

01 EXAMINATION UNDER OATH
02 OF
03 ROY SIMON STEPP
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 Tuesday, March 14, 2006, at 10:02
13 a.m.

14

15

16

17

18

19

20

21

22

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

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

02

03 DAVID J. HARDY, ESQUIRE

04 Spilman, Thomas & Battle, PLLC

05 990 Elmer Prince Drive

06 Suite 205

07 P.O. Box 4474

08 Morgantown, WV 25604-4474

09

10 WILLIAM TUCKER

11 Assistant Inspector at Large

12 West Virginia Office of Miners'

13 Health, Safety & Training

14 142 Industrial Drive

15 Oak Hill, WV 25901

16

17 ANTHONY BURKE

18 CMS&H Inspector

19 U.S. Department of Labor

20 Mine Safety & Health Administration

21 Whitesburg Field Office

22 704 Highway 2034

23 Whitesburg, KY 41858

24

25

3

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

02

03 KEITH A. BELL, ESQUIRE

04 U.S. Department of Labor

05 Office of the Solicitor
06 1100 Wilson Boulevard
07 Arlington, VA 22209-2296
08
09 ANTHONY WEBB
10 U.S. Department of Labor
11 Mine Safety and Health Administration
12 Coal Mine Safety and Health
13 District 6
14 100 Fae Ramsey Lane
15 Pikeville, KY 41501

16
17 ALSO PRESENT:
18 Steve Cox, Dennis A. Beiter, Ronald
19 W. Stahlhut, Charles W. Pogue, C.A.
20 Phillips, Eugene White, Beth Spence
21 Monty Heib

22
23
24
25

4

01 I N D E X

02

03 WITNESS: ROY SIMON STEPP

04 QUESTIONS

05 By Mr. Beiter 18 - 143

06 By Mr. Tucker 143 - 152

07	By Mr. Beiter	152 - 154
08	By Mr. Tucker	154 - 163
09	By Mr. Beiter	163 - 184
10	By Mr. Tucker	184
11	By Mr. Beiter	184 - 186
12	By Mr. Tucker	186 - 187
13	CERTIFICATE	191

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

5

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	A	Mine Map	92
05	B	Copy of Map from	
06		Mine Manager's Office	38
07	C	Copy of Map from	
08		Picnic Table	44
09	D	Escapeway Map of	

10		Longwall Section	49
11	E	Escapeway Map of	
12		Number Two Section	59
13	F	Mine Emergency	
14		Evacuation Sheet	68
15	G	Ventilation Plan	106

16
17
18
19
20
21
22
23
24
25

6

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

02 -----

03 MR. BEITER:

04 Good morning. My name
05 is Dennis Beiter. I represent
06 the 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
11 investigation team that's

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

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

7

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

09 ATTORNEY BELL:

10 Keith Bell, Arlington,
11 Virginia.

12 MR. WEBB:

13 I'm Anthony Webb,
14 District Six, Pikeville,

15 Kentucky.

16 MR. STAHLHUT:

17 Ronald Stahlhut, MSHA,
18 Vincennes, Indiana.

19 MR. POGUE:

20 Charlie Pogue, MSHA,
21 Hunker, Pennsylvania.

22 MR. BURKE:

23 I'm Tony Burke, MSHA of
24 Whitesburg, Kentucky.

25 OFF RECORD DISCUSSION

8

01 MR. BEITER:

02 As I said, my name's
03 Denny Beiter and I work for
04 MSHA in Tech Support,
05 Ventilation Division, and I'm
06 stationed in Triadelphia, West
07 Virginia.

08 Here with me today
09 representing the State of West
10 Virginia is Mr. Bill Tucker.
11 And Mr. Tucker will be asking
12 the questions for the State.
13 And at this time, Mr. Tucker
14 has a statement, and he will
15 introduce the members of his
16 team.

17 MR. TUCKER:
18 The West Virginia
19 Office of Miners' Health,
20 Safety & Training is
21 conducting this interview
22 session jointly with MSHA.
23 And we're in agreement with
24 the procedures outlined by Mr.
25 Beiter.

9

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

10 Again, my name is Bill
11 Tucker, I'm with the Miner's
12 Health, Safety & Training. I
13 work out of the Oak Hill
14 office.

15 MR. PHILLIPS:
16 Good morning, Simon.
17 My name is C.A. Phillips. I'm
18 the Deputy Director with
19 Miners' Health, Safety &

20 Training in Charleston, West
21 Virginia.

22 MR. HEIB:

23 Monty Heib, Chief
24 Engineer, Office of Miners'
25 Health, Safety & Training.

10

01 MR. WHITE:

02 Eugene White, District
03 Inspector, Region Three,
04 Danville.

05 MR. COX:

06 Steve Cox, Region
07 Three, Danville.

08 MS. SPENCE:

09 Beth Spence with the
10 Governor's Office.

11 MR. BEITER:

12 This investigation is
13 being conducted by MSHA and
14 the State of West Virginia to
15 gather information to
16 determine the cause of the
17 accident and to help prevent
18 this from happening in the
19 future. These interviews are
20 an important part of this
21 investigation. After the

22 investigation is completed,
23 MSHA will issue a written
24 report detailing the nature
25 and causes of the accident.

11

01 MSHA accident reports are made
02 available to the public in the
03 hope that greater awareness
04 about the causes of accidents
05 can reduce their occurrence in
06 the future. Information
07 obtained through witness
08 interviews is frequently
09 included in these reports.
10 Your statement may also be
11 used in other enforcement
12 proceedings.

13 May I call you Simon?

14 MR. STEPP:

15 Uh-huh (yes).

16 MR. BEITER:

17 Simon, I'd like to
18 thank you in advance for
19 appearing here today. We
20 appreciate your assistance in
21 this investigation. The
22 willingness of yourself and
23 other miners and mine
24 operators to work with us is

25 critical to making the

12

01 nation's mines safer.

02 This interview with
03 Simon Stepp is being conducted
04 under Section 103(a) of the
05 Federal Mine Safety & Health
06 Act of 1977 as part of an
07 investigation by the Mine
08 Safety & Health Administration
09 into the conditions, events
10 and circumstances surrounding
11 the fatalities that occurred
12 at the Aracoma Alma Mine
13 Number One located at Route 17
14 North, Bandmill Hollow Road,
15 Stollings, West Virginia,
16 25646.

17 This interview is being
18 conducted at the State of West
19 Virginia Department of
20 Environmental Protection
21 Division of Mining and
22 Reclamation at 1101 George
23 Kostas Drive, Logan, West
24 Virginia, 25601. Today is
25 February 14th, 2006. March.

13

01 Today is March 14th, 2006.

02 How times flies.

03 Simon, the interview
04 will begin by asking you a
05 series of questions. Feel
06 free at any time to clarify
07 any statements that you make
08 in response to the questions.
09 After we have finished asking
10 questions, you will also have
11 an opportunity to make a
12 statement of your own and
13 provide us with any other
14 information that you believe
15 may be important.

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

21 You may designate any person
22 to be your representative.

23 Following the questions by
24 MSHA and the State, this
25 representative will be given

14

01 an opportunity to ask
02 questions for the purpose of
03 clarification on any of the

04 issues already discussed.

05 Your statement is
06 completely voluntary. You may
07 refuse to answer any question
08 and you may end your interview
09 at any time. If you do not
10 understand a question, please
11 ask and I'll rephrase it so we
12 can get on the same page. If
13 you need a break for any
14 reason, please just let me
15 know and we'll take a break.

16 MR. STEPP:

17 Okay.

18 MR. BEITER:

19 You may request the
20 opportunity to make a
21 confidential statement, which
22 we will withhold from the
23 public to the extent allowed
24 by law. Should you desire to
25 give a confidential statement,

15

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

06 have a confidential interview?

07 MR. STEPP:

08 No.

09 MR. BEITER:

10 A court reporter will
11 record your interview and will
12 later produce a written
13 transcript of the interview.
14 I ask that you state all of
15 your answers verbally so that
16 the court reporter can
17 accurately record your
18 response.

19 Neither the transcript
20 of this interview nor the
21 content of this interview will
22 be released to the public or
23 the media until MSHA's final
24 accident investigation report
25 is issued or until required by

16

01 court order or until a public
02 hearing takes place.

03 If any part of your
04 statement is based not on your
05 own first-hand knowledge but
06 on information that you
07 learned from somebody else,
08 just let us know that that's

09 the case ---

10 MR. STEPP:

11 Okay.

12 MR. BEITER:

13 --- relative to that
14 information. Please answer
15 each question as fully as you
16 can, including any information
17 that you did learn from
18 someone else. We may not ask
19 the questions in a manner that
20 pulls out the information that
21 the question is designed to
22 extract.

23 MR. STEPP:

24 Okay.

25 MR. BEITER:

17

01 And if you have
02 information that's pertinent
03 to the issue being addressed
04 but isn't necessarily
05 specifically asked in the
06 verbiage of the question,
07 please feel free to add that
08 information so that a complete
09 understanding of what
10 information you know can be

11 gained.

12 MR. STEPP:

13 Okay.

14 MR. BEITER:

15 Do you have any
16 questions about how this
17 interview will take place?

18 MR. STEPP:

19 No.

20 MR. BEITER:

21 Will you please swear
22 in Simon?

23 -----

24 ROY SIMON STEPP, HAVING FIRST BEEN
25 DULY SWORN, TESTIFIED AS FOLLOWS:

18

01 -----

02 BY MR. BEITER:

03 Q. Simon, please state your full
04 name, address, telephone number,
05 including area code, and please spell
06 your last name for the record.

07 [REDACTED]

[REDACTED]

12 Q. Thank you, Simon. Are you
13 appearing voluntarily at this

14 interview?

15 A. Yes, sir.

16 Q. Has anyone made any promises
17 to you for giving this statement?

18 A. No, sir.

19 Q. Has anyone offered you any
20 rewards in exchange for making this
21 statement?

22 A. No.

23 Q. Has anyone threatened you or
24 warned you not to provide this
25 statement?

19

01 A. No.

02 Q. Do you understand that you may
03 refuse to answer any question or
04 terminate this interview at any time?

05 A. Yes.

06 Q. Do you have a representative
07 with you?

08 A. Yes.

09 Q. Could you please identify your
10 representative?

11 A. Dave Hardy.

12 Q. When did you first meet Mr.
13 Hardy?

14 A. A week after the accident.

15 Q. Could you elaborate on how

16 that meeting came about?
17 A. Dave --- I'm trying to think.
18 It's been a while. He got a call or
19 Kenny just said Dave Hardy and Mark
20 Heath are coming to the office and
21 we're going to meet with them and
22 that's pretty much how it came about.
23 Just at the office, they came by,
24 talked to Kenny and Kenny said I
25 should come with them.

20

01 Q. And Kenny is?
02 A. Kenny Williams is my
03 supervisor.
04 Q. Okay. Did you meet with them?
05 A. Yes, sir.
06 Q. Mr. Hardy and Mr. Heath?
07 A. Uh-huh (yes).
08 Q. Was there anybody from MSHA or
09 the state present?
10 A. Uh-uh (no).
11 Q. Was there anybody else besides
12 those two gentlemen?
13 A. No, it was just us four.
14 Q. You and Kenny Williams ---
15 A. Me and Kenny Williams ---
16 Q. --- and Dave and Mark ---?
17 A. --- and Dave Hardy and Mark
18 Heath.

19 Q. What did you discuss?

20 A. Well, actually the first time

21 I met Dave was --- I remember now,

22 was at the mine office with just Dave

23 Hardy and Mark Heath and myself.

24 That was the first time we met.

25 Q. And what was ---?

21

01 A. And then the second time was

02 at the office.

03 Q. What was discussed at ---?

04 ATTORNEY HARDY:

05 I'll assert attorney/

06 client privilege on that

07 question.

08 MR. BEITER:

09 Okay.

10 BY MR. BEITER:

11 Q. Did you make the decision to

12 choose Mr. Hardy as your

13 representative?

14 A. That was --- was that

15 discussed? I think when we just met

16 with you all.

17 ATTORNEY HARDY:

18 Do you need to confer

19 with me about this?

20 A. Okay. I probably do.

21 WITNESS AND REPRESENTATIVE CONFER

22 A. We didn't know that I was
23 going to get interviewed until last
24 week and Dave said that I could have
25 a representative and I wanted one, so

22

01 it was voluntarily my decision.
02 That's basically how that came about.

03 BY MR. BEITER:

04 Q. Okay. Have you been made
05 aware that Mr. Hardy also represents
06 the company in this matter and that
07 there is a potential for conflict of
08 interest to arise between yourself
09 and the company?

10 A. Yes.

11 Q. Do you want to proceed with
12 Mr. Hardy representing you ---

13 A. Yes.

14 Q. --- despite any potential for
15 conflicts of interest?

16 A. Uh-huh (yes).

17 Q. Did Mr. Hardy discuss what was
18 going to take place in today's
19 interview with you?

20 A. We discussed it briefly. We
21 went over it basically saying that I
22 would be interviewed, and that's
23 pretty much it.

24 Q. Okay. Did you talk to anyone
25 who has already been interviewed?

23

01 A. No, I haven't.

02 Q. Did you attend a local meeting
03 at --- or a meeting at a local grade
04 school?

05 A. No, I did not.

06 Q. Was you aware that there was a
07 meeting held?

08 A. I did hear about one.

09 Q. Were you contacted about it?

10 A. No.

11 Q. For what company do you work?

12 A. Massey Energy, Logan County
13 Mine Services.

14 Q. Do you work at Aracoma Alma
15 Mine Number One?

16 A. I do not. I work at the Logan
17 County Mine Services Office.

18 Q. Could you describe for me a
19 little bit how that all works? I'm
20 not really familiar ---

21 A. Okay.

22 Q --- with how that ---.

23 A. I'm not so much either.
24 Basically I work for Logan County
25 Mine Services as a mine engineer.

01 And my responsibility is the
02 underground mines --- we have two of
03 them --- and take care of the
04 preparation plant, being mill coal,
05 the engineering and all ---.

06 Q. What are the two mines that
07 you have responsibility for?

08 A. Aracama Coal and Hernshaw
09 Mine.

10 Q. Would you be considered the
11 mine engineer for Aracoma Mine Number
12 One?

13 A. Yes, myself and Kenny
14 Williams. Kenny Williams being the
15 chief engineer.

16 Q. Does Mr. Williams also have
17 responsibility for the other mine?

18 A. Uh-huh (yes).

19 Q. Herndon, is that what you ---?

20 A. Hernshaw.

21 Q. Hernshaw?

22 A. Uh-huh (yes).

23 Q. And you might have said it,
24 but for my memory.

25 A. Right.

01 Q. What is your current job
02 title?

03 A. Mining engineer.

04 Q. And is that what your title
05 was on January 19th, 2006?

06 A. Yes, sir.

07 Q. How long have you held that
08 position?

09 A. I had that title since I
10 started on June 6th, 2005.

11 Q. What's your normal work day?

12 A. Work Monday through Friday
13 every week, usually Saturday.

14 Q. Do you have a normal work
15 shift?

16 A. Come in at 6:30 in the morning
17 and get done when I get done, usually
18 6:30, 7:00, 7:30 in the evening.

19 Q. Are you considered a member of
20 management?

21 A. No, I don't think I would be.

22 Q. Are you a supervisor?

23 A. No.

24 Q. Do you hold any other jobs at
25 this mine ---

26

01 A. No.

02 Q. --- or for Logan County Mine
03 Service?

04 A. No.

05 Q. How many total years of mining
06 experience do you have?

07 A. Working, just six months,
08 seven months.

09 Q. Since you began with Logan
10 County ---?

11 A. Eight months, sorry. Since I
12 began in June.

13 Q. Could you just describe your
14 duties as an engineer?

15 A. I think most of my time is
16 spent usually out in the field. I
17 take care of the environmental
18 engineering, environmental work that
19 we have at their two mines and at the
20 plant. We're building an impoundment
21 right now. Take care of the ---
22 mainly the project manager --- or the
23 project engineer of the projects we
24 have going on, on the impoundment
25 construction. Get maps ready to go

27

01 to send to MSHA and the state for the
02 two mines. I'd say probably --- just
03 depending on what I got going on, I'd
04 say a lot of time's spent on the
05 impoundment and dealing with the
06 plant. We got some slurry injection
07 we're doing, getting ready to start

08 doing. Different projects.

09 Q. As your supervisor, Kenny ---

10 I mean, yes, ---

11 A. Kenny Williams.

12 Q. --- Kenny Williams is your

13 supervisor. Does he share the same

14 duties as you do?

15 A. Pretty much. He pretty much

16 takes care of the same things I do.

17 I mean, he'll give me things to do

18 and to take care of, and I'll take

19 care of them.

20 Q. Does he assign you work?

21 A. Yes.

22 Q. Does anyone else assign you

23 work?

24 A. Pretty much Kenny assigns me

25 work.

28

01 Q. Does anybody at Alma Mine

02 Number One assign you work?

03 A. No.

04 Q. Do you know anything about the

05 management structure at Alma Mine?

06 A. I know Gary Goff's the vice

07 president and Pepé Lester is the

08 superintendent and Dusty Dotson being

09 the foreman. Terry Shadd also a

10 foreman.
11 Q. Terry Shadd is a mine foreman
12 or ---?
13 A. He's maybe a section boss.
14 Q. Okay.
15 A. I don't know exactly.
16 Q. Is Gary Goff at the top?
17 A. I would say Gary's at the top.
18 Q. And then Pepé Lester?
19 A. Right.
20 Q. And then underneath him
21 directly is Dusty Dotson?
22 A. As far as I understand it.
23 Q. Okay.
24 A. And Rod Morrison takes care of
25 the longwall.

29

01 Q. Rod Morrison?
02 A. Uh-huh (yes).
03 Q. Okay. Where does engineering
04 fit into that structure at Alma Mine
05 Number One?
06 A. I'm an engineer usually for
07 them.
08 Q. Well, not you individually,
09 but ---
10 A. Okay. I'm sorry.
11 Q. --- the engineering group.
12 A. Okay. Take care of getting

13 the maps together for the faces. If
14 they're driving off on Headgates,
15 they'd say where they need to cut for
16 the drives, send surveyors there to
17 the sections when they need them to
18 get takeup notes. And we get the
19 notes, put them in the computer and
20 also put together maps that need to
21 go to state and MSHA.

22 Q. Do the surveyors work for
23 Logan County Mine Service?

24 A. Yes.

25 Q. As employees?

30

01 A. Uh-huh (yes).

02 Q. Under you?

03 A. Under my supervision.

04 Q. Under your --- okay.

05 A. Well, they're mainly --- I
06 guess Kenny's supervision since he
07 supervises me, but I pretty much tell
08 them where they need to go each day.

09 Q. Okay.

10 A. It'd be my responsibility to
11 call the superintendent or section
12 boss and say, hey, do you need
13 surveyors today or what day will you
14 need them. And then I'll send them

15 to that section.

16 Q. You coordinate that?

17 A. Right.

18 Q. The information they collect
19 underground, do you accompany them
20 when they collect it?

21 A. When they actually collect it?

22 No, I do not.

23 Q. And how is that information
24 transferred onto your maps?

25 A. They have a field book that

31

01 they mark, they shoot the distances
02 with a transit. And then they take
03 the notes from that field book and it
04 goes to an AutoCAD tech who puts the
05 notes into the computer.

06 Q. And who does that?

07 A. Robert Porter.

08 Q. And is he one of the
09 surveyors?

10 A. No, he's an employee of Logan
11 County Mine Services.

12 Q. Is he also a mine engineer?

13 A. No. He's --- his official
14 title, I think, is technician.

15 Q. And that information we're
16 talking about just the coordinates of
17 the spad locations underground?

18 A. Uh-huh (yes).
19 Q. And ribs and crosscut
20 distances?
21 A. Right. Uh-huh (yes).
22 Q. Anything else that they
23 collect?
24 A. That's it.
25 Q. What was the gentleman's name?

32

01 A. That enters notes? Robert
02 Porter.
03 Q. Robert Porter. Does Robert
04 Porter put other information into
05 AutoCAD files?
06 A. Uh-uh (no).
07 Q. All your mine map information
08 is contained in AutoCAD files?
09 A. Uh-huh (yes).
10 Q. You don't have a hard copy and
11 use a CP or ---?
12 A. No, it's all AutoCAD.
13 Q. --- anything like that?
14 Everything is in AutoCAD?
15 A. Uh-huh (yes).
16 Q. Is that correct?
17 A. Yes.
18 Q. Did you say that he puts any
19 other information in?

20 A. No, he does not.

21 Q. Who puts the other information
22 in?

23 A. I'll put in the other
24 information that needs to be ---
25 he'll put in --- he just pretty much

33

01 puts in the faces, where they're at
02 and where they advance to, and then I
03 come back in and put in stoppings and
04 doors where they need to be.

05 Q. Okay. Do you know who the
06 chief health and safety officer is
07 for the Alma Mine Number One?

08 A. I'd say Charles Kann.

09 Q. Okay. And what's Charles
10 Kann's title, do you know?

11 A. Safety director.

12 Q. Up through January 19th, 2006,
13 do you know who posted the designated
14 escapeway reflectors in the mine?

15 A. No.

16 Q. Do you show escapeways on your
17 mine maps?

18 A. Yes.

19 Q. Who provides --- who enters
20 that information into the mine map?

21 A. Into the ---?

22 Q. Into the AutoCAD file?

23 A. It would be either me, myself,
24 or Kenny Williams.

25 Q. And where do you gather that

34

01 information or how is that
02 information known by you to record it
03 in the AutoCAD file?

04 A. Talking to the foreman or
05 superintendent about where it needs
06 to be.

07 Q. Do they ever take you to a map
08 and show you where it's at?

09 A. Well, we can go over --- if I
10 take a map and they look at it and
11 say, hey, this needs to be changed or
12 we look at it and if they say it's
13 okay, that looks good, then give it
14 to them. If not, I'll take it back
15 and re-enter it.

16 Q. Do you know if they compare
17 that with another map that's at the
18 mine to say, yep, you got it right,
19 Simon, or nope, you've got to move
20 this over a crosscut, something like
21 that?

22 A. I would not know if they do
23 that or not.

24 Q. No? Have you ever provided

25 them with an escapeway map and they

35

01 came back to you and said, gotta go

02 back to the drawing board, Simon?

03 A. Yes.

04 Q. Do you know when that time

05 frame was?

06 A. I couldn't tell you, no.

07 Q. Do you know what the

08 circumstances around that were?

09 A. Just if they had to go --- say

10 they had to go around a fall or

11 something like that.

12 Q. Okay. Are you aware of the

13 escapeway maps that are shown on the

14 AutoCAD maps that were provided to

15 MSHA?

16 A. What's that now?

17 Q. Are you aware of where the

18 escapeways are shown on the AutoCAD

19 maps that were provided to MSHA?

20 A. In what drawings?

21 Q. MSHA received a copy of the

22 AutoCAD file.

23 A. At what time?

24 Q. It was after January 19th.

25 A. Okay. I might be. But it has

36

01 changed in the past couple weeks.

02 Q. In the past couple weeks?
03 A. Yeah.
04 Q. You're referring to changes
05 that were made after they started
06 repairing ---
07 A. Right.
08 Q. --- stoppings and that? We
09 received a copy of it before any
10 changes were made underground ---
11 A. Okay.
12 Q. --- in preparation of
13 establishing the separation between
14 the two air forces.
15 A. Right.
16 Q. Okay. So it would have been
17 prior to that.
18 A. Okay.
19 Q. Okay. Who do you understand
20 is responsible for maintaining the
21 accurate --- accuracy of the
22 escapeway maps?
23 A. Who would be responsible?
24 Q. Uh-huh (yes).
25 A. I do not know that.

37

01 Q. Do you know who would be
02 responsible for ensuring that the
03 escapeways are marked clearly

04 underground?

05 A. I don't know that either.

06 Q. Are you familiar with any of
07 the escapeway maps that are posted at
08 the mine?

09 A. In the office?

10 Q. Uh-huh (yes).

11 A. I'm familiar with the main map
12 that they have, that they have marked
13 escapeways on.

14 Q. Where is that located?

15 A. Well, it --- I think it was
16 taken to MSHA, was it not? It was
17 scanned I know that.

18 Q. Where was it located?

19 A. That's the only one that we
20 had, that I know of.

21 Q. Do you know where it was
22 located?

23 A. In the office?

24 Q. Uh-huh (yes).

25 A. In the superintendent's

38

01 office.

02 Q. I have a few copies of some
03 maps ---

04 A. Okay.

05 Q. --- that are --- these are
06 prints of the scanned images of those

07 maps ---

08 A. Right.

09 Q. --- that you were talking

10 about, or some of them that you're

11 talking about. This says a map

12 that's in one of the manager's

13 offices upstairs. Would this be ---?

14 A. Right. That would be the one.

15 Q. This would be the one you're

16 talking about?

17 A. Uh-huh (yes).

18 Q. Okay.

19 MR. BEITER:

20 And this is identified

21 as Exhibit B Stepp.

22 (Stepp Exhibit B marked

23 for identification.)

24 BY MR. BEITER:

25 Q. Is this familiar to you?

39

01 A. Yes.

02 Q. Does this map look familiar?

03 How can you be sure that you're

04 familiar with it? Do some of these

05 --- the colors ----

06 A. Just the colors.

07 Q. --- of the longwall

08 projections look ---

09 A. Right.

10 Q. --- or longwall mining look

11 ---

12 A. Yeah.

13 Q. --- like it's --- kind of

14 identifies it apart from other maps

15 ---

16 A. Right.

17 Q. --- that you have seen

18 somewhere?

19 A. Uh-huh (yes).

20 Q. And on this map are identified

21 green, the primary escapeway?

22 A. Right.

23 Q. Yellow is secondary escapeway?

24 A. Uh-huh (yes).

25 Q. And then just a red line that

01 says return?

02 A. Uh-huh (yes).

03 Q. Not necessarily escapeway,

04 just return; ---

05 A. Right.

06 Q. --- is that right? And you

07 said this map is located where?

08 A. It was in superintendent's

09 office I think.

10 Q. And that superintendent is

11 Pepé Lester?

12 A. Right.

13 Q. Okay. Do you know who
14 maintains this map?

15 A. No, I don't.

16 Q. Do you ever review it?

17 A. I've looked at it. As far as
18 reading every bit of it, no, I have
19 not.

20 Q. Okay. I guess the reason I'm
21 asking is, you can see on here that
22 Ten Section --- or Ten Headgate is
23 still --- looks like it --- well, it
24 looks like it's either punched
25 through or just about punched through

41

01 at the back end?

02 A. Right.

03 Q. Two Section is --- well, it is
04 punched through. Two Section is
05 drawn up over here ---

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

07 Q. --- where it's maybe a couple
08 crosscuts outby where the faces are
09 now?

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

11 Q. It doesn't appear that there's
12 ventilation controls that have been
13 updated on this map in the

14 projections where --- not
15 projections, but in the mine entries
16 where they've been drawn in by hand?
17 A. Right.
18 Q. But I'm looking at the green
19 line and I can see a green line that
20 extends down into Ten Headgate, but I
21 don't see a green line that extends
22 up into Two Section, do you?
23 A. Right. Uh-uh (no).
24 Q. Okay. And I see a yellow line
25 that extends a portion of the way up

42

01 in North Mains?
02 A. Uh-huh (yes).
03 Q. But it looks like there might
04 be some gaps in it?
05 A. Okay. Right. Okay.
06 Q. Okay. And then as far as
07 extending into Two Section or the
08 longwall, I don't know, do you see
09 any yellow lines indicating that
10 there's any escapeway, alternate
11 escapeway, secondary escapeway ---
12 A. Not on here.
13 Q. --- identified on this map?
14 A. Uh-uh (no).
15 Q. Okay. And it looks like this
16 says December --- looking at the

17 longwall section, Nine Headgate,
18 longwall section, there's a blue
19 shaded area that's marked September
20 '05 and then a red shaded that's
21 marked October and then November's in
22 yellow and then green is December,
23 and then there's red which is
24 probably January, I would assume.
25 A. Right.

43

01 Q. So it looks like the
02 advancement of the longwall has been
03 kept up at least monthly?

04 A. Right.

05 Q. Okay. But it doesn't appear
06 --- does it appear to you that the
07 secondary escapeway has been updated
08 in that same time frame?

09 A. I can't say that it has, no.

10 Q. And then what about the
11 primary for the Number Two Section?

12 A. No, it has not.

13 Q. Okay. There's a ---.

14 MR. BEITER:

15 All that discussion was
16 pertaining to Exhibit B. I'm
17 just going to lay this on the
18 side over here. It's kind of

19 cumbersome.

20 BY MR. BEITER:

21 Q. Okay. There's another map.

22 Are you familiar with a map that's on

23 the table in the --- before you go

24 out the doors to go onto the cage, to

25 go down into the box cut? There's a

44

01 picnic table. It has a piece of

02 Plexiglas on it.

03 A. I know what you're talking

04 about. I'm not familiar with the

05 map.

06 Q. You've never seen that.

07 A. I haven't really looked at it,

08 no.

09 Q. Okay. You're not aware if or

10 ---

11 A. Not really, no.

12 Q. --- if not that map is

13 considered to be an escapeway map?

14 A. I don't know what they were

15 using it for.

16 Q. Okay.

17 MR. BEITER:

18 This is Exhibit C and

19 Exhibit C Stepp is a scan of a

20 copy of the map that was

21 located beneath the Plexiglas

22 on the picnic table in the, I
23 don't know what you call that,
24 the bathhouse.

25 (Stepp Exhibit C marked

45

01 for identification.)

02 BY MR. BEITER:

03 Q. It's a mine office on the
04 surface ---

05 A. Yes.

06 Q. --- before you go down in the
07 box cut?

08 A. Right. That big room there.

09 Q. And if you look, if you
10 remember where --- we can pull it
11 back up if you want. But if you
12 remember where the yellow lines were
13 and the green lines were on the
14 previous map; okay? On this map here
15 do you see if --- can you see if Two
16 Section is even shown on this map
17 where it's located today?

18 A. No, it's not.

19 Q. Okay. And what about --- are
20 there differences between the primary
21 and secondary escapeways that are the
22 locations of their routes that are
23 shown on this map relative to what's

24 shown on this other map that's
25 Exhibit B? Here's the green lines

46

01 here. On this map, on Exhibit B,
02 okay --- you're probably pretty
03 familiar with this area up in here,
04 Northeast Mains in the middle of the
05 map?

06 A. Fairly.

07 Q. I know you've printed out
08 several for us.

09 A. Yeah.

10 Q. The dot here, it looks like
11 that's that well.

12 A. The gas well, yeah.

13 Q. And there's a block of coal
14 going around it?

15 A. Uh-huh (yes).

16 Q. And on this map here, on
17 Exhibit C, that's shown to be --- you
18 can kind of see where it's at by
19 looking at the green line marked Two;
20 right? Because the green line ---

21 A. Right.

22 Q. --- goes with the travelway
23 and then goes up and around that
24 block of coal; ---

25 A. Right.

47

01 Q. --- right?
02 A. Uh-huh (yes).
03 Q. And do you see --- I don't see
04 that on this map here. Do you? On
05 Exhibit C --- or Exhibit B, I don't
06 see that same jog ---
07 A. Right.
08 Q. --- at the mouth of the
09 longwall?
10 A. Uh-huh (yes).
11 Q. I can't really tell where it's
12 going exactly, but I know it's
13 different --- it's in a different
14 location?
15 A. Well, they got that core hole
16 right there. It's probably ---.
17 Q. Yeah. And it also looks like
18 it's in a different --- it also looks
19 like it's in a different entry as it
20 goes over because it's like the third
21 entry up from the solid block of coal
22 in the Northeast Mains ---
23 A. Right.
24 Q. --- closest to the longwall
25 recovery face?

48

01 A. Right.
02 Q. And in this entry --- in

03 Exhibit C, it actually appears to be
04 that it's in the fourth entry; is
05 that correct?

06 A. Uh-huh (yes).

07 Q. Okay. And Exhibit C also has
08 alternate escapeways shown extending
09 into ---

10 A. Okay.

11 Q. --- northeast. Would you
12 agree that that's the case?

13 A. Uh-huh (yes).

14 Q. And it also shows the
15 escapeways, both of them, primary and
16 secondary, extending into Ten
17 Headgate; ---

18 A. Yeah.

19 Q. --- is that correct?

20 A. Yes.

21 Q. And is Ten Headgate presently
22 being developed?

23 A. No. It's completed.

24 Q. It's completed?

25 A. Uh-huh (yes).

49

01 Q. And that section is now the
02 section that's up in Two, Number Two
03 Section, Eleven Headgate; is that
04 correct?

05 A. Uh-huh (yes).

06 Q. Okay. A couple more escapeway
07 maps. You know that --- do you know
08 that there are escapeway maps that
09 are located on the sections
10 underground?

11 A. I don't know for sure, but I
12 do give them --- that's the maps I
13 give them.

14 Q. Do you have them laminated as
15 well?

16 A. Sometimes.

17 Q. Okay.

18 MR. BEITER:

19 This is Exhibit D
20 Stepp. And Exhibit D is a
21 copy of the --- I don't know.
22 (Stepp Exhibit D marked
23 for identification.)

24 BY MR. BEITER:

25 Q. Does this look familiar to

50

01 you? The date on it is 9/26/05.

02 A. Uh-huh (yes).

03 Q. Okay.

04 BRIEF INTERRUPTION

05 BY MR. BEITER:

06 Q. The date on the map is

07 9/26/05.

08 A. Okay.

09 Q. And this was a scan of the map
10 that was one of the maps that was
11 collected off of the longwall section
12 ---

13 A. Yes.

14 Q. --- that was laminated, okay.
15 I believe that's the case. And it
16 shows --- it's identified as an
17 escapeway map; is that correct?

18 A. Yes.

19 Q. And it shows the primary and
20 the secondary escapeways ---

21 A. Yes.

22 Q. --- in green and yellow
23 respectively; is that correct?

24 A. Yes.

25 Q. And this looks to me that the

51

01 green markers on it are not like the
02 previous two maps we saw. They look
03 like they were hand drawn with
04 markers?

05 A. Yes.

06 Q. Okay. But on this map, it
07 looks like it was an AutoCAD layer?

08 A. AutoCAD.

09 Q. Okay. And would that be the
10 layer that you would --- you and

11 Kenny would be putting into this ---
12 into AutoCAD to produce this map, you
13 or Kenny Williams?

14 A. In September, yes, it probably
15 would be.

16 Q. Okay. Would there be anybody
17 else who would put that in --- that
18 information in here for the purposes
19 of producing this escapeway map?

20 A. Not in September, toward the
21 end of September, no.

22 Q. Okay. Do you understand what
23 the purpose of the continuous
24 escapeway is?

25 A. Yes.

52

01 Q. I mean, once you get into it,
02 --- and you got two separate ones?

03 A. Right. Two isolated.

04 Q. An alternate and a primary?

05 A. Right.

06 Q. And once you get in one of
07 them, you can follow it all the way
08 outside?

09 A. All the way, out. Uh-huh
10 (yes). Yes.

11 Q. Okay. Now, I'm looking at the
12 longwall Nine Headgate; okay?

13 A. Uh-huh (yes).
14 Q. And the AutoCAD layer for the
15 --- and the longwall face is shown
16 just outby --- well, it shows the
17 date of 9/15/05, ---

18 A. Right.

19 Q. --- it's outby maybe, what,
20 150, 200 feet outby the start-up
21 face?

22 A. Yeah.

23 Q. And there's an intake
24 escapeway.

25 MR. BEITER:

53

01 Can we come back?

02 A. Yeah.

03 MR. BEITER:

04 Take a break?

05 A. Yes, sir.

06 SHORT BREAK TAKEN

07 BY MR. BEITER:

08 Q. Exhibit D and as I said, you
09 can see on the thing, does that say
10 --- what does that say?

11 A. Escapeway map, primary
12 escapeway and secondary escapeway.

13 Q. Okay. And the date on it?

14 A. 9/26/05.

15 Q. Okay. And for your

16 information, this was --- this map
17 was a scan --- is a print of a scan
18 of a map that was laminated that was
19 found on the longwall section.

20 A. Was it? Okay.

21 Q. Okay. After the accident,
22 during the investigation. And let's
23 just kind of focus in on the
24 escapeways that are shown on the
25 longwall section.

54

01 A. Right.

02 Q. Okay. On this map. And have
03 we determined that --- or have you
04 determined that the yellow and green
05 lines that are shown on here were
06 drawn in AutoCAD and not hand drawn?

07 A. It's AutoCAD drawing.

08 Q. It's AutoCAD?

09 A. Uh-huh (yes).

10 Q. Okay. And the information in
11 the AutoCAD files are only put in by
12 you or Kenny Williams ---

13 A. Right.

14 Q. --- relative to ---

15 A. Anyone else.

16 Q. --- escapeway information?

17 A. Right.

18 Q. Okay. And then we discussed
19 about the continuity of an escapeway
20 route ---
21 A. Right.
22 Q. --- from a section out of the
23 mine; ---
24 A. Uh-huh (yes).
25 Q. --- is that correct? Okay.

55

01 And do you know what entry --- do you
02 know what the designated escapeway is
03 in the longwall section for the
04 alternate, the secondary?
05 A. The secondary escapeway in
06 what entry?
07 Q. Yes.
08 A. It'd be number --- actually I
09 don't know for sure. I don't want to
10 guess at it.
11 Q. That's all right. That's
12 fine. Do you know what entry the
13 belt is located in?
14 A. The belt is in Number One ---
15 oh, Number Four.
16 Q. It depends on which way you're
17 looking at it?
18 A. Right.
19 Q. If you're looking inby from
20 the mouth of the section towards the

21 face, ---.

22 A. If you're looking toward the

23 face, it would be ---

24 Q. Numbering left to right.

25 A. --- Number One.

56

01 Q. Number One. So it would be in

02 the entry up against a solid block of

03 coal that's going to be mined by the

04 longwall; is that correct?

05 A. Yeah.

06 Q. Okay. And this escapeway map,

07 does it show the alternate escapeway,

08 the secondary escapeway in that

09 entry?

10 A. It shows it in Number Two

11 entry.

12 Q. In Number Two entry extending

13 from near the face?

14 A. The face, yeah.

15 Q. Outby to --- where does it go?

16 Can you follow that line --- can you

17 follow that yellow line out of the

18 mine without leaving the yellow line?

19 A. No, you cannot.

20 Q. Okay. And do you know why you

21 can't?

22 A. It's the green line. I don't

23 know if that's supposed to be yellow
24 or --- but it's the green line which
25 would be the primary.

57

01 Q. So the yellow line extends

02 ---?

03 A. According to the legend.

04 Q. Okay. So the yellow line

05 extends --- the secondary escapeway

06 from the longwall section extends

07 from near the face in the Number Two

08 entry of that Nine Headgate outby to

09 where it meets the first entry in the

10 Northeast Mains; is that correct?

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

12 Q. And at that point, does the

13 yellow line continue from that point?

14 A. No, it does not.

15 Q. Okay. So it ends, ---

16 A. Uh-huh (yes).

17 Q. --- the yellow line ends?

18 Okay. And then there's a line that

19 connects that yellow line with the

20 yellow line for the 48-inch belt; is

21 that correct? This yellow line up

22 here.

23 A. That's correct.

24 Q. Would that --- would the

25 yellow line extending through the

01 Northeast Mains from the North Mains
02 all the way to the front end of Ten
03 Headgate ---
04 A. Uh-huh (yes).
05 Q. --- would that be the
06 secondary escapeway for the ---?
07 A. The secondary escapeway. Uh-
08 huh (yes).
09 Q. And would that be the belt
10 entry ---
11 A. The belt entry.
12 Q. --- at 48-inch belt?
13 A. Yes.
14 Q. Is that correct?
15 A. Uh-huh (yes).
16 Q. And is it --- do you know if
17 that belt entry is physically
18 connected, uninterrupted by
19 ventilation controls, with the Nine
20 Headgate longwall?
21 A. I don't know for sure.
22 Q. Okay. All right. But you can
23 tell me for sure though that the ---
24 or can you tell me for sure that the
25 yellow line is not continuous out of

01 the mine from the longwall Headgate

02 face?

03 A. Yes.

04 Q. Okay. All right.

05 MR. BEITER:

06 We have another map
07 that is going to be Exhibit E
08 Stepp. And I believe this is
09 a --- it's a print of a scan
10 of the map that was laminated
11 and found in Number Two
12 Section, okay, after the
13 accident by the investigation
14 team.

15 (Stepp Exhibit E marked
16 for identification.)

17 A. Okay.

18 BY MR. BEITER:

19 Q. And can you identify the
20 identification on the mine map on
21 this map?

22 A. Escapeway map and the primary
23 escapeway in green and secondary
24 escapeway in yellow.

25 Q. And the date?

60

01 A. It's 11/30/05.

02 Q. Okay. And I guess you can see
03 where the old 9/15 face was on the
04 longwall.

05 A. Yes.

06 Q. And it's all the way down to
07 11/15 now; is that correct?

08 A. Yes.

09 Q. In the Nine Headgate longwall
10 section?

11 A. Yes.

12 Q. Okay. And since this is
13 pertaining to Two Section, I guess
14 let's go back through some of those
15 other things. The green lines and
16 the yellow lines that designate the
17 escapeways on this map, ---

18 A. Yes.

19 Q. --- are they hand drawn or do
20 they appear to be created as an
21 AutoCAD --- as part of the AutoCAD
22 file itself?

23 A. Appear to be AutoCAD.

24 Q. Okay. Who would have created
25 this map?

61

01 A. Been either myself or Kenny
02 Williams.

03 Q. And who would have put the
04 information into it to identify the
05 ---

06 A. Escapeways?

07 Q. --- escapeways? Yes?
08 A. Either myself or Kenny
09 Williams.
10 Q. And so this was Number Two
11 Section?
12 A. Yep.
13 Q. And do you know, does this map
14 identify the location of Number Two
15 Section?
16 A. Yes, at that point, they were
17 mining right there.
18 Q. Okay. And ---
19 A. It faces the ---.
20 Q. --- right there is indicating
21 that the faces for the --- in the
22 Northeast Mains are extended three
23 crosscuts inby the Number One entry
24 of Ten Headgate; is that correct?
25 A. That is correct.

62

01 Q. And that would have been ---
02 describe that again for me.
03 A. That would have been the date
04 shown, right around the date shown,
05 that's where the faces were.
06 Q. And the date shown would be
07 the date on the map of 11/30/05?
08 A. Yes.
09 Q. That'd be the approximate

10 locations of the face ---

11 A. Yes.

12 Q. --- for the Number Two Section

13 at that time?

14 A. Uh-huh (yes).

15 Q. Okay. Do you know why those

16 escapeways shown in the --- was Ten

17 Headgate operating at the same time?

18 A. I don't know if they had

19 anybody down there or not. They

20 might have had some crew down there.

21 Q. Okay. Just as a note. This

22 map was created over two months, two

23 and a half months, after the previous

24 map that we looked at; ---

25 A. Right.

63

01 Q. --- is that correct?

02 A. Uh-huh (yes).

03 Q. The previous escapeway map for

04 the longwall, Exhibit D?

05 A. Right.

06 Q. Okay. And just looking back

07 on the escapeways that are shown on

08 this map for the longwall, are they

09 different than they were depicted on

10 D?

11 A. Is that them?

12 Q. It's taking place up here.
13 A. Right. Right there, they're
14 all changed.
15 Q. Okay. So the map --- this map
16 it was on the Two Section ---
17 A. The Two Section.
18 Q. --- still shows an incomplete,
19 or not continuous, alternate
20 escapeway for the ---
21 A. Right.
22 Q. --- longwall?
23 A. That's probably given ---
24 Q. Is that correct?
25 A. --- for Two Section.

64

01 Q. Yes. Okay. And can you tell
02 me again how the information that you
03 and Kenny put into your AutoCAD file
04 to produce these escapeway maps is
05 gathered and relayed to you?
06 A. Usually the boss of that, and
07 it will be Three Section or Two
08 Section or the longwall, they'll come
09 to us and say, --- or if I'm over at
10 the mine or Kenny is, one of us, and
11 they say, we need an escapeway map.
12 And we'd just go to the map that they
13 marked their escapeways on, on the
14 wall, go over and say this is where

15 it needs to be and then take it back
16 to the computer and ---.
17 Q. What map is that that they
18 mark their escapeways on?
19 A. A wall map, probably the one
20 you just had up here. I mean, just
21 to go --- not actually mark it, but
22 just kind of go this is where it
23 needs to be. And then take it back
24 to the computer, put it in and give
25 it to them. Does this look okay?

65

01 And they'd say yes or no.
02 Q. Is that the one that was in
03 Pepé's office?
04 A. Yes. Or either that one or
05 any kind of map.
06 Q. Just a map that shows the mine
07 entries on it?
08 A. Right. It's usually that ---
09 that's the map that's their main map
10 they use.
11 Q. The one that's in Pepé's
12 office?
13 A. Right. Uh-huh (yes).
14 Q. That is ---
15 A. That one.
16 Q. --- Exhibit B?

17 A. Uh-huh (yes).
18 Q. Okay. Have you ever traveled
19 underground at Alma Mine Number One?
20 A. Yes.
21 Q. Have you ever participated in
22 an escapeway drill?
23 A. No, I have not.
24 Q. Has anybody ever sat down with
25 you at a map and explained to you

66

01 where the escapeways are?
02 A. No, they have not.
03 Q. Have you had SCSR training?
04 A. Yes.
05 Q. Do you remember when?
06 A. The last time was January ---
07 right before --- that weekend before
08 the accident, annual refresher.
09 Q. Have you ever walked
10 escapeways out of the mine?
11 A. Not prior to the accident.
12 Q. Are you familiar with where
13 --- when you went underground, where
14 did you travel to?
15 A. I've been --- most recent
16 before the accident, I went up to Two
17 Section and then walked out. I've
18 been to the old gates, Five, Six,
19 Seven and Eight Headgate, and then I

20 walked up to the longwall face
21 before.

22 Q. When you walked up to the
23 longwall face, did you cut through
24 the cut-throughs, kind of shorten
25 your distance instead of going all

67

01 the way up into Northeast Mains and
02 down the Headgate entry?

03 A. Yes, cut-throughs.

04 Q. Did you notice that --- do you
05 know what the --- how the escapeways
06 are designated underground? Do you
07 know how they're marked?

08 A. How they're marked? With
09 reflectors.

10 Q. Do you know what color the
11 primary reflectors are?

12 A. Green, and secondary is
13 yellow.

14 Q. Okay. When you traveled up to
15 Two Section, do you recall seeing
16 reflectors as you came --- walked
17 out?

18 A. I don't recall. I wasn't
19 paying attention to it.

20 Q. Okay. Are you familiar with
21 the mine's Mine Emergency and

22 Evacuation and Firefighting Plan?

23 A. No, I'm not.

24 MR. BEITER:

25 I have a document here.

68

01 It's Exhibit F Stepp. And the

02 cover sheet is --- it's a

03 February 12th, 2003 memo to

04 Mr. Keaton acknowledging

05 receipt. It's from Edward

06 Brady ---Edwin Brady, who was

07 the District Manager for MSHA

08 District 4. And it says this

09 is to acknowledge receipt of

10 the Mine Emergency Evacuation

11 and Firefighting Program of

12 Instruction.

13 (Stepp Exhibit F marked

14 for identification.)

15 BY MR. BEITER:

16 Q. And the reason I bring this up

17 is that it appears that --- it

18 identifies the Engineering Department

19 will keep the responsible person ---

20 and it appears to me that there's a

21 word missing. Can you read number

22 eight, item eight, under --- let's go

23 back to this one here. The page

24 before this starts off, as revised

25 Mine Emergency Evacuation and

69

01 Firefighting Plan; okay? And there's
02 items that are listed underneath
03 that. Okay. And the next page is
04 item number eight. And could you read
05 --- it says --- could you read this
06 here, both the top and the bottom of
07 that?

08 A. Describe how up-to-date
09 ventilation and escapeway route maps
10 and/or schematics are being provided
11 for use by the responsible person.

12 Q. Okay. Do you know what it
13 means by responsible person? Do you
14 know what that term means? It just
15 doesn't --- it doesn't necessarily
16 mean anybody who's responsible?

17 A. Right.

18 Q. But --- in a larger scale.
19 But more specifically, as identified
20 in this firefighting evacuation plan,
21 there's a term, given to a
22 responsible person who's in charge of
23 causing evacuations and directing the
24 workforce in an emergency. And
25 that's the responsible person that's

70

01 being identified in this number
02 eight.
03 A. Okay.
04 Q. Do you know who that is?
05 A. No, I do not.
06 Q. Okay. Could you read what it
07 says after this, under item eight?
08 A. Engineering department will
09 keep the responsible person by
10 providing up-to-date section prints
11 and mine maps.
12 Q. Does it appear to you that
13 there's a word missing between
14 responsible person and by, like maybe
15 updated?
16 A. I don't know.
17 Q. I mean, it doesn't --- the
18 sentence doesn't make --- it's not a
19 complete sentence. Engineering
20 department will keep the responsible
21 person, I don't think it means that
22 you're going to actually retain that
23 person, okay. By providing
24 up-to-date section prints and mine
25 maps.

71

01 A. Right.
02 Q. It sounds to me like you're
03 going to give them the information to

04 keep them updated.

05 A. Right.

06 Q. Is that what you understand
07 that is saying or do you understand
08 it to say that?

09 A. I understand it to say that,
10 Uh-huh (yes).

11 Q. Okay. And do you know who the
12 Engineering Department would be?

13 A. It'd be probably myself and
14 Kenny.

15 Q. Okay.

16 A. We provide them with section
17 prints every couple weeks.

18 Q. It also says ventilation.
19 Okay. Item eight says describe how
20 up-to-date ventilation and escapeway
21 route maps.

22 A. Uh-huh (yes).

23 Q. Okay. So we got two things,
24 we got escapeway --- we kind of went
25 through some of that.

72

01 A. Uh-huh (yes).

02 Q. We'll come back to the
03 ventilation in a little bit.

04 A. Okay.

05 Q. Did you receive any training

06 relative to this program of
07 instruction?

08 A. No, I did not.

09 Q. Also listed in here is an item
10 four on the previous page, and it
11 talks about tracking. You can review
12 it. It talks about tracking miners'
13 movements underground. Dispatcher is
14 supposed to keep track of them and
15 note them in the log?

16 A. I don't know anything about
17 that.

18 Q. Okay. When you go
19 underground, has anybody told you to
20 let somebody know where you're at and
21 you know, as you move from one place
22 to another, inform someone to keep
23 track of your movements underground?

24 A. Yeah. Something that's pretty
25 common everywhere.

73

01 Q. Who do you call?

02 A. Who do I call and tell? If I
03 go underground, everybody usually
04 knows about it. I'll tell Kenny I'm
05 going underground. I'll tell whoever
06 is in the foreman's office, I'm going
07 underground. And a lot of times I'll
08 go with the foreman.

09 Q. Okay. The foreman you're
10 talking about is not just any
11 foreman, but the mine foreman for the
12 shifts?

13 A. Dusty.

14 Q. Usually Dusty?

15 A. Uh-huh (yes).

16 Q. Okay. Do you know anything
17 about the Pyott-Boone CO system?

18 A. No.

19 Q. Has anybody ---

20 A. Never heard of it.

21 Q. --- gave you any instructions
22 on it?

23 A. Nope.

24 Q. Do you know what the --- do
25 you know that the system gives alarms

74

01 and alerts?

02 A. Yes.

03 Q. Have you ever been notified to
04 respond to any alarms or alerts?

05 A. No.

06 Q. Do you know where the phones
07 are in the mine?

08 A. Not all of them. I know the
09 location of the ones on the section
10 and I know they're scattered about.

11 I don't know the exact locations.

12 Q. Okay. Do you think a fire in
13 a coal mine could be an imminent
14 danger?

15 A. Yes.

16 Q. Why?

17 A. Because coal burns. It's hard
18 to get out, you can't see, smoke, CO
19 obviously. If you can't see, you get
20 disoriented. It's definitely a
21 danger. And CO is probably the most
22 obvious thing that'd be a problem.

23 Q. Do you think just smoke in
24 itself could be an imminent danger?

25 A. Yeah.

75

01 Q. Why?

02 A. If there's a lot of smoke, you
03 can't --- it's hard to see, you know
04 what I mean? CO and the smoke.

05 Q. Can you think of when a fire
06 would not be an imminent danger?

07 A. No.

08 Q. Have you received any
09 instructions as to your actions in
10 the event of an emergency when you're
11 traveling underground?

12 A. Can you repeat the question?

13 Q. Yes. Have you received any

14 instructions regarding your actions
15 while you're traveling underground in
16 the event of an emergency?

17 A. I don't understand.

18 Q. Do you have any assigned
19 responsibilities during an emergency
20 underground?

21 A. No, I do not.

22 Q. No? You talked about the
23 section maps?

24 A. Uh-huh (yes).

25 Q. Okay. Could you go into it a

76

01 little bit to elaborate on that?

02 A. The section maps that we
03 supply?

04 Q. Yes.

05 A. It's just an eight and a half
06 by 11 copy of where the face is,
07 where they advance the section, plus
08 projections. They go out to the end
09 of the sheet basically and gives
10 them, the section bosses or the
11 foremen, just a chance to mark it up
12 on that map. And it's usually a week
13 or two weeks of projections.

14 Q. Is that an AutoCAD?

15 A. The drawing itself is an

16 AutoCAD and the projections are just
17 lines, and they form at the ---.

18 Q. Do you know what scale it's
19 in?

20 A. One inch equals a hundred.

21 Q. So that's a pretty big scale?

22 A. Uh-huh (yes).

23 Q. I mean, you're not going to
24 get --- on an eight and a half by 11,
25 you're not going to get lot --- a

77

01 large portion of the mine on it?

02 A. No. It's just for a week or
03 two weeks, just so they can mark it
04 up and then when they need another
05 one, we'll give them another one.

06 Q. Now, how much of --- how many
07 crosscuts can be developed in that
08 time frame?

09 A. Can do about eight, eight or
10 nine.

11 Q. And then there's --- so you
12 got projections showing eight or nine
13 crosscuts?

14 A. Uh-huh (yes).

15 Q. And then is there also mine
16 entries that have already been
17 recorded ---

18 A. Just ---

19 Q. --- in AutoCAD?
20 A. --- at the front of the map,
21 yes.
22 Q. And how many crosscuts' worth
23 are they?
24 A. Two or three.
25 Q. So you have at the most, maybe

01 a dozen crosscuts ---
02 A. Uh-huh (yes).
03 Q. -- shown on that map?
04 A. Yes.
05 Q. Who are those maps given to?
06 A. They'd be given to --- at
07 Aracoma, it would be Dusty or Pepé or
08 Terry ---
09 Q. What's the purpose?
10 A. --- or ---
11 Q. Or else? I'm sorry.
12 A. The purpose is for the
13 foremen.
14 Q. Okay.
15 A. Just to keep updated where
16 they're at. They mark on that, mark
17 locations of their stoppings, their
18 doors, so we can put them on the map.
19 Q. I think I might have cut you
20 off. You said Dusty or Pepé or ---?

21 A. Or whoever --- whoever the
22 foreman is or the boss of that
23 section --- section boss.

24 Q. Are these ---?

25 A. They usually call and say

79

01 they'll need one and we'll print one
02 up.

03 Q. Okay. Are these the same maps
04 that are located in the office on the
05 wall opposite the office that had the
06 ---?

07 A. The foreman's office?

08 Q. Yes.

09 A. Yes.

10 Q. And is there a larger scale of
11 those that is put in there or is it
12 the same size?

13 A. Usually they have seen a wall
14 map, just probably, I don't know, a
15 few months of projections.

16 Q. A few months?

17 A. I have seen those. Uh-huh
18 (yes).

19 Q. For each section?

20 A. For each section.

21 Q. What scale is that?

22 A. I don't know. I couldn't tell
23 you.

24 Q. Do you know what size a
25 hundred scale is on that eight and a

80

01 half by 11?

02 A. Uh-uh (no).

03 Q. Is that scale similar to what
04 you think you remember seeing?

05 A. Similar to it. Uh-huh (yes).

06 Q. It wouldn't be like a 200
07 scale, ---

08 A. No.

09 Q. --- which would be half the
10 size?

11 A. No.

12 Q. No? Would it be a 50 scale,
13 which would be twice as big?

14 A. No.

15 Q. Do you recall what the
16 dimensions of those maps were?

17 A. The larger ones? No, I do
18 not.

19 Q. Is there a larger one for each
20 section?

21 A. I couldn't answer that.

22 Q. Okay.

23 A. I believe so. I couldn't
24 answer that.

25 Q. Okay. What information is

01 typically shown on that? I mean, you
02 described the projections.

03 A. Uh-huh (yes).

04 Q. And the mine entries that are
05 developed in the areas shown.

06 A. Uh-huh (yes).

07 Q. What else? Is there anything
08 else?

09 A. They mark stoppings and doors
10 on the ---.

11 Q. Who's they?

12 A. Dusty Dotson was marking them
13 on Three Section.

14 Q. Yes.

15 A. And if I remember right, Terry
16 was doing it on Two Section.

17 Q. Terry?

18 A. Shadd.

19 Q. Terry Shadd?

20 A. Uh-huh (yes).

21 Q. Do you know who was
22 responsible for ventilation at the
23 Alma Mine Number One?

24 A. No, I do not. As far as being
25 responsible for it, no, I do not.

01 Q. Do you know who keeps track of
02 it?

03 A. No, I do not.

04 Q. Do you know what mine map was
05 used to track and update the
06 ventilation controls on the mine?

07 A. Which map? On the wall? No,
08 I don't. I have no idea.

09 Q. Any map anywhere. It doesn't
10 have to be on the wall.

11 A. No. I don't know.

12 Q. No?

13 A. Uh-uh (no).

14 Q. Who puts the ventilation
15 controls into the AutoCAD files?

16 A. I can do that or Kenny could.
17 I have done it before.

18 Q. How is that information gained
19 as to the correct location of those
20 controls?

21 A. As far as the controls
22 themselves?

23 Q. Yes.

24 A. Okay. The advancing section,
25 they mark stoppings and doors and

01 just put them on the map.

02 Q. On --- and they put them on
03 which map?

04 A. In the AutoCAD map.

05 Q. The individual sections?

06 A. Oh, on the section maps.

07 You're talking about the foremen on

08 the ---?

09 Q. Yeah, I'm just trying to

10 understand the process. A

11 ventilation control was constructed

12 underground.

13 A. Right.

14 Q. And how that information gets

15 put on your AutoCAD map, which is the

16 only way --- way I understand it, ---

17 A. Right.

18 Q. --- you don't --- excuse me,

19 you don't ink maps?

20 A. No.

21 Q. So every map that you produce

22 ---

23 A. Right.

24 Q. --- for compliance with the

25 regulations for submittals and that

84

01 ---

02 A. Right.

03 Q. --- has to be created from the

04 AutoCAD file?

05 A. Right.

06 Q. So the information goes from

07 what's actually underground?

08 A. Uh-huh (yes).
09 Q. Somehow it gets to you or
10 Kenny?
11 A. Right.
12 Q. And then that information is
13 put on AutoCAD maps, so that when an
14 AutoCAD map is created for the
15 purpose of identifying where the
16 ventilation controls are, they'll be
17 accurately reflected?
18 A. Right. For advancing
19 sections, they mark those on the map.
20 Q. And that's the map ---?
21 A. Then we put that in the
22 AutoCAD.
23 Q. Okay. We've been talking a
24 lot of maps, so you just kind of have
25 to go slow with me if you don't mind.

85

01 A. Okay. Sorry.
02 Q. You say they put them on the
03 map.
04 A. Uh-huh (yes).
05 Q. Who's they?
06 A. That'd be Dusty Dotson for
07 Three Section or Terry for Two
08 Section.
09 Q. Okay. What about ventilation

10 controls on the longwall that are
11 removed as they're retreating out,
12 ---
13 A. Uh-huh (yes).
14 Q. --- and ventilation controls
15 are removed, or if they are removed,
16 ---
17 A. Right.
18 Q. --- or if they're constructed
19 ---?
20 A. They usually don't tell us
21 about those.
22 Q. They don't?
23 A. All we put on the maps is the
24 advancing sections.
25 Q. Okay. And the information

86

01 that they put on the maps are by the
02 maps that are where, upstairs in the
03 office, Dusty and Terry?
04 A. In the foreman's office, yes.
05 Q. In the foreman's office
06 A. Uh-huh (yes).
07 Q. And that's the larger month's
08 worth of projections, ---
09 A. Right.
10 Q. -- maps that you're talked
11 about ---
12 A. Uh-huh (yes).

13 Q. --- in the room opposite
14 Pepé's office?
15 A. Yeah.
16 Q. And then you take that map ---
17 do you take that map then?
18 A. I usually --- I'll take a
19 smaller map that I'll plot out, which
20 are the miner projections and I'll
21 take that and actually just go over
22 and mark it with a pen or a pencil
23 and then take that back to the
24 computer.
25 Q. Looking at the marked-up map

87

01 that Dusty and Terry marked up on the
02 foremen's office, ---
03 A. Yes.
04 Q. --- you'll copy that
05 information on the map that you just
06 printed out ----
07 A. Yes.
08 Q. --- then you'll take that map
09 back and you'll use that to update
10 your AutoCAD file?
11 A. Yes.
12 Q. So if that process all works,
13 then the map that's in AutoCAD should
14 reflect ---

15 A. Should.

16 Q. --- what's underground ---

17 A. Right.

18 Q. --- on the development

19 sections?

20 A. Uh-huh (yes).

21 Q. Is that --- do I understand

22 that as being correct?

23 A. Yes.

24 Q. Does anybody ever verify the

25 accuracy of the ventilation controls

88

01 that are shown on your map, on the

02 AutoCAD map?

03 A. Anybody from the mine?

04 Q. Anybody, anybody?

05 A. No. They're not verified.

06 Q. As far as you know, they're

07 not?

08 A. Uh-uh (no).

09 Q. If I wanted to find a map that

10 actually showed where all the

11 ventilation controls are in Alma Mine

12 Number One, not today, but if on the

13 19th of January, I wanted to find a

14 map at the mine that reflected all

15 the ventilation controls that were

16 actually in place underground, do you

17 know where that map would be located?

18 A. At the mine? The only map
19 that I knew of was the one you showed
20 me. The most accurate map ---.

21 Q. The exhibits that we've
22 already gone over?

23 A. Yeah.

24 Q. Okay. I didn't mean to cut
25 you off.

89

01 A. Okay.

02 Q. I'm just clarifying. You can
03 go ahead.

04 A. Well, the most accurate map
05 was one that was on file at the MSHA
06 office at that time.

07 Q. Do you know when that one was
08 submitted?

09 A. A week before the accident.

10 Q. Did you submit it yourself?

11 A. Uh-huh (yes).

12 Q. Do you know if all the
13 ventilation controls on that map were
14 accurate?

15 A. I do not know that.

16 Q. Did you go back in the mine to
17 check on any of them?

18 A. I checked on a few of them,
19 yes.

20 Q. What did you find?

21 A. I found some changes, actually
22 quite a few changes from our map to
23 the new map.

24 Q. Were all those changes as a
25 result of --- when did you go back in

90

01 the mine, before or after the
02 accident?

03 A. Before the accident.

04 Q. Okay. So ---.

05 A. Two weeks before.

06 Q. So the changes that you saw,
07 what you saw personally underground,
08 compared to the map that was
09 submitted to MSHA ---

10 A. Compared to that map, yes.
11 From what I saw. I didn't ---.

12 Q. --- were not as a result of
13 the accident?

14 A. No. No.

15 Q. Okay. Go ahead with what you
16 were going to say.

17 A. I didn't check everything. I
18 didn't walk the whole mine doing a
19 whole ventilation study. Just as I
20 was walking out, I just kind of
21 looked and checked for stopping
22 lines, just take this map to MSHA, to

23 Mount Hope, and get those guys to
24 look at it and see what --- see what
25 else I needed to do and ---.

91

01 Q. What area of the mine was that
02 in?

03 A. Basically all the mains going
04 up from the box cut to the top of the
05 hill and then Northeast Mains.

06 Q. All across Northeast Mains,
07 all the way to Number Two Section?

08 A. Uh-huh (yes).

09 Q. What stopping lines?

10 A. Let's see, I was in --- it'd
11 be the stopping line that connects to
12 the ---

13 Q. Start with the 48 ---.

14 A. --- 72-inch belt.

15 Q. Okay. Start with the 48-inch
16 ---.

17 A. Not the 48-inch. I wasn't up
18 there.

19 Q. Okay. You didn't go look at
20 that one?

21 A. The structure they were
22 putting in for 72-inch belt, that
23 stopping line.

24 Q. Okay. And that would be ---

25 we've got another map up here.

92

01 A. Okay.

02 MR. BEITER:

03 Exhibit A. We've got

04 all kind of maps.

05 (Stepp Exhibit A marked

06 for identification.)

07 A. Right. Wonder where that came

08 from.

09 BY MR. BEITER:

10 Q. Yeah. Does this look

11 familiar, Exhibit A?

12 A. Vaguely.

13 Q. Simon, did you generate this

14 map?

15 A. I could have. I couldn't even

16 tell you.

17 Q. I don't ---.

18 A. I've generated so many.

19 Q. I don't think you did. But

20 it's a copy of the AutoCAD map that

21 ---

22 A. Right.

23 Q. --- I'm sure you're familiar

24 with.

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

93

01 Q. And in it -- we actually

02 created this one.

03 A. Okay.

04 Q. And for the purpose of the
05 interviews.

06 A. Yeah.

07 Q. Then we have some stuff
08 highlighted in a magenta color that
09 just identifies things. And then we
10 have in brown, the belt entries
11 identified in brown where the belt
12 conveyors were.

13 A. Right.

14 Q. And you said you didn't do
15 anything with the stopping line up on
16 the 48-inch belt in Northeast Mains?

17 A. No, sir, I did not.

18 Q. Okay. And the 72-inch belt is
19 the one that you walked

20 A. No, I walked that one out.

21 Well, the next entry over, the next
22 entry down. That one, yes, Number
23 Two.

24 Q. Okay. Could you identify on
25 this map where you traveled?

94

01 A. I couldn't --- not accurately.

02 Q. Okay. Well, if I could help
03 you by --- okay, just maybe that

04 entry, here's the two sets of doors.

05 A. I went through there.

06 Q. Okay. In a blue pen.

07 A. As far as ---.

08 Q. And if --- do you recall ---.

09 A. All the way from the section.

10 Q. Well, if you recall what

11 ventilation controls you might have

12 looked at.

13 A. Okay. We went --- come up

14 here. I don't recall exactly where I

15 was up to there.

16 Q. That's all right. Do you know

17 where the travelway extends up

18 through here?

19 A. The stopping was through here.

20 Q. Okay. Go ahead and if you

21 want to circle then, that'd be good.

22 A. Okay. The stopping was not

23 that far. It was only like ---

24 probably about here.

25 Q. Okay. All right. I'm just

01 going to trace over what you did a

02 little bit a heavier so that we get

03 --- okay. What about this; is that

04 all right?

05 A. Right.

06 Q. That identifies ---.

07 A. Right.

08 Q. Okay. And what I did here was

09 ---.

10 A. And also these doors, okay, I
11 wanted to make sure I got the doors
12 all right.

13 Q. Okay. Do you want to circle
14 that?

15 What about overcasts, did you
16 look at overcasts?

17 A. No, I did not.

18 Q. No? So those are doors, okay.
19 We got three sets of doors circled.
20 One door near 3565 spad. One door
21 near 3566; is that correct?

22 A. I believe so.

23 Q. One door near 3602. One door
24 in a stopping that's north of that,
25 adjacent to the 48-inch belt.

96

01 Another set of doors that are located
02 between --- or near and between spads
03 4163 and 4177 on the lower side of
04 the incline. And on the upper side
05 of the incline near the 48-inch belt,
06 the door is located between spads
07 4162 and 4176; is that correct?

08 A. That should be.

09 Q. Okay. Is my description
10 clear?

11 A. Right. Right.

12 Q. And then, Simon, you also
13 identified stoppings that you looked
14 at between spad 3323 and 3330, those
15 two entries?

16 A. Uh-huh (yes).

17 Q. And stoppings that extend from
18 one crosscut outby, I guess, from
19 spad 3332 through spad 3223; is that
20 correct?

21 A. Yeah.

22 Q. And we circled them and got a
23 bracket there because there's a
24 little bit of extraneous notation in
25 there.

97

01 A. I can't say every stopping I
02 looked at.

03 Q. That's fine. Did you make any
04 note about ---?

05 A. I just walked through here
06 kind of looking down the entries as I
07 walked out.

08 Q. Did you travel or make any ---
09 do you have any memory of any
10 stoppings you might have seen on the
11 opposite side of that travelway as

12 you walked through there?

13 A. No, I do not.

14 Q. You said you didn't mark
15 anything on this side over here, on
16 the outby side of the longwall?

17 A. As I walked out through here,
18 I marked what I saw as I walked out.
19 Just by looking ---.

20 Q. Overcasts in the adjacent
21 entries as well?

22 A. Not overcasts.

23 Q. No? What prompted you to go
24 into the mine and check that after
25 you submitted that map?

98

01 A. After --- well, I went in
02 before I submitted the map.

03 Q. Oh, okay.

04 A. It was before.

05 Q. Oh. Okay.

06 A. Really it was two things
07 actually I was checking on. The
08 first day or two I was there, I was
09 just in the gates. Dusty had called
10 me, said he was losing so much air
11 between the box cut and the section.
12 And I thought maybe it could be
13 coming out of the gates, I wanted to

14 check those stoppings, see if there
15 was an obvious hole or maybe a
16 stopping missing or something that
17 would show that he was losing so much
18 CFM through the gate.

19 Q. And when you say the gates,
20 what are you talking about?

21 A. Five, Six, Seven and Eight
22 Headgates.

23 Q. And that's on the ---

24 A. That's on the ---.

25 Q. --- the opposite side of North

99

01 Mains?

02 A. The North Mains.

03 Q. Opposite where the northeast
04 sections are?

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

06 Q. Okay.

07 A. And also I'd received a call
08 from --- I think it was Minnes
09 Justice and the belt air was going in
10 the wrong direction from the map, and
11 this was back in December. Which I
12 had never heard anything about it.
13 Nobody ever told me anything. And he
14 said the ventilation arrows were
15 going the wrong way, so ---. That's
16 not really the reason I went

17 underground. That's the reason why
18 --- that's what prompted me to look
19 at the map and see --- try to fix it
20 and say, I need to get it to MSHA and
21 get them to look at it.

22 Q. Okay. You say that you were
23 told that the arrows on the map were
24 the wrong direction? What map would
25 that be?

100

01 A. It would be the previously
02 submitted map, the latest ventilation
03 revision, which was submitted before
04 I started work.

05 Q. And you started in?

06 A. I started in June.

07 Q. June of 2005. So it would
08 have been ---?

09 A. The last annual map I think
10 was March.

11 Q. Okay. Do you know what they
12 were wrong --- why ---?

13 A. They were just going the wrong
14 direction. The ---.

15 Q. Based on what? Based on what
16 was actually --- based on what?

17 A. Based on what?

18 Q. Yes.

19 A. What do you mean?
20 Q. Well, how were they wrong?
21 A. The intake, or the neutral
22 arrows, were going away from the face
23 instead of toward the face in that
24 one entry on the 48-inch belt.
25 Q. On the 48-inch belt?

101

01 A. Uh-huh (yes).
02 Q. Do you remember where?
03 A. Northeast Mains. I don't know
04 exactly where.
05 Q. Two Section hadn't turned ---
06 had Two Section turned into Eleven
07 Headgate at that point or were they
08 still out in the Northeast Mains?
09 A. No. They might have still
10 been. I don't remember. I don't
11 recall.
12 Q. When you went underground, did
13 you check to see if the air direction
14 was --- what it was actually going in
15 in ---
16 A. No, I did not.
17 Q. --- in 48-inch belt? No? Did
18 you make any adjustments to the
19 airflow direction?
20 A. No, I didn't.
21 Q. Did you ask anybody about it?

22 A. Yes.

23 Q. Who did you ask?

24 A. I talked to Raymond Browning
25 at Mount Hope when I changed the map.

102

01 Talked to him about it and I also
02 talked to Bill Ross and Dave Morris.

03 Q. Okay. Raymond Browning, does
04 he work in the ventilation group over
05 there?

06 A. Uh-huh (yes).

07 Q. And Bill Ross and David Morris
08 do as well?

09 A. Right.

10 Q. And that's MSHA District
11 office in Mount Hope?

12 A. Yes.

13 Q. What did you tell them?

14 A. I had told them basically what
15 I came --- I gave them the map that I
16 had, showed them the ventilation
17 route way, the way it was supposed to
18 be and showed it to them and saying
19 what else is on there and what ---
20 basically wanted some help with it,
21 so they could help me out with it and
22 try to get the map right. And it sat
23 there for a week. I gave it to

24 Raymond Browning one week before the
25 accident and the map sat there for a

103

01 week. I came back the day of the
02 accident, that morning, and talked to
03 --- talked about it with Bill and
04 Dave and everybody. And they talked
05 --- they said it looked fine, you
06 just need to show exactly what I
07 changed, everything that --- they
08 didn't --- instead of looking at the
09 whole --- they didn't want to look at
10 the whole map, so they just wanted to
11 look at that --- those areas that
12 changed. And I showed them, but they
13 wanted something a little more
14 concrete.

15 Q. The map you took in, did it
16 show the airflow directions corrected
17 on ---

18 A. Uh-huh (yes).

19 Q. --- the Number Two unit belt?

20 A. Yes.

21 Q. The 48-inch belt?

22 A. Uh-huh (yes).

23 Q. How did you know what
24 direction to put on that map that you
25 submitted?

104

01 A. Talking to the foreman.
02 Q. Which foreman?
03 A. The mine foreman and the
04 ventilation books that they supply.
05 All area readings that we put on the
06 map are supplied by certified
07 foremen.
08 Q. Does it show what direction
09 the airflow is on the information
10 that you record?
11 A. Yes. Well, ---.
12 Q. What books are they?
13 A. Well, it's not --- it was
14 basically just verbal. It was a
15 verbal thing. And talking to Minnes
16 Justice.
17 Q. Did anybody verify anything to
18 --- for the map that you submitted,
19 did anybody verify what you were
20 submitting was accurate, correct?
21 A. As far as just verbally,
22 that's just from the certified
23 foremen, Dusty and Terry.
24 Q. So Dusty told you what? If
25 you help me understand, not --- I
105
01 guess I'm having trouble
02 understanding the concept.

03 A. Everybody knows --- it's
04 pretty much common everybody there
05 knew that air on the 48-inch belt was
06 going toward the face and that was
07 from when I went up there and asked
08 everybody. And they said, yeah, it's
09 going toward the face.

10 Q. Who submits all the mine
11 ventilation plans for Alma Number One
12 Mine?

13 A. Either myself or Kenny
14 Williams.

15 Q. If you have a ventilation
16 change you're planning underground
17 --- and I guess maybe help me. Take
18 me through that process. Okay? If
19 you're going to make a change in
20 ventilation, okay, who develops that
21 plan? What changes are going to be
22 made physically underground, what
23 stoppings you're going to build, what
24 stoppings you're going go to remove,
25 what overcast you're going to

106

01 construct, how you're going to ---
02 where you're going to locate
03 regulators? Who develops that
04 thought? Who formulates a plan? How
05 is it approved?

06 A. Right.

07 Q. And then, you know, how is it
08 coordinated and implemented? I mean,
09 do you --- can you kind of help me
10 through this process? Because right
11 now, I really don't have a good
12 handle on it.

13 A. I can go as far as the
14 engineering. I haven't been --- we
15 haven't had a ventilation change
16 since I've been an engineer. We were
17 getting ready to set up a recovery
18 plan for the next panel entry, but
19 hadn't gotten to it yet. We're just
20 getting started.

21 MR. BEITER:

22 Okay. I got another
23 exhibit here. Exhibit G is a
24 vent plan.

25 (Stepp Exhibit G marked

107

01 for identification.)

02 A. Okay.

03 BY MR. BEITER:

04 Q. Did you submit the last vent
05 plan?

06 A. I don't --- I'd have to look
07 at it.

08 Q. Are you familiar with the vent
09 plan at all?
10 A. Parts of it.
11 Q. Okay. This is Exhibit G
12 Stepp. There's three pages here,
13 Simon.
14 A. Uh-huh (yes).
15 Q. And one of them is numbered
16 page 32, one's 33 and the other one I
17 haven't --- I can't identify a page
18 number on it.
19 A. Uh-huh (yes).
20 Q. But the first page says
21 Aracoma Coal Company, Incorporated,
22 Alma Number One Mine ---- Alma Mine
23 Number One, Typical Four Entry Face
24 Ventilation Sketch.
25 A. Yeah.

108

01 Q. Okay. And can you tell me ---
02 can you identify where the belt entry
03 is in this? If you're looking left
04 to right in the four entries?
05 A. Left Right Number Three.
06 Q. And can you see what the
07 direction of the belt air is? If you
08 look over here, down here in the
09 legend, there's a little belt air
10 symbol with a --- it looks like an

11 arrow with an N on the line.
12 A. Uh-huh (yes).
13 Q. Can you identify where that
14 --- what direction that shows on this
15 map?
16 A. It's going out.
17 Q. Okay. So the belt in this
18 typical four-entry development, it's
19 showing as belt air going outby?
20 A. Uh-huh (yes). I'm not sure we
21 did have approval for using the belt
22 in the face from what I was told.
23 Q. Okay. Are you familiar with
24 where in the plan it identifies what
25 the direction of airflow is, other

01 than the outby direction?
02 A. I do not know.
03 Q. Okay. Here's another one, the
04 next page. This is page 33. It
05 says, Aracoma Coal Company, Alma
06 Number One Mine, Face Ventilation
07 Typical Advance Sweep Ventilation.
08 A. Uh-huh (yes).
09 Q. And sweep, I guess it means,
10 what, all going one direction from
11 one side to the other; is that
12 correct?

13 A. It's the way you split air.
14 Q. Okay. And then let's look for
15 the belt air direction. Identify the
16 belt entry in the middle ---
17 A. It's going outby.
18 Q. --- middle entries; right?
19 A. Uh-huh (yes).
20 Q. One, Two, Three, Four, Five,
21 Six, Seven entries, and it's typical?
22 A. Yep.
23 Q. The belt's the middle?
24 A. Uh-huh (yes).
25 Q. And what direction is that?

110

01 A. Outby.
02 Q. Okay. Longwall. The last
03 page in here is typical longwall
04 ventilation. It looks like a hole
05 punch ---
06 A. Yeah.
07 Q. --- kind of took out a word
08 there, but it says typical longwall,
09 --- I could speculate face. But
10 typical longwall something
11 ventilation.
12 A. Yeah.
13 Q. Okay. Aracoma Coal Company,
14 Longwall System Retreat Mining.
15 A. Uh-huh (yes).

16 Q. Okay. This says Panels Six,
17 Seven and Eight. We're at Nine right
18 now; right?

19 A. Right.

20 Q. Okay. Do you know if there's
21 another one submitted for Panel Nine?

22 A. I do not know.

23 Q. Okay. It looks like the left
24 side of the map looks like it's the
25 headgate. Would you say so?

111

01 A. I would say yes, it is.

02 Q. Okay. And can you see where
03 the belt entry is located here?

04 A. Number One.

05 Q. Number One entry of the
06 headgate entries?

07 A. Uh-huh (yes).

08 Q. Of the four in the headgate;

09 ---

10 A. Yes.

11 Q. --- is that correct?

12 A. Yes.

13 Q. Okay. And what direction does
14 it show the airflow to be in this?

15 A. Inby.

16 Q. Inby. So the longwall ---
17 this face print for the longwall

18 shows the belt air being directed
19 towards the face; ---
20 A. Yeah.
21 Q. --- is that correct?
22 A. Yeah.
23 Q. And in the two previous
24 sketches for typicals for development
25 sections ---

112

01 A. Right.
02 Q. --- it shows the belt air
03 being taken in an outby direction; is
04 that correct?
05 A. Uh-huh (yes).
06 Q. Are you aware of any other
07 typical ---
08 A. I'm not aware of it, no.
09 Q. --- sketches in their
10 ventilation plan?
11 A. No.
12 Q. Are you aware of any other
13 specific sketches in their
14 ventilation plan?
15 A. Not specifically, no. And I
16 could have been on the longwall, I
17 just remember --- I don't remember
18 exactly where I was. I just remember
19 Minnes calling me. He didn't seem
20 real concerned about it. He just

21 said there was violation on it ---

22 Q. Is ---?

23 A. --- citation on it. That's

24 when I called Bill Ross and talked to

25 him. As far as exactly what we

113

01 talked about, I can't honestly

02 remember.

03 Q. Is changing the direction of

04 airflow in a belt entry a ventilation

05 change?

06 A. Yes.

07 Q. Would you need approval for

08 that?

09 A. Yes.

10 Q. Do you recall submitting

11 approval for changing the direction

12 of belt air in Number Two unit?

13 A. No, it was not aware to the

14 Engineering Department that that was

15 made, that change was made.

16 Q. Well, did anybody else, to

17 your knowledge, submit ventilation

18 changes to --- for Alma Mine Number

19 One?

20 A. Not since --- before Kenny

21 came on, no.

22 Q. Not before Kenny Williams came

23 on?

24 A. Well, before Kenny Williams,

25 it was Gary Moss.

114

01 Q. Nobody since you've been

02 there?

03 A. Not that I'm aware of, no.

04 Q. Would you happen to be

05 familiar with the requirements of CFR

06 75350 and 351?

07 A. No, I'm not.

08 Q. Do you know what they deal

09 with?

10 A. No, I don't.

11 Q. They deal with belt air issues

12 and requirements.

13 A. Okay.

14 Q. Who would be familiar with the

15 ventilation controls in the mine?

16 A. One person?

17 Q. I guess that's a question. Is

18 there one person who would be

19 familiar with the ventilation

20 controls in the mine?

21 A. I couldn't answer that. I

22 don't know.

23 Q. Who would be familiar with the

24 ventilation controls in the mine

25 whether or not it's more than one

01 person?

02 A. I couldn't truthfully answer
03 that. I don't want to speak for
04 somebody else.

05 Q. Do you know if anybody's
06 familiar with the location of the
07 ventilation controls in the mine?

08 A. If anybody is familiar?

09 Q. Yes.

10 A. Totally and completely
11 familiar with everything?

12 Q. Yes.

13 A. Again, I wouldn't want to
14 answer that for somebody else.

15 Q. Somebody that sees the big
16 picture.

17 A. Right.

18 Q. That knows --- if I tell you,
19 go take a stopping out someplace,
20 that I know what impact that has on
21 everything else?

22 A. I could speculate and say who
23 I think it would be.

24 Q. No. If you don't know, that's
25 okay.

01 A. Okay.

02 Q. Yes. Who do you think might?
03 Not knowing, but who do you think
04 might?

05 ATTORNEY HARDY:

06 I'm going to confer
07 with Simon for a minute.

08 WITNESS AND REPRESENTATIVE CONFER

09 BY MR. BEITER:

10 Q. Can we go back through a
11 couple things? Some things are still
12 kind of cloudy in my head here as far
13 as what we were talking about.

14 A. Uh-huh (yes).

15 Q. If ventilation changes are
16 made on the sections, okay --- by
17 changes, I don't mean changes. When
18 ventilation controls are constructed
19 on the development sections. Okay.
20 I understood that you said that the
21 section foremen update the map or
22 Terry Shadd for Number Two Section

23 ---

24 A. Right.

25 Q. --- or Dusty Dotson for Number

117

01 Three Section update the section map
02 that's in the foreman's office.

03 A. Typically. I mean, it will
04 just be something simple like a line

05 for a stopping.

06 Q. Right.

07 A. Or D for a door.

08 Q. Or D for a door?

09 A. Right.

10 Q. Right. Okay. In an outby

11 area, if you're going to take an

12 overcast out and you're going to put

13 two stoppings up instead of that

14 overcast or I'm going to remove a

15 stopping that was in place, or I'm

16 going to build one that wasn't there,

17 or I got a fall and I'm going to

18 reroute my escapeway and in order to

19 do that, I've got to take a stopping

20 line over and around the ---

21 A. Right.

22 Q. --- obstruction now.

23 A. Uh-huh (yes).

24 Q. Okay. Who records that

25 information?

118

01 A. Usually we haven't been

02 notified of those changes.

03 Q. Are you saying --- let me

04 understand clearly. Okay. Are you

05 saying that you know that changes

06 were made ---

07 A. No.

08 Q. --- and you weren't notified

09 or are you just saying ---

10 A. We don't know that they're

11 made.

12 Q. --- you've never been made

13 aware that that has happened?

14 A. Right.

15 Q. Is that correct?

16 A. That's correct.

17 Q. So you have never been made

18 aware that there were any changes

19 made underground to any ventilation

20 controls after the initial

21 installation on this development

22 section?

23 A. Right. Unless we're told by

24 somebody.

25 Q. Let's see, Nine Headgate was

119

01 developed from the northeast out ---.

02 A. Nine Headgate?

03 Q. --- to the south; right?

04 A. Uh-huh (yes).

05 Q. And Nine Tailgate, I believe

06 was developed from the old Three

07 Section which is Four Right Entry?

08 A. Uh-huh (yes).

09 Q. Uphill to where the Northeast

10 Mains are now?
11 A. I wasn't around then.
12 Q. Were you around when they
13 intersected that old mine and flooded
14 that area out?
15 A. No, I was not.
16 Q. Okay. Well, just for some
17 history and I'm no expert on the
18 history at Alma Mine Number One.
19 Okay. I believe that Nine Headgate
20 was developed from Northeast Mains
21 downdip.
22 A. Okay.
23 Q. Okay? And Nine tailgate was
24 developed from Four Right uphill?
25 A. Going uphill.

01 Q. Okay. And it intersected an
02 abandoned mine?
03 A. Right.
04 Q. Okay.
05 A. Uh-huh (yes).
06 Q. Where there's a seal located
07 now ---
08 A. Uh-huh (yes).
09 Q. --- on the updip side of the
10 48-inch belt that's in place now?
11 A. Yep.

12 Q. And it wasn't connected yet to
13 the butted off entries of Northeast
14 Mains ---
15 A. Right
16 Q. --- that were developed by the
17 section that developed Nine Headgate?
18 A. Uh-huh (yes).
19 Q. Okay. Were there any
20 ventilation controls that were like
21 built and had to be removed to
22 connect those up?
23 A. I couldn't answer that.
24 Q. Do you know?
25 A. I was not around then.

121

01 Q. All right. When you went
02 underground in the area that you
03 identified here on Exhibit A, when
04 you looked at those ventilation
05 controls that you identified on the
06 map, where did you find for the
07 ventilation --- in place of where the
08 ventilation controls are from spads
09 3332 through 3223? That's these ones
10 that are circled with the blue line
11 and has a bracket above them?
12 A. You mean those controls?
13 Q. Yeah, what did you find? Does
14 this map depict where those controls

15 were? Or did you find controls in
16 place where they're depicted on this
17 map? That'd be just on the uphill
18 side of the belt structure.

19 A. That was the map that we gave
20 you, so it should be --- that's all
21 of them. And everything I saw was on
22 that map.

23 Q. So everything that was on the
24 map that you had was correct?

25 A. Uh-huh (yes). From what I saw

122

01 at that time.

02 Q. At that time?

03 A. At that time.

04 Q. So if I went back and I pulled
05 that map that was submitted to the
06 District back in --- the week before
07 ---

08 A. It was a week before the
09 accident.

10 Q. --- the accident?

11 A. Yes.

12 Q. That the ventilation controls
13 on that map should have been what you
14 saw underground at that time?

15 A. From the areas that I walked.

16 Q. Okay. Why did you pick out

17 these specific controls here?
18 A. It was just the travelway out.
19 Q. Okay. No other reason?
20 A. Then I figured, well, while I
21 was there, that I would look at those
22 controls.
23 Q. Do you recall if they were in
24 place at that time? I don't have a
25 map to look ---.

123

01 A. If they were on the map, then
02 they were in place.
03 Q. Do you recall?
04 A. But I don't recall, no.
05 Q. Okay. Who told you they were
06 using belt air at the face, on Number
07 Two unit?
08 A. Minnes Justice.
09 Q. Do you know what air --- have
10 you talked to anybody from management
11 at the mine about it?
12 A. Uh-huh (yes).
13 Q. Who did you talk to?
14 A. As soon as they called, Pepé
15 Lester.
16 Q. Pepé Lester. What did Pepé
17 Lester tell you?
18 A. He said that's the way it was
19 and when I talked to Minnes --- I

20 don't know if I called him back or
21 --- I think I did call him back and
22 say what I needed --- what do I need
23 to do to fix this. And he says, you
24 need to get the map right and submit
25 it to MSHA, and have them approve it,

124

01 and go from there. And that's what I
02 was in the process of doing.

03 Q. Did that indicate to you that
04 there was a change in ventilation
05 that was made that wasn't approved?

06 A. Yes, it did.

07 Q. Do you know if the
08 regulations, federal regulations,
09 require any --- or have any
10 requirements when you use belt air at
11 the face?

12 A. I don't know if they do or
13 not. I don't know.

14 Q. Do you know the air from which
15 belt ventilated Number Two unit, do
16 you know that?

17 A. The 48-inch belt.

18 Q. The 48-inch belt in Northeast
19 Mains?

20 A. Uh-huh (yes).

21 Q. Do you know if there's a CO

22 alarm on Number Two Section?
23 A. There's one on the map so
24 there should be, based on the
25 information given to me by the mine.

125

01 Q. An alarm or a sensor or both?

02 A. A sensor. I don't know about
03 alarm.

04 Q. Okay.

05 A. They don't give me locations
06 of alarms.

07 Q. Who updates the CO map?

08 A. I have before.

09 Q. In AutoCAD?

10 A. From the last time. Uh-huh
11 (yes). Yes.

12 Q. Where do you post that?

13 A. There was --- I don't want to
14 say where I think it was posted
15 because I'm not a hundred percent
16 sure if it was on the electrical map
17 or not. But it was posted.

18 Q. Do you do the electrical map?

19 A. I did the last one, yes.

20 Q. Did you do the one before
21 that?

22 A. Just the last one.

23 Q. Why did you have to do --- why
24 did you have to do that map?

25 A. I don't remember who exactly,

126

01 but one of the electricians wanted
02 one made up so he gave him a map and
03 he marked up what he wanted on the
04 map and gave it to me, and I put it
05 in the computer how he marked it up.

06 Q. Do you know who that
07 electrician was?

08 A. No, I do not.

09 Q. You don't know?

10 A. I don't remember who. It was
11 months ago, so I don't exactly
12 remember who it was.

13 Q. Months ago, prior to the
14 accident?

15 A. Uh-huh (yes).

16 Q. Take me through that again,
17 that process.

18 A. How I got the electrical map?

19 Q. Yeah.

20 A. Just whoever it was, I
21 honestly can't remember, but he just
22 marked on the map showing this is
23 their --- I think it was continuous
24 miner power went from here to here,
25 showed location of the boxes. What

127

01 else was on it? KVA boxes, ---.

02 Q. You say he marked it ---.

03 A. There was few other things,

04 splitter boxes, a couple other things

05 on it. He just told where they were

06 and to put it on the map. He said

07 make the map from AutoCAD look like

08 this, and that's what I did.

09 Q. Yes. Do you know who Jesse

10 Jude is?

11 A. Yes.

12 Q. Was that person Jesse Jude?

13 A. I don't believe so.

14 Q. No? Do you know there's

15 another electrical map that's posted

16 now that was made after the one that

17 you made at the mine?

18 A. That's on the wall now?

19 Q. Yes.

20 A. Yes.

21 Q. Do you know who made that map?

22 A. I did.

23 Q. Do you know why you did that

24 map?

25 A. It was requested by someone.

128

01 So many people were requesting maps.

02 I know somebody requested --- wanted

03 the electrical map with all the pumps

04 and the belts, belt drives.
05 Q. How was that information
06 received by you? Not ---.
07 A. The same way. Electrical
08 stuff, I think --- everything was on
09 the electrical map. It's probably
10 the same as it was, just transferred
11 over to a new drawing.
12 Q. So you already had the
13 information from the previous
14 electrical map.
15 A. From a previous electrical
16 map, yes.
17 Q. And the electrical map that's
18 created now --- and it's dated
19 1/26/06?
20 A. Yeah.
21 Q. Does that sound about right
22 for you?
23 A. It sounds about right.
24 Q. Okay. The map that's posted
25 there was an AutoCAD map?

129

01 A. Yes.
02 Q. And the electrical
03 installations that are shown on that
04 map, would they be the same as what
05 they were on the map prior to the one

06 that was posted on 1/26?
07 A. Exactly the same?
08 Q. Uh-huh (yes).
09 A. They should be. I couldn't
10 answer. I mean, there might have
11 been a change. I don't know.
12 Q. Did you make any changes?
13 A. I can't remember.
14 Q. Don't remember if you did or
15 not?
16 A. I don't remember if I did or
17 not.
18 Q. Okay.
19 A. I don't remember specifically
20 making a change on that. I had to
21 put --- enter so many different
22 things into it.
23 Q. Yes. Do you know how long
24 Kenny Williams has been at Logan
25 County Mine Services?

130

01 A. Since early September. Or was
02 it late September? Somewhere in
03 September.
04 Q. Last year, 2005?
05 A. 2005, yes.
06 Q. He started after you did?
07 A. Yes.
08 Q. Do you know, did he work for

09 Logan County Mine Services before

10 that?

11 A. No. He worked for Elk Run.

12 Q. What was the gentleman's name

13 who was your supervisor before Kenny

14 Williams replaced him?

15 A. Gary Moss.

16 Q. Moss?

17 A. Gary Moss.

18 Q. I assume that he was your

19 supervisor?

20 A. Yes.

21 Q. Did he have the same position

22 that Kenny Williams has prior to his

23 leaving?

24 A. Yes.

25 Q. Did you say that an MSHA

131

01 inspector contacted you about the air

02 traveling in the wrong direction?

03 A. Yes.

04 Q. Did he call you on the phone?

05 A. Uh-huh (yes).

06 Q. And you said he told you the

07 map was wrong?

08 A. Uh-huh (yes).

09 Q. Did he identify which map he

10 was talking about?

11 A. He did not, I don't believe.

12 Q. Was it a map that was
13 submitted?

14 A. I don't know. I don't
15 believe. No.

16 Q. Do you recall if you were
17 cited --- not you personally.

18 A. The mine was.

19 Q. If the mine was cited for that
20 condition?

21 A. I do believe he wrote a
22 citation on that.

23 Q. And if I understood you right,
24 did you say that --- did you believe
25 that that indicated to you that there

132

01 was a change in ventilation made that
02 wasn't approved and that was why you
03 needed to submit a ---

04 A. Right.

05 Q. --- a map to reflect that?

06 A. Yeah, that's the first I'd
07 heard about it and so that's why I
08 figured we need to submit a change, I
09 talked to them, see what we need to
10 do. They said submit a map to MSHA
11 showing the right direction of air.

12 Q. Now, I got a little bit
13 confused maybe. You said when you

14 went over to the office, District 4
15 office, MSHA District 4 office in
16 Mount Hope, and spoke with Bill Ross
17 and Dave Morris about --- and maybe
18 some other people as well about ---

19 A. Right.

20 Q. --- with your map and that and
21 you said you went there asking for
22 help so you could get it right.

23 A. Right.

24 Q. I didn't quite understand what
25 you meant by that.

133

01 A. Right. I'm just --- I knew
02 there would be corrections. I knew
03 they'd have corrections on it because
04 they always do, just whatever it
05 might be. Just something that they
06 see that needs to be changed or on
07 the map. So I basically take them
08 over, what needs to be corrected, did
09 they see anything I need to do
10 different. You know what I'm saying?

11 Q. I kind of do but ---

12 A. It's kind of hard to explain.

13 Q. --- I kind of don't.

14 A. Yeah. Typically when I send
15 the map in, say it's an annual map,

16 I'll send it to them and they usually
17 make corrections on it, just maybe a
18 mistake I made on it, maybe I put
19 something, maybe I put a stopping
20 somewhere it shouldn't have been or
21 anything. It could be anything.

22 Q. Yes.

23 A. If there was something on the
24 legend, maybe a line was erased in
25 the legend, a symbol or something.

134

01 And they'll say you need to put that
02 in and give it back to me and then
03 I'll fix the problems that I had and
04 submit it back to them.

05 Q. Okay. You said you and Kenny
06 were the ones that ---?

07 A. And that's basically ---

08 Q. Yes?

09 A. That's basically what I was
10 looking from them was what do I ---
11 you know what ---.

12 Q. If there was anything that you
13 needed to address?

14 A. Right. Right.

15 Q. Is that right?

16 A. Right.

17 Q. In your development process of
18 your map submittals, ---

19 A. Uh-huh (yes).

20 Q. --- okay, is there a review
21 process that you go through to say
22 before we take it down there, we're
23 going to look this thing over and
24 we're going to ---

25 A. Yes.

135

01 Q. --- make sure that what we
02 have is correct?

03 A. Right.

04 Q. Okay.

05 A. I mean, we can't ---.

06 Q. Can you describe that to me?

07 A. Well, we basically look it
08 over ourselves and after you stare at
09 it for five or six hours on the
10 computer, you know, sometimes you
11 don't catch everything and it's hard
12 to catch everything with one or even
13 two people. And especially for me,
14 which I'm new. I haven't been
15 working very long at all. So there's
16 some things that I miss and make
17 mistakes on that I need somebody to
18 look at and those guys up there,
19 especially Dave Morris, he pretty
20 much catches things pretty quick.

21 Q. Yeah. Does anybody --- before
22 you submit it, does anybody sit down
23 and look at the map and kind of like
24 highlight the ventilation control
25 stopping lines so that you can kind

136

01 of like, you know, see if you got
02 something missing or see if like
03 there's boxed-in areas or dead-ends
04 or ---

05 A. That actually is highlighted?

06 Q. --- do you guys do that?

07 A. No, we don't.

08 Q. Or don't necessarily have to
09 highlight it, but just go through a
10 process that's going to tell you if
11 it's --- if they're there or not,
12 ---

13 A. Yes.

14 Q. --- does anybody do that?

15 A. Yeah, we'll go through it and
16 look at it, and beyond that, I don't
17 ---.

18 Q. Does anybody at the mine look
19 at it?

20 A. Yeah, we'll take it to the
21 mine. We usually take it to the mine
22 and let those guys look at it.

23 Q. Who do you present it to?

24 A. Usually management people,
25 guys in management.

137

01 Q. Do you have any names?

02 A. I've taken maps to Dusty
03 Dotson, Pepé Lester, Rod Morrison
04 usually are the three that if I have
05 a map that I'm going to send
06 somewhere, they review it and see if
07 that's okay or what changes I need to
08 make.

09 Q. Does Charlie Kann review any
10 maps? Have you ever given anything
11 to him?

12 A. Unless he asked for it.
13 Sometimes he'll ask to, which I will.

14 Q. Do you know if they reviewed
15 the map that you took over there
16 prior to taking it over the week
17 before the accident?

18 A. Had they looked at it?

19 Q. Yes.

20 A. Yes, they did.

21 Q. Who's they?

22 A. Dusty and Pepé and Rod.

23 Q. Did they indicate to you that
24 there was anything wrong on the map?

25 A. Uh-uh (no).

01 Q. Do you know how long they
02 looked at it?

03 A. It was pretty --- it wasn't
04 long. We didn't go over every detail
05 of the map.

06 Q. You said that you have never
07 --- since you've been here in June of
08 2005, ---

09 A. Yep.

10 Q. --- did anybody ever come to
11 you and tell you, hey, Simon, we took
12 out a stopping over here and it's not
13 going to be on that section mark-up
14 map, you need to put that on your
15 mine map?

16 A. No, they have not.

17 Q. Did anybody ever tell you,
18 hey, Simon, we built a regulator over
19 here and there was no stopping there
20 before, no regulator, you need to put
21 that on the mine map?

22 A. I couldn't tell you. I mean,
23 they probably have, I'd say, yeah.
24 If they tell me, I'll change it, but
25 a regulator, no. I don't think

01 anybody's done that. Really the only
02 changes I make, if I bring them

03 something and they say, no, it's not
04 like that. It's like this. And that
05 would be anything, it'd be something
06 real minor, maybe the way the gate
07 --- we're getting the regulator and
08 the EP on the gate.

09 Q. Do you know who certifies the
10 mine map, the accuracy?

11 A. Kenny Williams.

12 Q. Kenny Williams does?

13 A. Uh-huh (yes).

14 Q. Do you know anything specific
15 about the ventilation controls in
16 that week prior to the accident
17 surrounding the 72-inch belt tail in
18 the longwall drive area?

19 A. Specifically?

20 Q. Yeah.

21 A. No, I do not.

22 Q. No? Okay. Did you say that
23 you --- did I understand you that you
24 said that since you've been there up
25 to this first --- this submittal

140

01 prior to the accident, the week prior
02 to, that --- was there any submittals
03 that you've made ---

04 A. Not that I made personally.

05 Q. --- for ventilation changes?
06 A. There have been ones since
07 I've been there for Three Section ---
08 adding Three Section.
09 Q. For adding Three Section?
10 A. Uh-huh (yes).
11 Q. That was a ventilation change?
12 A. Yes.
13 Q. Do you know who submitted
14 that?
15 A. I don't remember. It would
16 have been either Kenny Williams or
17 Gary Moss.
18 Q. Do you know the time frame,
19 month wise?
20 A. No, I couldn't tell you.
21 Actually, I think it was September or
22 August.
23 Q. Did you work on that at all?
24 A. No, I didn't.
25 Q. Do you know if a --- I'm

141

01 assuming that when they started Three
02 Section, I mean, that's projected off
03 the North Mains?
04 A. Uh-huh (yes).
05 Q. That there had to be some
06 ventilation changes?
07 A. Yes, and that was the last

08 revision.

09 Q. 10/8, the last one?

10 A. Yes.

11 Q. And how were those changes
12 incorporated into your AutoCAD map?

13 A. They were changes that needed
14 to be as we submitted them. They
15 were changing the maps, submitted
16 them and approved and that's how ---
17 that's how it was on the map.

18 Q. If on January 19th I said,
19 Simon, I need a map that shows me
20 where everything is in the mine,
21 ventilation controls, ---

22 A. Yep.

23 Q. --- where would you direct me?

24 A. The map that I gave to MSHA.

25 Q. The map that ---?

142

01 A. The latest map that I did on
02 AutoCAD.

03 Q. The week prior to the accident
04 ---

05 A. The week prior to, yes.

06 Q. --- should be the most ---?

07 A. Up to date.

08 Q. In your mind, that's the most
09 updated map of the ventilation system

10 in Alma Mine Number One?

11 A. Yes.

12 Q. Did you ever hear of the gum
13 band map? There's a map in one of
14 the offices that had pins in it with
15 gum bands stretched on the pins.

16 A. Oh, yeah.

17 Q. And I was told that the gum
18 bands were on there so that you could
19 draw a straight line between to
20 identify certain things on the map,
21 like belt lines or that.

22 A. Right.

23 Q. Do you ever hear of that map
24 or see that map?

25 A. I think --- I've seen the map

143

01 with the rubber bands on it. I
02 didn't know that's what it was for.

03 Q. Did you ever look at that map?
04 I don't mean just like walk in the
05 room and say, yes, I seen it.

06 A. I mean, I've seen it. As far
07 as really look at it, no.

08 Q. Did you ever look at that map
09 to see if the ventilation controls on
10 it ---

11 A. No, I have not.

12 Q. --- were depicted accurately?

13 A. Uh-uh (no).
14 Q. Did anybody tell you that,
15 Simon, if you've got a question about
16 something on your AutoCAD map where
17 a vent control is and nobody's here,
18 you can check that map right there
19 and it will tell you what it is?

20 A. No.

21 Q. Nobody told you that?

22 MR. BEITER:

23 Bill?

24 BY MR. TUCKER:

25 Q. I've got a few clarifying

144

01 questions ---

02 A. Okay.

03 Q. --- here for you, Simon. I
04 know you've covered a lot of
05 territory already.

06 A. Yeah.

07 Q. I may be repeating a few
08 things here. Do you know who owns
09 Logan County Mine Services?

10 A. Who owns it? The company?

11 Q. Yes.

12 A. Massey Energy.

13 Q. Do you know what type of ---?

14 A. That's not a trick question,

15 is it?

16 Q. No. No.

17 A. Okay.

18 Q. Do you know what type of
19 services they provide for Aracoma
20 Coal?

21 A. Logan County itself?

22 Q. Yes.

23 A. I would say just engineering
24 services.

25 Q. What about, say, the Hernshaw

145

01 Mine or any other mines ---

02 A. Right.

03 Q. --- that you're aware of?

04 A. Engineering wise.

05 Q. So you get your check from

06 Logan County Mine Services?

07 A. Uh-huh (yes).

08 Q. Okay. Do you have anything as
09 far as checks and balances that you
10 would use --- I know you've talked a
11 good bit about the information that
12 you get that you enter in the AutoCAD
13 system for the stoppings or where
14 maybe an overcast has been installed
15 or where you've been told it's been
16 installed.

17 A. Uh-huh (yes).

18 Q. Do you --- how do you make
19 sure or is there a means that you use
20 to make sure that that information
21 that you get is correct?

22 A. Well, as far as overcasts go,
23 where they were in the past, you
24 know, we didn't really --- I didn't
25 really mess --- I just dealt with the

146

01 advancing sections trying to keep
02 them advancing and I could tell them
03 where the overcasts needed to be.
04 And as far as checking on that, I
05 have to ask them and just based on
06 their word. And the stopping is the
07 same way, just based on word.

08 Q. So do you basically plot out
09 where an overcast should be and ---

10 A. Should be.

11 Q. --- and then if local mine
12 management were to decide to maybe
13 move it a crosscut or whatever, would
14 you know that or you know, would they
15 relay that information on to you or
16 --- how is that ---?

17 A. They would tell me.

18 Q. Has that happened?

19 A. Yeah, they usually stick with

20 maps, but they would tell me that.

21 Q. So you think pretty much as

22 far as what you present to them,

23 that's what they ---

24 A. Uh-huh (yes).

25 Q. --- go by?

147

01 A. If they have a problem with

02 it, they'll tell me and say, we need

03 to --- say the mother drive, if I

04 didn't --- if there were only two

05 breaks and it needs to be three

06 breaks long to cut, they would tell

07 me and I'll fix it. Just so they

08 could have a map to give to their

09 people, their bosses and their crew,

10 that's what the need to do.

11 Q. I know they've got a lot of

12 different maps hanging on the --- you

13 know, probably about every office,

14 you know, a lot of different offices

15 have maps hanging there.

16 A. Uh-huh (yes).

17 Q. But is there a map in

18 particular that you feel like that

19 you could go to that at any given

20 time, it would show you where that

21 section is mining, you know, you

22 would see how far the entry's driven

23 up, if the crosscut's been turned,
24 you'd see where the longwall face is
25 at, you would know where all the

148

01 stoppings are in place or if
02 something's been changed, it would be
03 noted? Is there one map that you
04 could go to that would show that?

05 A. For the whole mine?

06 Q. Yes.

07 A. Usually it'd be probably in a
08 --- per section, the section maps.

09 Either the section prints themselves,
10 which are posted on the wall.

11 Usually I take a handfull of them and
12 just post them on the wall. Either
13 that or they go to that. Or for the
14 longwall, usually how I know where
15 the longwall is, I look at the
16 production report, daily production
17 report.

18 Q. Okay. How often would you say
19 that you go underground?

20 A. Not very often. On average,
21 once every month, once every two
22 months.

23 Q. I know you've mentioned some
24 of the things that you've noted on

25 this one particular trip up Northeast

149

01 Mains ---

02 A. Right.

03 Q. --- some changes that weren't

04 the same as what was on the map that

05 you had been working off of.

06 A. Right, a couple things. Most

07 of it was in the gate entry. Five,

08 Six, Seven and Eight Headgate is

09 where most of the changes were.

10 Q. Is there any other occasions

11 that you went underground and maybe

12 noticed where you expected a stopping

13 to be and maybe one was gone or you

14 noted ---

15 A. Any areas.

16 Q. --- changes?

17 A. From the few days I went

18 underground, yeah, there was quite a

19 few areas of that.

20 Q. To where it wasn't exactly

21 what the map showed?

22 A. Not exactly, yeah.

23 Q. And you had noted changes?

24 A. Right.

25 Q. Did you talk to anybody in

150

01 mine management about that?

02 A. Yes.

03 Q. Did you ---?

04 A. Nothing was major. It
05 wouldn't be like a stopping was out
06 that should have been there. I never
07 saw anything like that. It was
08 usually doors weren't always in the
09 right location. And then that way, I
10 could just fix it on the map.

11 Q. Anything else?

12 A. If I had it on the map showing
13 a door here, whoever put it in back
14 whenever it was mined, didn't put it
15 in the right place and I needed to
16 move it and you know, I can just move
17 it on the map, say, here's where the
18 doors are. And that was primarily my
19 --- is what I looked at.

20 Q. Right. Anything other than
21 doors that you've noticed that you
22 can remember?

23 A. Off hand, say like --- go to
24 the map, I'll show you on the map ---

25 Q. Okay.

151

01 A. --- something. We have an
02 area like that, it looks like you got
03 a room built. That's the way it was

04 on the map. It was put there prior
05 to when I got there, when I got the
06 map. This doesn't look right. I can
07 go in there and change it a little
08 bit.

09 Maybe somehow they were took
10 out, I don't know what stopping it
11 is. This is just an example. They
12 would have taken out one stopping
13 there. It didn't affect anything but
14 I can take it off the map.

15 Q. Basically the stopping that
16 they had removed, that didn't affect
17 --- didn't hurt the ventilation ---

18 A. Right.

19 Q. --- but you were just never
20 aware of it to put it on the map?

21 A. Uh-huh (yes). And in some
22 areas it didn't make a lot of sense,
23 like this stopping right here where
24 that room was built. That was on my
25 trip underground, I saw that stopping

152

01 there, which I told them about that.

02 Q. Do you remember what they said
03 about it?

04 A. Well, they, you know, said,
05 well, you know, I had to fix it.

06 They basically told me, you know, we

07 don't need to build a room right
08 there. But that's pretty much ---
09 pretty much it.
10 BY MR. BEITER:
11 Q. Just for the record, when you
12 were talking about that little boxed-
13 in room ---
14 A. That was just an example.
15 Q. --- that was an example? And
16 that's between--- in the northeast
17 Mains between spads 3652 and 3651?
18 There's just four stoppings around it
19 in the section?
20 A. It might be like that now. I
21 don't know if it is or not.
22 Q. You just used that as an
23 example of where it shows --- the map
24 shows it being an area that's not
25 ventilated?

153

01 A. Right.
02 Q. And you found that maybe one
03 stopping was removed and it was
04 ventilated?
05 A. Uh-huh (yes).
06 Q. Okay. And then you said
07 another location over here in the
08 North Mains was in the entry up

09 against the solid closest to the
10 Headgate; is that right? Then
11 there's a stopping between 2846 and
12 2845?

13 A. Uh-huh (yes).

14 Q. That stopping there?

15 A. I do believe that was it if I
16 remember correctly.

17 Q. And you checked that because
18 you saw that it was a boxed-in dead
19 spot?

20 A. Uh-huh (yes).

21 Q. And that's what you found
22 underground?

23 A. That's what I found
24 underground to my recollection.

25 Q. Okay. Do you know if anybody

154

01 made any change to rectify that
02 underground?

03 A. I don't know if they did or
04 not.

05 Q. Did anybody come back and ask
06 you or tell you, hey, Simon, you know
07 that stopping you talked to us about,
08 we took care of that and here's what
09 it is?

10 A. I don't recall that.

11 BY MR. TUCKER:

12 Q. So if you were to find in
13 those situations that you find
14 conditions like that, who would you
15 go and talk to about it?
16 A. Who would I talk to? Usually
17 go to the foreman, Dusty Dotson or
18 Pepé Lester. Usually Dusty, since he
19 would take care of --- well, I mean,
20 he's usually the one I ride around
21 with so if we see something, you
22 know, I'll talk to him, we'll talk
23 about it.

24 Q. All right. I think you
25 mentioned you all are preparing for

155

01 another ventilation change when Nine
02 Headgate is finished.

03 A. Right.

04 Q. Who do you work with on that?

05 A. You're saying when the
06 longwall --- where we can set up a
07 recovery?

08 Q. Right.

09 A. As far as the map or as far as
10 what we need to do, escapeways and
11 all that?

12 Q. Ventilation change.

13 A. Ventilation change? Of course

14 we have to okay with everybody at the
15 mine, the superintendent and Rod
16 Morrison because he's with the
17 longwall, Dusty Dotson. Have to okay
18 with him everything we did and then
19 submit it to --- come up with the
20 plan, submit it to MSHA.

21 Q. Do you know how often you send
22 the spad men underground at Alma?

23 A. They're as needed. Two
24 Section, since they're a construction
25 section, if they're on the mains,

156

01 it's not a real big deal but if
02 they're on the headgate, probably
03 every break, at least every two
04 breaks. Three Section, they're a
05 production section, so every three
06 breaks typically. Somebody at the
07 mine ---.

08 Q. So when they call you ---?

09 A. When they call, yeah.

10 Q. And request it?

11 A. Uh-huh (yes).

12 Q. You all do the projections for
13 the mining and set the spads and the
14 angles or whatever to drive and all
15 that?

16 A. Right.

17 Q. Do you know who --- do you do
18 surveys after an area's been
19 developed? Do you go in then and do
20 surveys to measure the blocks or do
21 any type of surveys?

22 A. Check surveys, is that what
23 you're talking about, to check?

24 Q. Yes.

25 A. Yes.

157

01 Q. When they --- when they do
02 those --- that work there, do they
03 also make checks of the ventilation
04 controls or would they note anything
05 --- the spad men, would they note
06 anything on the ventilation controls
07 and pass any information on to you?

08 A. I haven't seen if they have or
09 not. I'm not really sure. I don't
10 think they did.

11 Q. What about if you're mining
12 close to abandoned mines or gas wells
13 or something like that, who does the
14 research on that?

15 A. At Alma, those mines have been
16 on the map, the projections have been
17 on the map since I've seen it, so I
18 didn't --- you know, we've got to

19 redrill every so often. I don't take
20 care of that.

21 Q. Do you know how long it was
22 from the time of your last update on
23 Two Section until the accident, prior
24 to the accident?

25 A. On the map, the last update?

158

01 Q. Yeah.

02 A. I think it was a few days. It
03 wasn't updated right to the face, but
04 ---.

05 Q. All right.

06 A. The surveyors I think were up
07 there that day and then they got out
08 probably five o'clock or so and at
09 the time of the accident the notes
10 hadn't been put in yet.

11 Q. Surveyors were there on the
12 19th?

13 A. On the 19th.

14 Q. Who was that?

15 A. On Two Section?

16 Q. Yeah. Who was the surveyors?

17 A. The surveyors? Jamie Vanover
18 and Rodney Dingess.

19 Q. Did you say what time they got
20 out?

21 A. I think they got out about

22 five o'clock.

23 Q. About 5:00?

24 A. They got to the office about

25 5:30.

159

01 Q. Okay. So when did you become

02 aware of the fire on the 19th?

03 A. Thursday night at 9:30, nine

04 o'clock, somewhere in there. It was

05 Thursday evening.

06 Q. Do you have any idea why the

07 map isn't showing the old works where

08 you cut into the old mine off of

09 Northeast Mains?

10 A. Why is it not showing that old

11 mine? I didn't put that in there, I

12 don't know. I don't know if we

13 didn't have a --- we didn't have a

14 map of it or ---. All I was ever

15 shown was just that, the grey block

16 and that.

17 Q. Okay.

18 A. That's all I had ever seen it

19 to be.

20 Q. It doesn't actually bring the

21 workings on down to ---

22 A. Right.

23 Q. --- where you cut into?

24 A. I don't know if they didn't
25 know. I think that's the latest map

160

01 that they could find on that mine.

02 Q. Do you know who does the
03 elevation surveys?

04 A. The survey crew.

05 Q. Survey crew?

06 A. Uh-huh (yes).

07 Q. And you had said that
08 basically they don't do anything as
09 far as ventilation controls to
10 compare it to what's on the map or
11 they don't gather information ---

12 A. No, not that ---.

13 Q. --- along that line? Do you
14 know when the last map was submitted
15 to the state?

16 A. No, I do not.

17 Q. Or if you had one about ready
18 to submit?

19 A. If we had one? I don't know
20 if we ---.

21 Q. Don't know?

22 A. I don't remember the last one.
23 Usually I get them through MSHA and
24 then send them to the state.

25 Q. Do you know if you submitted

161

01 --- you mentioned the map that you
02 took to MSHA, ---
03 A. Uh-huh (yes).
04 Q. --- do you know if you
05 submitted that map to the state yet?
06 A. No, that map did not get
07 submitted to the state.
08 Q. You're still working on that
09 ---
10 A. Right.
11 Q. --- with MSHA? I know you've
12 mentioned that some of the
13 ventilation controls, and you've
14 marked them on the map on Northeast
15 Mains have been removed. Did I
16 understand you to say ---?
17 A. Been removed? What are you
18 talking about?
19 Q. When you were up in Northeast
20 Mains, did you notice any ventilation
21 controls, any stoppings that had been
22 knocked?
23 A. As from the map?
24 Q. Right. When you walked that
25 area, did you see any evidence of ---

162

01 you said you walked up towards where
02 they were putting in the 72-inch

03 belt, advancing it up?
04 A. Uh-huh (yes).
05 Q. Did you notice any ventilation
06 controls that had been knocked?
07 A. Not that I remember, no.
08 Q. You didn't see any stoppings
09 that had been knocked out?
10 A. Uh-uh (no). Not that I
11 recall.
12 Q. Okay. The spad men that
13 worked there on the 19th, do you know
14 how they got in the mines?
15 A. How they got in? I don't know
16 how they got in. I know they rode
17 out with first shift.
18 Q. Rode out with the day shift.
19 Do you know what crew they rode out
20 with?
21 A. It was day shift, Two Section
22 crew.
23 Q. Two Section?
24 A. Yeah.
25 Q. Okay. So the work report that
01 they --- you said they turn in a work
02 report for that day. Have you used
03 that information to update ---?
04 A. Yes. It's updated now.
05 Q. Okay.

06 MR. TUCKER:

07 That's all I have at

08 this time.

09 BY MR. BEITER:

10 Q. Did you say you didn't --- I

11 wasn't sure what I heard you say

12 about when you were in the mine. Did

13 you ever find stoppings that were not

14 accurately portrayed on the map that

15 you had?

16 A. That were not accurately

17 portrayed? I don't recall any

18 specific stoppings but anything that

19 changed from where I was at was from

20 the old map to the new map, you know,

21 I just marked as changed.

22 Q. Okay. Have you been working

23 on any of the recent submittals and

24 that that are for --- remember

25 earlier on, you said about the

164

01 changes that are being made

02 underground now ---

03 A. Uh-huh (yes).

04 Q. --- with regard to separation

05 of the primary and alternate

06 escapeways?

07 A. What's going on now?

08 Q. Yes. Did you work on
09 formulating any of those maps for
10 submittal?

11 A. No. That was Kenny Williams
12 who made those maps.

13 Q. Kenny made all those maps?

14 A. Uh-huh (yes).

15 Q. So if I had questions as to
16 anything about those, that's the
17 person I need to talk to?

18 A. Probably so. I've seen them,
19 but I didn't make them.

20 Q. Okay. Are you familiar with
21 what's portrayed on them?

22 A. No, I couldn't --- pretty
23 much, vaguely. I wouldn't say real
24 familiar with them.

25 Q. Okay. Section maps that are

165

01 in the foreman's office, or that were
02 in the foreman's office, on the 19th
03 of January, ---

04 A. Uh-huh (yes).

05 Q. --- do you know if those maps
06 for Two Section, the longwall ---
07 what happened to those?

08 A. I don't think there ever ---
09 there was never one for the longwall.

10 Q. There was never a section map

11 for the longwall in there?
12 A. I don't think so. A Two
13 Section map. I know there was a Two
14 Section and Three Section.
15 Q. Do you know ---?
16 A. I don't know, they probably
17 --- somebody probably picked it up.
18 Everybody was looking for maps and
19 stuff. It was just showing ---
20 showed the face down to ---.
21 Q. Yeah, could you help us?
22 A. --- about the gas well.
23 Q. Okay. Can you show us on this
24 map? You're saying from the face of
25 where Two Section was?

166

01 A. Uh-huh (yes).
02 Q. Looking at A, Exhibit A, where
03 the face of where Two Section is, all
04 the way through the North Mains,
05 Northeast Mains?
06 A. Not all the way down.
07 Q. All the way down to where?
08 A. I can't read it that far.
09 Q. It's okay.
10 A. Basically from where they were
11 at, about here.
12 Q. To about the Nine Tailgate?

13 A. By the ---.
14 Q. Just outby Nine Tailgate?
15 A. To about here.
16 Q. Let's mark that on here if
17 that's okay. 200 scale? Can we mark
18 that in red? Let's mark that in red.
19 Just kind of like draw a line.
20 A. I mean, it wouldn't be
21 accurate.
22 Q. Well, did it go all the way
23 --- did it go outby Nine Headgate?
24 A. No.
25 Q. Did ---?

167

01 A. It was somewhere in Ten
02 Headgate.
03 Q. Did it include the
04 intersection of Nine Tailgate with
05 Northeast Mains?
06 A. I don't think it did.
07 Q. I guess tell me what you can
08 tell me for sure.
09 A. Okay.
10 Q. What is not included on that
11 map for sure?
12 A. Was not included?
13 Q. Yes.
14 A. Was Nine Headgate.
15 Q. Nine Headgate including the

16 Mains, Northeast Mains, in front of
17 Nine Headgate?

18 A. Uh-huh (yes).

19 Q. That was not included?

20 A. No, I don't think so.

21 Q. Okay. What about proceeding

22 inby? Just tell me ---.

23 A. I couldn't speculate on that.

24 Q. Well, take this pen.

25 A. I couldn't tell you.

168

01 Q. No, that's okay. Tell me what
02 --- just mark on here if you would,
03 please, what you're sure wasn't on
04 there.

05 A. All right.

06 Q. And I understand, well, you
07 don't know for sure exactly where
08 inby that, but ---

09 A. I know ---.

10 Q. --- at some point, you know it
11 wasn't?

12 A. Right.

13 Q. Okay. So just draw a line and
14 say everything outby that wasn't.

15 A. It was not --- I'm not for
16 sure.

17 Q. Okay. So it was ---?

18 A. I think it was outby this. I
19 think it was in here.

20 Q. Well, that's okay. We'll go
21 with what you're sure of. This is a
22 ---.

23 A. But everything was worked. I
24 mean, they didn't --- all they did
25 was mark their faces I mean, that's

169

01 all it was used for. So that wasn't
02 --- there wasn't a map done.

03 Q. You're not thinking that there
04 were any --- do you recall if there
05 were any ventilation controls,
06 changes on those vent controls, shown
07 on ---

08 A. Not there. There was just
09 ---.

10 Q. --- in the area outby the
11 Headgate?

12 A. It was just --- showed the ---
13 had the cutout for the mother drive,
14 I remember that.

15 Q. What about up here for this
16 seal, this seal?

17 A. It wasn't on the map.

18 Q. There wasn't anything that
19 showed when --- when --- if any
20 ventilation controls were installed

21 to redirect the airflow to the seal,
22 or to the 48-inch belt?

23 A. No.

24 Q. Don't recall, don't remember?

25 That's okay. You don't remember?

170

01 A. There was not any.

02 Q. There was not any?

03 A. I don't believe.

04 Q. Okay. So you --- say it
05 again.

06 A. Okay.

07 Q. I put words in your mouth. I
08 don't want to do that.

09 A. All right. As far as the seal
10 goes, I --- you know, that was a year
11 or two ago, there's no maps that I
12 know of that show anything to do with
13 it.

14 Q. Okay. And the section map
15 that was up there posted in the
16 foreman's office for Number Two
17 Section, it was possibly a 200 scale
18 map?

19 A. Possibly 200 scale that just
20 showed --- mainly the reason for it
21 was to show location of the cutouts
22 for these drives.

23 Q. On Two Section?

24 A. Just construction basically,
25 construction work.

171

01 Q. Okay. And the drives that
02 you're pointing to would be the
03 headgate for the ---

04 A. There's some overcasts in
05 there.

06 Q. --- the headgate drive for
07 Eleven ---?

08 A. The overcasts here.

09 Q. Okay. And do you recall if
10 there were any vent controls shown,
11 drawn in or white-outed out or some
12 way that show that there was
13 ---?

14 A. Not on there. They didn't
15 change anything outby.

16 Q. Nothing outby?

17 A. Uh-uh (no).

18 Q. Okay. So if I was looking at
19 that map and I wanted to say, okay,
20 this map is telling me these controls
21 specifically are in place, okay, the
22 only ones that I should be looking
23 for on that map are what?

24 A. What's that now?

25 Q. What controls are actually

01 shown on that map that reflect not
02 the changes that you put on the
03 AutoCAD map, but the changes that
04 they made underground after you gave
05 them that map?

06 A. I don't know. I don't know if
07 they had a map of that or not.

08 Q. I guess I'm confusing the
09 issue here.

10 A. Uh-huh (yes).

11 Q. Okay. This map you said was a
12 mark-up map for Number Two Section?

13 A. Uh-huh (yes).

14 Q. And it was primarily just in
15 the Number Two Section area?

16 A. Just to show them ---. Yeah.

17 Show them where to make the
18 construction, put their overcast.

19 Q. And did they draw vent
20 controls that they constructed on the
21 section on that map?

22 A. Oh, on the section?

23 Q. Yes.

24 A. I don't know if they did or
25 not.

01 Q. All right. Do you know when

02 the last time was you looked at that
03 map?

04 A. No, I couldn't tell you.

05 Q. Okay. The red line drawn on
06 this Exhibit A indicates that
07 everything outby that; is that
08 correct, was definitely not shown on
09 that section; is that correct?

10 A. Uh-huh (yes).

11 Q. And by outby, I'm going to
12 draw an arrow off the tail of that
13 red line and if you put on there
14 something that shows that --- maybe
15 you can put on there, not shown on
16 ---

17 A. Not shown on the ---.

18 Q. --- Number Two Section mark-up
19 map, yeah. If that's correct. Is
20 that a correct statement?

21 A. Uh-huh (yes).

22 Q. Okay. And while you're up
23 there, I'm reminded to get you to
24 sign and date the map. Today is
25 March 14. And sign it.

174

01 A. There could be more than that
02 there.

03 Q. That's right. There could be
04 --- there could be more that's not

05 shown on that map, but definitely
06 that is not shown; ---
07 A. Right.
08 Q. --- is that correct?
09 A. Right.
10 Q. Okay. Thank you.
11 A. As far as what they actually
12 did to that map --- it was more of a
13 construction map for those guys to
14 show ---.
15 Q. Yes. I just had you sign and
16 date that one because we made
17 notations on it.
18 A. Okay.
19 Q. And I guess by signing and
20 dating it, do you agree that
21 everything on there depicts what we
22 talked about?
23 A. Right.
24 Q. Okay. I didn't have you sign
25 and date any of these other maps or
01 documents because we didn't make any
02 notations on any of them.
03 A. Right. Okay.
04 Q. The air readings, you said
05 something earlier about air readings
06 on submittals and that that show what

07 the air quantity was in certain
08 places in the mine.

09 A. Uh-huh (yes).

10 Q. Who puts that information on
11 the maps?

12 A. On the map?

13 Q. Uh-huh (yes).

14 A. I've done it before.

15 Q. Where do you get --- where do
16 you get the information from?

17 A. Pre-shift books.

18 Q. From the pre-shift books?

19 A. Uh-huh (yes). Weekly air or
20 weekly shifts.

21 Q. How do you know where the
22 reading --- does the map indicate
23 exactly where the reading was taken?

24 A. EP locations.

25 Q. At the EPs, evaluation points?

176

01 A. Evaluation points.

02 Q. That are approved in the
03 ventilation plan?

04 A. Yes.

05 Q. Are there any other air
06 readings on there like belt air
07 velocities or belt air quantities?

08 A. Belt air velocities.

09 Q. Section splits, last open

10 crosscuts?

11 A. They ask for belt air

12 velocities, yep, and I get those from

13 --- typically it would be the

14 superintendent.

15 Q. Does he tell you exactly where

16 they're at?

17 A. Uh-huh (yes). Mid-point.

18 It's the mid-point.

19 Q. The mid-point of the belt.

20 Does he go --- do you know if he goes

21 --- who is the superintendent?

22 A. The superintendent of Alma is

23 Pepé Lester. I mean, I'm not sure if

24 that's who I got those from.

25 Q. Who would have been before

01 him?

02 A. I don't know.

03 Q. Don't know. Somebody at the

04 mine office management provides you

05 with that information; ---

06 A. Yes.

07 Q. --- is that correct?

08 A. Yes.

09 Q. Okay. Do they show you a map

10 and say, oh, here, Simon, see this

11 map, this is what the quantity is,

12 here's where it was taken?

13 A. No.

14 Q. No?

15 A. No.

16 Q. Do you know where they get

17 that number at?

18 A. Where do they get the number?

19 It should be the mid-point of the

20 belt.

21 Q. But do you know where they get

22 the ---

23 A. I don't know.

24 Q. --- velocity or the quantity?

25 A. No, I do not.

178

01 Q. Okay. Do you know what a

02 1,200 map is?

03 A. I've heard a lot of talk about

04 it, but nobody ever told me what it

05 was.

06 Q. All right. What do you

07 understand that it is?

08 A. I have no idea.

09 Q. No idea, okay. All right.

10 Have there been any ventilation

11 surveys conducted at the Alma Mine?

12 A. I think there was one when I

13 first started.

14 Q. When? In 2005?

15 A. July maybe. 2005, yeah.

16 Q. What was done on that survey?

17 A. I didn't hear a lot about it.

18 Q. Do you know who conducted it?

19 A. A professor from Kentucky.

20 Dr. Walla (phonetic), I think.

21 Q. Mr. Walla, Dr. Walla.

22 A. Dr. Walla. But that was right

23 when I first started and I wasn't

24 really involved.

25 Q. Do you know what the purpose

179

01 of that survey was for?

02 A. I have no clue.

03 Q. Do you know if you ever got

04 results back from it?

05 A. Documented results?

06 Q. Yeah. Like a ventilation

07 schematic or something like that that

08 would indicate what the airflow was

09 in the mine?

10 A. I don't know of any.

11 Q. Do you know who helped them

12 with the survey, or do you know if he

13 conducted the survey himself?

14 A. I think he had somebody with

15 him, but I don't know who it was.

16 Q. He actually conducted it

17 himself, too?

18 A. Oh, did he?

19 Q. I don't know, I'm asking.

20 A. Oh, no.

21 Q. No?

22 A. I don't know. I think he had
23 somebody with him, but I don't know
24 who it was.

25 Q. Okay. Are you aware of any of

180

01 that information being supplied back
02 to the company?

03 A. No, I don't know anything
04 about that.

05 Q. Do you know what the purpose
06 for that vent survey was?

07 A. Nope.

08 Q. Do you know who requested it?

09 A. Nope.

10 Q. Do you know if that's like a
11 routine thing to have the vent survey
12 done at Alma?

13 A. I don't know. That's the
14 first one I've seen.

15 Q. Okay.

16 A. Of course it was right when I
17 first started, so ---.

18 Q. If you were on Number Two

19 Section and somebody called you, you

20 personally, and somebody called you
21 and said, we got a fire and there's
22 smoke coming your way and take the
23 primary escapeway out, and then get
24 into the secondary escapeway, with
25 your familiarity with the mine on

181

01 January 19th, not now, with your
02 familiarity of the mine on January
03 19th, would you know --- would you
04 know where to go and what to do?

05 A. I don't know. I can't answer
06 that.

07 Q. Okay.

08 A. I guess I'd have to be in the
09 situation.

10 Q. Did you say that the most
11 accurate map showing the ventilation
12 controls at the time of the accident,
13 to your knowledge, would be the map
14 that you submitted to the District a
15 week prior to the accident; ---

16 A. Yes.

17 Q. --- is that correct?

18 A. Yes.

19 Q. Are you aware of any other map
20 either in the Engineering Department
21 or at the mine that would be more

22 accurate? And I'm not saying that
23 that one was not accurate. I'm just
24 saying that would be more current?

25 A. Not that I'm aware of, no.

182

01 Q. Okay. Do you know what
02 direction of airflow on the belts is
03 in the mine?

04 A. Everywhere?

05 Q. Yeah.

06 A. It's different. North Mains
07 it's going inby.

08 Q. Okay.

09 A. Northeast Mains, as far as I
10 know, it's going inby and 48-inch.
11 That's all I know.

12 Q. What about 72-inch belt?

13 A. I think after Rum Creek it's
14 going outby, 72-inch belt.

15 Q. So from Three-way outby to Rum
16 Creek?

17 A. Yeah. Right, 72-inch belt, I
18 would have to --- I wouldn't know
19 without looking at it on the map.

20 Q. What about the longwall belt?

21 A. It'd be going toward the face.

22 Q. Do you know what a point feed
23 is? Do you know if there's a
24 separation between the 72-inch belt

25 and the intake escapeway? Would you

183

01 know --- if I asked you that
02 question, would you know what I'm
03 talking about?

04 A. (Indicates no.)

05 Q. No?

06 A. No.

07 Q. Okay. The layers on the
08 AutoCAD map showing the airflow
09 directions, who puts those on?

10 A. To show the airflow
11 directions? They've been on there
12 ever since I've --- since I started.

13 Q. They were on there when you
14 started?

15 A. They weren't changed, no.

16 Q. Okay. So as new areas are
17 developed, ---

18 A. Then ---.

19 Q. --- Two Section ---?

20 A. --- you would add them on.
21 They're added on as we develop.

22 Q. And what do you use to ---?

23 A. Or if you make a ventilation
24 change, then you change it.

25 Q. Has there been a vent change

184

01 made since you started working?

02 A. Since I started, Three Section

03 addition ---

04 Q. Yes.

05 A. --- which I didn't really work

06 on. So that was the only one. That

07 was the latest one.

08 Q. And as you extend into an area

09 that doesn't have any arrows on it,

10 how do you know what direction the

11 arrows are supposed to be there?

12 A. Based on stoppings, stopping

13 lines. It's a split area and you

14 turn out both sides.

15 BY MR. TUCKER:

16 Q. Do you know if Logan Mine

17 Services has ever provided

18 ventilation surveys for the mine?

19 A. Not that I know of, no.

20 Couldn't tell you for sure.

21 MR. TUCKER:

22 Okay.

23 BY MR. BEITER:

24 Q. Do you know any information

25 about the fire, the accident that

185

01 occurred on the 19th?

02 A. About the fire itself?

03 Q. Yes.

04 A. No, not really. Other than it
05 was a bearing fire. That's the only
06 thing I've heard.

07 Q. Who told you that?

08 A. I don't remember.

09 Q. Were you at the mine on that
10 day?

11 A. I can't recall if I was there
12 earlier in the day or not. I could
13 have been.

14 Q. Did you work at the mine
15 office during the rescue operation?

16 A. Yes.

17 Q. Do you recall hearing anything
18 about a door that Big Ed, I'm not
19 sure exactly who Big Ed is, or Rod
20 Morrison opened or may have opened
21 early on in the events of that
22 accident?

23 A. A door?

24 Q. Uh-huh (yes).

25 A. In the mine?

186

01 Q. Yeah, at the back end of the
02 longwall area.

03 A. Uh-uh (no).

04 Q. No? Okay. Do you know
05 anything about any other fires that

06 have occurred at Alma Mine?

07 A. No other fires that I've heard
08 of, no.

09 MR. BEITER:

10 Okay.

11 BY MR. TUCKER:

12 Q. Approximately what percent of
13 your time do you think, Simon, is
14 spent on the mine map construction
15 and maintenance at the mines?

16 A. Probably 10, 15 percent.

17 Q. What duties do you have that
18 takes up the other 90 percent or ---?

19 A. Usually projects. Projects,
20 putting in --- just different
21 projects around the property,
22 impoundment takes up a lot of my
23 time. Impoundment construction. We
24 got a real big project up there going
25 on right now. Environmental work

187

01 takes a lot of time.

02 Q. Okay. Do you feel that you're
03 allotted enough time by management to
04 adequately and accurately do your
05 mine map work?

06 A. Am I allotted enough time?

07 Yes. I'm allotted all the time I
08 want.

09 MR. TUCKER:

10 Okay.

11 MR. BEITER:

12 Simon, on behalf of
13 MSHA, I thank you for
14 appearing here today and
15 answering our questions and
16 sharing your information about
17 the mine. Your cooperation is
18 very important to us as we
19 work to determine the cause of
20 the accident.

21 If you wish, you can go
22 back now over any answer that
23 you've given during this
24 interview and you may make ---
25 also make a closing statement

188

01 covering any additional points
02 that you believe should have
03 been raised that you think
04 were not raised. We ask you,
05 do you have anything that you
06 would like to add?

07 A. No, I don't think so.

08 MR. BEITER:

09 We ask that you not
10 discuss your testimony with

11 any person who may have
12 already been interviewed or
13 anyone who may be asked to
14 give a statement in the
15 future. And the reason we do
16 this is to ensure that we
17 obtain everyone's independent
18 memory of the events
19 surrounding the accident.
20 After questioning other
21 witnesses and obtaining
22 additional information, we may
23 ask you back for further
24 questions. If at some later
25 point, you have additional

189

01 information regarding the
02 accident that you would like
03 to provide to us, please
04 contact Mr. Kenny Murray or
05 his staff assistant, Anthony
06 Webb. And I have their
07 contact cards for you with a
08 telephone numbers. Both of
09 those gentlemen work out of
10 the Pikeville office.
11 Pikeville, Kentucky.

12 The Mine Act provides
13 certain protection for

14 individuals who participate in
15 accident investigations. If
16 at any time, you believe that
17 you have not been treated
18 fairly because of your
19 cooperation in this
20 investigation, please
21 immediately contact Mr. Murray
22 or Mr. Webb. And again, thank
23 you for your help.

24 A. Thank you.

25 MR. TUCKER:

190

01 I'd also like to thank
02 you for coming in, Simon. And
03 the state also affords
04 protection for miners who
05 report safety violations or
06 anything of that nature and
07 here's my card if you need to
08 contact me about anything.
09 And here's C.A. Phillips'
10 card. He's our Deputy
11 Director out of our Charleston
12 office.

13 A. Okay. Thank you.

14 MR. TUCKER:

15 Thanks for coming in.

16 A. Thanks.

17 MR. BEITER:

18 Thanks, Simon.

19

20 * * * * *

21 EXAMINATION CONCLUDED AT 1:00 P.M.

22 * * * * *

23

24

25