

1 **WEST VIRGINIA MINE HEALTH & SAFETY ADMINISTRATION**

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6 **IN RE:**

7 **THE INVESTIGATION OF THE**
8 **APRIL 5, 2010, MINE EXPLOSION**
9 **AT THE UPPER BIG BRANCH MINE**

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13 **The interview of TERRANCE ADKINS taken upon**
14 **oral examination, pursuant to notice and pursuant**
15 **to the Federal Rules of Civil Procedure, before**
16 **Nichelle N. Drake, Professional Reporter and Notary**
17 **Public in and for the State of West Virginia,**
18 **Thursday, February 10, 2010, at the National Mine**
19 **Health & Safety Academy, 1301 Airport Road, Beaver,**
20 **West Virginia.**

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22 **JOHNNY JACKSON & ASSOCIATES, INC.**
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1 MR. KOERBER: My name is Barry Koerber.
2 I'm the assistant attorney general. I'm assigned
3 to the West Virginia Office of Miners Health Safety
4 & Training's UBB accident investigation team.
5 Today is February the 10th, 2011. I would ask that
6 the people sitting beside me here at the table who
7 are members of the accident investigation teams
8 identify themselves and who they're with.

9 MR. TUCKER: Bill Tucker with the Office
10 of Miners Health Safety & Training.

11 MR. MAGGARD: I'm Jasey Maggard with
12 MSHA.

13 MR. CRIPPS: Dean Cripps with MSHA.

14 MS. HAMPTON: Pollyana Hampton with the
15 Solicitor's Office for the Department of Labor.

16 MR. BECK: Jim Beck the Governor's
17 Independent Team.

18 MR. KOERBER: And at the present time,
19 there are no people in the back.

20 Mr. Adkins, the court reporter will be
21 taking down what's said here today. I would ask
22 that you speak verbally yeses and nos as opposed to
23 uh-huhs or uh-uhs so that the court reporter can
24 understand and make the record cleaner. I would

1 also that ask that you allow the question to be
2 asked before you begin to answer and I'll ask that
3 the interviewers let you finish your answer before
4 they begin the next question so we don't have
5 people talking over each other.

6 The court reporter is with a court
7 reporter firm by the name of Johnny Jackson &
8 Associates. They're in Charleston, West Virginia.
9 I'm sure your attorney knows where their office
10 is. They're operating under a three day turnaround
11 as far as doing the transcripts, which means being
12 today is Thursday, three business days from now
13 puts us through Tuesday. So that come Wednesday
14 morning, if you desire, you and/or you and your
15 attorney can call Johnny Jackson & Associates and
16 schedule a time where you go in to Johnny Jackson's
17 office in Charleston. They put you in a conference
18 room, the two of you or you by yourself, however
19 you choose to do it, where you have an opportunity
20 to review your transcript; and you'll also be given
21 an errata sheet where you can make any changes that
22 you believe were errors taken in the transcript.
23 Wednesday is the earliest you can call. You do not
24 have to call on Wednesday, but please try to call

1 within a couple of weeks of Wednesday if you desire
2 to read your transcript so that it can be done in
3 an orderly and reasonably expedient manner.

4 MR. SEARS: Can I ask a question?

5 MR. KOERBER: Yes.

6 MR. SEARS: Now, this system had not been
7 established at the time his first interview was
8 taken and he has not had the opportunity to review
9 that transcript. In reviewing it today, we were
10 not given an errata sheet to work with for purposes
11 of making corrections. He would still like to have
12 that opportunity.

13 MR. KOERBER: I believe that opportunity
14 will be provided at a later time.

15 MS. HAMPTON: I think that a letter was
16 sent out maybe in August or September about the
17 process for that. I can -- I can look into it. We
18 can talk about it off the record.

19 MR. SEARS: All right. I just want to
20 make it clear that he has not reviewed the
21 transcript for the purpose of making corrections
22 and he would still like to do that.

23 MR. KOERBER: I understand.

24 I'm going to give you that at the end of

1 my little statement. If for any reason whatsoever
2 you want to take a break, just say so and we'll
3 take a break. Okay?

4 I would ask that you not discuss your
5 answers at the interview after the interview is
6 over with anybody other than your attorney for
7 purposes of protecting the integrity of the
8 investigation.

9 Polly, is there something you would like
10 to add at this time?

11 MS. HAMPTON: Yes. We met before we went
12 on the record, and I'd just like to confirm that I
13 handed you a letter that was from the MSHA accident
14 investigation team; and did you get a chance to
15 review that letter?

16 THE WITNESS: Briefly.

17 MS. HAMPTON: Did you have any questions
18 for me before we go forward?

19 THE WITNESS: No.

20 MS. HAMPTON: Okay. And as your attorney
21 knows, Norm Page is the team leader for the MSHA
22 accident investigation team. If you leave here
23 today and you have additional information you would
24 like to share with us, anything else that you

1 forget or you think that is relevant, please feel
2 free to, you know, have your attorney contact us
3 with that information or if you would like to talk
4 to Norm, you can do that. He is open to that
5 information.

6 MR. KOERBER: Okay. Would you administer
7 the oath.

8 TERRANCE ADKINS, DEPONENT, SWORN

9 MR. KOERBER: Sir, would you please state
10 your full name for the record and spell your last.

11 THE WITNESS: Terrance Mitchell Reed
12 Adkins, A-D-K-I-N-S.

13 MR. KOERBER: And what's your address and
14 telephone number?

15 THE WITNESS: [REDACTED] ;
16 [REDACTED]

17 MR. KOERBER: You have an attorney with
18 you here today?

19 THE WITNESS: Yes.

20 MR. KOERBER: And would you please state
21 your name and the name of the firm you're with.

22 MR. SEARS: Chris Sears, Shuman, McCuskey
23 & Slicer.

24 MR. KOERBER: And is Mr. Adkins your

1 client?

2 MR. SEARS: Yes.

3 MR. KOERBER: Mr. Adkins, are you
4 appearing here today as a result of receiving a
5 subpoena.

6 THE WITNESS: Speak up.

7 MR. KOERBER: Oh, I'm sorry. Are you
8 appearing here today as a result of receiving a
9 subpoena?

10 THE WITNESS: Yes.

11 MR. KOERBER: Okay. This is a copy of
12 that subpoena, which I'm going to have marked as
13 Exhibit 1. This is a copy of the acceptance of
14 service that Mr. McCuskey of Mr. Sears' firm
15 accepted on your behalf on February 4th.

16 (Exhibit Nos. 1 and 2 marked for
17 identification.)

18 There are two other things I want to give
19 you before I turn it over to Bill Tucker to start
20 asking questions. One is a memorandum. You may
21 have gotten this before, but I'm going to give it
22 to you again. This is a memorandum containing the
23 address of the West Virginia Board of Appeals. In
24 the West Virginia Code 22A-1-22 provides

1 discrimination protection to coal miners for
2 participating in interviews such as this. If you
3 find that you've been discriminated against by
4 participating in this interview, this is the entity
5 that you file your complaint with. I'm sure your
6 attorney can help you with that. Also I would like
7 to caution you that you only have 30 days under the
8 statute from the time of the discriminatory action
9 to file your claim.

10 I'm also going to give you Johnny
11 Jackson's business card, which is the court
12 reporter's firm that you call if you choose to
13 review your transcript come next Wednesday or
14 later; and I'm also going to give you the business
15 card of Mr. Bill Tucker, the lead accident
16 investigator for the West Virginia Office of Miners
17 Health Safety & Training, in the event something
18 occurs to you after the interview is over that you
19 believe would be helpful in trying to determine the
20 cause of the explosion you can call Mr. Tucker.

21 And at this time, I would like to turn the
22 interview over to Mr. Tucker to begin the
23 interview.

24 EXAMINATION

1 BY MR. TUCKER:

2 Q. Terrance, we do appreciate you coming in
3 today. What was the last shift you worked at UBB
4 prior to the explosion?

5 A. Saturday day shift.

6 Q. What was your job title at that time?

7 A. Tail gate shear operator.

8 Q. Where are you currently working?

9 A. Independence Coal.

10 Q. Which mine?

11 A. Revolution.

12 Q. When did you -- when did you go to
13 Revolution?

14 A. Two weeks after the explosion.

15 Q. Okay. Have you been back underground at
16 UBB since the explosion?

17 A. No.

18 Q. On -- on that Saturday on your last shift
19 there that you worked, did you notice anything
20 unusual at all?

21 A. No.

22 Q. Okay. How was the cutting along the face
23 there? What kind of problems were you having?

24 A. The cutting was fine until you got to the

1 tail. There was a lot of rock on the tail.

2 Q. What problems does that create, the amount
3 of rock you were cutting?

4 A. Where you hit tail, takes more bits, takes
5 longer to mine coal.

6 Q. Say from maybe the last 15, 20 feet of
7 cutting there at the tail, how long would you
8 estimate it'd take you to cut out and do the
9 shuffle and head back toward the head?

10 A. To do the shuffle, I would say 45 minutes
11 to do a complete shuffle.

12 MR. SEARS: Is that including the cut out
13 time?

14 THE WITNESS: Yes.

15 Q. Can you remember how many times you cut
16 out on the tail on that Saturday?

17 A. Maybe four times maybe.

18 Q. Okay. Once you started when you got down
19 and the cutting got hard, could you cut all the way
20 out and do the shuffle on the bits that were in the
21 shear?

22 A. Most of them I had to change the bits
23 before I finished my first cut out.

24 Q. So you would start and they would just get

1 so bad you would have to stop, set bits before you
2 could finish cutting?

3 A. Yes.

4 Q. At what point would you -- I mean, what
5 indicators would you have where you need to stop
6 and change bits?

7 A. I could just tell by the way the shear was
8 acting. If it was a stalling on it, I would know
9 that my bits are rudded out so I would stop and
10 check them.

11 Q. When you'd set the bits, would you do
12 anything else?

13 A. I would look over my sprays and make sure
14 they wasn't clogged up.

15 Q. Okay. Can you recall that Saturday if you
16 had to do much work on your sprays?

17 A. I don't remember doing much work on them,
18 no.

19 Q. Do you recall if you had to replace any?

20 A. I think I replaced one.

21 Q. When you -- when you finished on your last
22 shift, do you recall if there were any sprays
23 missing?

24 A. No, I do not.

1 Q. When you were cutting out there at the
2 tail, did -- did you ever notice anybody going over
3 into the tail entry and doing anything?

4 A. I can remember the foreman going in the
5 tail entry, but I'm not sure what he done out there
6 at that time.

7 Q. Do you recall if that was like the
8 beginning of the shift or toward the end or the
9 middle or how long?

10 A. They went out there at the beginning. I
11 want to say around maybe mid-shift, maybe end
12 shift. I can't -- It's been so long I can't
13 remember very well.

14 Q. Right. Do you know what he was doing or
15 did you see him take any -- do anything? Was there
16 any work that you know of that he would need to do
17 in the tail end?

18 A. I believe they had a lot of coal in the
19 stoppings. For whatever reason, I'm not sure.

20 Q. Okay. You mentioned in your last
21 interview there you had filled in as boss a couple
22 of days.

23 A. Yes.

24 Q. Did you have any reason to go into the

1 tail entry when you were filling in as boss?

2 A. I'd just go out there to take a gas check.

3 Q. When would you do that? Do you recall?

4 A. I did it before we started a run, and I
5 did it at about mid-shift and I would do it on my
6 pre-shift.

7 Q. Did you take any air readings or anything
8 like that out there?

9 A. Not on the tail.

10 Q. Where would you normally take your air
11 readings?

12 A. I would take it at the last open break. I
13 think No. 9 shield and 160.

14 Q. Okay. You mentioned on that last Saturday
15 that you didn't have much problems with your
16 sprays; so normally, just looking back in general,
17 did you have to work on sprays very often?

18 A. No. Sprays normally did pretty good.

19 MR. TUCKER: Okay. All right. I'll pass
20 it onto you, Jasey.

21 MR. MAGGARD: I'll let Dean go first.

22 EXAMINATION

23 BY MR. CRIPPS:

24 Q. Terrance, thanks again for coming in.

1 Since your first interview, Jasey and myself, we've
2 been down on the longwall many times and we
3 observed a few things and have a few questions for
4 you.

5 If you don't mind, I'd like to start
6 though, just describe for me a normal shift,
7 perhaps just the last few shifts prior to the
8 explosion what your normal routine is when you
9 arrive on the section and you get off the man
10 trip. Just walk me through what you did.

11 A. Get off the man trip, have a safety talk,
12 the foreman normally had a safety talk. From there
13 we'd go to the mule train, get our back line, get
14 the tool cars, put our lunch boxes down and then I
15 went up on the line.

16 Q. And when you went up on the line, what did
17 you do then?

18 A. Normally the foreman hollered at us and
19 tells us to start it up after he went across the
20 face.

21 Q. Is there a difference between second shift
22 and day shift?

23 A. No.

24 Q. All right. Where would the shear normally

1 be when you went in on day shift?

2 A. Normally the head.

3 Q. Would it be operating?

4 A. No.

5 Q. Okay. What about where would the shear be
6 when you went in on second shift?

7 A. Depends on where they was at at the
8 time -- at the time they was mining. I mean, it
9 could be anywhere.

10 Q. So it would be operating --

11 A. Yeah.

12 Q. -- when you arrived on second shift?

13 A. Yeah.

14 Q. How about describing -- When you make a
15 cut from say from the head going towards the tail,
16 just describe to me the process, the location of
17 the shear of each individual drum, the location of
18 the operator, the shield men?

19 A. The shear operators, we stood up by the
20 head drum. I really don't understand what you're
21 wanting to know about the shear.

22 Q. The tail gate drum, when you're going from
23 the cutting towards the tail, where is the tail
24 gate drum in relation to the coal seam?

1 A. At the top.

2 Q. So it's cutting the top?

3 A. Yes.

4 Q. What about the head gate drum?

5 A. Cutting the bottom.

6 Q. As you're tramming towards the tail, where
7 would the shield -- I'm sorry. I think you refer
8 to them as a jack setter?

9 A. Yeah.

10 Q. Where would the jack setter be located?

11 A. Be behind the head end drum.

12 Q. What would he be doing?

13 A. Setting jacks.

14 Q. Okay. And did he push the pan in also?

15 A. Push the pan in?

16 Q. Advance the pan. Pardon my lingo. I'm
17 from the midwest.

18 A. He pulled the jacks in and called his
19 push.

20 Q. Okay. Called his push. When he called
21 his push, that's what I say, push the pan.

22 A. Okay.

23 Q. When he called the push, does the conveyor
24 move against the face?

1 A. Yeah.

2 Q. And we're talking about the same thing
3 just saying it a little different?

4 Okay. How about when you cut from the
5 tail towards the head gate?

6 A. Same thing, shear operator is at the head
7 drum. The jack setter wouldn't be past the tail
8 drum. We'd have to mine, stop and let him catch
9 up.

10 Q. Is the tail gate drum against the roof
11 also?

12 A. No, it's against the bottom.

13 Q. Okay. How about the head gate drum?

14 A. It's against the top.

15 Q. So it's cutting the top as you're going
16 towards the head?

17 A. Yeah.

18 Q. Okay. You said it took about 45 minutes
19 or had been taking 45 minutes to do the shuffle on
20 the tail. Is that normal or is that just due to
21 the conditions you're in?

22 A. Due to the conditions we was in.

23 Q. Describe to me what you have to go through
24 to do the shuffle at the tail gate prior to the

1 explosion.

2 A. I'd cut -- I'd start at the head. We'd
3 have new bits. I'd cut to the tail. I'd get to
4 170 shield. I'd have to back up, set bits and then
5 finish my cut out and then cut back through the
6 snag at the line push and cut back out, set bits
7 again, go to the head.

8 Q. When you cut out the first time into the
9 tail gate entry, would you then sump the tail gate
10 drum down into the bottoms?

11 A. Yes.

12 Q. And then what would you do? Would you
13 flip the cowl over?

14 A. I would flip the cowl over, back up four
15 or five shields, then go back out cutting bottom
16 again, flip the cowl back and then head towards the
17 head.

18 Q. Would you have to cut the top more than
19 once?

20 A. Yeah.

21 Q. Was that normal or was that just because
22 of the sandstone?

23 A. Just because of the sandstone.

24 Q. What about cutting the bottom, would you

1 have to cut it more than once?

2 A. Yeah, because of sandstone bottom.

3 Q. What about -- you say you're wearing the
4 bits down and sandstone. Are you seeing any sparks
5 off the bits?

6 A. Yeah.

7 Q. Did it seem to make any difference if it
8 was new bits or old bits?

9 A. No, it still sparked. It didn't matter.

10 Q. Okay. The shear has a E-stop button on
11 the side of it. Are you familiar with that?

12 A. Yeah.

13 Q. To your knowledge, did it function?

14 A. Yeah.

15 Q. Okay. Have you ever known it not to
16 function?

17 A. No, not that I know of.

18 Q. Have you ever used it?

19 A. Yeah.

20 Q. And what instance would you use it?

21 A. When I set bits, I'd hit the E-stop and
22 have them pull the power on the shear. That's
23 really about the only time I'd ever use it.

24 Q. You would hit the E-stop, and did you say

1 you'd have them pull power on the shear?

2 A. Yeah.

3 Q. Okay. What do you mean by that?

4 A. I'd have them pull the disconnects. That
5 way the shear was not energized when I was setting
6 bits.

7 Q. Who would pull the disconnects?

8 A. The head gate operator.

9 Q. So the disconnects you're talking about
10 are the shear disconnects that's at the head gate?

11 A. Yeah.

12 Q. When you set bits on the shear, where did
13 you normally do it in relation to what shield would
14 the shear be under?

15 A. Head or tail.

16 Q. So if you was at the head, the head gate
17 drum would be out in the belt entry?

18 A. No. The head gate drum would be about No.
19 12 shield, and tail gate shield would be nine
20 shields past that.

21 Q. Okay. Is there a particular reason why
22 you did it there?

23 A. No. Just where we always ended up most of
24 the time.

1 Q. If you were setting bits on the tail,
2 would the tail gate drum be extended out into the
3 tail gate entry?

4 A. No. It would be 160 I'm thinking.

5 Q. Okay. Have you ever set bits with the
6 tail gate drum out in that tail gate entry?

7 A. No.

8 Q. Okay. When the -- when you're operating
9 the shear and you want the water to shut off, do
10 you have to call the head gate operator to shut off
11 the water to the shear?

12 A. Yeah.

13 Q. Is there any instances where the head gate
14 operator shuts the water off without you calling
15 him?

16 A. No.

17 Q. What if the belt goes off outby?

18 A. He ain't going to shut the water off until
19 he turns the line off.

20 Q. And when the line goes off, what happens
21 then?

22 A. Then we shut the shear off and he shuts
23 the water off.

24 Q. Okay. Do you call him to shut the water

1 off?

2 A. No.

3 Q. So in that instance, he would go ahead and
4 shut the water off?

5 A. That's the only time.

6 Q. Pardon me?

7 A. That's the only time, if we wasn't going
8 to be running.

9 Q. Okay. The -- I may have asked you this
10 but I forgot. The E-stop switch on the shear that
11 we talked about, have you ever known it not to
12 operate?

13 A. No.

14 Q. The junction box on the front of the
15 shear, are you familiar with that?

16 A. Yeah.

17 Q. That's the box where your turning cable
18 goes into. Have you ever seen anybody open that
19 box?

20 A. Just if they had to do work on the shear
21 cable right there.

22 Q. But you have seen somebody?

23 A. Yes.

24 Q. Who would go into that box?

1 A. The electrician.

2 Q. Okay. Who was that on your shift?

3 A. Luke Ford.

4 Q. Okay.

5 MR. SEARS: Just for clarification are you
6 saying that you saw Luke Ford go into the junction
7 box or that's who was the electrician?

8 THE WITNESS: I've seen him work it. I've
9 seen him go into the box to work on it.

10 Q. Have you -- In your experience of
11 operating the shear, you said you seen sparks at
12 the tail. Have you ever noticed any, a better
13 word, pop-offs or fire balls come off either of the
14 drums?

15 A. No.

16 Q. Okay. How long have you operated the
17 shear?

18 A. Probably operated it two years probably.

19 Q. Okay. Are you familiar with the fire
20 suppression system on it?

21 A. Yeah, or somewhat.

22 Q. Do you know how the fire suppression
23 system operates?

24 A. Not -- I mean, yes and no. I couldn't

1 really explain it, but I mean I know what it's
2 there for and how it works.

3 Q. Well, if you had to activate the fire
4 suppression, do you know how?

5 A. Yeah, I know how.

6 Q. How would you do that?

7 A. You pull the pin and hit the button.

8 Q. Do you know where that was located on the
9 shear?

10 A. Yeah, but I really can't remember. It's
11 been so long since I've seen that shear.

12 Q. We already talked to some people about a
13 30 minute call out, every 30 minutes information
14 has to be called out. Are you familiar with that?

15 A. Yes.

16 Q. Who does that call out?

17 A. The head gate operator.

18 Q. Do you know what information he calls out?

19 A. Yeah. He calls out how much coal you've
20 mined, what down time you've had and if you're
21 still running.

22 Q. How does he obtain that information?

23 A. From the foreman.

24 Q. And so the foreman calls him every 30

1 minutes and tells him what to call out?

2 A. Yeah.

3 Q. So in that case, is the foreman on the
4 face with you most of the shift?

5 A. Yeah.

6 Q. Okay. Do you know who the head gate guy
7 talks to when he calls outside?

8 A. Dispatcher.

9 Q. Do you know what the dispatcher does when
10 he gets that information?

11 A. Yeah. He sends it out on the paging
12 system, writes it on the computer and sends it to
13 upper management.

14 Q. Okay. Upper management at that mine or
15 away from the mine?

16 A. Away from the mine.

17 Q. Do you know is that 30 minute call out, is
18 that done every shift?

19 A. Yeah.

20 Q. Including weekend shifts?

21 A. Yeah. The only shift that you don't have
22 to do that is third shift.

23 Q. Okay. Why is that?

24 A. We're not mining coal on third shift.

1 Q. Is that a maintenance shift?

2 A. Huh?

3 Q. Is third shift a maintenance shift?

4 A. Yes.

5 Q. Do you know -- Is a record kept of all of
6 those call outs to your knowledge?

7 A. Yeah, they normally keep a file. Well, I
8 know they do at Revolution. I don't know about
9 there.

10 Q. Okay. I've heard a little bit about the
11 crews taking a wedge cut. Do you know what I'm
12 talking about, a wedge cut?

13 A. Yes.

14 Q. Describe that to me, please.

15 A. Okay. Say -- say you want to take an
16 extra cut off the tail, you would go up to
17 mid-face. There's a bow in the line. That's where
18 you would drop it off. And then you go up above
19 it, step it back in and go back towards the tail.
20 Just turning the shear around.

21 Q. What's the purpose of the wedge cuts?

22 A. Depending -- I mean you may need to make
23 the line walk towards the tail or towards the head
24 or cut a bow out.

1 Q. Okay. If you was operating on the -- Let
2 me back up here. If you would, look at this
3 drawing here for me. I understand you have not
4 been on the longwall face since the explosion.

5 A. No, not there.

6 Q. Okay. Let me just give you a little
7 information. This is the location of the shear.
8 Do you understand the drawing looking at it?

9 A. Yes.

10 Q. This is showing the shear at the tail gate
11 end of the face, and the tail gate drum is actually
12 cut out of the tail gate entry. Have you seen the
13 pictures on Massey's website or anything?

14 A. No.

15 Q. Okay. With the shear at that location, in
16 your opinion, at three o'clock in the afternoon or
17 right around three o'clock in the afternoon, would
18 that crew be leaving --

19 A. No.

20 Q. -- to go home?

21 A. No.

22 Q. Why is that?

23 A. They don't leave until we get there.

24 Q. Because -- let me -- This was day shift

1 crew, and the second shift crew would be coming in
2 and you would be hot seating; is that correct?

3 A. Yes.

4 Q. And does that mean that the day shift crew
5 would not be replaced until the second shift crew
6 arrived on the section?

7 A. Yeah.

8 MR. SEARS: If I can interrupt for a
9 second, I guess I have an objection just to the
10 extent that you're asking for his opinion
11 testimony. He's here as a fact witness. He has
12 not been called as an expert on anything; and to
13 the extent that the form of your question asks for
14 an opinion, I would prefer to see them asked as far
15 as what he knows as a fact. And we haven't
16 discussed him giving opinion testimony; and if
17 you're going to be asking him for his opinion, I
18 would like some more time with him but go ahead.

19 MR. MAGGARD: How much time do you need?

20 MS. HAMPTON: Let me just say, as you
21 know, we're not at a deposition now. We are here
22 to gather information, and I don't think he is
23 asking him these questions in the context of
24 treating him as an expert. He is trying to ask him

1 what does he feel is normal given his experience in
2 working at this mine.

3 MR. SEARS: And maybe it's just a matter
4 of how the questions are worded; but just as a --
5 to kind of head off the issue, I mean, if you are
6 going to be getting into opinion testimony, then
7 that's something I would want to consult with my
8 client about. I don't understand that to be the
9 purpose of what these are about.

10 MS. HAMPTON: Yeah. I think we're trying
11 to gather facts and trying to figure out what
12 happened; and part of that is speculating based on
13 the behaviors that he witnessed while working in
14 similar situations, what are the possibilities of
15 what could happen. I think that's all that this
16 is. He is definitely not treating him as an
17 expert.

18 MR. SEARS: I understand. Let me have a
19 moment with him.

20 MR. KOERBER: Let's go off the record.

21 (Off the record.)

22 BY MR. CRIPPS:

23 Q. Okay. Terrance, I think before we stopped
24 I was asking about the shear. I'll ask you this

1 way. Since you've been operating the shear -- Let
2 me rephrase that. When you was operating the shear
3 at UBB at three o'clock in the afternoon on day
4 shift, did you guys ever leave the face, leave the
5 shear at the tail gate?

6 A. No, not unless we was called out.

7 Q. When you was operating -- When you were
8 working second shift when you arrived on the face,
9 do you recall the shear ever being at the tail end
10 and the crew being outside, the day shift crew
11 being outside?

12 A. No, not unless they had trouble with fans
13 but I don't remember that ever happening there.

14 Q. Okay. Do you carry a methane detector?

15 A. Yes.

16 Q. Do you know what kind it is?

17 A. Solaris.

18 Q. Do you take it home with you?

19 A. No.

20 Q. What do you do with it at the end of your
21 shift?

22 A. Put it in my locker on charge.

23 Q. You have a charger in your locker?

24 A. Yeah.

1 Q. Okay. How often do you have to calibrate
2 it?

3 A. I calibrate it once a month and test it
4 every other day.

5 Q. Where do you calibrate it?

6 A. At the mines.

7 Q. Where at at the mines?

8 A. Are we talking about now or --

9 Q. At UBB prior to the explosion.

10 A. Prior to the explosion, the calibration
11 units was in the fire boss room.

12 Q. Okay. Let me just clarify. When I asked
13 you if you carried a spotter, I'm referring to when
14 you operated the shear at UBB. Is that the way
15 that you understood the question?

16 A. Not at that time but, yes, I did carry a
17 spotter at that time also.

18 MR. CRIPPS: Okay. That's all I have for
19 right now.

20 EXAMINATION

21 BY MR. BECK:

22 Q. When you say you made a pass or two passes
23 or three passes on the longwall, what does that
24 mean?

1 A. From the head to the tail and shuffle,
2 that's one pass.

3 Q. One pass or from the tail back up at the
4 head.

5 A. Yeah.

6 Q. And while you were in this rock that you
7 had on the tail gate, what would the average number
8 of passes that you would make, you and your other
9 operator in a shift, just an average number?

10 A. When I run the rock?

11 Q. Yes.

12 A. I would say no more than five.

13 Q. And did you ever operate the shear when
14 there wasn't any rock present, there was just coal
15 from head to tail?

16 A. Yeah.

17 Q. And what would the average number of
18 passes be there?

19 A. Seven or eight.

20 Q. So the rock definitely slowed you down?

21 A. Yeah.

22 Q. Did you ever notice that while you were in
23 this rock that any of the other crews kind of shyed
24 away from the rock area, they wouldn't cut out all

1 the time on the tail, maybe go down a certain area
2 and come back or everybody went from head to tail
3 or tail to head?

4 A. Just depending on the condition of the
5 line, whether you went -- what you done, whether
6 there was bows in it or whether it needed a walk.

7 Q. Okay.

8 A. Just depends.

9 Q. And you mentioned about changing out bits
10 on the shear. How long would it take to change out
11 a bit?

12 A. One bit or a drum of bits?

13 Q. Just one bit.

14 A. I could change one out in 30 seconds
15 maybe.

16 Q. Did you ever have any that you had
17 difficulty getting out and would that take longer?

18 A. It would take longer. I don't really
19 remember having difficulty getting any out.

20 Q. And how about water sprays? How long
21 would it take to change out a plugged up water
22 sprayer, a missing spray?

23 A. Maybe a minute.

24 Q. And how would those secure to the drum,

1 the water sprays?

2 A. Well, we had some that would screw in
3 there. I don't know if that shear had that in it,
4 but most of them would have staples to hold them
5 in.

6 Q. Did you ever have any occasion to see any
7 of the upper mine management from Massey, say Chris
8 Blanchard or Jason Whitehead on the longwall face?

9 A. Rephrase your question.

10 Q. Did you ever see Chris Blanchard or Jason
11 Whitehead on the longwall face at Upper Big Branch
12 while you were working?

13 A. I don't know about Jason, but I seen
14 Chris.

15 Q. Do you know what the purpose of his visit
16 was?

17 A. Not really. I don't know what his visit
18 was.

19 MR. BECK: That's all I have right now.

20 EXAMINATION

21 BY MR. MAGGARD:

22 Q. I've got a few questions. The fire
23 suppression system on the shear, was that a dry
24 chemical system?

1 A. I -- I?

2 Q. Do you know what it was?

3 A. I don't know what it was.

4 Q. I thought you said that there was some
5 screw in water sprays on the drum. Am I
6 understanding you right? Are there screw in some
7 of them, some of them staple? Tell me what they
8 are. I don't know.

9 A. I ran shear at Revolution and there's -- I
10 don't know which one. Some of them you can take a
11 little Allen wrench and you just screw them into
12 the drum. And some of them have a staple that goes
13 to the drum to hold them in.

14 Q. Okay. And do you know how many sprays was
15 on a drum?

16 A. Fifty-some.

17 Q. Okay. How many days did you have to fill
18 in as the boss on the longwall?

19 A. I can't really remember. Maybe -- I think
20 I've only done it like four times there, two, four
21 times.

22 Q. How did you like that?

23 A. It wasn't bad.

24 Q. Wasn't bad?

1 A. Considering I do it every day now.

2 Q. Do you? So you're a boss at what mine
3 now?

4 A. Revolution.

5 Q. Revolution. As far as UBB went, when you
6 was the boss, how did you take your air readings?
7 What did you use? Just go through that process.
8 What type of anemometer did you use if that helps?
9 Where did you take your reading at and how did you
10 do it?

11 A. I don't know what the brand name was. The
12 round one, Davis maybe. Take it at the last open.
13 I'd measure, do all my figuring. Take my air
14 reading for one minute; run top, bottom and when I
15 go to the face, I didn't have to take no
16 measurements, just top and bottom for one minute.

17 Q. So when you was on the face, you took a
18 measurement at certain shields for one minute; is
19 that correct?

20 A. Uh-huh.

21 Q. What kind of measurements was you
22 getting? Do you recall what -- how many -- What
23 was you looking for on your examination?

24 A. I can't remember what the plan called for,

1 but it seems like maybe on the head I had 900
2 maybe, guessing somewhere in that area.

3 Q. Was that 900 -- You did it for a minute.
4 Is that -- What kind of units are we talking about
5 here?

6 A. LFM.

7 Q. Huh?

8 A. LFM.

9 Q. Liters?

10 A. Linear feet.

11 Q. Oh, so you took linear feet measurement
12 for a minute?

13 A. Yeah.

14 Q. So would it change during that minute or
15 how did that --

16 A. No it didn't really.

17 Q. I mean, from -- Let me get -- what shields
18 did you take it at?

19 A. Now I'm just assuming. I can't really
20 remember what shield I was supposed to take it at
21 up there, but I think it was nine shield and 160
22 shield.

23 Q. Was there a difference between nine shield
24 and 160 shield?

1 A. Yeah.

2 Q. Now, what kind of difference do you
3 recall?

4 A. I'm going to say if you had 900 on the
5 head you probably had 700 on the tail.

6 Q. Did you take it in a particular spot at
7 those locations or did you move it around or
8 what -- I mean, how did you do that?

9 A. I moved it around. I went from the bottom
10 to the top of the shield over to the pan line.

11 Q. Okay. Where did you take -- You said you
12 took a reading over in the last open break. Was
13 that one entry?

14 A. One entry, yeah.

15 Q. What entry was it at UBB? Do you recall
16 how close was it? I mean we've got a map here. If
17 you was looking at this map right here and here's
18 the face --

19 A. Right here at -- If this is the face,
20 here's your curtain. Right here is where you take
21 your air reading.

22 MR. MAGGARD: Maybe we can mark this as an
23 exhibit?

24 MS. HAMPTON: Yeah. I think we should do

1 that. Do you want to have him mark in --

2 MR. MAGGARD: Sure.

3 MS. HAMPTON: -- use a blue marker. I'm
4 going to mark this as Exhibit No. 3.

5 (Exhibit No. 3 marked for
6 identification.)

7 A. Just put a mark on it.

8 Q. Yeah. And just draw an arrow. Might make
9 a bigger mark than that.

10 A. Okay.

11 Q. And just draw an arrow to it and say last
12 open break air reading or something. If you
13 wouldn't care, initial it and date it.

14 A. Is today the 10th?

15 Q. Yeah. I appreciate that.

16 When was your first day at UBB? When did
17 you start roughly?

18 A. July, June, July.

19 Q. Okay. And was that -- had you worked at
20 other mines for the company or for Massey or was
21 that your first day new on the job?

22 A. No, I worked at Revolution.

23 Q. Okay. How long had you worked at
24 Revolution?

1 A. Three and a half years.

2 Q. So you was working on the wall at
3 Revolution or --

4 A. Yes.

5 Q. So when you came in July, what was -- what
6 was your purpose? What was you doing at that time?

7 A. Just come over there to run the shear.

8 Q. Okay. So when -- I know we got a gap, I
9 guess the walls actually -- the first day of
10 production was roughly September I recall; is that
11 correct?

12 A. Yes.

13 Q. So from July to September, what did you
14 do?

15 A. Hauled parts in for the setup of the
16 wall.

17 Q. Did you haul parts in the first day of
18 work?

19 A. No.

20 Q. Tell me about the first day. Can you
21 remember?

22 A. The first day -- Maybe the first week I
23 was outside. They had a tent set up for rebuilding
24 shields. That's what I did.

1 Q. How long did you do that?

2 A. Maybe two weeks at the longest.

3 Q. And as far as your first day underground,
4 was that a week or two weeks after you worked on
5 the shield starting to take supplies underground?

6 A. Yeah.

7 Q. Tell me who gave you training when you
8 arrived at UBB. Do you remember?

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

10 Q. Okay. Had you been at UBB prior to July
11 or strictly been at Revolution?

12 A. Strictly at Revolution before that.

13 Q. When was your last annual refresher?

14 A. I just had one -- Gosh, I can't remember.
15 September maybe. I can't -- I think it was
16 September of last year.

17 Q. What kind of certifications do you have
18 from the state or MSHA?

19 A. I have my dust card, my mine foreman
20 certification, of course, my black hat.

21 Q. Okay. Do you have an electrical card or
22 anything else?

23 A. No.

24 MR. MAGGARD: Okay. That's all I've got.

EXAMINATION

1
2 BY MR. TUCKER:

3 Q. I've got just a couple more. Going back
4 to the tail on Saturday on your last shift, you
5 said you were cutting a lot of rock. It was hard
6 cutting naturally because you had to change bits
7 while you were there. So could you describe what
8 you seen as far as the sparks. We talked a little
9 bit about sparks coming off the shear. What did
10 that look like?

11 A. I don't know. It just looked like
12 sparks. I don't know how to explain it.

13 Q. I mean was it like a fire ball?

14 A. No.

15 Q. Just sparks shooting or just one big
16 spark?

17 A. Just sparks shooting.

18 Q. So cutting that much rock I'm sure you
19 were creating some dust. So right there at the
20 tail --

21 MR. SEARS: I'm sorry. There was a
22 question I didn't hear a response to. Did you
23 respond to that first question?

24 THE WITNESS: Yeah.

1 MR. SEARS: Okay. I didn't hear it. What
2 was your response?

3 THE WITNESS: Shooting sparks.

4 MR. SEARS: No. No. About the creating
5 dust.

6 MR. KOERBER: Did that create a lot of
7 dust?

8 Q. Cutting rock, does that create dust?

9 A. I'm sure it does.

10 Q. Okay. I thought that it would.

11 So right there at the shear, the dust
12 that's coming off the shear, which way is it going?

13 A. The dust would go out in the tail entry.

14 Q. Once it got in the tail entry, could you
15 tell which direction it was going?

16 A. I can't really remember. I think it may
17 have went down a break and then over and then shot
18 up behind us. I can't really remember too well. I
19 didn't pay a whole lot of attention. I was more
20 focused on what I was cutting.

21 Q. Did it seem to be a strong pull? I mean,
22 was it -- you were right there at the tail. Did it
23 seem like it was pulling away quickly or was it
24 lingering or how would you describe it?

1 A. It pulled away quickly. It didn't linger
2 very much at all.

3 Q. Okay. And then once it's in the tail, you
4 can't remember like if it went inby or outby?

5 A. I think it went outby from a break. I
6 can't remember very well.

7 Q. All right. What's the most methane you've
8 ever saw on a monitor?

9 A. I don't remember seeing any methane at
10 UBB.

11 Q. Okay. And the gas test that you took with
12 your hand held, you don't recall --

13 A. No.

14 Q. -- picking anything up?

15 A. No.

16 Q. Just one more question about the bits. If
17 you could just -- Like for that Saturday, the last
18 Saturday you worked, could you just describe --
19 Once you realized you had to replace bits, just
20 describe what you did. Just walk us through what
21 you did when you decided you were going to have to
22 set bits.

23 A. Well, I would back the shear up. I'd
24 start cleaning me out a spot to set bits. After my

1 spot was cleaned up, I would shut the shear off. I
2 would holler at the foreman, tell him I had to set
3 bits, then holler at the head gate man, tell him I
4 was setting bits. He would shut the line off, the
5 water off, hit the E-stop on the shear, pull the
6 line back. I would spot in two jacks overtop of my
7 drum, and then I would start changing bits.

8 Q. What did you use to knock the bits out?

9 A. I had a bit wrench and a hammer.

10 MR. TUCKER: That's all I have. I
11 appreciate it.

12 EXAMINATION

13 BY MR. CRIPPS:

14 Q. I've just got a couple more questions for
15 you. The spotter that I asked about earlier, the
16 Solaris, did you carry that in a pouch on your
17 belt?

18 A. I believe I did.

19 Q. Okay. I want to clarify something I asked
20 a while ago. We discussed when the shear is
21 cutting and the shear is cutting from the tail
22 towards the head you're operating the tail -- the
23 tail drum and the shear; that's correct?

24 A. Correct.

1 Q. Where would you be located in relation to
2 the shear when it's cutting towards the head?

3 A. I'd be inby the head drum, past the head
4 drum.

5 Q. By -- You mean you would be towards the
6 tail gate end of the shear?

7 A. I would be towards the head gate end of
8 the shear.

9 Q. So you would be -- You're inby is my
10 outby, so I just want to get it cleared up. So you
11 would be between the actual head gate of the face
12 and the longwall and the head gate drum on the
13 shear?

14 A. Yeah.

15 Q. What about the other shear operator?
16 Where would he be?

17 A. Same spot.

18 Q. What about the shield operator or the jack
19 setter?

20 A. If he was running his primes and he was up
21 there, if he wasn't running his primes, he would
22 stand up there until we cut so far and then we
23 would stop mining and he'd go back there and pull
24 shield --

1 Q. And what do you mean by running his
2 primes?

3 A. It's an advance prime. You could put an
4 advance prime in when you go up through there past
5 the shear, 20 shields, 10 shields something, hit a
6 button and then they pull in.

7 Q. And is that what he normally did?

8 A. I wouldn't say normally. They didn't mark
9 off the top.

10 Q. Did he ever do it?

11 A. Yeah.

12 Q. Okay. So the advance prime did work on
13 this face?

14 A. Occasionally.

15 Q. How often is occasionally?

16 A. I can't remember.

17 Q. Let me ask. Has it ever worked on this
18 face?

19 A. Yeah, I've seen him use it.

20 Q. The advance prime you've seen him use it
21 on this face at UBB?

22 A. Pretty certain. I don't know how well it
23 worked, but he used it I guess to tell the hoot owl
24 what problems he had with it or whatever.

1 Q. Now, the advance prime and push prime, are
2 those the same functions or two different
3 functions?

4 A. Two different functions.

5 Q. The shear, did it have what I call a
6 horizon control or memory cut on it?

7 A. No, we never used it if we did.

8 Q. Okay. When you're cutting towards the
9 head, and you're outby the head gate drum, how did
10 you control the depth of that head gate you were
11 cutting at the bottom?

12 A. I'm just that good, bud. I just know what
13 I'm doing pretty much.

14 Q. That's pretty good. Did you ever have any
15 problems with not being able to see that drum?

16 A. If I had a bunch of rock behind me maybe.

17 Q. So would you normally just sump that tail
18 drum all the way down as far as it would go?

19 A. No.

20 Q. How come?

21 A. Because I didn't want to turn the line
22 over. I could tell by the way the shear is setting
23 if I've got my drum sumped into the bottom because
24 it will bow your shear up.

1 Q. So you could actually cut into the bottoms
2 too deep with the drum?

3 A. Yeah.

4 Q. What about if you didn't have the drum
5 down low enough? Did that create a problem?

6 A. It'd tear the line up.

7 Q. And that would create problems for you?

8 A. Yeah.

9 Q. So cutting the bottoms at the proper depth
10 was pretty important?

11 A. Yeah.

12 Q. And so just the way you cut the bottoms
13 because you were such a good operator --

14 A. I was just experienced. I could pretty
15 much tell how the shear was setting and how much
16 pressure I would need to put on the tail end drum
17 to cut the bottom.

18 MR. CRIPPS: Okay. That's all I've got.

19 THE WITNESS: I just like to play around a
20 little bit sometimes. Make myself feel good.

21 EXAMINATION

22 BY MR. BECK:

23 Q. You said you started UBB in June or July.
24 I missed the year that was.

1 A. That was in 2009.

2 Q. And is advance prime, is that the same as
3 batch push?

4 A. Yeah.

5 Q. And were any of the shields on that
6 longwall face equipment sprays, water sprays?

7 A. Yeah.

8 Q. Did they work?

9 A. Yes.

10 Q. Were they used?

11 A. Yeah, I used them.

12 Q. Okay. How many shields had them? Do you
13 recall?

14 A. I don't recall how many had them.

15 MR. BECK: That's all I have.

16 MR. KOERBER: Mr. Adkins, at this time, if
17 there's anything you would like to clarify,
18 anything you would like to state, anything you
19 would like to add, anything that you would think we
20 need to know that wasn't asked of you or any
21 question that you might have, feel free to ask or
22 state it at this time.

23 THE WITNESS: Yeah, I do have a question.

24 I heard that they found nails stuck in the sprays;

1 is that true? Because I don't know how that's even
2 possible to do, but that's what rumor has been.

3 MR. MAGGARD: There's always new stories
4 and stories and stories. Stuff like that -- we're
5 investigating everything but --

6 THE WITNESS: I was just wanting someone
7 to show me how that would be done. That's all. I
8 don't know. I tried it. Not on that shear, but I
9 found a sprayer a couple days ago and seen if I
10 could put a nail in it and it's impossible to put a
11 nail in it.

12 MR. MAGGARD: Okay.

13 MR. KOERBER: Anything else though?

14 THE WITNESS: No.

15 MR. KOERBER: On behalf of the Office of
16 Miners Health Safety & Training, I would like to
17 thank you for coming here today and we're going off
18 the record.

19 (The interview of TERRANCE ADKINS was
20 concluded.)

21

22

23

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Nichelle N. Drake, a Notary Public and
3 Professional Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of TERRANCE
6 ADKINS was duly taken by me and before me at the
7 time and place specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed
15 by, any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 19th day of July,
21 2019.

21 Given under my hand and seal this 14th day of
22 February 2011.

23 _____
24 Nichelle N. Drake
Professional Reporter
Notary Public