you ever see anyone examine those or

54

01 loose bolts or anything?

02 A. Like I said, I've seen them up
03 there. I don't know ---

04 Q. Sure.

05 A. --- if that's what they was
06 doing or not at that time, no. See,
07 I just remember seeing them.

08 Q. Did anyone --- did you ever
09 --- do you remember where the water
10 that was --- supplied the water to
11 those sprinklers, where that valve
12 was that turned that water on and
13 off? Do you happen to remember where
14 that was located around that belt
15 drive?

16 A. I think it was right there at
17 the head.

18 Q. Do you remember on which side
19 of the head? Was it toward the Two
20 section or was it ---

21 A. Yeah, it was toward the Two
22 section, I believe.

23 Q. --- outby? Okay. Toward the
24 Two section?

25 A. Yeah.

55

01 Q. Did you happen to observe that
02 night to see if that valve was on or
03 did you routinely look at that?

04 A. No, it wasn't on my checklist.

05 Q. Okay.

06 A. I don't know if it was on or
07 not that night.

08 Q. Just curious as to what you
09 observed, so --- okay. Do you
10 remember --- I guess backing up a
11 little bit. Do you remember or do
12 you remember hearing like in the
13 starter box area where there was
14 problems with heat in that area and
15 it was causing the belt to kick off?

16 A. At the mother drive? No.

17 Q. At the mother drive. Were you
18 familiar --- had you been to the
19 starter box area?

20 A. Yeah.

21 Q. Okay. So you're --- you know
22 where the starter boxes were and
23 everything. What was done to correct
24 that, do you remember, or did you
25 hear anything as to ---?

56

01 A. There was a stopping there and
02 that stopping was took down because
03 of it.

04 Q. Removed?

05 A. Yeah.

06 Q. Okay.

07 MR. STAHLHUT:

08 We need to take a short
09 break here.

10 SHORT BREAK TAKEN

11 BY MR. STAHLHUT:

12 Q. I guess going back to the
13 starter boxes and that brattice that
14 was --- you said was removed. Do you
15 have any idea when that brattice was
16 removed?

17 A. No. I don't remember exactly
18 what day.

19 Q. Approximate time. I mean, you
20 don't have to be an exact. Was it
21 like Christmas, Thanksgiving, you
22 know, somewhere around a certain time

23 that you remember when it was done?

24 A. It might have been around

25 Thanksgiving maybe.

57

01 Q. Okay.

02 A. Maybe before --- it was before

03 Thanksgiving, somewhere around that

04 area.

05 Q. Do you know who removed it?

06 A. No, I can't remember who

07 removed it.

08 Q. It was removed on your shift

09 or ---?

10 A. I can't --- I can't remember

11 exactly when it was removed. I just

12 remember walking in one night and it

13 was gone.

14 Q. Okay. When you --- when you

15 went to those power boxes, there's

16 two ways you can probably --- you can

17 probably travel. But did you ever

18 travel --- like, okay, you had the

19 material --- the two material doors

20 that went to the mother drive area

21 where you went under the belt.

22 A. I traveled both ways

23 sometimes.

24 Q. Now, when you walked where the

25 brattice --- through where the

01 brattice was removed, up the crosscut
02 where the power box is, could you ---
03 was there any brattices when you went
04 north from those power boxes up to
05 the entry toward the Seven belt tail?
06 Was there any kind of brattice in
07 that area?

08 A. In the next --- it wasn't none
09 right there at the tail, but there
10 was in that other crosscut, I
11 believe.

12 Q. Okay. Like say you're at the
13 mother drive, ---

14 A. Yeah.

15 Q. --- could you walk from the
16 head roller around the power boxes?
17 Was there any --- was there any
18 brattices in that area?

19 A. You're talking about behind
20 the Seven tail? Behind the
21 tailpiece?

22 Q. Let's go up here at this map.
23 I can probably show you easier what
24 I'm referring to here. Come up here,
25 we'll mark this --- this one will

01 probably be easier.

02 MR. STAHLHUT:

03 So we'll mark this

04 Exhibit A.

05 (Runyon Exhibit A

06 marked for

07 identification.)

08 A. There wasn't none right here.

09 There wasn't one right there.

10 BY MR. STAHLHUT:

11 Q. Wasn't one here. Okay. Let

12 me mark --- draw a circle around this

13 one.

14 A. I'm guessing.

15 Q. Just put a line out in front

16 of it and you can just put missing

17 brattice, brattice not there,

18 missing, whatever you want.

19 WITNESS COMPLIES

20 MR. STAHLHUT:

21 And this is A Runyon,

22 he's indicating that these

23 brattices here in the Seven

24 tail that was not there.

25 BY MR. STAHLHUT:

60

01 Q. Do you happen to remember when

02 you walked down in this area --- and,

03 of course, this would be the door

04 going to the ---

05 A. Uh-huh (yes).

06 Q. --- travelway there. Do you
07 remember looking down this way, was
08 there a brattice down here or not?
09 Do you remember seeing a stopping
10 here?

11 A. Yeah, there was a stopping
12 there.

13 Q. There was a stopping there?

14 A. Yeah.

15 Q. Do you want to circle that say
16 and say stopping there. This map's
17 not totally accurate. It doesn't
18 show --- don't be alarmed by that.
19 It's --- they may or may not be
20 there.

21 A. The stopping was here?

22 Q. Yeah, stopping here.

23 WITNESS COMPLIES

24 BY MR. STAHLHUT:

25 Q. That's fine. While you've got

61

01 the marker, if you would, just sign
02 and date the map up here and verify
03 that you made these marks on the map,
04 on Exhibit A. And it's April 12th
05 --- or 13th, I'm sorry.

06 A. The 13th?

07 Q. 13th.

08 WITNESS COMPLIES

09 BY MR. STAHLHUT:

10 Q. When you were --- when you
11 walked through this area and you went
12 by the belt when you were looking
13 down that way, did you --- what did
14 you see when you looked down this
15 entry, this entry I'm referring to
16 would be the ---.

17 A. Belt structure.

18 Q. You seen the belt structure
19 down in that entry? Was there any
20 brattices, I mean, curtains? Did you
21 see anything or was it just belt
22 structure?

23 A. I don't remember seeing any
24 curtains or anything like that.

25 Q. And in this area here, we're

62

01 south of spad 3266, this is the area
02 you was talking about where the
03 starter boxes were at?

04 A. Yeah, in here, right.

05 Q. Okay. We can just go ahead
06 and sit down for a minute here. We
07 may be back to the map, but we'll go
08 ahead and ask a few more questions in
09 another area. When you were up ---

10 when you were going down, walking
11 along that belt and then let's go
12 back to the date before the accident,
13 the last shift you worked before the
14 accident. Do you happen to remember
15 which way the airflow was on that
16 belt? Was the air flowing in your
17 face when you were going uphill or
18 was it going towards the --- was it
19 going outby the longwall? Was it
20 going ---?

21 A. You mean as I was there at the
22 belt?

23 Q. Yeah, as you was at the belt.

24 A. I could feel air coming up the
25 belt.

63

01 Q. Coming up the belt?

02 A. Yeah.

03 Q. So the airflow was in the
04 upper direction.

05 A. Yeah, I could feel it. You
06 could feel air coming up the belt.

07 Q. So you're saying the direction
08 would be outby the longwall face, in
09 that direction?

10 A. Yeah, coming from the tail
11 toward the head.

12 Q. From the tail toward the head,
13 okay. Have you ever been called when
14 you were out there on the belt, when
15 they're running or something, to
16 check a CO warning or alarm, like
17 they called --- someone called you
18 and said, okay, we're getting an
19 alarm or warning on CO sensor ---

20 A. No.

21 Q. --- on the belt?

22 A. Not on the mother drive, I
23 haven't. But I have --- I've had the
24 dispatcher holler try to get ahold of
25 someone. I've answered the call

64

01 before, yeah. He said there was a CO
02 monitor going off.

03 Q. Okay. When you did that, it
04 was a four --- do you remember where
05 that was at? Where you were working
06 at, what belt or anything?

07 A. At one time it was --- it
08 seemed like to me it was on the Five
09 tail maybe. I really can't remember.

10 Q. When you received that call,
11 ---?

12 A. Here recently, there was one
13 towards --- on One belt. That was
14 when the belts wasn't running though.

15 I guess the rock dust must have done
16 it or something. I don't know.

17 Q. On One belt?

18 A. Yeah.

19 Q. Where is One belt?

20 A. Rum Creek.

21 Q. Okay.

22 A. That's been --- that's been a
23 while back.

24 Q. Okay. Way out ---

25 A. Yeah.

65

01 Q. --- heading toward --- out of
02 the mine on the other side of the
03 mine?

04 A. Not unless someone was using
05 torches or something that night. I
06 really can't remember. I remember
07 ---.

08 Q. How would you determine ---
09 when they called you, did you carry a
10 CO detector or ---?

11 A. Well, there was a foreman that
12 was with me.

13 Q. Oh, he was with you?

14 A. Yeah, he was ---.

15 Q. He basically checked it for
16 you?

17 A. Well, no. I went --- he went
18 --- I went to where one was and he
19 went to the other --- to the other,
20 and I don't know how far it was.

21 Q. Okay.

22 A. And I remember that one was
23 showing off maybe a two or a three.
24 I reset it though.

25 Q. Okay. So you just reset it?

66

01 A. Yeah. And then I guess he ---
02 I don't know if that one was good
03 where he was at or what.

04 Q. Okay.

05 A. And he come back and hollered
06 at the dispatcher and asked him, was
07 it okay. And I guess it was.

08 Q. So what would you look for ---
09 if you were asked to go check on ---
10 I guess first of all, did you ever
11 carry some sort of CO detector to
12 determine ---?

13 A. Uh-uh (no).

14 Q. What procedure would you use
15 to know it was okay?

16 A. Well, I wouldn't.

17 Q. Okay.

18 A. Unless it went back off again,
19 you know, the CO monitor. Unless it

20 went off again.

21 Q. Unless there was smell or

22 smoke or ---?

23 A. Right. Unless we smelled

24 smoke or seen smoke or something,

25 yeah.

67

01 Q. Did you ever receive any kind

02 of directions on how to address those

03 when you got those calls? Did your

04 supervisor ever give you any kind of

05 indication on what you should do or

06 how you should handle those things?

07 A. No. I'd go back and I'd make

08 sure nothing --- I'd walk around and

09 check to make sure nothing --- there

10 wasn't no fire or nothing. And I'd

11 holler back to the dispatcher and ask

12 him, see what it was showing.

13 Q. Do you remember --- and this

14 is taking you back a little farther.

15 Do you remember hearing about or do

16 you remember anything about a fire

17 around the longwall drive on the 23rd

18 of December back then?

19 A. Around the drive motors? No,

20 I didn't ---.

21 Q. Around the drive or the takeup

22 area?

23 A. I didn't know nothing about

24 that.

25 Q. --- of the mother drive?

68

01 A. Uh-uh (no).

02 Q. You wasn't familiar with

03 anything or any CO warnings or

04 anything?

05 A. Uh-uh (no).

06 Q. What about on the 29th of

07 December in another area of the mine,

08 do you remember hearing anything

09 about a fire on one of the belts

10 there?

11 A. Where at?

12 Q. It was probably on Five belt.

13 A. I don't know what day it was,

14 but I do remember there was a ---

15 someone said there was little fire on

16 the Five belt. I don't know what

17 caused it or whatever. I just

18 remember ---.

19 Q. Don't know anything about it,

20 just heard about it?

21 A. Yeah, I just heard about it.

22 Q. You never heard --- who told

23 you about it or what you heard?

24 A. No. I just remember --- I

25 just remember someone saying there

69

01 was like belt trimmers or something
02 that caught on fire somewhere. I
03 don't know how and I don't know what
04 could have started it.

05 Q. Do you remember who told you
06 that or who the beltman --- you know,
07 anything else about it that you can
08 remember?

09 A. No. No, I can't remember.

10 Q. We discussed belt rollers and
11 what you do outby the takeup. Have
12 you ever found a stuck roller on one
13 of the drop-off carriages?

14 A. Uh-huh (yes).

15 Q. What would you --- what would
16 you do with a bad roller on one of
17 those?

18 A. We'd change it.

19 Q. You would change it?

20 A. Yeah.

21 Q. Would you --- when would you
22 --- would you shut the belt off and
23 change it or ---?

24 A. Well, like I said, when we get
25 there, 30 minutes to an hour, the

70

01 belts would be shut off anyway after
02 they had emptied it. And that was
03 the number one priority for me
04 anyway, do whatever I could to that
05 belt to get it fixed. So I'd make
06 sure that everything was all right.
07 You know, if wasn't smoking or
08 nothing, no, I wouldn't cut it off.
09 But as soon as they got done, yeah,
10 I'd --- the belts would be cut off
11 and I'd change that roller if we had
12 one available.

13 Q. Did you ever have occasion or
14 did you ever hear when you had a
15 roller like that, would you run water
16 on to keep it from smoking until
17 it ---

18 A. I would.

19 Q. --- 'til it quit? 'Til the
20 shift change or something like that?
21 Did you ever some in and find one
22 left that way, where you ---?

23 A. Where water would be running
24 on it? No. I ain't never found one
25 like that.

71

01 Q. Okay.

02 A. But I've heard of people ---
03 you know, I've heard people talk

04 before, yeah, you know, you could do
05 that and wait until the next shift to
06 fix it or whatever. I wouldn't do
07 it.

08 Q. Who was telling you, you could
09 do that?

10 A. Nobody told me I could.

11 Q. Oh, okay.

12 A. They just --- I've just heard
13 talk of you can.

14 Q. You can? Yeah. I didn't know
15 if someone specifically ---?

16 A. No.

17 Q. A member of management saying,
18 ---

19 A. No.

20 Q. --- you know, could do that
21 instead of shutting the belt off or
22 you should do that.

23 A. No.

24 Q. We're just trying to find out
25 what you've been instructed to do.

72

01 Okay. I guess I'm still trying to
02 get a clear picture but on this ---
03 on the adjustments you'd make to
04 train the belt, and I'm referring in
05 this belt storage you used. What

06 kind of adjustment --- what would you
07 do --- you come in and you see the
08 belt running off and rubbing?

09 A. What belt?

10 Q. On the mother drive belt.

11 A. On the mother drive.

12 Q. In the takeup area that'd be
13 rubbing. Say it's rolled over and
14 rubbing real hard on a bearing block,
15 on the moveable carriage, you know,
16 on the three rollers and it's running
17 over to one side and rubbing real
18 hard. Explain to me how you would
19 handle that situation? What kind of
20 action you would do?

21 A. Well, you can tell which one's
22 crooked and which one ain't right
23 when it was --- you know, whether it
24 was running or not, you would have to
25 wait until it was shut off and do

73

01 your best to try to straighten it.
02 If I couldn't get a chain ratchets on
03 it, I'd take a crib block and bump
04 either side, whichever side needed
05 bumped and before the shift, the
06 dayshift would begin, I'd start the
07 belt back up and watch it to make
08 sure it was running okay. But it

09 would be dry. But when it would get
10 wet, it's hard to say exactly which
11 way it would go in. It's according
12 to how much they run too, how much
13 they're going to --- they turn it up,
14 you know, to make it run quicker or
15 not, but --- as far as the longwall,
16 cutting the coal, how much will be on
17 the belt.

18 Q. So let me follow up. I'm
19 understanding correctly, ---

20 A. That's just what I heard.

21 Q. --- you're saying ---.

22 A. That they can turn the shooter
23 up and down, make it run quicker, you
24 know what I mean, to cut the coal.

25 Q. Oh, yeah.

74

01 A. That's what I was talking
02 about.

03 Q. Okay. Well, I was talking
04 about when you make your adjustment
05 to the belt there, you say you got
06 the roller cocked ---

07 A. Uh-huh (yes).

08 Q. --- normally you'll see which
09 roller's cocked and then if --- even
10 if that belt were, say, rolled over

11 six inches or a foot, you know,
12 you're really running off hard and
13 rough, you'd go ahead and wait to
14 straighten it up until they quit
15 running or ---?

16 A. I ain't never walked up there
17 and it been that way.

18 Q. Okay. But what would you
19 normally --- see, how much would be
20 rubbing? Like would it be over on
21 top of a filler block? You know what
22 I'm talking about, filler block;
23 right?

24 A. Yeah, I know what you're
25 talking about.

75

01 Q. All right. Would it be over
02 on top of it or would it just be
03 coming up against it or what was the
04 normal or --- what conditions did you
05 find it in?

06 A. I have seen it run off a
07 little bit, rubbing against it. I
08 ain't never walked up there and seen
09 it rubbing on top of it. But even if
10 it's rubbing against it, like I said,
11 I'd fix it before I'd leave or try to
12 fix it.

13 Q. Would it --- would it be

14 smoking when it was rubbing like
15 that?

16 A. I have walked up there a
17 couple times, yeah, and seen it
18 smoking.

19 Q. And when it was smoking, did
20 you shut the belt off and correct it?
21 Did you go ahead and try to correct
22 it? Did you wait until they quit
23 running? How did you ---?

24 A. On the walk side, yeah, we've
25 took the guard off while the belt was

76

01 running and tried to fix it, not by
02 hooking a chain ratchet to it, but
03 just by bumping it.

04 Q. Okay.

05 A. We'd make sure which one was
06 crooked and which one wasn't and
07 that's the one we'd try to straighten
08 out, to see what we could do while it
09 was still running.

10 Q. Okay. And what would you do
11 when you got done? Did you say you'd
12 take the guard down and you would
13 just bump it and then you'd go ahead
14 and straighten it up and then put the
15 --- what would you put the guard back

16 and then go ahead and --- I guess
17 ---?
18 A. If it was running okay, yeah.
19 But the times I've walked up there
20 and it'd be doing that is when the
21 wall --- it wouldn't be running, you
22 know, the belt would be pretty dry.
23 Q. Right. On the tail end of
24 their shift, so they're probably
25 running everything dry on the face

77

01 and everything, I would assume.
02 A. I don't know.
03 Q. Yeah. A lot of times when
04 they're working there --- was there a
05 lot of water on that belt?
06 A. Sometimes there was.
07 Sometimes there wasn't.
08 Q. Was the water coming from ---
09 was there water on the face that the
10 belt was ---?
11 A. I guess. It was coming from
12 down that way somewhere.
13 Q. Of course ---
14 A. I don't know.
15 Q. --- you've got coolers and
16 different things on that longwall
17 face.
18 A. Yeah. I don't know nothing

19 about that.

20 Q. If there's no coal on it,
21 there can be a lot of water, couldn't
22 there? Going back to when you were
23 --- way back when you were moving the
24 power centers. What did you pull
25 those power centers with?

78

01 A. I didn't pull them with
02 nothing.

03 Q. Well, when you were there ---
04 when you observed them, who ---?

05 A. They'd usually used a scoop.

06 Q. Use a scoop?

07 A. Yeah. That's about all I've
08 ever seen them use is a scoop.

09 Q. Okay. Did you ever see them
10 use like a 14-man mantrip, the big
11 mantrip or anything like that?

12 A. No. I never seen them use
13 that. We didn't have them when I
14 first started.

15 Q. Okay. Were you trained on the
16 escapeways? Do you know where the
17 escapeways are in the mine and how to
18 get out of the mine from your work
19 area?

20 A. What do you mean was I

21 trained? I walk them every night
22 from the top of the hill.

23 Q. Okay. But did someone ever
24 show you the map and say this is the
25 primary escapeway or this is the

79

01 alternate escapeway?

02 A. No.

03 Q. This is how to come out of the
04 mine and where they are?

05 A. No. I've walked with the ---
06 my boss before. I'd say I've walked
07 with Tom before and he'd say this is
08 your escapeway.

09 Q. Okay. So he's --- did he show
10 you on a map or did he show you ---?

11 A. No, I ain't never been showed
12 on a map.

13 Q. How did you --- how did you
14 walk out that day? Do you remember
15 how you came out of the mine or how
16 you walked the escapeways, from
17 where, what right did you take?

18 A. I've walked it from Two
19 section before.

20 Q. Two section?

21 A. Yeah. And I've walked it ---
22 I've walked it from the mother drive
23 every day.

24 Q. Could you come up and show me
25 on the map how you walked from the

80

01 Two section, I guess?

02 A. Well, if I was up that way I
03 would. I usually walk the belt. I'd
04 usually walk the belt line out.

05 Q. Okay.

06 A. If I was here at the tail or
07 wherever the tail is here, probably
08 here.

09 Q. This is --- that's the Seven
10 belt there, the last belt. This is
11 the section --- the 48-inch belt.

12 A. Yeah.

13 Q. So you walked like from the
14 Two section out --- was this the ---
15 how is this --- was this the primary
16 or was this the alternate?

17 A. It was tagged as a secondary.

18 Q. As a secondary. How was that
19 tagged? Was it just reflectors?

20 A. Yeah.

21 Q. What color was it?

22 A. They was yellow.

23 Q. Okay. When you come out to
24 the Two section --- can you just draw
25 a green line how you come out? Did

01 you go all the way out of the mine or
02 did you just come out to the main
03 east entries? Or do you know how far
04 did you walk?

05 A. Well, if I was out there,
06 yeah, I'd come down so far and I
07 found that door and I'd come back to
08 here to make sure the belt was
09 started up all right and everything.

10 Q. So you just would walk a part
11 of it?

12 A. Yeah, if I was out here
13 somewhere fixing rollers or doing
14 supplies or something, out this way.
15 Then when it come time to start of
16 this shift, if I wasn't already out
17 here this way somewhere, I'd come
18 back and I'd find me a door and come
19 back.

20 Q. Did your boss ever walk you
21 completely out of the mine all the
22 way out of the mine?

23 A. No.

24 Q. To the intake or ---?

25 A. No.

01 Q. Okay. That's what I was
02 wondering.

03 A. Okay.

04 Q. If you would --- I'll give you
05 a green marker here but would you
06 mark the airflow we talked about a
07 while ago. But would you just draw
08 an arrow here which direction on the
09 day of the 18th --- 19th or midnight
10 shift on the 19th, what direction the
11 airflow was.

12 A. It was coming up the belt.

13 Q. Okay. Just put an arrow out
14 here, airflow if you would.

15 WITNESS COMPLIES

16 MR. STAHLHUT:

17 And we'll mark on there
18 the direction of airflow at
19 the mother drive to the Number
20 One entry on Exhibit A Runyon.

21 BY MR. STAHLHUT:

22 Q. So you never --- no one ever
23 --- your supervisor or no one showed
24 you like that on top sit down with
25 you and said this is a map of the

83

01 escapeways on it and ---?

02 A. No.

03 Q. No one's never done that with
04 you, okay. Do you happen to remember

05 when you were working out there on
06 that Two belt what --- the Two
07 section when you was talking about
08 changing rollers or something there,
09 what point in time was that when you
10 were on the belt? Do you remember,
11 was that --- on that --- prior to the
12 accident was that on the --- what
13 date was that or approximate time was
14 that? A month? A week before the
15 accident?

16 A. I was on that belt before then
17 but I wasn't back that far. I was
18 probably about two --- about three
19 breaks from the head, make a splice
20 on it.

21 Q. The head at which belt now?

22 A. The 48-inch belt.

23 Q. The 48-inch belt?

24 A. Yeah.

25 Q. Do you remember when you made

84

01 that splice on the 48-inch belt, and
02 you said that was maybe two or three
03 shifts prior to the accident? Was
04 that ---?

05 A. No, I ain't going to say it's
06 that soon. I can't remember when,
07 but it wasn't --- it --- that's the

08 belts I'd usually check the splice,
09 the Six and the Seven and the mother
10 drive. So I was there that night but
11 I didn't --- I don't remember ever
12 doing nothing that night on that
13 belt.

14 Q. On the 48?

15 A. Right.

16 Q. Do you remember --- when you
17 made that splice on the 48-inch belt,
18 what direction was the airflow?

19 A. On the belt?

20 Q. Yeah.

21 A. I don't remember what ---.

22 Q. Was it going inby or outby I
23 guess?

24 A. That night? No. Really I
25 couldn't feel much air on that belt.

85

01 Q. Wasn't noticeable enough that
02 you ---

03 A. No.

04 Q. --- didn't ---?

05 A. I can't remember ever feeling
06 much air on that belt.

07 Q. Okay. Do you ever have
08 occasion that you need to measure air
09 velocity on a belt?

10 A. Me? No.

11 Q. Okay. Have you ever seen
12 anybody doing that where they've
13 taken an anemometer ---

14 A. No.

15 Q. --- or they take chemical
16 smoke and ---?

17 A. I've seen the inspector do it
18 once.

19 Q. Okay. But I'm talking about
20 one of the foremen or ---?

21 A. No.

22 Q. --- people at Aracoma?

23 A. No.

24 Q. Do you remember the last time
25 you received training on the SCSR?

86

01 A. Yeah, this past year or back
02 in January.

03 Q. Okay. Did you have --- was
04 that before the accident or after the
05 accident?

06 A. That was --- I'm thinking it
07 was after because we was supposed to
08 have done it before and when the
09 accident happened we had to wait. I
10 believe it was after.

11 Q. Okay. What kind of --- what
12 kind of training did you have when

13 you had that training? Do you
14 remember?
15 A. What do you mean?
16 Q. How did they train you on the
17 SCSR? Did they ---?
18 A. Oh, they show us how and then
19 they put us in the bathroom ---
20 Q. Okay.
21 A. --- with the lights out, yeah.
22 Q. Turned the lights out?
23 A. Yeah.
24 Q. How did that work out?
25 A. You poke yourself in the eye

87

01 and everything else trying to do it.
02 Q. Did you get it done or ---?
03 A. I got it done. I had my
04 glasses upside down but it was done.
05 Q. All right. Pretty good way of
06 --- good experience, isn't it?
07 A. Yeah. Yes, it is.
08 Q. Have you ever worked on a ---
09 do you ever do any work on the two-
10 inch waterlines that go down along
11 the mother drive, going along the
12 belt toward the longwall?
13 A. Uh-uh (no).
14 Q. Do you remember that two-inch

15 waterline?

16 A. Yeah, I remember that being
17 there, but I've never done nothing to
18 it.

19 Q. Do you remember when that
20 waterline was installed? Was it
21 there when the panel started up or
22 was it put in later, I guess?

23 A. It was put in --- I remember
24 it being put in later.

25 Q. Okay.

88

01 A. I don't know when.

02 Q. You don't remember when?

03 A. No.

04 Q. Okay.

05 A. I just remember walking down
06 one night and it was there. I didn't
07 know what it was.

08 Q. Okay. And you don't know who
09 put it in then?

10 A. No.

11 Q. Was it put in on your shift or
12 do you have any idea?

13 A. No, I was --- like I said, I
14 walked in that night and there it
15 was. I don't know ---

16 Q. Okay.

17 A. --- who did it.

18 Q. Was the two-inch line --- that
19 two-inch line, do you remember if it
20 was installed before or after that
21 tripper drive was removed or do you
22 have any idea?

23 A. I can't remember if it was
24 before or after it. I can't
25 remember.

89

01 Q. Do you remember possibly when
02 that booster drive or tripper drive
03 --- you call it a tripper drive?

04 A. Yeah.

05 Q. Do you remember when it was
06 removed?

07 A. No. I can't remember exactly
08 what day or nothing, no.

09 MR. STAHLHUT:

10 Bill, have you got any
11 questions?

12 MR. TUCKER:

13 Yeah, I have a few.

14 BY MR. TUCKER:

15 Q. I may bounce around on you a
16 little bit, bear with me though.
17 When you work on the belts and you
18 check splices and things like that,
19 do you call a report out each morning

20 to anybody or ---?

21 A. No.

22 Q. Okay. I know you walk along

23 the belts a lot. Do you know what a

24 fire outlet --- a fire outlet?

25 A. A fire valve?

90

01 Q. Yeah, a fire valve.

02 A. Yeah.

03 Q. And you mentioned that on the

04 longwall belt, you came in one night

05 and seen this two-inch waterline ---

06 A. Yeah.

07 Q. --- had fire valves on it.

08 Prior to that, in walking that belt,

09 do you remember seeing fire valves?

10 A. I know there was --- I

11 remember seeing right there at the

12 storage unit. I mean, there might

13 have been a couple right there at the

14 storage unit. I don't remember how

15 many or ---.

16 Q. Do you remember what kind

17 waterline that would have been hooked

18 to?

19 A. That was hooked up to a small

20 waterline.

21 Q. Yeah, the two-inch?

22 A. Yeah, the two-inch.

23 Q. Yeah, I'm referring to before
24 the two-inch. You know, there was
25 some there on the two-inch line, fire

91

01 valves.

02 A. Uh-huh (yes).

03 Q. But before the two-inch line,
04 --- you said you went in one night
05 and it was just there, you wasn't
06 sure what it was at the time, that
07 two-inch line.

08 A. Uh-huh (yes).

09 Q. But before it was put in, do
10 you remember seeing any fire valves?

11 A. No.

12 Q. There was no other waterline
13 installed along the belt?

14 A. No.

15 Q. Okay. Going back to the 19th,
16 did you grease anything on the mother
17 drive that morning?

18 A. I don't do no greasing.

19 Q. Don't do greasing?

20 A. No, I don't. I might get in
21 and play in it sometimes if we go to
22 change a bearing, but I ain't never
23 --- no, I ain't never greased one.

24 Q. Who would do that?

25 A. That's, I guess, the dayshift

92

01 or second shift beltman will do it.

02 I mean, we're just ---. We're group

03 labor while we're there. Might be

04 little but we're still strong.

05 Q. I hear you. Are you aware of

06 any hot bearings on the mother drive,

07 any problems they'd been having

08 around that time?

09 A. No.

10 Q. Have you ever had to chain

11 down one of those storage units?

12 A. You mean the drop-off?

13 Q. The drop-off unit, yeah.

14 A. Chain them down? No. But

15 we'd hook a chain. That's before the

16 bolts was installed.

17 Q. All right.

18 A. We put a chain around them to

19 keep them from going forward.

20 Q. But prior to that they went

21 forward or ---?

22 A. Yeah, sometimes they would,

23 sometimes they wouldn't.

24 Q. You're not sure why they did

25 that?

93

01 A. No. Other than the bolts

02 being short, but sometimes if the
03 carriage roller was up too close to
04 them, it seemed like, yeah, they
05 would drift forward a little bit
06 until the belt would land on them,
07 because the carriage roller was close
08 and that's farther back. It went
09 away from that certain one and it
10 would stay right there.

11 Q. Did you ever do any trimming
12 on the belt? You know, how sometimes
13 like it rubs, you'll have these
14 strings ---

15 A. Yeah.

16 Q. --- along the belt?

17 A. I ain't never seen them.

18 Q. Do you ever ---?

19 A. I ain't never been --- walked
20 up there and seen any as far as still
21 on the belt, you know. You're
22 talking about a big wad of belt
23 hanging off the edges or something?

24 No.

25 Q. No. Just a string or

94

01 something that needed trimmed. You
02 don't know --- you didn't fool with
03 that much yourself as far as trimming

04 that?

05 A. If I seen it, I'd trim it, but

06 I ain't never walked up there and

07 seen it needed trimmed.

08 Q. Oh, okay. Did you and your

09 buddy ever do any cutting and welding

10 or any work there on the --- in the

11 mother drive area?

12 A. He used to. There for a while

13 he never --- when --- he never done

14 it with me, but he used to whenever I

15 first started. He was there before

16 me.

17 Q. How did you find out about the

18 fire on the 19th?

19 A. When I started to come to work

20 that night, which my wife's friend

21 called and she thought --- she was

22 crying and scared to death. And I

23 --- we just watched the news and I

24 didn't hear nothing about it. She

25 said she saw it on the news and I was

95

01 thinking, you know, well, it just

02 happened. I said surely it wouldn't

03 be on there this fast. I mean, if it

04 just happened. So I went --- I

05 started to work that night anyway and

06 that's when they wouldn't let us up

07 at the hollow. That's how I knew for
08 sure.

09 Q. Did you work on a belt on the
10 19th, the day before the fire?

11 A. Wednesday night?

12 Q. That would have been ---.

13 A. I can't remember if I done
14 anything on it that night or not as
15 far as any splicing or anything goes.
16 I can't remember.

17 Q. So as far as a, you know, day
18 or two prior to the fire on the 19th,
19 does anything stand out in your mind
20 that you did on the mother drive?

21 A. We might have made a splice
22 then, I ain't going to say we didn't,
23 but I can't remember if we did.

24 Q. Had you ever helped change out
25 any bearings or anything in that ---

96

01 A. Not on that belt, I haven't.

02 Q. --- on the belt? Okay. Do
03 you have any idea how the fire
04 started or ---? I'm sure you've
05 probably talked ---.

06 A. I've just heard talk.

07 Q. --- and heard ---?

08 A. Yeah, I just heard it started

09 in the storage unit and nobody knows
10 exactly how.

11 Q. I think earlier you had
12 mentioned that you had heard of a
13 fire on the Number Five belt.

14 A. Uh-huh (yes).

15 Q. Have you heard of any other
16 fires at the mines?

17 A. Yeah. It wasn't too long
18 after I first started, there was a
19 fire up towards Three section. I
20 don't know how it started. One of
21 their belts supposedly caught on
22 fire. That was maybe a month or two
23 after I first started.

24 Q. So what would have been ---
25 would that have been old Three

97

01 section?

02 A. Old Three section, yeah.

03 Q. Back in Four Right?

04 A. Yeah.

05 Q. Did you hear any details or
06 anything on that as far as how bad it
07 was, how long it lasted or who put it
08 out?

09 A. No, I don't know nothing about
10 that.

11 Q. Just that all you've heard is

12 that there had been one there?

13 A. Yeah.

14 MR. TUCKER:

15 I'll turn you back over

16 to Ron for a minute.

17 MR. STAHLHUT:

18 I've got a few more

19 questions.

20 BY MR. STAHLHUT:

21 Q. Bear with us. When you're

22 walking your belt and doing your

23 normal activities, do you walk both

24 sides of the belt normally or do you

25 just walk the one side of the belt?

98

01 A. Just one side.

02 Q. One side? Which side do you

03 normally walk?

04 A. The wider side.

05 Q. The wider side? Do you do

06 shoveling on the belts?

07 A. Sometimes I do.

08 Q. A lot or ---?

09 A. No, not a lot. Just

10 sometimes. If they want us to clean

11 something up or something. If I

12 don't have nothing else to do when I

13 first get there, after I check the

14 splices and if everything's all
15 right, I'll shovel or something.

16 Q. Just the area that you're
17 either instructed to by your
18 supervisor or an area ---?

19 A. Just something I want to do
20 because I get tired of sitting around
21 doing nothing.

22 Q. Okay. So shoveling belt's
23 probably --- is that part of your
24 normal activities?

25 A. No.

99

01 Q. You're doing other things
02 normally. Do you know if --- when
03 you went up in that area or have you
04 noticed maybe you went to turn the
05 water on or --- for some reason, do
06 they ever shut the water off on the
07 Seventh North belt --- or the Seventh
08 --- the Number Seven belt?

09 A. Have they ever shut it off?

10 Q. Yeah. Or have you found it
11 shut off or anything?

12 A. No.

13 Q. Do they leave it partially on
14 or anything and was there any reason
15 that they had problems with it or
16 anything? Do you know of any reason

17 that that water would be shut off on
18 the Number Seven belt?

19 A. Not unless there was a leak or
20 something I didn't know about. I
21 mean, ---.

22 Q. Okay. There's a --- I guess
23 you call it a wash-down hose or
24 something up around the head roller
25 of the mother drive, the hydraulic

100

01 --- black hydraulic hose? Little
02 hose?

03 A. Yeah.

04 Q. Have you ever used it?

05 A. No, I ain't never --- I went
06 up there and seen it dangling, ---

07 Q. Yeah.

08 A. --- you know, or rubbing
09 against the belt and I just adjusted
10 whoever set it there in the first
11 place.

12 Q. You didn't have to use it?

13 A. No.

14 Q. Did you use any water on the
15 mother drive on the last shift you
16 worked before the accident, around
17 the mother drive?

18 A. (Indicates no).

19 Q. So you wouldn't have any idea

20 ---.

21 A. No. I never took no water

22 hoses and sprayed down around the

23 ledge or nothing.

24 Q. I didn't know. Sometimes you

25 might get mud on your hands and wash

101

01 your hands off or something, you

02 know, for any reason. I was just

03 trying to ---.

04 A. I usually grab some rock dust

05 to do that.

06 Q. Okay. What about the --- on

07 the carriage, the whole takeup

08 assembly from the mother drive, have

09 you ever had any formal training or

10 have you had any training like from

11 Continental or have you had anyone

12 come in and do any kind of training

13 on how that takeup unit operates?

14 How it's supposed to work?

15 A. No.

16 Q. How the drop-off --- you

17 haven't --- they haven't come in?

18 A. No.

19 Q. No one's provided with any

20 training or --- Continental or ---?

21 A. Not any special training, no.

22 Q. No special training or
23 anything?

24 A. No.

25 Q. Okay. Have you ever seen

102

01 those drop-off rollers, you know,
02 while the belt was running to slide
03 down or move after they dropped off
04 or cocked while you've been there?

05 A. I ain't never seen them
06 cocked, but I've seen them slide.

07 Q. Move?

08 A. Yeah.

09 Q. When you --- those bolts that
10 you added that --- let's say the
11 month before or whatever --- I forgot
12 exactly what.

13 A. It was some time, yeah.

14 Q. Did that stop them from
15 sliding?

16 A. Yeah.

17 Q. Okay. What about the drop-off
18 chutes that dropped the rollers off
19 as they come up to them, were you
20 aware of any problems with those or
21 was there problems with any ---?

22 A. Yeah, that's why some of them
23 wasn't in there. I don't know when

24 you all seen the belt but --- yeah,
25 when I first got there, when they

103

01 first put everything in, yeah,
02 everything was there, but --- which
03 we assumed everything was right as
04 far as them being the right length
05 and everything, but they wasn't.

06 That's why some of them wasn't there
07 even.

08 Q. Bent?

09 A. They got bent.

10 Q. Tore them up?

11 A. Yeah.

12 Q. Okay. And why did those bend
13 or tear up, do you have any idea?

14 A. I'd say something --- okay,
15 some would drop off at certain ones.
16 They might be one or two that
17 wouldn't drop off where it was
18 supposed to, but it wasn't because
19 the length of them. Then when you go
20 to pull belt, the next thing you
21 know, the back, them little flaps on
22 each side of the drop-off would catch
23 in behind them and just rip them
24 right out. It done probably two or
25 four that way.

104

01 Q. When they'd bend or tear up,
02 why weren't they replaced? Was there
03 a reason?

04 A. I have no idea.

05 Q. Did you make people --- had
06 you made people aware that they were
07 incorrect?

08 A. I mean, anybody that walked up
09 there noticed they was gone.

10 Q. Was there a difference ---
11 each one was a drop-off rollers or
12 carriage rollers, was there a
13 difference in each one of those
14 rollers?

15 A. What do you mean difference?

16 Q. Different heights?

17 A. I don't know. I'd say them
18 little arms was.

19 Q. Yeah.

20 A. I'd say them was. They had to
21 be, I guess.

22 Q. Were they all in the correct
23 location when they were installed or
24 do you have any idea? Let me back up
25 and rephrase the question. Did it

105

01 make a difference if when you put the
02 takeup unit together if you put the

03 carriage rollers --- did they go in a
04 certain sequence?

05 A. I don't know if they did or
06 not. I'd say they probably did.

07 Q. Okay. And how long did this
08 condition --- how long did that
09 condition last where at least the
10 drop-off pins or ---

11 A. Stand.

12 Q. --- stand, whatever you want
13 to call it, where they were tore up?
14 Was that --- when did that first
15 occur?

16 A. When we first pulled belt.

17 Q. First pulled the belt?

18 A. Yeah.

19 Q. And approximately what time
20 was that time frame when they first
21 pulled the belt or the first time you
22 pulled the belt?

23 A. Maybe a week or two after
24 first starting up.

25 Q. And what time of year was

106

01 that? Was that like in the fall, you
02 know, the summer? Do you have any
03 recollection of when that panel
04 started or about when that first ---?

05 A. It was around the fall, I'd

06 say. Around the fall maybe.
07 Q. Okay. September, October?
08 A. Somewhere around that area.
09 Q. They stick out in your mind?
10 A. Yeah, I don't remember exactly
11 when but yeah, somewhere in that
12 area.
13 Q. It's been a considerable
14 length of time that those would be
15 --- not been there?
16 A. Yeah.
17 Q. Okay. What kind of --- you
18 mentioned earlier, I guess you had a
19 checklist or you said that wasn't on
20 my checklist. What is on --- what is
21 ---?
22 A. Whatever list the boss has.
23 That's what I meant.
24 Q. Oh, okay. You don't have a
25 set ---

107

01 A. No.
02 Q. --- checklist? You've got to
03 check this bearing or this takeup or
04 this drive? It's --- he gives you a
05 list?
06 A. Yeah.
07 Q. What kind of --- what kind of

08 list is it, just a work list?
09 A. Yeah, a work list. Just a
10 list of rollers wherever they're down
11 at, needs changed or check this and
12 that, you know, as far as checking
13 the splice on this belt that somebody
14 called out and said it was bad ---

15 Q. Oh, okay.

16 A. --- something like that.

17 Q. More maintenance work?

18 A. Yeah.

19 Q. I mean, a work list of the
20 things that need corrected on the
21 belt you're going to work on? We
22 discussed those fire suppression
23 hoses, the water sprinklers that was
24 up over the drive. Was there any
25 added to that at any point in time?

108

01 Do you happen to remember was that
02 extended or anything?

03 A. Extended down the belt?

04 Q. Yeah, down the belt or
05 something added or something?

06 A. Yeah, it was extended down the
07 belt, but I don't know how far. I
08 remember seeing ---.

09 Q. Do you know when it was ---
10 what time frame or when you saw it

11 extended?

12 A. No. I don't know --- I don't
13 know who put them on there to be
14 extended. I don't know --- I don't
15 remember when. But I just remember
16 it was there.

17 Q. Do you ever remember seeing
18 any down over in the takeup area ---
19 or down in that area?

20 A. No, I don't remember it doing
21 down that far.

22 Q. We discussed the airflow
23 direction on the longwall and you
24 indicated on the map. Did it ever
25 --- did it ever change during your

109

01 shift or do you ever remember it
02 going in the opposite direction? You
03 indicated it was going in the outby
04 or the uphill direction there on the
05 longwall. Do you ever recall that
06 going the other direction in that
07 takeup area where it was going toward
08 the longwall?

09 A. No, I don't remember it doing
10 that.

11 Q. Okay. I got a couple
12 questions. We'll go back to the map

13 in a minute, but let me ask the rest
14 of these first and save you the trip.
15 We'll make one trip up there. When
16 you discussed the airflow of that ---
17 in the longwall takeup belt drive
18 area. What kind of --- was there a
19 lot of air going in the outby
20 direction or was it just a little bit
21 or did ---? What would you --- how
22 would you indicate it?
23 A. Just a little bit. It was
24 enough to where you could feel it.
25 Q. You could feel it. It wasn't

110

01 real strong?
02 A. No.
03 Q. Just light?
04 A. Yeah.
05 Q. You could see the direction of
06 the airflow basically or just feel
07 it?
08 A. Yeah, if you had dust throwed
09 up there, you could see it.
10 Q. Okay. You mentioned earlier
11 about the CO sensors. Do you know
12 --- you said that you'd go to the
13 sensor and reset it. How would you
14 reset the sensor?
15 A. Just reset it. Just hit the

16 reset button.

17 Q. Push the reset button, is that
18 how you do it?

19 A. Yeah.

20 Q. Is that --- is there a reset
21 button on it?

22 A. Yeah, there's a reset button
23 on it.

24 Q. Do you happen to remember ---
25 you was around the Seven tail drive

111

01 --- head roller area of the mother
02 drive. Do you remember was there a
03 --- do you remember the exact
04 location of the CO sensor up around
05 that Seven belt tail? Was there a CO
06 sensor around in there anywhere,
07 around the belt tail?

08 A. It seems like there was one
09 there. One right there at the
10 tailpiece.

11 Q. Was it ---?

12 A. And there was one right there
13 at the head drive on the mother
14 drive.

15 Q. Okay. At the head drive?

16 A. Yeah.

17 Q. Would you --- could you come

18 up and mark those --- approximate of
19 what you remember on the map? Mark
20 those CO sensors. It might be easier
21 to mark them on the map than --- get
22 an exact location. Mark it ---
23 there's a marker here.

24 MR. STAHLHUT:

25 The Seven belt

112

01 tailpiece, he's going to mark
02 it.

03 A. Yeah, there was one on this
04 side of the tail up there.

05 BY MR. STAHLHUT:

06 Q. Just put a line there and put
07 CO sensor, Seven belt tail. That's
08 where you've indicated that.

09 WITNESS COMPLIES

10 MR. STAHLHUT:

11 He's indicating just
12 inby spad 3249.

13 BY MR. STAHLHUT:

14 Q. Maybe just put there Seven
15 belt tail.

16 MR. STAHLHUT:

17 And he's indicating one
18 just inby the mother drive on
19 the Number One entry of the
20 northeast headgate entry, in

21 the entry just outby spad
22 3267, inby drive, the mother
23 drive.

24 BY MR. STAHLHUT:

25 Q. Does that sound accurate?

113

01 A. Yes.

02 Q. We talked about this stopping
03 and you said it was right here. Do
04 you know if it was in --- did you
05 happen to check it? When was the
06 last time you ---?

07 A. No, I ain't never checked it,
08 but when I'd walk ---.

09 Q. When you looked down there
10 ---?

11 A. Yeah, I've seen it.

12 Q. When's the last time --- like
13 that you had to look down that way on
14 the 18th or 19th? The last shift you
15 worked.

16 A. I don't know. I can't
17 remember if it was there that night.

18 Q. Okay.

19 A. But I do know it was there the
20 last time.

21 Q. The last time you looked?

22 A. Yeah.

23 Q. When was that, do you have any
24 idea?

25 A. It might have been that week.

114

01 Q. That week. And we're
02 referring to the stopping which is
03 marked as --- that there was a
04 stopping there. And it was inby the
05 material doors to the southside of
06 --- in Eight crosscut inby spad
07 number 3267 on Exhibit A. Do you
08 know --- do you remember --- when you
09 was at the Seven belt head, do you
10 remember the direction of the airflow
11 on this --- on this Seven belt?
12 Which direction it was? Inby?
13 Outby?

14 A. No. I can't remember which
15 way it was going.

16 Q. All right. I think that's all
17 for right now on the map. If you was
18 at that storage unit, where was the
19 shut off valve to shut the longwall
20 belt off? If you was --- say you was
21 in the storage area ---?

22 A. There was one right there by
23 the CO monitor.

24 Q. Right by the CO monitor ---

25 A. Yeah.

01 Q. --- where you indicated on the
02 map ---

03 A. Yeah.

04 Q. --- on the corner of that
05 underpass there? Okay. There was a
06 mud --- do you remember a mudhole
07 around that longwall or mother drive
08 anywhere? Was there a mudhole?

09 A. Uh-huh (yes).

10 Q. Where was it at?

11 A. Right --- just right in
12 between that block there by the CO.

13 Q. Okay. In toward the outby
14 side of it?

15 A. Yeah.

16 Q. What caused that waterhole, do
17 you have any idea?

18 A. It was just water that was
19 coming off the Seven belt. I
20 remember seeing water coming through
21 that break, just outby the CO monitor
22 there, outby the head coming down.

23 Q. Uh-huh (yes). That water ---
24 do you remember, did they ever shut
25 the water off the head roller face

01 there at the Seven --- or the

02 longwall mother drive, of course,
03 your said ---.
04 A. No, I don't know. I don't
05 remember ever --- nobody ever cutting
06 it off.
07 Q. Cutting it off.
08 A. I don't remember them ---.
09 Q. Do you ever remember seeing
10 any water sprayed in that area around
11 the longwall?
12 A. No. No.
13 Q. Okay. Along that --- the
14 mother drive there, along the take-up
15 area on the walkway side, do you
16 remember seeing a fire hose being
17 strung out along that belt there?
18 A. Where at?
19 Q. Along the mother drive, the
20 belt take-up.
21 A. There was one in there at the
22 take-up.
23 Q. Was it strung out on the
24 walkway or along the walkway there
25 somewhere?

117

01 A. Yeah.
02 Q. Where was --- what was that
03 put there for; do you have any idea?
04 A. I have no idea.

05 Q. Do you know what it was used
06 for?

07 A. No, every time I've walked up
08 there, it was just laying on the
09 ground.

10 Q. Okay. Where did they store
11 the fire hoses? Do they have a
12 storage area around that area for
13 fire hoses?

14 A. There was probably two or
15 three right there at that entry
16 level.

17 Q. Okay. Were they ---?

18 A. It was hanging on the ribs.

19 Q. Hanging on the rib?

20 A. Yeah.

21 Q. Okay. How long --- going
22 back, that fire hose laying on the
23 ground. How long do you remember
24 seeing that fire hose laying there?

25 A. It seems like the whole time

118

01 the waterline was there. I mean, you
02 know, the two-inch line was there.
03 It seemed like it was there, put
04 there.

05 Q. Okay. So it had been there
06 for quite some time?

07 A. Yeah, it's been there a little
08 while.

09 Q. What kind of --- was there any
10 kind of wetting device or anything on
11 that --- around the Seven belt tail
12 to wet the Seven belt? Do you
13 remember seeing anything ---?

14 A. That's what someone was using
15 that little hose for.

16 Q. Okay. The little hydraulic
17 hose ---

18 A. Yeah, the hydraulic one.

19 Q. --- that we referred to?

20 A. Yes. Just had it spraying on
21 the belt.

22 Q. Did you ever see a fire hose
23 like cutoff and a piece tied under
24 the belt or something, and they was
25 using a fire valve to wet something

119

01 like that in that area?

02 A. Uh-uh (no).

03 Q. Okay. The two-inch waterline
04 that went down alongside the longwall
05 belt that we discussed earlier, do
06 you remember where that went to or
07 where it stopped at?

08 A. No. I can't remember how far
09 it went.

10 Q. Do you remember, was there a
11 shutoff valve anywhere in the drive
12 area in that line? Around the drive?

13 A. Not for that line, no. I
14 can't remember ---.

15 Q. You wouldn't recall seeing
16 anyone being sent out there to shut
17 it off ---

18 A. No.

19 Q. --- or take the waterline out
20 or something? Okay. Did anyone ever
21 instruct you on any firefighting
22 procedures on the mother drive, like
23 if you had a fire, what you should
24 do, how you should fight the fire, or
25 what you should use, or any kind of

120

01 firefighting procedures, or what your
02 job would be if a fire did occur?

03 A. No.

04 Q. Do you keep any records or
05 notes of what you do each shift?

06 A. No. I should, but I don't.

07 Q. Did they ever use a shuttle
08 car, a miner, when you're pulling
09 those power centers. Did they ever
10 use a miner or a shuttle car to pull
11 the power?

12 A. I don't remember. I've always
13 seen them use a scoop.

14 Q. Okay. Do you remember about
15 where that tripper drive was located?
16 Could you locate it on a map, or do
17 you remember close enough to ---?

18 A. I think it was --- I'm trying
19 to count the breaks. I'm trying to
20 remember exactly where ---.

21 Q. I don't know if this map goes
22 down far enough. That's --- I'll
23 give you an idea of reference right
24 now where the current --- the
25 longwall face was at about break six,

121

01 this is a little bit off. The actual
02 longwall face at the time of the
03 accident was somewhere right in here.
04 And how far down here --- the trip
05 --- got it on the map here. I didn't
06 know if you had any idea, if you ---.

07 A. I can't really remember what
08 break it was. It was maybe around 30
09 or something like that. I really
10 can't remember. Or 20-something, or
11 30.

12 Q. We heard when the fire
13 occurred that the water was turned
14 off up there. Do you have any idea

15 of --- how would you know if the
16 water was turned off on the fire
17 valves or the water sprinklers or
18 anything up in that area around the
19 mother drive?

20 A. Well, that little hose ---
21 that little hydraulic line always had
22 water coming out. That would be one
23 way.

24 Q. Did you --- did you happen to
25 check that hose the last shift you

122

01 worked ---?

02 A. When I was around that area, I
03 --- you could hear it running anyway
04 when the belts was off.

05 Q. Did you see it running the
06 last shift you were on?

07 A. I can't remember. But I don't
08 see why anybody would want to cut it
09 off.

10 Q. Yeah. I just wondered if you
11 actually ---

12 A. Oh.

13 Q. --- visually seen it, you
14 know, that it was working or had
15 water coming out of it. The best you
16 remember. So the black hose that you

17 referred to, the hydraulic hose we're
18 talking about, that was used to wet
19 the belt down?

20 A. Yeah.

21 Q. Was it used to like wash the
22 rock box out or anything else to ---?

23 A. I never used it for that. I
24 don't know if anybody else did or
25 not.

123

01 Q. You never did know if they did
02 or didn't?

03 A. No. No, I wouldn't.

04 Q. To the best of your
05 recollection, how high is that CO
06 sensor --- or the roof in the
07 location in that drive area where
08 that CO sensor communicated beside
09 the inby and outby?

10 A. How high was it hanging up, or
11 just ---?

12 Q. No, how high was the entry
13 there, do you have any idea? Was it
14 approximately ---?

15 A. Well, it was hanging right
16 there at the corner. Right there is
17 where the belt line --- that's what
18 side it was on.

19 Q. The side of the belt, on ---.

20 A. I don't know, probably ten-
21 foot maybe.

22 Q. At least ten foot?

23 A. Yeah, at least ten foot.

24 Q. And the CO sensors were
25 probably ---

124

01 A. High levels.

02 Q. --- high levels, so they'd be
03 approximately ---

04 A. Five or six foot.

05 Q. --- five foot?

06 A. Yeah.

07 Q. Okay. Do you have any idea
08 why that fire hose was strung out
09 along the belt? You said it's been
10 there for a considerable length of
11 time, why somebody would have strung
12 it out?

13 A. No, I don't know why anybody
14 would have strung it out.

15 Q. At the Seven belt tail area
16 there, you indicated at the mother
17 drive belt the air was going in the
18 outby direction around that drive
19 area. Do you have any idea in that
20 --- around that Seven belt tail,
21 where did that air go to? Do you

22 think it went inby or outby?

23 A. I have no idea where it could
24 have went. Like I said, it wasn't
25 much of a draft, but --- you could

125

01 barely feel it.

02 Q. Okay.

03 A. But I never paid much
04 attention when I was on that belt
05 line, on Seven belt, which way it was
06 going.

07 Q. Okay. That valve that
08 controlled that black hydraulic hose,
09 the best you can remember, did it
10 work, or did you need to use another
11 valve to turn it on?

12 A. I assume it worked, you know
13 what I mean. From what I remember,
14 each time I was there, the water was
15 dripping out of it.

16 Q. Okay. Going back to your
17 early time at the mine when you first
18 started, when the power moves were
19 being --- when the power was being
20 moved, do you remember seeing the
21 lights --- lights on the power center
22 or the equipment, or anything that
23 was new movement, the power --- the
24 power center?

25 A. I don't remember. I can't

126

01 remember if there was lights around

02 the power center or not.

03 Q. Were the belts still running?

04 Like, was the belt still running on

05 the section when you moved the power?

06 Do you remember that?

07 A. No, I can't remember.

08 Q. Have you recently been

09 retrained, or been trained on safety

10 precautions to be followed when

11 moving power?

12 A. No.

13 Q. In the last few days or

14 anything, nobody made any comments

15 about moving power, or what should

16 have ---?

17 A. No. There haven't been ---

18 no.

19 Q. Okay.

20 MR. TUCKER:

21 Can we take just about

22 a two-minute break?

23 MR. STAHLHUT:

24 Yeah.

25 SHORT BREAK TAKEN

127

01 MR. TUCKER:

02 One of our team members
03 come in. We'll have him
04 introduce himself for the
05 record.

06 A. Yeah, I remember him. I've
07 noticed him.

08 MR. WHITE:

09 Eugene White, State
10 inspector out of Region Three,
11 Danville.

12 BY MR. TUCKER:

13 Q. Just a couple questions, and
14 we'll be finished. On that black
15 hydraulic hose that was spraying on
16 the Number Seven belt, do you
17 remember which side of the belt it
18 was spraying on? I mean, was it
19 spraying from the Seven head side of
20 Seven belt, or was it on the off side
21 of Seven belt spraying ---?

22 A. No. It was on the walk side,
23 just --- it was just right --- just
24 outby the head drive there at the
25 mother drive. You know, it was right

128

01 there. It probably wasn't 10, 15
02 feet maybe from the rock box. It was
03 right there.

04 Q. Okay. Do you remember how
05 long it was?

06 A. About four or five feet long
07 maybe, something like that.

08 Q. Four or five feet long?

09 A. Yeah.

10 Q. Okay.

11 A. I remember it being just long
12 enough just to go from the waterline
13 that's up, you know, to the bottom
14 --- rib on the bottom belt.

15 Q. Okay. Have you heard of any
16 other water problems that they may
17 have had --- when I say water
18 problems, as far as maybe needing
19 water and not having it, or water
20 being shut off there at the mother
21 drive?

22 A. No. No.

23 MR. TUCKER:

24 Okay. That's all I
25 have.

129

01 BY MR. STAHLHUT:

02 Q. Just a couple more questions
03 here. Back to this black waterline
04 and that valve, do you remember the
05 last time you looked at that valve,

06 the last day you worked, or did you
07 look at it --- was it in the fully on
08 or fully off position? Do you have
09 any idea?

10 A. Well, that was just --- I
11 guess that --- the only thing I
12 remember it was just dribbling on the
13 belt.

14 Q. Okay.

15 A. So I'd say --- you know, I'd
16 say it was probably just on just
17 enough to --- just enough to ---
18 while the belt was running, it would
19 sooner or later get it wet.

20 Q. But you didn't remember
21 looking at the belt ---

22 A. No.

23 Q. --- to see how it was ---

24 A. No.

25 Q. --- whether it was on or off,

130

01 or cocked, or ---

02 A. No.

03 Q. --- if it was controlled
04 somewhere else or what? Okay. Do
05 you know what caused the fire at the
06 mother drive?

07 A. No.

08 Q. How did you learn of the fire?

09 A. My wife's friend called and
10 told me that there was a fire, but I
11 wasn't for sure if she --- if it was
12 the same place or not.

13 Q. Do you have any opinion on how
14 that accident could have been
15 avoided?

16 A. No. I don't know how it
17 started or nothing. If that's --- I
18 don't know.

19 Q. Is there anything else you'd
20 like to tell us regarding what
21 happened the day of the accident, or
22 anything you know about?

23 A. No.

24 MR. STAHLHUT:

25 Bill, do you got any

131

01 questions?

02 MR. TUCKER:

03 No.

04 MR. STAHLHUT:

05 On behalf of MSHA, we'd

06 like to thank you for

07 appearing here today and

08 answering our questions and

09 sharing your information about

10 the mine. Your cooperation is

11 very important to us as we
12 work to determine the cause of
13 the accident.

14 If you wish, you may
15 now go back over any answer
16 that you had given during the
17 interview, and you may make a
18 closing statement covering any
19 additional points if --- that
20 should be raised if you want
21 to.

22 A. No, I'm --- everything's okay,
23 I guess.

24 MR. STAHLHUT:

25 Okay. We ask that you

132

01 do not discuss your interview
02 today with any person who may
03 have already been interviewed,
04 or who may be asked to be
05 inter --- to give a statement
06 in the future. This will
07 ensure that we obtain
08 everyone's independent ---

09 A. Right.

10 MR. STAHLHUT:

11 --- memory of the
12 events surrounding the
13 accident.

14 After questioning other
15 witnesses and obtaining
16 additional information, we may
17 be asking you back for further
18 questioning. If at a later
19 --- some later point you have
20 additional information
21 regarding the accident that
22 you would like to provide us,
23 please contact the team
24 leader, Kenny Murray, or the
25 staff assistant, Anthony Webb.

133

01 And here's their cards.

02 And also, the Mine Act
03 provides certain protection
04 --- certain protection for
05 individuals who participate in
06 accident investigations. If
07 at any time you believe you've
08 been treated unfairly because
09 of your cooperation in this
10 investigation, please
11 immediately contact Mr. Murray
12 or Mr. Webb.

13 And Bill's got a
14 statement. But I'd like to
15 thank you again for your help.

16 A. Okay.
17 MR. TUCKER:
18 Also, on behalf of
19 Miners' Health, Safety &
20 Training, David, we'd like to
21 thank you for coming here
22 today. And the State also
23 offers similar protection
24 against discrimination against
25 miners. So if you'd ever need

134

01 us for anything, here's one of
02 my cards. And this is C.A.
03 Phillips' card, he's our
04 Deputy Director out of our
05 Charleston office.

06 A. All right.

07 * * * * *

08 EXAMINATION CONCLUDED AT 9:52 A.M.

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