

01 EXAMINATION UNDER OATH
02 OF
03 MACK WRIGHT
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 21, 2006, at 1:10
13 p.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 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of

06 Miners' Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 DANIEL M. BARISH, ESQUIRE

11 U.S. Department of Labor

12 Office of the Regional Solicitor

13 1100 Wilson Boulevard

14 22nd Floor West

15 Arlington, VA 22119-2247

16

17

18 ALSO PRESENT:

19 Ronald L. Stahlhut

20 Derrick Tjernlund

21 C.A. Phillips

22 Eugene White

23 Beth Spence

24

25

3

01 I N D E X

02

03 WITNESS: MACK WRIGHT

04 QUESTIONS

05	by Mr. Pogue	15 - 61
06	by Mr. Tucker	61 - 62
07	CERTIFICATE	67

08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

4

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04			
05	A	Mine Map	27
06	B	Mine Map Close Up	30

07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5

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

02 -----

03 MR. POGUE:

04 My name is Charlie
05 Pogue. I represent the Mine
06 Safety and Health
07 Administration, which is an
08 agency of the United States
09 Department of Labor. I am a

10 member of MSHA's accident
11 investigation team that's in
12 charge with investigating the
13 accident that occurred at the
14 Aracoma Coal Company, Inc.,
15 Aracoma Alma Mine Number One
16 on January the 19th, 2006.

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

6

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

08 ATTORNEY BARISH:

09 Hi. My name is Dan
10 Barish, I'm with the
11 Solicitor's Office for MSHA in

12 Arlington, Virginia.

13 MR. STAHLHUT:

14 Ron Stahlhut, MSHA,

15 Vincennes, Indiana.

16 MR. TJERNLUND:

17 Derrick Tjernlund, MSHA

18 tech support, Tridelphia.

19 MR. FRANCCART:

20 Bill Francart,

21 Pittsburgh, Pennsylvania.

22 MR. POGUE:

23 Here with me today

24 representing the State of West

25 Virginia is Mr. Bill Tucker.

7

01 Mr. Tucker will be asking the

02 questions for the State. At

03 this time I would ask Mr.

04 Tucker to introduce the

05 members of the State team who

06 are here today.

07 MR. TUCKER:

08 Also, I need to read a

09 brief statement. The West

10 Virginia Office of Miners'

11 Health, Safety & Training is

12 conducting this interview

13 session jointly with MSHA, and

14 we're in agreement with the

15 procedures outlined by Mr.
16 Pogue. However, let me make
17 it clear that the Director
18 reserves the right, if
19 necessary, to call or subpoena
20 witnesses or require the
21 production of any record,
22 document, photograph or other
23 relevant materials necessary
24 to conduct this investigation.

25 We do appreciate you

8

01 coming in today. And my name,
02 again, is Bill Tucker. I'm
03 the assistant inspector at
04 large for Miners' Health,
05 Safety & Training out of the
06 Oak Hill office.

07 MR. PHILLIPS:

08 How you doing, Mack?

09 My name is C.A. Phillips, I'm
10 the deputy director of Miners'
11 Health, Safety & Training
12 located in Charleston, West
13 Virginia.

14 MR. WHITE:

15 Eugene White, district
16 inspector of Region Three,

17 Danville.

18 MS. SPENCE:

19 And Beth Spence with
20 the Governor's office.

21 MR. POGUE:

22 This investigation is
23 being conducted by MSHA in the
24 State of West Virginia to
25 gather information to

9

01 determine the cause of the
02 accident and to help prevent
03 this from happening in the
04 future. These interviews are
05 an important part of the
06 investigation. After the
07 investigation is completed,
08 MSHA will issue a written
09 report detailing the nature
10 and the causes of the
11 accident.

12 MSHA's accident reports
13 are made available to the
14 public and hope that greater
15 awareness about the causes of
16 the accident can reduce their
17 occurrence in the future.
18 Information obtained through
19 witness interviews is

20 frequently included in these
21 reports. Your statements may
22 also be used in other
23 enforcement proceedings.

24 I would like to thank
25 you in advance for your

10

01 appearance here today. We
02 appreciate your assistance in
03 the investigation. The
04 willingness of miners and
05 members of the mine rescue
06 teams and mine operators to
07 work with us is critical in
08 our success in making the
09 nation's mines safer.

10 This interview with Mr.
11 Mack Wright is being conducted
12 under Section 103(a) of the
13 Federal Mine Safety and Health
14 Act, 1977 as part of the
15 investigation by the Mine
16 Safety and Health
17 Administration into the
18 conditions, events and
19 circumstances surrounding the
20 fatalities that occurred at
21 the Aracoma Alma Mine Number

22 One, located on Route 17
23 North, Bandmill Hollow Road,
24 Stollings, West Virginia,
25 25646.

11

01 This interview is being
02 conducted at the Department of
03 Environmental protection at
04 Logan, West Virginia on March
05 the 21st, 2006 at five minutes
06 after 1:00.

07 Mr. Wright, can I call
08 you Mack?

09 MR. WRIGHT:

10 Yes, sir.

11 MR. POGUE:

12 This interview will
13 begin by asking you a series
14 of questions. Feel free at
15 any time to clarify any
16 statement that you may make in
17 response to the questions.
18 After we finish asking the
19 questions, you will have an
20 opportunity to make a
21 statement of your own and
22 provide us with other
23 information that you believe
24 may be important.

25 You are permitted to

12

01 have a representative with you
02 during this interview, and you
03 may consult with that
04 representative at any time.

05 You may designate any person
06 to be your representative.

07 Following the questions by
08 MSHA and the State, this
09 representative will be given
10 an opportunity to ask
11 questions for the purposes of
12 clarification on areas already
13 discussed.

14 Your statement is
15 completely voluntary. You may
16 refuse to answer any question,
17 and you may end your interview
18 at any time. If you do not
19 understand a question, tell me
20 and I will rephrase the
21 question. If you need a break
22 for any reason, please let me
23 know.

24 You may request an
25 opportunity to make a

13

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

11 A court reporter will
12 record your interview and will
13 later produce a written
14 transcript of the interview.
15 I ask that you state all your
16 answers verbally, because the
17 court reporter cannot record
18 your gestures, like nodding of
19 your head.

20 If any part of your
21 statement is based on ---
22 based not on your own
23 firsthand knowledge, but on
24 information that you've
25 learned from someone else,

14

01 please let us know.

02 Please answer each
03 question as fully as you can,

04 including any information that
05 you've learned from someone
06 else. We may not ask the
07 right questions to learn the
08 information you have, so do
09 not feel free --- do not feel
10 limited by the precise
11 questions asked. If you have
12 any information about the
13 subject area of question,
14 please provide us with that
15 information.

16 Do you have any
17 questions about the manner in
18 which this interview will be
19 conducted?

20 MR. WRIGHT:

21 No.

22 MR. POGUE:

23 Will you please swear
24 in Mr. Wright.

25 -----

15

01 MACK WRIGHT, HAVING FIRST BEEN DULY
02 SWORN, TESTIFIED AS FOLLOWS:

03 -----

04 BY MR. POGUE:

05 Q. Please state your full name,

06 your address, your telephone number,
07 and please spell your last name for
08 the record.

09 [REDACTED]

13 Q. Thank you. Are you appearing
14 voluntarily for this interview?

15 A. Yes, sir.

16 Q. Has anyone made any promises
17 to you ---

18 A. No.

19 Q. --- for giving this statement,
20 or offer you any reward in exchange
21 for making a statement?

22 A. No, sir.

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

01 A. No, sir.

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, sir.

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

08 A. No, sir.

09 Q. Do you wish to have a
10 representative with you?

11 A. No, sir.

12 Q. Okay. We'll go ahead and
13 proceed with the questioning. Who's
14 your employer?

15 A. MSHA, Mine Safety and Health
16 Administration.

17 Q. How long have you been with
18 the Mining Enforcement & Safety
19 Administration?

20 A. Three years and five months.

21 Q. How many years of mining
22 experience do you have?

23 A. Twenty-four (24), 25. I
24 started in 1977.

25 Q. What office are you assigned

17

01 to with the Mine Safety and Health
02 Administration?

03 A. The Norton, Virginia field
04 office.

05 Q. And what is your position at
06 that location?

07 A. Coal mine inspector.

08 Q. Have you always been stationed
09 at that particular MSHA office?

10 A. No, sir. I began with MSHA in

11 the Grundy field office and was moved
12 to Norton. The same district, just
13 different field offices.

14 Q. On January 19th of 2006, what
15 was your position?

16 A. A member of MSHA'S mine
17 emergency unit team member.

18 Q. Prior to January 19th of 2006,
19 did you have any mine rescue
20 experience?

21 A. Yes, sir.

22 Q. Could you briefly describe
23 some of that for us?

24 A. I had started in 1980 with
25 Westmoreland Coal Company through

18

01 '95, and then in '97 through 2000
02 with Arch Coal, Laurel Mountain
03 (sic), and then joined MSHA's MEU in
04 2002 or '03, somewhere in that
05 neighborhood. I think 2002.

06 Q. Are you presently a member of
07 MSHA's mine rescue team?

08 A. No, sir.

09 Q. Why is that?

10 A. Health reasons. Personal
11 health reasons.

12 Q. Okay. Who notified you of the
13 Aracoma Mine fire?

14 A. Mr. Jeff Kravitz.
15 Q. Do you recall what day that
16 was that he notified you?
17 A. Thursday the 18th of January,
18 or whatever day Thursday was.
19 Q. The 19th.
20 A. Thursday night.
21 Q. Of the 19th?
22 A. Of the 19th.
23 Q. Do you recall what time that
24 was he called?
25 A. About 15 'til 10:00 at night.

19

01 Q. What time did you arrive at
02 the mine?
03 A. 12:45, somewhere in that
04 general vicinity. I didn't really
05 look at a clock. About 12:45, almost
06 one o'clock.
07 Q. Did you arrive by yourself,
08 or ---?
09 A. Yes, sir.
10 Q. Who did you report to whenever
11 you ---?
12 A. Virgil Brown.
13 Q. And what's his position on the
14 team?
15 A. He is the coordinator of the

16 mine emergency team.

17 Q. When you got here, were there

18 other members of the MSHA's mine

19 rescue team here?

20 A. Yes, sir.

21 Q. Can you recall from your

22 memory the days that you were

23 assigned to the Aracoma Mine?

24 A. Friday, Saturday, Sunday,

25 Monday, Tuesday, and I think

20

01 Wednesday was the last day.

02 Q. Did you travel underground on

03 all those days, do you recall?

04 A. All of them but the last one.

05 Q. When you got to the mine on

06 the 19th, what time did you say you

07 arrived?

08 A. Approximately a quarter to

09 1:00.

10 Q. So actually, you arrived here

11 on the 20th?

12 A. The 20th, yes, sir.

13 Q. Okay. Were you given a

14 briefing by anybody at that time?

15 A. Yes, sir. By Virgil. By

16 Virgil Brown.

17 Q. What did he tell you at that

18 briefing?

19 A. Just briefly what had
20 happened, that they had a belt --- it
21 was possibly a belt fire, and that
22 there were two men unaccounted for.
23 And then later on, we went to the
24 briefing in the command center.

25 Q. What time was that?

21

01 A. Three o'clock, I guess. 2:30,
02 3:00.

03 Q. Is that because you looked at
04 your watch and you saw that time, or
05 is that an approximate time?

06 A. That's an approximate.

07 Q. What did you learn at the
08 briefing that you had in the command
09 center?

10 A. The possible location of the
11 missing miners, and that's --- and
12 how --- what we were going to go
13 about doing and where the fire was
14 located at.

15 Q. Was this command center on the
16 second floor of the mine office?

17 A. Yes, sir. Yes, sir, upstairs.

18 Q. Did they have a map on the
19 table there that they explained this
20 to you?

21 A. Yes.

22 Q. Did they give you any more
23 information concerning the mine, as
24 far as escapeways, ventilation
25 controls?

22

01 A. Yes. The escapeways and that
02 they had two fans. That's about all
03 I can remember.

04 Q. At the location of the fire,
05 did they tell you what firefighting
06 procedures were already in place?

07 A. Yes, sir, they did. They told
08 us they were already using water and
09 were making preparations to get foam.
10 Yep.

11 Q. What were you told about the
12 missing miners, the location of the
13 missing miners?

14 A. That they thought they might
15 have traveled inby back towards the
16 Ten headgate, because that's the area
17 they had been working, and that the
18 last --- any of the other crew
19 members had witnessed of the two men,
20 that they were traveling in the inby
21 direction from the fire area.

22 Q. At the briefing that you had
23 at the command center, were you or

24 your team members that you were going
25 to travel with given a mine map to

23

01 take underground?

02 A. Yes, sir, we were.

03 Q. What did they tell you about

04 the mine map, the accuracy of it, or

05 did they indicate ---?

06 A. They just gave us a map, the

07 best I can remember.

08 Q. Do you recall any problems

09 once you left the surface with that

10 mine map in hand? Do you recall any

11 problems with the mine map?

12 A. No, sir.

13 Q. Did you have any problems with

14 survey stations being incorrectly

15 marked or not indicated as the map

16 indicated a survey station, not being

17 able to find it underground?

18 A. A lot of times --- well, a

19 couple of the turns, because I

20 couldn't find the survey station. I

21 just don't know if it fell out or

22 what. I just couldn't find it.

23 Q. But it wasn't a fault of the

24 map's inaccuracy or anything of that

25 nature?

01 A. I don't know. I really don't.

02 Q. What about ventilation
03 controls, do you recall any
04 ventilation controls that were
05 indicated on the mine map that
06 whenever you actually got to that
07 location that there were not any
08 controls?

09 A. Is this just the first night
10 in particular, or ---?

11 Q. Well, just in general for
12 right now. We're going to go later
13 to the mine maps on the wall.

14 A. A few occurrences through the
15 whole time frame. The first night
16 everything was pretty well showed on
17 the map. I didn't explore a lot that
18 night.

19 Q. Do you think it's important to
20 have an accurate mine map with you
21 when you go underground?

22 A. Yes, sir, very important.

23 Q. Why do you think it's
24 important?

25 A. Locations, for one thing. The

01 other is knowing the airflow,
02 possible ways to get through the man

03 doors and not have to remove
04 stoppings, and escapeway back out in
05 case something happens and we have to
06 evacuate.

07 Q. On each of the days that you
08 did go underground, were you given a
09 briefing?

10 A. Yes, sir.

11 Q. And at those briefings, were
12 you given also a mine map to carry
13 with you?

14 A. Yes, sir.

15 Q. Do you have any of those mine
16 maps in your possession at this time?

17 A. I got one.

18 Q. And where's it at?

19 A. Right back there. Do you need
20 it?

21 Q. You could bring it forward.

22 Mack, could you unroll that map that
23 you have right there, and just kind
24 of briefly tell us if there's any
25 markings on it at all?

26

01 A. No, sir. There's no markings
02 other than what was on the map.

03 Q. Does this map reflect anything
04 that you guys saw underground?

05 A. It reflects everything we saw
06 underground.
07 Q. Well, during your exploration,
08 did you make any notes of ---
09 A. No, sir.
10 Q. --- to indicate stoppings that
11 were not there, any concentrations of
12 the atmosphere?
13 A. No, sir.
14 Q. Okay. As far as using this
15 map for a reference right now, can
16 you use it for a reference for
17 marking the maps on the wall?
18 A. No, sir, not really.
19 Q. Okay. Mack, let's go to the
20 wall maps now and we'll try to cover
21 the areas that you traveled during
22 your exploration underground. For
23 every day that would differ, we'll
24 try to use a marker of a different
25 color.

27

01 A. All right, sir.
02 MR. POGUE:
03 Our first exhibit here
04 is Exhibit A; right? And it
05 is the mine map that reflects
06 the underground workings of
07 the mine from the box cut all

08 the way up to north mains,
09 northeast mains to the Number
10 Two Section.

11 (Wright Exhibit A
12 marked for
13 identification.)

14 BY MR. POGUE:

15 Q. So if you'll just tell us
16 briefly, once you were given your
17 briefing on the surface, then what
18 --- that first night, where did you
19 go from there?

20 A. I went down the elevator into
21 the box cut. They loaded some
22 supplies, such as foam and foam
23 generator, a little handheld foam
24 gun, a few other things on a flat
25 car. We traveled into the mine by

28

01 the travelway on the diesel-powered,
02 rubber-tired equipment up to just
03 outby the turn of the northeast
04 mains, between the north direction
05 and the northeast mains. We had to
06 stop there, walk across an overcast.

07 I think it was that one. And
08 around, and we came down. I spent
09 the majority of the shift right in

10 the northeast mains.

11 Q. What number entry is that?

12 A. 87659876. In the Number Six
13 entry, survey station 2236 fighting
14 the fire.

15 Q. How about indicating on the
16 map here, this would be your 9876 for
17 your entry numbers?

18 WITNESS COMPLIES

19 BY MR. POGUE:

20 Q. What we'll do --- we'll move
21 over to a second map here.

22 A. Sure.

23 Q. Let's back up a little bit.
24 In the box cut, do you recall what
25 time it was when you got to the box

29

01 cut?

02 A. No, I don't.

03 Q. Did they give you any
04 additional briefing in the box cut?

05 A. No, sir.

06 Q. So you just pretty much went
07 down there, loaded supplies, got on
08 your ride and went straight in the
09 mine?

10 A. Yes, sir.

11 Q. Did you have to stop off
12 anyplace on the way in, say for

13 instance, at the opening to the Four
14 Right, or anyplace that you could
15 just proceed ---?

16 A. We went all the way in, went
17 all the way up to where we stopped up
18 there.

19 Q. Now, are you with the first
20 team that went in the mine, or what
21 teams are you traveling with at this
22 point?

23 A. I was with the Pinnacle Mine
24 Rescue Team. I don't --- Southern
25 did the exploring. I was with

30

01 Pinnacle, we did firefighting on the
02 first night.

03 Q. Was the second team the
04 Southern Coalfield Mine Rescue Team,
05 do you recall?

06 A. I think so. I'm not real
07 sure.

08 Q. All right. Let's move over to
09 our second map here, and this will be
10 Exhibit B; right?

11 (Wright Exhibit B
12 marked for
13 identification.)

14 A. Yes, sir.

15 BY MR. POGUE:

16 Q. And our scale is a little bit
17 different here, so maybe you can pick
18 us up from where you left --- where
19 you got out of your ride and
20 proceeded from that point.

21 A. Okay. We got out of our ride,
22 I think right along in this area,
23 between the survey stations 2821 and
24 2827.

25 Q. Could you put an X right there

31

01 and just put maybe staging area or
02 mantrip station?

03 WITNESS COMPLIES

04 BY MR. POGUE:

05 Q. Can you indicate with your
06 marker the direction that you
07 traveled?

08 A. Out that way over that
09 overcast, around and over here.

10 Q. This would be the 48-inch belt
11 right here.

12 A. We came up this way and that
13 stopping wasn't there.

14 Q. And can you write not here,
15 missing?

16 WITNESS COMPLIES

17 BY MR. POGUE:

18 Q. So you're on the most northern
19 end of the 48-inch belt ---

20 A. Yes, sir.

21 Q. --- at a parallel entry?

22 A. We traveled right down.

23 Q. Make your solid line.

24 WITNESS COMPLIES

25 BY MR. POGUE:

32

01 Q. This travel that you're
02 indicating with your marker, is that
03 something they told you to do from
04 the command center, at your briefing?

05 A. Yes, sir. Right there is
06 where we fought the fire, at survey
07 station 2236.

08 Q. And that would be in your
09 northeast mains?

10 A. Northeast mains.

11 Q. Can you identify these entries
12 just by number, please?

13 WITNESS COMPLIES

14 BY MR. POGUE:

15 Q. Both of the teams that had
16 gone in with you, are they traveling
17 this area right now?

18 A. Yes, sir. Right until we got
19 right there, then we --- one team,

20 the Pinnacle team and myself stayed
21 right there and got into
22 firefighting. The other team did
23 some exploring inby.
24 Q. Do you recall how far inby
25 they traveled at that point?

33

01 A. I truly don't. I truly don't.

02 Q. When you crossed over into
03 this belt entry, did you walk outby
04 in the 48-inch belt entry?

05 A. No, sir.

06 Q. When you crossed over at 32
07 --- in the belt entry on 3243, did
08 you see any smoke in the belt entry?

09 A. You could see it inby, light
10 smoke from where we were. And from
11 the team that was exploring, it got
12 heavier as they went inby.

13 Q. Could you see or feel the
14 direction of the air movement in that
15 belt entry?

16 A. Yes, sir. It was moving inby.

17 Q. Could you indicate air
18 movement while you're writing on that
19 map.

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. Let's back up a little bit on

23 your route of travel here. Can you
24 tell us anything about these
25 stoppings that are on the map?

34

01 A. No.

02 Q. Both sides of your travelway
03 in entry Number Three, heading
04 towards the east direction?

05 A. Not particularly, I just sort
06 of glanced at them on that night just
07 as we traveled, but we were moving
08 pretty rapidly trying to get to the
09 fire.

10 Q. When you crossed over the
11 belt, did you cross over it, or crawl
12 under it, or ---?

13 A. Under it.

14 Q. And you went straight ahead?

15 A. Straight down to right there.
16 The reason we started right there,
17 when we got to our fire, it was
18 burning out of the sides of the
19 stopping.

20 Q. Okay. I'll have you mark
21 that. But backing up to this
22 stopping right here.

23 A. It wasn't there.

24 Q. Could you circle it and

25 indicate missing?

35

01 WITNESS COMPLIES

02 BY MR. POGUE:

03 Q. And now you're indicating that
04 you're traveling in a south direction
05 at survey station 3247, Number Five
06 entry in that crosscut? Can you go
07 ahead and continue on with that
08 travel.

09 A. We just came straight on down,
10 trying to work back towards the belt.
11 And like I stated earlier, that's
12 when we observed the flames coming
13 out the side of the permanent
14 stopping.

15 Q. What was burning, was it ---?

16 A. The coal ribs seemed to be
17 burning.

18 Q. And was there wood around the
19 edges ---?

20 A. There was wood around --- at
21 one time there had been wood over the
22 top of the stopping, and it was gone.

23 You had about, probably --- well,
24 you could get to --- it was like I
25 said, three and a half to four-inch

36

01 opening overtop of the stopping.

02 Q. Was there a fire hose already
03 at this location, or is that
04 something ---?
05 A. Yes, sir. There was already a
06 fire hose there when we got there.
07 Q. Somebody applying water to
08 that location?
09 A. Not at the time we got there,
10 but there was a hose already running.
11 Q. At this stopping right here,
12 what did that stopping look like?
13 Was it in good repair, or was it
14 blocked ---?
15 A. Not at the time I got there.
16 The block were in good repair, but
17 the top of it was gone and around the
18 sides.
19 Q. Had there been any blocks
20 knocked out of the stopping?
21 A. Not at that time.
22 Q. Did you see any blocks knocked
23 out of that stopping, ---
24 A. Yes, sir.
25 Q. --- either the first night or
01 the second night?
02 A. The first night.
03 Q. Who knocked the blocks out?

04 A. Those of us that were there
05 fighting the fire.

06 Q. That would have been yourself
07 and ---?

08 A. Myself and the Pinnacle Mine
09 Rescue Team.

10 Q. And what kind of an opening
11 did you put in that stopping?

12 A. Oh, probably three-foot by ---
13 three-foot high and three-foot wide.

14 Q. And why did you do that?

15 A. To facilitate getting the big
16 nozzle with the foam gun overtop of
17 it.

18 Q. And did you accomplish that?

19 A. Yes, sir.

20 Q. Can you just indicate here
21 that --- this is the stopping you're
22 indicating that you knocked the
23 blocks out; right?

24 A. Yeah.

25 Q. Circle it someway and put down

38

01 here knocked whatever approximate
02 hole you had in it?

03 WITNESS COMPLIES

04 BY MR. POGUE:

05 Q. What does this circle right
06 here indicate, anything?

07 A. That's where we stopped to
08 fight the fire.

09 Q. Did you travel back into the
10 entry, which would have been Number
11 Six entry, and either go to the east
12 or the west of that location?

13 A. No, sir.

14 Q. So if I asked you about this
15 overcast, do you know if it was in
16 --- the same way with this stopping?

17 A. The same way with that
18 stopping right there.

19 Q. Was there any other travel
20 that night that you made, or did you
21 just stay at that one location?

22 A. Stayed in that one general
23 location, right in that area right
24 there, applying water and foam.

25 Q. At the completion of that

39

01 shift underground, what did you do
02 then, did you ---?

03 A. Traveled to the surface.

04 Q. Were you relieved by the ---
05 which teams? Southern Coalfield?

06 A. I don't honestly know. I
07 can't remember.

08 Q. Do you give them a briefing

09 and tell them what progress you guys
10 had made at that point? Was there
11 some kind of a briefing?

12 A. Uh-huh (yes).

13 Q. Did they have a mine map?

14 A. Yes. Yeah, they did.

15 Q. And you kept your mine map,
16 you guys, or whoever had it?

17 A. Pinnacle had it, the mine
18 rescue team.

19 Q. Okay. And then you went back
20 to the surface after that was
21 accomplished?

22 A. We traveled back to the
23 surface.

24 Q. And then what happened?

25 A. I didn't go to --- yeah, I

40

01 went to the debriefing.

02 Q. Where was the debriefing held?

03 A. Upstairs.

04 Q. Do you recall who was
05 controlling that debriefing?

06 A. No, sir, I don't.

07 Q. Okay. Let's go to your second
08 day underground, subsequent time
09 span.

10 A. Okay. It would be Saturday
11 night. I got back out of the mine

12 about two o'clock.

13 Q. In the p.m. or ---?

14 A. In the a.m.

15 Q. A.M.

16 A. About 2:30, 2:45 a.m.

17 Q. Okay. And you started out

18 with a briefing in the command

19 center?

20 A. Started out with a briefing in

21 the command center about the progress

22 that's been made for exploring to try

23 to locate the missing men and the

24 firefighting.

25 Q. And what was the assignment

41

01 you had that night?

02 A. First we woke up, we came here

03 and worked on the fire a little bit.

04 Q. How did you work on the fire?

05 A. Foam.

06 Q. Through a foam machine or

07 through the foam nozzle?

08 A. Through the foam nozzle. Then

09 --- I'm getting my days and nights

10 mixed up.

11 Q. That's all right.

12 A. Later on we traveled this 48-

13 inch belt in the ---

14 Q. Can you draw us a solid line?
15 A. --- all the way up to the ---.
16 Q. Are you traveling with the
17 team?
18 A. Yes.
19 Q. The whole team is in that belt
20 entry, the 48-inch ---?
21 A. Two teams. It's all
22 Buckhannon One team and Southern
23 Appalachia.
24 Q. Is it your understanding that
25 this area already had been previously

42

01 explored?
02 A. It already had been explored.
03 When we came up and relieved out, the
04 guys were already there. They
05 stopped just a little bit too far.
06 We stopped right here where the
07 Number Ten headgate belt drive would
08 be. I guess that's the staging.
09 Q. Do you recall what teams you
10 were traveling with that night?
11 A. I was with Consol Energy,
12 Buckhannon Number One team. Do you
13 want me to write it on here?
14 Q. Yes. Just put Consol numbers
15 on ---.

16 WITNESS COMPLIES

17 BY MR. POGUE:

18 Q. What would be the date that
19 you ---?

20 A. It would be on the 21st, ---

21 Q. Either the 21st or 22nd.

22 A. --- because we were there ---.

23 Q. Did this entry here contain
24 any smoke or any CO?

25 A. No. No, sir, it was clear all

43

01 the way up to the head drive.

02 Q. When you were in the first day
03 and the second day, was anybody from
04 Aracoma Coal Company, Inc. traveling
05 with you guys that you can recall?

06 A. They weren't traveling with
07 us, but the first day --- I can't
08 recall his name, but he worked at
09 Aracoma, was in here in the fire
10 area, back and forth.

11 Q. Would it have been Frank
12 Foster?

13 A. That sounds familiar.

14 Q. John Robertson? Does either
15 one ---?

16 A. John.

17 Q. John? Did they have apparatus
18 with them?

19 A. No, sir.
20 Q. Were they both underground
21 ---?
22 A. They did, they did. Yeah,
23 John did.
24 Q. What kind of apparatus did he
25 have?

44

01 A. 174a. BG-174A.
02 Q. Was it just John that was
03 underground at that time, or was
04 it ---?
05 A. That's the only one I'm aware
06 of.
07 Q. And what purpose was he to
08 serve, do you know of?
09 A. The biggest thing I saw him
10 doing was locating fire valves for
11 us, being able to help us where we
12 could get water and supplies for
13 fighting the fire.
14 Q. Do you recall where those
15 water valves were, or where the
16 waterlines ran from?
17 A. They ran off the Fourway. The
18 one we were using ran off this
19 48-inch belt. They ran a line
20 over ---.
21 Q. One second.

22 A. Need a different marker.
23 Right here and down. I believe it
24 was a four --- no, it's a six-inch
25 line, then put water --- firefighting

45

01 valves on the end of it and ran the
02 hose this way and ran it on back that
03 way.

04 Q. So this was like a hard
05 plastic line?

06 A. Yes, sir.

07 Q. So a plastic line out this
08 way. Were there any ventilation
09 controls in this area, right in here
10 that you can recall, in the stopping?

11 A. They had knocked a hole at
12 this one to run the waterline across
13 the top of that.

14 Q. Who was that?

15 A. I don't know.

16 Q. When you observed that --- was
17 there a line coming through it when
18 you observed ---?

19 A. When I got there, the line was
20 already through it.

21 Q. Was it just one four or six-
22 inch waterline?

23 A. One.

24 Q. Was there any power cables
25 coming through?

46

01 A. No, sir.

02 Q. Was there any that you could
03 recall, or ---?

04 A. None that I can recall.

05 Q. Okay. So this second line
06 that you have from survey --- just
07 outby survey station 2236, the Number
08 Six entry, was that a fire hose?

09 A. Fire hose.

10 Q. And where did it go?

11 A. It T'd into line right there,
12 it matched up with survey station
13 2219 or 2210 and we ran the
14 firefighting hose up that way.

15 Q. Okay. And that went to
16 the ---?

17 A. It went to the --- we had two
18 of them. Had one for just water, and
19 another one to the back of the foam
20 gun or to the --- it might have been
21 a foam gun, but I do know the name of
22 it. It didn't go directly on the
23 foam, it went to the ---.

24 Q. Where did the second line go
25 to?

47

01 A. One was just a regular
02 waterline just supplying straight
03 water, and the other one went to the
04 inductor, the foam.

05 Q. When you were in this area on
06 the first night, did you have to walk
07 any other locations up, like through
08 here or ---?

09 A. No, sir.

10 Q. How about --- do you remember
11 any ventilation controls in this
12 area?

13 A. Not on the first night.

14 Q. Okay. Subsequent to the first
15 night, do you ---?

16 A. I don't remember that one
17 being there, did you ---.

18 Q. How do you know that it wasn't
19 there?

20 A. Because on Sunday night when
21 we were patrolling for fire. On
22 Sunday night when we were on the fire
23 patrol, that's the only thing I know
24 to call it, I was in all of this
25 area. Sunday night and Monday night.

48

01 Q. So what you're indicating is
02 the stopping just inby 3249 ---

03 A. Yes, sir.

04 Q. --- in Number Seven entry of
05 the northeast mains, it was not
06 there?

07 A. No.

08 Q. You know that because you
09 physically traveled to that area?

10 A. Yes, sir.

11 Q. Were there any other
12 ventilation controls that you can
13 remember in this immediate area?

14 A. No, sir.

15 Q. How about if you look to the
16 south of the 3266?

17 A. No, sir.

18 Q. Was there anything in this
19 crosscut that you can remember in
20 that crosscut?

21 A. No, sir.

22 Q. All right. Let's get back to
23 our second day in the mine. And you
24 traveling down the northeast mains of
25 Number Four entry. Just go ahead and

01 pick it up from there.

02 A. We traveled down to the inby
03 location. I guess the head drive was
04 right here. I don't really remember.
05 The 3608. There's a wall right there

06 at that --- that was the head drive.

07 We traveled to the head drive

08 location. We relieved out the teams

09 that were in there, and I don't

10 remember who it was. I remember our

11 people that was there, but ---.

12 Q. And which way did you go from

13 there?

14 A. I backed up. While myself and

15 the Southern Appalachia team backed

16 up off the Consol Buck One team, and

17 a member of ours explored this region

18 right in here, down through these

19 doors.

20 Q. Can you indicate with your

21 marker those areas that you explored?

22 Try to stay off the survey stations,

23 so we can ---.

24 A. I didn't explore that. I was

25 doing the backup work. And they tied

50

01 this in right down through here.

02 Those doors weren't there.

03 Q. Could you draw a circle around

04 them and indicate out here in the

05 margin that they were missing? Any

06 other ventilation controls indicated

07 on the map that you can recall were

08 missing?

09 A. Indicated that door right

10 there, it was missing.

11 Q. You indicated up here in the

12 northeast mains with this dash line.

13 How far inby did you guys go?

14 A. Charlie, the best I can

15 remember, they went up to these

16 doors. Like I said, I was backing

17 up, so I don't --- what the first

18 team did, I don't know.

19 Q. Okay.

20 A. The previous night, the guys

21 we relieved had made these faces,

22 examined the face areas.

23 Q. What can you tell us about the

24 Ten headgate area? Did you do

25 exploration down the Ten headgate?

51

01 A. Yes, sir.

02 Q. How far down in ---?

03 A. We made it all the way down to

04 the crosscut, 32, I think. Thirty-

05 two (32) or 33.

06 Q. Let's go back to Exhibit A

07 here and indicate with your marker.

08 A. In this area right here. Kind

09 of just do it like that?

10 Q. Just go all the way across.

11 Can you recall what entry you

12 traveled in that?

13 A. The number --- which way do

14 you want to number them?

15 Q. Go left to right, One, Two,

16 Three, Four.

17 A. Number Two entry.

18 Q. Draw a line if you can at the

19 Number Two entry. So the line here

20 that you're indicating on Exhibit A

21 here is the line of the furthest

22 travel that you had?

23 A. Yes, sir.

24 Q. Do you remember what

25 conditions you found as you traveled

52

01 down through there? Was it smoky?

02 A. No, it wasn't. It was a

03 little light smoke. I take that

04 back. A little white bit of smoke.

05 Q. Was it light in color?

06 A. Grayish, kind of grayish.

07 Q. Did you travel the whole way

08 into Number Two entry, or ---?

09 A. We traveled down in the Number

10 Two and came back out in this area in

11 Number Four. Traveled in Two, in

12 Number Two entry, and we traveled out

13 in Number Four.

14 Q. You stayed in that Number Four
15 entry all the way back to the east
16 mains --- northeast mains, I'm sorry.

17 A. One crosscut, or two crosscuts
18 and we came back through so that
19 means that stopping was missing.

20 Q. Okay. A stopping was missing?

21 A. Yes, sir.

22 Q. Then what did you do?

23 A. We traveled back down the
24 belt, down to about here, and then
25 --- once again, I was on backup and

53

01 they went up and mapped and located
02 the bodies.

03 Q. Well, why did they pull you
04 out of Ten headgate at that time?

05 A. Because they had found the
06 missing miners.

07 Q. So then you retreated back to
08 the ---?

09 A. Retreated back to there.

10 Q. And there would have been?

11 A. 3192, I think.

12 Q. Survey station 3192?

13 A. Yes, sir.

14 Q. And that would have been in
15 the Number Eight entry of the

16 northeast mains. What other
17 exploration did you have subsequent
18 to that underground? Did you do any
19 other exploring underground?
20 A. Yes, sir. And the days and
21 nights run ---. The next night or
22 afternoon, I think that would be
23 Monday afternoon I would suppose. We
24 came back and traveled just Nine
25 tailgate. We traveled from right

54

01 here. Do I need to change colors?

02 Q. Yeah, you can. And indicate
03 on there the day that --- the change
04 in the color, too.

05 A. For some reason that survey
06 station, 3332 stands out. We started
07 right there and came across and that
08 stopping was missing. We came on ---
09 technically, that's the third day of
10 travel. The third day I was on fire
11 patrol. We were all fire patrol
12 duty, which it was just constantly
13 back and forth in this area checking
14 for hot spots and gas readings and
15 the settings from roof jacks.

16 Q. All right. We'll get into
17 that detail just in a second. That

18 second night, after you reported back
19 to your staging area here at 3132,
20 did you guys go outside then, or ---?

21 A. Yes, sir.

22 Q. And were you debriefed again?

23 A. No, not that night.

24 Q. Did you go to the command
25 center?

55

01 A. No.

02 Q. Do you know if your team went
03 to the command center?

04 A. I really don't know, because
05 we changed teams. The team that I
06 was with up here, went outside and we
07 picked up two more teams that went
08 and did the mapping and bolting of
09 the miners.

10 Q. And that was the same night?

11 A. That was the same shift.

12 Q. And you were still underground
13 whenever that occurred?

14 A. Yeah.

15 Q. Did you accompany them to
16 those locations?

17 A. I didn't. I stayed with the
18 team that was staying back here to
19 back up, because we were having to
20 wear our apparatus.

21 Q. What did you do for the
22 remainder of the nighttime?
23 A. After they got all of it
24 mapped and all that, that took
25 probably 45 minutes to an hour, we

56

01 came out.

02 Q. All right. Let's go back to
03 the third day of travel. Just
04 indicate with your marker from your
05 survey station that you had the
06 Number Seven entry?

07 WITNESS COMPLIES

08 BY MR. POGUE:

09 Q. Did you do any other travel
10 besides right here on the front end?
11 Did you travel ---?

12 A. I traveled the entire length
13 of that Nine tailgate. I traveled
14 all ---.

15 Q. Let's mark it on this map.
16 Now, this faces actually --- I think
17 that's out of crosscut, closer
18 to ---?

19 A. We traveled in this area here.

20 Q. And that would have been which
21 entry?

22 A. That's Two. Came all the way

23 over and traveled down this entry.

24 Q. That would have been Number

25 One entry on the tailgate?

57

01 A. Traveled down Number One entry

02 of the tailgate, and whenever we'd

03 come to a door, we'd open the doors

04 and go entirely across. And there

05 was a fall, and I can't remember

06 exactly where the fall was. I think

07 it was right here. I think this is

08 the general location, either in that

09 entry or that one. I can't remember

10 which one, but there was a fall. It

11 worked away around.

12 Q. Did you travel those entries

13 all the way down?

14 A. All the way down and out the

15 back end.

16 Q. Okay. And at every location

17 of a door, you would actually go

18 through and go all the way over to

19 the next ---

20 A. Yes, sir.

21 Q. --- to Number Four? Can you

22 recall if you had smoke in those

23 entries or CO?

24 A. No. No CO and no smoke.

25 There was another fall down in here

01 somewhere. As you go close to the
02 longwall face, there was a fall in
03 one of those two entries. I don't
04 remember.

05 Q. Do you recall going through
06 this set of doors?

07 A. Yes, sir.

08 Q. And what did you see when you
09 got over ---?

10 A. That's why I think it's where
11 the fall was. We couldn't get all
12 the way over because of the fall.

13 Q. Let's indicate on this map
14 here that third day of travel.

15 A. Right in there somewhere then
16 they picked us up and hauled on us
17 out

18 Q. Did you make any changes or
19 adjustments to these ventilation
20 controls back here?

21 A. No, sir.

22 Q. What did you find back there
23 in the way of the condition of the
24 entries? Was there any smoke back
25 there?

01 A. No, sir, it was clear.

02 Q. No CO?

03 A. No CO.

04 Q. You say you were picked up
05 here. Is that ride or ---?

06 A. A ride came up and got us.
07 And I don't remember the exact
08 locations where they had set the
09 dewatering ---.

10 Q. Okay. And what did you do
11 then? Did you take that right back
12 to the mains?

13 A. Yeah.

14 Q. And then what?

15 A. Went on outside.

16 Q. You mentioned that you
17 patrolled the fire on that third
18 night. Is there anything that you
19 could tell us about that immediate
20 fire area that you haven't described
21 for us, ventilation controls?

22 A. Not ventilation controls. Not
23 in particular.

24 Q. What about subsequent to that
25 third night, can you recall any other

60

01 travel in the mine, for any more
02 exploration?

03 A. No, not that I personally did.

04 No, sir.

05 Q. Is there anything else you
06 want to add to this map since we're
07 up here? Let's go back to the
08 tailgate in Number Nine tailgate.
09 Can you mark on the map and indicate
10 to us where that fall was located
11 down here that stopped you from
12 getting over to the tailgate?

13 A. I think it was right in this
14 general area. I think.

15 Q. Were you able to get on the
16 outby side of it, or ---?

17 A. Well, when we got here we
18 couldn't get outby, so we just had to
19 cross to it.

20 Q. How about on this outby side,
21 though, did you come in this way ---?

22 A. No.

23 Q. Okay. So you're traveling ---
24 indicate with your marker what your
25 travel was. I think you also

61

01 traveled the Number Two entry?

02 A. Yeah.

03 Q. What about these doors right
04 here, were they --- what position?

05 A. I think this way.

06 Q. Did your team build any checks

07 in the mouth of Ten headgate?

08 A. The Consol Energy team did

09 while I was backing up.

10 Q. Do you know where those checks

11 were located?

12 A. I know it was 17-foot high

13 wherever that area is, because I

14 heard them. They told us that a

15 dozen times, that's why it took so

16 long. But as far as me seeing it,

17 no, sir, I didn't.

18 Q. Okay. We can sit down.

19 MR. POGUE:

20 Bill, do you have any

21 questions?

22 MR. TUCKER:

23 Just a couple.

24 BY MR. TUCKER:

25 Q. On the first day that you were

62

01 involved in fighting the fire, do you

02 recall if you had any water pressure

03 problems?

04 A. At the start we did. We

05 didn't have enough water pressure for

06 both the firefighting hose and the

07 foam gun. It was a little bit low.

08 Q. Do you recall if they, at any

09 time, started applying water, say

10 from two different directions?

11 A. Yes. Yeah, I know they did.

12 At different times they were coming

13 in from both sides.

14 Q. Do you happen to recall who

15 was directing the work at the fire

16 area, kind of giving job assignments?

17 A. Not --- the fire side back

18 towards the longwall I really don't

19 know where we were. We were all just

20 pitching in doing what we needed to

21 do. It wasn't really what you called

22 a direct ---, it was just fight fire

23 a while and just a minute or two.

24 MR. TUCKER:

25 Okay. Thank you.

63

01 MR. POGUE:

02 Mack, I've got a

03 closing statement I'm going to

04 read to you here. And we'll

05 go from there. On behalf of

06 the MSHA, I want to thank you

07 for appearing here today and

08 answering our questions and

09 sharing your information about

10 the mine. Your cooperation is

11 very important to us as we try

12 and determine the cause of the
13 accident.

14 If you wish, you may
15 now go back over any answers
16 that you've given during your
17 interview, and you may also
18 make a closing statement
19 covering any additional points
20 you believe should be raised.
21 Do you have any of those that
22 you'd like to re-address?

23 A. No, sir.

24 MR. POGUE:

25 We ask that you not

64

01 discuss your interview today
02 with any other persons who may
03 have already been interviewed
04 or who may be asked to give a
05 statement in the future. This
06 will ensure that we obtain
07 everyone's independent memory
08 of the events surrounding the
09 accident.

10 After questioning other
11 witnesses and obtaining
12 additional information, we may
13 be asking you back for further
14 questions. If at some point,

15 you have additional
16 information regarding the
17 accident that you would like
18 to provide us, please contact
19 Mr. Kenny Murray, he's our
20 lead accident investigator, or
21 his staff assistant, Anthony
22 Webb. I have two business
23 cards here with their names
24 and telephone numbers on it.

25 The Mine Act provides

65

01 certain protections for
02 individuals who participate in
03 accident investigation. If at
04 any time, you believe that
05 you've been treated unfairly
06 because of your cooperation
07 with this investigation,
08 please immediately contact Mr.
09 Murray or Mr. Webb. And Mack,
10 I want to thank you again.

11 A. Thank you.

12 MR. POGUE:

13 Bill has a statement
14 he'd like to read to you.

15 MR. TUCKER:

16 Just to mention that

17 the State also has protection
18 against discrimination.
19 Here's one of my cards if you
20 ever need to contact me about
21 anything, Mack. This is C.A.
22 Phillips' card. He's the
23 deputy director out of the
24 Charleston office. And on
25 behalf of Miners' Health,

66

01 Safety & Training, I would
02 like to thank you for your
03 hard work and dedication over
04 the years as a mine rescueman.
05 I appreciate it.

06 * * * * *

07 SWORN STATEMENT CONCLUDED

08 AT 2:11 P.M.

09 * * * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25