

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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12  
13                   **The interview of TRAVIS NELSON taken upon oral**  
14                   **examination, pursuant to notice and pursuant to the**  
15                   **Federal Rules of Civil Procedure, before Nichelle**  
16                   **N. Drake, Professional Reporter and Notary Public**  
17                   **in and for the State of West Virginia, Thursday,**  
18                   **February 10, 2010, at the National Mine Health &**  
19                   **Safety Academy, 1301 Airport Road, Beaver,**  
20                   **West Virginia.**

21  
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1           MR. KOERBER: My name is Barry Koerber.  
2 I'm the assistant attorney general assigned to the  
3 West Virginia Office of Miners Health, Safety &  
4 Training UBB accident investigation team. Today is  
5 February 10, 2011.

6           I'm going to ask that the other people  
7 sitting at the table who are members of the various  
8 teams, accident investigation teams, state their  
9 name and who they're with for the record.

10          MR. TUCKER: Bill Tucker with the West  
11 Virginia Office of Miners Health Safety &  
12 Training.

13          MR. MAGGARD: I'm Jasey Maggard with  
14 MSHA.

15          MR. CRIPPS: Dean Cripps with MSHA.

16          MS. HAMPTON: Polly Hampton with the  
17 Solicitor's Office for the Department of Labor.

18          MR. McATEER: Davitt McAteer with the  
19 Governor's Independent Investigation.

20          MR. KOERBER: And we have one person in  
21 the back. I would ask that he identify himself and  
22 who he's with.

23          MR. BECK: Jim Beck with the Governor's  
24 Independent Team.

1 MR. KOERBER: May I call you Travis?

2 THE WITNESS: Yes.

3 MR. KOERBER: Travis, we have a court  
4 reporter here taking down everything that's said  
5 like when you were here before. Just for  
6 reference, please say yes and no and not uh-huh or  
7 uh-uh. Please allow the interviewer to finish the  
8 question before you begin to answer and I'm going  
9 to ask all the interview people to please allow you  
10 to finish your answer before the next question is  
11 asked so we don't have two people talking over one  
12 another.

13 The court reporter is with Johnny Jackson  
14 & Associates. Johnny Jackson & Associates is a  
15 court reporter firm in downtown Charleston.  
16 They're operating under a three day turnaround as  
17 far as typing up the transcripts and putting them  
18 on paper. With this being Thursday, three business  
19 days would be Tuesday night. So come Wednesday  
20 morning the transcript would be available. If you  
21 would like to review your transcript, you will have  
22 that opportunity come Wednesday morning or after.  
23 When you -- If you choose to review your  
24 transcript, you'll be given an errata sheet as

1 well, which is a separate sheet of paper that you  
2 can write the corrections on that you find while  
3 reading the transcript. If you would like to read  
4 your transcript, review your transcript and do an  
5 errata sheet if you find any mistakes, I'm going to  
6 give you their business card, which contains their  
7 address and their telephone number. Any time  
8 after -- any time Wednesday or after, you can call  
9 up there and arrange a time that's convenient for  
10 you and them; and they will put you in a conference  
11 room where you will have privacy and you can read  
12 the transcript. That is something you certainly  
13 can do if you choose. It is not something you have  
14 to do. It is your choice entirely.

15 If for any reason whatsoever you need to  
16 take a break, just say so and we'll take a break.  
17 Okay. We request that you not discuss your  
18 testimony with other people after you leave to  
19 protect the integrity of the investigation. I  
20 believe Polly may have something that she would  
21 like to say here at this point in time and I'm  
22 going to give her an opportunity.

23 MS. HAMPTON: Yeah. I would just like to  
24 mention on the record that before we began here I

1 handed you a letter on behalf of MSHA's accident  
2 investigation team. And did you get a chance to  
3 review that letter?

4 THE WITNESS: Yes.

5 MS. HAMPTON: And do you have any  
6 questions for me about the content of that letter?

7 THE WITNESS: No.

8 MS. HAMPTON: And I would like to point  
9 out that in that letter is contact information for  
10 Norman Page. He is the leader of the accident  
11 investigation team for MSHA. If you have any  
12 additional information you'd like to share with the  
13 team after you leave here today or anything else  
14 you think that's relevant that we should know,  
15 please feel free to contact them with the  
16 information that you think is important.

17 MR. KOERBER: Okay. Would you swear in  
18 the witness.

19 TRAVIS NELSON, DEPONENT, SWORN

20 MR. KOERBER: Would you please state your  
21 full name for the record and spell your last.

22 THE WITNESS: Travis Allen Nelson,  
23 N-E-L-S-O-N.

24 MR. KOERBER: And would you please state

1 your address and telephone number?

2 THE WITNESS: [REDACTED] ,

3 [REDACTED] ; and the phone is

4 [REDACTED]

5 MR. KOERBER: Are you expecting an  
6 attorney or some other personal representative to  
7 be here with you today?

8 THE WITNESS: No.

9 MR. KOERBER: Are you appearing here today  
10 as a result of receiving a subpoena?

11 THE WITNESS: Yes.

12 MR. KOERBER: I'm going to show you a copy  
13 of that subpoena, and we'll have that marked as  
14 Exhibit 1. It's to you for 10:30 today. Does that  
15 look like a copy?

16 THE WITNESS: Yes.

17 (Exhibit No. 1 marked for  
18 identification.)

19 MR. KOERBER: This you probably have not  
20 seen. This is the affidavit of service filled out  
21 by the processor service showing that on the 4th  
22 day of February there was served to you a subpoena  
23 at this address.

24 THE WITNESS: Yeah.

1 MR. KOERBER: I'll ask that this be marked  
2 as Exhibit 2.

3 (Exhibit No. 2 marked for  
4 identification.)

5 MR. KOERBER: Not only am I going to give  
6 you the Johnny Jackson business card, but I'm also  
7 going to give you a memorandum which contains the  
8 address for the West Virginia Board of Appeals.  
9 The West Virginia Board of Appeals is an  
10 administrative tribunal that is charged with  
11 hearing among other things coal miner  
12 discrimination cases. West Virginia Code Section  
13 22A-1-22 protects coal miners who participate in  
14 interviews such as this from being discriminated  
15 against in their employment. If you believe that  
16 you have been discriminated against for  
17 participating in this interview or in the last  
18 interview, this is the agency to which you file  
19 your complaint. Your complaint does not have to be  
20 anything elaborate. It can simply be a handwritten  
21 letter explaining what you saw happen to you. I'm  
22 going to give you the address. I would caution you  
23 though under the statute you only have 30 days from  
24 the day that the discriminatory action occurs to

1 file your complaint with the board. I'm also going  
2 to give you Bill Tucker, who is our lead  
3 investigator for the UBB accident, I'm going to  
4 give you his business card. In the event anything  
5 occurs to you after the interview that you think  
6 would be helpful for us to know, please contact  
7 Mr. Tucker.

8 And with that, I'm going to turn it over  
9 to Dean to start the interview.

10 EXAMINATION

11 BY MR. CRIPPS:

12 Q. Okay. Travis, thanks for coming in today  
13 and letting us ask you a few questions. Since you  
14 were here for your last interview, we've had a  
15 chance to go underground. We've been on the  
16 longwall many times and consequently we've got  
17 several more questions we would like to ask.

18 Have you been underground at UBB since the  
19 explosion?

20 A. No.

21 Q. So you have not been back up on the  
22 longwall?

23 A. No.

24 Q. Let me just -- I understand that you are

1 the jack setter; is that your title?

2 A. Not now.

3 Q. Okay. Let me clarify. Prior to the  
4 explosion, was you a jack setter on the longwall?

5 A. Yes.

6 Q. And you were on A crew?

7 A. Yes.

8 Q. And Mike Webb was your boss on the day of  
9 the explosion?

10 A. Yes.

11 Q. And the last shift you worked, was it  
12 Saturday day shift?

13 A. I believe, yeah. Yeah, I believe that  
14 would be right.

15 Q. And that information I'm getting is from  
16 your previous interview that you did.

17 A. Yes.

18 Q. Let's start off, if you would and the  
19 question I'm going to ask you is going to refer  
20 back to your time at UBB prior to the explosion.  
21 Tell me about what a normal shift would be for you,  
22 what you would do on your shift starting with the  
23 ride on the man trip on the section.

24 A. We usually get off and we have, you

1 know -- we have our just -- we usually took about a  
2 10 minute safety meeting there at the man trip and  
3 then just go -- I'd just go straight up to the face  
4 and, you know, as soon as they started running,  
5 just back and forth all day with the shear.

6 Q. Okay. When you went up to the face, let's  
7 say for instance on day shift --

8 A. Uh-huh.

9 Q. -- what would condition or what would be  
10 going on on the face when you arrived on the face?

11 A. Usually they'd be finishing up whatever  
12 they were doing on hoot owl. They just did routine  
13 maintenance and stuff like that, so they would  
14 usually be finishing that up; and our boss would  
15 make a quick run across the face and check the air  
16 and everything like that before we'd fire up.

17 Q. Would power normally already be on the  
18 face?

19 A. It just all depended. Like I said, you  
20 know, when they were doing maintenance sometimes  
21 they would have it on and sometimes they wouldn't.  
22 It all depended on what day you came in.

23 Q. Okay. What about when you was on second  
24 shift and you arrived on the section?

1           A. Well, we were hot seating at the time; so,  
2 you know, everything would be up and running  
3 already anyhow, so --

4           Q. So would you relieve out the day shift  
5 crew on the face?

6           A. What they had us doing for one reason or  
7 another, we had been sweeping blade -- they -- We  
8 weren't allowed up on the face until the other crew  
9 came off, so they would just, you know -- They --  
10 Everything would still be on. They would just  
11 power down the shear and come off the face and we'd  
12 switch out there at the head.

13          Q. At the head end of the longwall face?

14          A. Yes.

15          Q. And then would the shear be in any certain  
16 place when you did that?

17          A. No, just wherever they -- wherever they  
18 stopped. They had the phone system across the  
19 face, and they would just holler up and let them  
20 know we were there; and they'd just stop wherever  
21 they were at and walk off and we would switch out.

22          Q. So then you'd travel directly to the  
23 location of the shear?

24          A. Yes.

1 Q. And then what would happen?

2 A. That's -- We'd just pick up from wherever  
3 they were at and just continue -- continue mining  
4 like that.

5 Q. Okay. So you would start up and just  
6 start producing coal?

7 A. Yes.

8 Q. Did -- Would the operators or anyone do  
9 any checks on the shear, look at the bits or  
10 anything prior to starting up?

11 A. Yeah. We'd always start because we'd  
12 keep -- we generally kept, especially at that time  
13 as much rock as we had been cutting, we would keep  
14 bits on the -- you know, right there along the  
15 longwall face, you know, different points, that way  
16 if they got too bad at any point we would change  
17 them out. And we were having to several times a  
18 pass at that point.

19 Q. Change bits out you mean?

20 A. Yes.

21 Q. Why was that?

22 A. Just as much rock as we had been cutting,  
23 they dulled real fast.

24 Q. Okay. You was cutting a lot of rock on

1 the face?

2 A. Yes, down towards the tail especially.

3 Q. Okay. When you went on the face, would  
4 the electricians go to the shear with you?

5 A. It just all depended. Usually they  
6 wouldn't. They'd be getting all their stuff ready,  
7 getting all their tools out of the box and  
8 everything when we made up to the shear.

9 Q. Okay. When you arrived on day shift and  
10 you arrived on the section, would the -- would the  
11 bits generally be set already in the shear? Would  
12 you have to set bits?

13 A. It just -- That's another one of those  
14 things that just all depended on what day you came  
15 in because hoot owl was -- they were supposed to  
16 have it ready, bits set and everything; but if it  
17 was too far down through there, they didn't drag no  
18 bits down there to change them so we ended up  
19 having to do it.

20 Q. So the shear wasn't always left at the  
21 head gate?

22 A. No, not always. We would try to do it  
23 when we could, but -- but just sometimes wouldn't  
24 be able to.

1           Q.    Okay.  When -- when the guys would be --  
2   Let me back up.  Did you help set the bits on the  
3   shear?

4           A.    Yes.

5           Q.    When you and the operators were setting,  
6   did you ever do any checks on the water sprays?

7           A.    Yeah, we would -- I mean you could tell  
8   pretty much just by looking at them up there,  
9   getting clogged or anything like that.  We'd check  
10   them as we would roll the head and change them out  
11   if we had too.

12          Q.    By looking at them, you mean just visual  
13   inspection of the spray itself?

14          A.    Yeah.  I mean, you know, you could look at  
15   them and tell which ones have been like, you know,  
16   working and which ones haven't.  They're -- I mean  
17   it's real evident which ones haven't been working.

18          Q.    How is it evident?

19          A.    That's -- You can -- I mean if it ain't  
20   been working, it's going to be clogged completely  
21   with dirt and everything from where it's been  
22   cutting.

23          Q.    What if it had been working, what would  
24   you see?

1           A.    It'd just be -- you'd have a pretty clear  
2 hole through it, through the spray itself. Usually  
3 be fairly clean.

4           Q.    Okay. And so when you would spin the drum  
5 around to set bits, you was busy looking at your  
6 sprays also then?

7           A.    Yes.

8           Q.    And did you normally turn the water on to  
9 check the sprays?

10          A.    Well, it's -- they'd be on as we were  
11 shutting -- After we shut it down, as the drum was  
12 going around, you know, as -- you know, slowing  
13 down after we shut the power off, you could see  
14 them spraying. We'd let them stop before we'd have  
15 them turn the water off.

16          Q.    Okay.

17          A.    So, you know, we could see -- You could  
18 pretty much see which ones weren't. If you had any  
19 clogged or anything like that as it was stopping.

20          Q.    Okay. As you were doing your visual  
21 exams, did you ever notice any missing sprays in  
22 the drums?

23          A.    Not too often. You'd have one missing  
24 every now and then, but we would clear it out and

1 put a new one back in.

2 Q. Did you generally have sprays to put in if  
3 you had one missing?

4 A. Yeah, we always kept a bag. There would  
5 be little holes there in the top of the shield.  
6 We'd usually keep a bag of sprays up in one of  
7 those holes there just to have handy if we needed  
8 it.

9 Q. Do you know which shield that would be in?

10 A. I'd say probably generally anywhere  
11 between seven to ten.

12 Q. That's a shield near the head gate?

13 A. Yes.

14 Q. Okay. What if you needed to replace  
15 sprays down near the tail gate?

16 A. If we ended up needing to replace them,  
17 we'd have to holler. We'd generally holler at the  
18 electrician and have him run them up.

19 Q. Okay. Do you recall what's the most  
20 number of sprays you've seen missing at one time?

21 A. I just -- It wouldn't have been probably  
22 just two or three at the most.

23 Q. Okay. Do you recall ever seeing anyone  
24 check the water pressure on the shear?

1           A.    Yeah.  Our electrician was Luke Ford.  He  
2 generally kept on top of it pretty good.

3           Q.    Okay.  How did he do that?

4           A.    He had a -- I'm wanting to say he had a  
5 little gauge that he would take a spray out and  
6 plug it in to where it would spray.  I think that's  
7 how he did it.

8           Q.    Okay.  Do you recall how many -- how often  
9 you seen him do that?

10          A.    It seems to me generally about every other  
11 day or so I think.  I wouldn't swear to it.  It  
12 might have been more than that, but he generally  
13 kept on top of that pretty good.

14          Q.    Okay.  Okay.  Let's talk more about your  
15 job as a jack setter or shield man.  If I say  
16 something that you're not familiar with, let me  
17 know because I'm from out in Illinois and some of  
18 the stuff we call on the longwall out there is  
19 different from what you guys do, so sometimes that  
20 can get complicated.

21                    When the shear is cutting towards the  
22 tail gate --

23          A.    Uh-huh.

24          Q.    -- tell me what you were doing during that

1 process?

2 A. As they're going down towards the tail,  
3 I'd be able to just pull the jacks non-stop down  
4 through there on the way down. You know as the  
5 shear would go by, I was generally about -- I'd  
6 stay about five or six shields behind them. That  
7 way in case they needed to back up and cut any  
8 bottom or anything I wouldn't be right on them.  
9 And as they'd go through there, I'd just go through  
10 and I'd pull each jack in and set it back and call  
11 my push about every 10 shields or so.

12 Q. Okay. You said you pulled each shield in?

13 A. Uh-huh.

14 Q. Did you have to pull every shield  
15 individually?

16 A. Yes. You could -- they have programs to  
17 pull in as many as you want to, but I didn't  
18 necessarily trust it too much.

19 Q. Okay. And so -- but to push the pan, you  
20 could batch, push the pan?

21 A. Yes.

22 Q. What you said, call for the push.

23 A. Yes.

24 Q. Explain that to me.

1           A. Well, it's -- you put your prime in there  
2 at the head; and about every 10, 15 shields, you  
3 call it and it would push all the way up to about  
4 two shields from you. And it -- it -- Like I said,  
5 it -- you could call it from wherever, and it'd  
6 push all the way up to you.

7           Q. Okay. Okay. But as you're going to the  
8 tail and you're pulling the shields, tell me that  
9 process of how you would actually advance a  
10 shield.

11          A. Now, what we'd have to do on the way back  
12 to the tail is they'd be cutting and they'd have to  
13 stop -- they'd stop every 15, 20 shields and let me  
14 go back and catch them up so it wasn't back there  
15 feeding all that dust.

16          Q. The shear was going to the tail --

17          A. I mean to the head. Sorry.

18          Q. But going to the tail, you would be okay,  
19 right?

20          A. Yeah.

21          Q. You would be out by --

22          A. Yeah.

23          Q. -- the shear?

24          A. I'd be out by that and they'd just keep

1 going the whole length and not have to stop.

2 Q. But is the shield advance, is that just a  
3 one button function?

4 A. No. It's -- you'd have to hit a button  
5 for each function. You'd have to drop it from the  
6 top, pull it in and set it back.

7 Q. Are these shields capable of the one  
8 button?

9 A. They're capable of it, but every now and  
10 again you'd have one that stayed back or something  
11 like that or wouldn't want to drop from the top; so  
12 I didn't -- wouldn't never really use that. I just  
13 didn't trust it to do it.

14 Q. Was it -- was it tough keeping up keeping  
15 the shields pulled?

16 A. No, it wasn't bad.

17 Q. So you could keep up by yourself?

18 A. Yeah.

19 Q. Okay. When the shear is at the tail and  
20 cutting back to the head --

21 A. Uh-huh.

22 Q. -- describe that process to me.

23 A. Well, it's -- Like I said, they'd cut  
24 about 15, 20 shields down through there and they'd

1 stop and I'd go back and catch up real quick. Just  
2 like the same as I would coming from the head, I'd  
3 just call the push every 10, 15 shields just to  
4 keep it up close.

5 Q. Okay. Where's the shear operators when  
6 they're cutting each direction?

7 A. They're -- They would stay up there with  
8 me there in front of the shear there to keep --  
9 keep themselves out of the drum.

10 Q. Upwind of the drum you mean?

11 A. Yeah.

12 Q. Did that happen every pass?

13 A. Do what now?

14 Q. Did that happen every pass?

15 A. Yes.

16 Q. Every time. Is that what your vent plan  
17 required --

18 A. Yes.

19 Q. -- you to be there?

20 Have you run the shear before?

21 A. I did a little bit. Not much at UBB but  
22 when I was -- after the explosion, I was  
23 transferred to Revolution and that's what I did  
24 down there was run the shear.

1 Q. You run the tail end or the head end?

2 A. The tail end.

3 Q. Okay. I read some transcripts and  
4 heard -- and talked to people about wedge cutting.

5 A. Uh-huh.

6 Q. What is a wedge cut?

7 A. It's like if you have to take -- if  
8 you're -- if like the head or the tail end is  
9 getting too far ahead or not cutting out far  
10 enough, you can start say -- say you need to take  
11 an extra cut off the head you bring it to -- like  
12 to get it -- walk forward a little bit more, start  
13 there. And as the shear would be cutting back, say  
14 they'd want to turn around at about 80 shield. I'd  
15 take it and pull it in so -- pull the coal so far  
16 down there and just step them off little bits at a  
17 time. And then whenever they'd turn around, I'd  
18 just do the exact opposite. I would take it from  
19 not being pulled at all and stepping them in a  
20 little bit at a time to where I was in a full  
21 pull. And, you know, that way, it would just kind  
22 of gradually ease back in and out of the coal and  
23 they wouldn't be just coming into a full sump right  
24 there.

1 Q. Why would they need the wedge cuts?

2 A. Like I said, it's -- your head may be too  
3 far -- sitting too far back or you may -- you may  
4 need to walk it in because you may be cutting out  
5 too far or not enough, but that's generally why you  
6 have to do it. Where the coal -- like the entries  
7 there on the head gauge, they would come in and go  
8 out so much, sometimes you'd be going down through  
9 there and you'd be punching out so far you'd be  
10 about cut into the block across from you and  
11 sometimes you'd not be punching out at all.

12 Q. Okay. Okay. When the shear cuts into the  
13 head gate or the tail gate --

14 A. Uh-huh.

15 Q. -- you do what's been referred to here as  
16 the shuffle --

17 A. Uh-huh.

18 Q. -- what is that? Describe that to me.

19 A. Well, you punch out and, you know, you'd  
20 have to step them off so the shear could kind of  
21 just ease back in. It's the same concept of  
22 wedging just at a smaller scale. You just step a  
23 few off so that the shear could take a turn back  
24 into the coal. And then where you'd be turning

1 back in, you'd have to back up and cut back out  
2 again to get that full cut of coal across the face.

3 Q. Okay. When you say step them off, can you  
4 be -- give me a little bit --

5 A. Yeah.

6 Q. What does that mean?

7 A. It's just you would be at a full pull  
8 coming down to the head and then you take and you  
9 just -- you know, you'd pull this one in like three  
10 quarters of the way and then pull one in halfway,  
11 then a quarter of the way until you're out of a  
12 pull entirely; and that way, it just takes the pan  
13 line and turns it back into the coal and lets the  
14 shear come back, like kind of ease its way back  
15 in.

16 Q. If you was at the head gate, or the shear  
17 was at the head gate, where would you do this?

18 A. I generally started mine at about twenty  
19 and stepped it off in like five shields to about  
20 15.

21 Q. Okay. And so when the shear would turn  
22 around and go towards the head gate, it would  
23 basically start cutting back into the face at about  
24 fifteen?

1           A.    Yeah, it'd be back -- fully back in at  
2 about twenty.

3           Q.    Okay.  And then how far would the shear  
4 have to tram towards the tail gate before you turn  
5 around and go back?

6           A.    By the time I got mine, because you would  
7 start back at a full -- you'd be at a full pull at  
8 the head and then starting about 14 is where you'd  
9 have to start stepping them back out coming back;  
10 and all I needed was for them to get to about 21  
11 and they could turn back around.  They'd usually  
12 make it to about 25 or so by the time I got my  
13 shields lined back up though.

14          Q.    Okay.  You say it got to 25.  What part of  
15 the shear --

16          A.    It would be the head end.

17          Q.    Head of 25.  So the tail drum would be  
18 down the face several shields?

19          A.    Yeah.  I believe it's about -- I'm wanting  
20 to say it's about 10 or 11 shields long, so it'd be  
21 about 35, 36.

22          Q.    Okay.  Down at the tail gate, where would  
23 you do your stepping off at the tail gate?

24          A.    I generally started mine at about -- Let's

1 see. I think 160 is where I started mine at the  
2 tail, did about the same there, five shields in and  
3 then stepped about five shields back out on the way  
4 back out.

5 Q. Okay. Had you been at the tail the last  
6 day that you worked? Had you seen them cutting  
7 down at the tail end of the longwall face?

8 A. If I remember right, we had ran pretty  
9 good that day. We had been down there several  
10 times.

11 Q. Okay. As they was cutting down there, did  
12 you notice anything, any sparking on the shears it  
13 was cutting?

14 A. Well, yeah, that's -- We were cutting -- I  
15 don't think we had too much of any coal at the  
16 tail. It was mostly rock that we were cutting and  
17 it -- it'd, you know, be throwing -- throwing  
18 sparks pretty bad.

19 Q. Okay. Down there at the tail, let's just  
20 talk about the last few shifts you worked. When  
21 they cut out the tail and did their shuffle --

22 A. Uh-huh.

23 Q. -- did they have to do anything different  
24 than they normally did do to the rock?

1           A.    Yeah, we had been having to set bits.  
2    There was a point we were having to cut out, back  
3    up, set bits, finish the shuffle, set more bits and  
4    then go back to the head.

5           Q.    Okay.  And that was due to the amount of  
6    rock --

7           A.    Yes.

8           Q.    -- that they was cutting?

9           A.    Yes.

10          Q.    When you set the bits, what determined if  
11    a bit needed to be replaced?

12          A.    If -- just the wear of the carbon tip to  
13    it.  If it was, you know, in bad shape, we'd  
14    generally replace them even if it looked like the  
15    carbon was about to -- about to go at all.  And as  
16    much rock as we were cutting, it would be pretty  
17    evident, you know.  I mean, bits would start  
18    grinding down real bad, so we'd have to -- like I  
19    said, we had to change them real regular down at  
20    the tail end.

21          Q.    Okay.  Have you ever seen -- When the  
22    shear was running, have you ever see any fire balls  
23    or pop-offs, they've been described as ignitions?

24          A.    I've never seen them myself no, but I mean

1 I've -- of course, I've heard about them happening.

2 Q. Okay. Do you know who you heard about it  
3 from?

4 A. Oh, it's, you know, just different  
5 people. Like I hadn't heard about it at --  
6 happening any time recently or anything like that.  
7 It's just, you know, stories people had told about  
8 it happening and stuff like that a long time back.

9 Q. Okay. Do you carry any type of a gas  
10 detector or methane spotter?

11 A. I didn't but our tail end shear operator  
12 did, I believe was the one that carried it.

13 Q. Who would that be?

14 A. Terrance Adkins was his name.

15 Q. Do you -- While you're on the face, if  
16 something happens, the conveyor is running, are you  
17 able to shut the conveyor off on the face?

18 A. Yeah. The phone system that they have set  
19 up has a kill switch on it, and there's one every I  
20 want to say about 10 shields.

21 Q. Is that the Control system that I've heard  
22 about?

23 A. Yes, that's what it is.

24 Q. To your knowledge, the last shift you

1 worked was that system functioning?

2 A. Yes. If there's any kind of a break in  
3 the line or anything, then it won't let the face  
4 run.

5 Q. Have you ever known of the Control  
6 switches not shutting the face off?

7 A. Not that I've ever known. Every time I've  
8 ever, you know, needed to shut it off, it's always  
9 worked.

10 Q. Have you actually shut the conveyor off  
11 yourself?

12 A. Yes, there's been plenty of times.

13 Q. What would be the reason you needed to  
14 shut it off?

15 A. If I had a hose to bust on a shield,  
16 couldn't get it pulled in or something, I'd shut it  
17 off so they wouldn't get too far down, you know --  
18 down ahead of me or anything like that. And that's  
19 the -- Sometimes the head might -- you know, it  
20 might get a real bad gob out down at the head,  
21 might get all kinds of rock piling up on the face  
22 chain. You have to stop it to get it, to get the  
23 rock working around there and stuff.

24 Q. You said you've helped set bits on the

1 shear?

2 A. Uh-huh.

3 Q. Where normally on the face do you set the  
4 bits?

5 A. Normally when it's not under the condition  
6 that we were in at the tail, we would generally  
7 just set them there right at the head as we were  
8 cutting back out on the shuffle. You, you know --  
9 You'd clean up, cut the -- cut all -- cut the  
10 bottom up a little bit more so you could, you know,  
11 have enough room to get in there and turn the drum.

12 Q. So would the -- would the head drum be  
13 actually sitting out in the belt entry?

14 A. No. We generally back up to where --  
15 about six or seven shield so that way we get the  
16 shield pulled in overtop of us to keep, you know --  
17 to keep the roof covered there.

18 Q. Okay. What about down at the tail? Have  
19 you ever set bits with the tail gate drum actually  
20 out in the tail gate entry?

21 A. No. We'd always do about the same with  
22 it. We'd pull back this -- right there at your  
23 head and tail motors, those gate shields are set  
24 back a little bit further and they won't actually

1     come out and cover the roof enough to set it out  
2     that way.

3           Q.    Okay.  The -- Those tail gate shields, are  
4     they normally kept pulled in all the way?

5           A.    No.  I mean they push out and I generally  
6     let -- when we were going up, let them cut out and  
7     once they got that top cut, I'd go ahead and pull  
8     them on in, you know, just to try to keep a little  
9     bit of that weight held up off the roof.

10          Q.    Okay.  So on the shuffle, it was at the  
11     tail gate after they would cut back into the face.  
12     Then you would push the tail gate drive over --

13          A.    Yes.

14          Q.    -- against the face and then they would  
15     turn around and come back again?

16          A.    Yes.

17          Q.    When -- when they was doing the shuffle  
18     and the shear had sunk back into the face and  
19     turned around, was it pretty obvious that they were  
20     doing the shuffle -- I mean just from a visual exam  
21     of the face?

22          A.    Yeah.  You could generally tell, you  
23     know.  I mean if you were just someone walking up  
24     that way, you could generally tell what they were

1 doing because they had to back up and wouldn't be  
2 in the coal at all during the shuffle.

3 Q. When they was going back to the tail you  
4 mean?

5 A. Yeah. When they getting ready head --  
6 whenever they were getting ready to cut back out,  
7 you know, after the shuffle, they wouldn't be in  
8 the coal at all. They -- not until you get them  
9 sump, you know --

10 Q. Okay.

11 A. -- sump back in.

12 Q. After he sump back into the face, say he's  
13 at the tail gate, and he sumps back in going  
14 towards the head and you push the tail over, then  
15 the shear would turn around and go back towards the  
16 tail --

17 A. Yeah.

18 Q. -- is that correct?

19 A. Yeah.

20 Q. Would there be like a step or something in  
21 the face where the shear would turn around to go  
22 back towards the tail?

23 A. Yeah. Whenever they'd turn around, it  
24 would just, you know -- there would just be the --

1 like the -- they would come out of a full sump and  
2 go back.

3 Q. Okay.

4 A. And they wouldn't be cutting anything  
5 until they got back to that sump where they turned  
6 around at.

7 Q. So that full sump you're talking about  
8 would be pretty obvious in the face --

9 A. Yes.

10 Q. -- is that correct?

11 A. Yes.

12 Q. Okay. Is there a valve on the shear to  
13 turn the water on and off?

14 A. I believe that there is, yeah.

15 Q. So when the -- when the conveyor went off  
16 and the shear wasn't running, would the water  
17 continue to run or did somebody shut it off?

18 A. No. They had -- they would shut it off at  
19 the head gate. The head gate operator, he -- we'd  
20 generally holler at him and have him shut it off.

21 Q. Okay. And then when you got ready to run  
22 again?

23 A. You would have to holler at him and tell  
24 him to turn it back on.

1 Q. Okay. Do you know who Jack Roles is?

2 A. Yes.

3 Q. Do you ever see him on the face?

4 A. He would come across every now and again,  
5 but I don't know. Maybe once a week or so is --

6 Q. Okay.

7 A. -- when I would generally see him.

8 Q. Did he ever give you any instructions or  
9 directions about anything to do on the face?

10 A. No, not really I don't suppose.

11 Q. Okay. I mean, if he thought they needed a  
12 wedge cut would he tell you to set up a wedge cut?

13 A. No, he generally -- you know, he generally  
14 left that up to whatever foreman was up there.

15 Q. Okay. So if a -- Say a wedge cut needed  
16 to be taken or was going to be made, who made that  
17 call? Was it you?

18 A. There have been times that I would make  
19 the call, but generally it's made by, you know,  
20 the -- whatever foreman is there at the time. But  
21 I mean if it's getting -- you know, if it's getting  
22 real bad and they hadn't said nothing, then I would  
23 just go ahead and do it myself if it needed it.

24 But nine times out of ten, it'd be the foreman

1 making the call.

2 Q. Okay. Have you ever had a situation where  
3 the shield electric on the face quit working or  
4 didn't work?

5 A. There had been times, yeah, it had  
6 happened.

7 Q. Have you ever operated the shields using  
8 just the valve banks on board the shield?

9 A. Not when the electric stopped working  
10 because, you know, I'm not going to climb in every  
11 shield and, you know, get it in like that. I mean  
12 there have been times I've had to do it on like a  
13 single shield or something.

14 Q. But just to continue production, you  
15 didn't do that?

16 A. No, that's too much work for me.

17 Q. Okay. Did -- did you wear an air stream  
18 helmet?

19 A. I did at Logan's Fork, but they gave us  
20 the option to wear respirators at UBB and I chose  
21 to wear a respirator instead.

22 Q. Do you know did anybody in your crew wear  
23 an air stream helmet?

24 A. No, we all wore respirators on our crew,

1 but I believe the crew that was in during the  
2 explosion I think most of them wore air stream  
3 helmets.

4 Q. Had you seen them wearing the air stream  
5 helmets?

6 A. I -- Yeah, I'd seen them coming off the  
7 line with them on.

8 Q. Okay. And the reason I ask is we've been  
9 on the face and we'd found some parts to the air  
10 stream helmets. That's the reason I'm asking  
11 that.

12 MR. CRIPPS: Okay. That's all I've got  
13 for right now. Bill?

14 EXAMINATION

15 BY MR. TUCKER:

16 Q. I've just got a couple follow-up.

17 When you're going to the tail and you're  
18 running well, you're in good condition, did you  
19 have any trouble keeping up then?

20 A. I didn't myself, no, but I know that some  
21 of the -- one of the other jack setters was fairly  
22 new, and I believe he had some trouble; but as for  
23 myself, I didn't.

24 Q. How close could you usually stay?

1           A. I generally stayed about five or six  
2 shields off of them, you know, in case they needed  
3 to turn around or cut any bottom or anything.

4           Q. Talking about sprays, occasionally you  
5 would see some missing. You mentioned you had to  
6 set bits maybe a couple times cutting out on the  
7 tail. Would it be -- How often would you see  
8 sprays missing under those conditions?

9           A. We didn't normally have too many problems  
10 with them especially cutting all that rock. We had  
11 tried to keep them, you know -- you know, keep a  
12 real close eye on them so it didn't just overwhelm  
13 us with dust.

14          Q. Have you ever seen anybody maybe take a  
15 spray out and then not put it back in for some  
16 reason?

17          A. No.

18          Q. When you're down next to the tail, did you  
19 ever notice anybody going out into the tail entry?

20          A. It had been a long time since I had seen  
21 it, but I had seen it happen before.

22          Q. It wasn't a common thing --

23          A. No.

24          Q. -- to see somebody go into the tail

1 entry --

2 A. No, not at all.

3 Q. When your boss would come down, he  
4 usually -- if you were on the tail, he'd just go  
5 right there at the tail or did he stay back there  
6 with you when he was coming and checking on things?

7 A. He would generally, you know, go out there  
8 towards the -- like out towards the last shield.  
9 And I'm wanting to say that there's a fire boss  
10 that made a run up the tail. I'm not 100 percent  
11 sure though.

12 MR. TUCKER: That's all I have.

13 EXAMINATION

14 BY MR. McATEER:

15 Q. Mr. Nelson, just a couple of questions.  
16 Thanks for coming by the way.

17 Did you see Jack Roles on Saturday, that  
18 last Saturday you worked before the explosion at  
19 the mine?

20 A. Not underground I don't believe unless he  
21 had come and just not come across the face.

22 Q. Okay. But did you see him at the -- up on  
23 the surface?

24 A. I believe he had been there.

1 Q. And did you hear of any ventilation change  
2 over the Easter weekend?

3 A. Not until after -- after the fact.

4 Q. What did you hear?

5 A. I didn't hear any specifics. I just had  
6 heard they had done some, you know, just done  
7 something with it. I never did hear exactly what.

8 Q. And do you remember who you heard that  
9 from?

10 A. Not right off I don't. It's -- I believe  
11 it may have been -- it might have been Kenny  
12 Woodrum that told me about it. I'm not for sure it  
13 was him for sure.

14 Q. And the methane, did you ever observe the  
15 methane detectors on the wall itself? Did you ever  
16 pay attention to those?

17 A. Yes, they're pretty obvious. They just  
18 kind of stick out.

19 Q. So you -- so your eye would go to them if  
20 you were walking by?

21 A. Yeah.

22 Q. Did you ever notice any read on those that  
23 was anything --

24 A. We generally -- About the most I believe I

1 had ever seen while we were running was maybe a  
2 0.1, 0.2 percent.

3 Q. And what was the period of time you worked  
4 on this longwall as a jack setter?

5 A. It started -- Let's see. I would have  
6 started setting jacks probably around October,  
7 November of 2008.

8 Q. When did the wall come back from Logan's  
9 Fork?

10 A. Let's see. It would have been maybe  
11 around June, July --

12 Q. Okay.

13 A. -- of '09 that we'd started moving it.

14 Q. So you would have been on the wall from  
15 the time it came back?

16 A. Yeah.

17 Q. Was there ever any time that you got into  
18 water or water came onto the wall?

19 A. Yeah. There was a point we had a very bad  
20 problem with water. It'd be -- we had to keep  
21 pumps constantly running so it didn't roof out.

22 Q. And do you recall roughly when that was?

23 A. It would have been maybe two, three weeks  
24 or so before the explosion, I think.

1 Q. Uh-huh. Were you working in the water  
2 itself?

3 A. Yeah.

4 Q. Okay. And who set the jacks? Who set the  
5 pumps up?

6 A. There was, you know, several times we'd  
7 have to shut down and just grab one up and it would  
8 just be the whole crew trying to get it up and  
9 running. It just all depended on who was up there  
10 because we had to replace several of them.

11 Q. Where were they set up?

12 A. I'm wanting to say it would have been  
13 right around maybe 90 shield, somewhere between 90  
14 and 100 shield.

15 Q. Were any of them set up back in the gob?

16 A. No.

17 Q. You never saw anybody set any of the pumps  
18 up back there?

19 A. No, I never did see anybody.

20 Q. Did you ever have any sense that they were  
21 back there?

22 A. No.

23 Q. And did the water affect the wall  
24 operation at all?

1           A.    There were several times we'd have to shut  
2 down and wait on a pump, and it just made things  
3 kind of hard all around.  It made it real slow.

4           Q.    Did it have any impact at all on the  
5 electrical system?

6           A.    I'm sure it did because we had several  
7 problems at the time.

8           Q.    And did it have any impact on any of the  
9 jacks or anything that you were doing?

10          A.    We'd have pins that would break that  
11 connect the jack to the pan line, and it would be a  
12 several hour job trying to dig all the mud out from  
13 around it and get down under the water and replace  
14 it.

15          Q.    Okay.  And did there come a time when  
16 anybody, not yourself, but did anybody mention that  
17 there was a high read on the methane or some read  
18 on the methane?

19          A.    Not that I'd ever heard anybody mention.

20          Q.    And did the cable -- any time the cable  
21 break or have some malfunction?

22          A.    Yeah, we had several problems with the  
23 cable pulling in two.

24          Q.    That was during the water time?

1           A. I don't think we had too much problem with  
2 it during the same period of the water, but I think  
3 it was right before that we had problems with the  
4 cable.

5           Q. Were you down a lot with the period of  
6 time that the water was coming on? Was there a  
7 little down time?

8           A. Yes, we'd be down, you know, having to  
9 pump the water, fix, you know -- fix those pins  
10 that were broke on the shield right there. We were  
11 having problems.

12          Q. Did the infusion of the water and the fact  
13 that the water was there, was there any  
14 interruption to your knowledge in the ventilation  
15 system, change anything?

16          A. That's -- you know, when it got to where  
17 it was roofing out, that's -- you know, it would  
18 cut the air off on the tail side of it, but that's  
19 why we'd, you know, we'd have to stop to, you know,  
20 to get it pumped back down.

21          Q. Uh-huh. So it would roof out and then  
22 you'd have to stop and get the pump and make sure  
23 the pumps were operating?

24          A. Yeah.

1 Q. Did that happen more than once in your  
2 recollection?

3 A. Yeah, it had happened a couple times on  
4 our crew we'd have to stop like that.

5 Q. And this was -- this was two or three  
6 weeks before the explosion?

7 A. It should have been somewhere close to  
8 that, yeah.

9 Q. Okay. How did the problem get resolved?

10 A. We had finally been -- I think they had  
11 just been able to kind of turn -- you know, turn it  
12 up hill a little bit and try to leave that water  
13 behind us.

14 Q. Okay. But the water itself was still  
15 back -- the water had not been eliminated. You  
16 just were out of it at that point. You'd come out  
17 of the swag?

18 A. Yes.

19 Q. Okay. Were the -- Just one question about  
20 the sprays. If a spray was missing, what usually  
21 would be the cause of that?

22 A. I would assume that it would just be, you  
23 know, kind of a wear and tear kind of thing. It'd  
24 just eventually, all that beating on all that rock

1 kind of jarred out.

2 Q. So it's your experience that -- that if  
3 you're working more in rock than you were in coal,  
4 there would be more likelihood to lose a spray?

5 A. I would say so. Like I said, the only  
6 thing I could figure would be, you know, all that  
7 beating on that rock kind of jar it loose.

8 MR. CRIPPS: Sure. That's all the  
9 questions I have at this time.

10 EXAMINATION

11 BY MR. MAGGARD:

12 Q. Travis, I'm kind of confused. When did  
13 you first start working at UBB?

14 A. At UBB, I came whenever the wall came back  
15 from Logan's Fork.

16 Q. Would that have been May, June?

17 A. I believe we started -- we started moving  
18 in June if I'm not mistaken.

19 Q. So what did they have you do when you  
20 first started? Were you outside for a while?

21 A. When we first moved over there, I was  
22 outside working on the shields. We re-hosed them  
23 all and everything and replaced most of the jack  
24 legs on them, but I was out there for a little

1 while and then went under. You know, while they  
2 were hauling them in, I would take them and set  
3 them with the shield hauler.

4 Q. When did you start hauling shields in?

5 A. It might have been somewhere around late  
6 July maybe, something like that.

7 Q. So when was your first day underground?  
8 Was that July?

9 A. Yeah, it would have been probably late  
10 July. I'd say mid to late July.

11 Q. So on your first day, was that -- was that  
12 your task to take the shields in when you went  
13 underground?

14 A. No, I don't think they started hauling  
15 them quite yet when I went under. We were still  
16 getting the pan line and everything put together  
17 and all the cable and everything ran.

18 Q. Did you get any training when you went to  
19 UBB from Logan's Fork, any additional training of  
20 any kind?

21 A. Outside of just, you know, getting trained  
22 as far as working on the shields and everything,  
23 no, I hadn't really had nothing else special done.

24 Q. Okay. But your first trip underground

1 was -- was to set up the pan line, right? Is that  
2 what -- or was it the shields? I'm still  
3 confused. I get confused real easy.

4 A. The -- Let's see. I believe that's what  
5 we did the first day was go down there and set that  
6 up. They took us and kind of showed us around for  
7 a little while then and I guess gave us the mine  
8 tour.

9 Q. Who did that?

10 A. Let's see. It would have been Shannon  
11 Dickens who did it for me because I went on the  
12 hoot owl.

13 Q. Okay. Okay. So how long was you on hoot  
14 owl?

15 A. I was on hoot owl for probably three weeks  
16 or so before I went back to swing shift.

17 Q. Okay. Had you ever seen any welding down  
18 the face during your production shift?

19 A. Not during production, no. Now I have  
20 seen stuff done, having to shut the wall down.

21 Q. And when they shut the wall down, would  
22 that be -- what kind of instance was it? Do you  
23 remember?

24 A. Well, it had happened at Logan's Fork, but

1 they had to shut -- we were down for a pretty good  
2 while because they had a crack in the frame of a  
3 shear and had to weld a big piece of metal down to  
4 the bottom of it.

5 Q. Okay. Did they take any special  
6 precautions when they were doing welding?

7 A. I believe, but I wasn't up on the face  
8 with them. I had been -- they had much outby work  
9 that needed to be done and that's what I went to  
10 do.

11 Q. Try to remember back to April 3rd. Did  
12 you detect anything unusual up on the section when  
13 you were working, the last day you were working?

14 A. No. That's -- It seemed like it had been,  
15 you know, a fairly regular day.

16 Q. Did you detect any unusual smells when you  
17 were working around the shields?

18 A. I didn't, but I heard our -- our head gate  
19 man had complained about a headache. He said he  
20 kept smelling gas and said it was giving him a  
21 pretty bad headache, and I heard the same story. I  
22 forget. It was some fire boss that said, it was  
23 right around that same time, said that he had been  
24 smelling gas.

1 Q. Okay. But -- but as far as you know --

2 A. As far as me, I never did.

3 Q. Okay. Did you have any shield problems,  
4 any of them wasn't working right when you were  
5 working that day? Do you recall any CIUs that were  
6 giving you trouble?

7 A. I don't believe so because it seemed like  
8 we had gotten everything working fairly decent as  
9 far as I could recall.

10 Q. You said you seen a -- you never seen  
11 anybody take a spray out and then run the shear; is  
12 that what you said earlier?

13 A. Not that I had ever seen.

14 Q. Okay. Had you ever -- But you never seen  
15 somebody take one out and then have to go get spare  
16 parts and put it in later or anything like that?

17 A. Not that I'd ever seen because, like I  
18 said, we kept the sprays right there on the line in  
19 case we ended up needing it.

20 Q. You said that the sprays were kept in the  
21 shield tips down around seven, seven shield; is  
22 that --

23 A. That's generally where we kept them.

24 Q. If you needed sprays and you were at the

1 tail, would you normally go back to the head and  
2 put the sprays in or have you had --

3 A. We would usually holler at the electrician  
4 and have him run some up.

5 Q. And was he pretty easy to get ahold of?

6 A. Yeah. We wasn't to -- we had him and then  
7 we had another guy, he had just got his electrician  
8 papers; so, you know, generally you'd get ahold of  
9 one of them pretty easy.

10 Q. Had you ever had -- Was the wall ever shut  
11 down because you lost water pressure?

12 A. Yeah, there had been a couple times you  
13 had the pumps kick off or something like that. You  
14 would lose pressure and shut down.

15 Q. How long would you be down normally?

16 A. Normally you could get them just to go  
17 down there and start the pumps right back up, but  
18 there had been some instances we'd just, you know,  
19 we'd either lose it from outside and, you know,  
20 that's just a matter of how long it would take to  
21 fix the water line and something like that.

22 Q. Do you know why they were losing it  
23 outside?

24 A. It could just be anything. That's like,

1 you know, a break in the line somewhere, something  
2 like that could cause it.

3 Q. Let me ask you about the shield tips.

4 A. Uh-huh.

5 Q. Were there some of those that were  
6 spraying down the face?

7 A. Yeah, I want to say it might have been --  
8 maybe every 10 shields had those tip sprays.

9 Q. Could you manually turn those on and off?

10 A. Yeah, you could get in there and turn them  
11 on and off. They had a valve on towards the back  
12 of the shield somewhere.

13 Q. How many would you try to keep on at a  
14 time down the face?

15 A. I think they generally kept most of them  
16 up and running, if I remember right, especially --  
17 I think they even might have added some more  
18 towards the tail. I wouldn't swear to it, but I  
19 think they had added a couple more down that way.

20 Q. Do you recall whether they replaced the  
21 fire valves down the face on the shield?

22 A. The ones to connect the main hoses, like  
23 the big hose to?

24 Q. (Nods head.)

1           A. I want to say there was one at the head,  
2 somewhere right around the head. There's one at  
3 the 50 I think maybe and 100. They kept them at 50  
4 shield intervals sometimes.

5           Q. So would it be like a head, 50, 100. Was  
6 there one at 150?

7           A. Yeah, I believe that's what -- that's how  
8 they had them.

9           Q. Did they keep any hose for those or  
10 just --

11          A. They kept those --

12          Q. -- over at the head --

13          A. I think they kept it all right there at  
14 the head drive.

15          Q. Okay. I know you're running the shear now  
16 at, where, Revolution?

17          A. No, I'm not there anymore. I had been for  
18 about a month and a half or so after the explosion.

19          Q. So you've got a little experience with the  
20 shear too. Have you ever done a fire suppression  
21 test on the shear?

22          A. I think they generally did that on the  
23 hoot owl if I'm not mistaken.

24          Q. Do you know how to operate the fire

1 suppression?

2 A. Yes.

3 Q. Explain that. How does that work?

4 A. They had -- the manual starter was the  
5 pull pin and a button. You'd pull the pin and hit  
6 the button to get it to go I believe was how it  
7 was.

8 Q. Was that -- had you ever seen anybody  
9 operate it at UBB?

10 A. No, not that I had seen.

11 MR. MAGGARD: That's all I've got.

12 EXAMINATION

13 BY MR. CRIPPS:

14 Q. Travis, you said you could pretty well  
15 keep up pulling the shields --

16 A. Yes.

17 Q. -- by yourself. I guess the day of the  
18 accident, the shear operators and the shields  
19 weren't located right at the shear where they were  
20 found. They were some distance away. The longwall  
21 utility guy was also with it. Do you have any  
22 knowledge or know why he would be on the face?

23 A. He may have been up there maybe trying to  
24 learn to run the shields or something like that at

1 the time.

2 Q. Had you talked to him or any guys on that  
3 crew as far as maybe he was training to do that?

4 A. Now, at one point, Adam Morgan, he had  
5 been up there and they had me training him to learn  
6 to run them.

7 Q. Okay. But that was -- I think it was --  
8 Chris Bell was the utility man on the B crew.

9 A. Yeah.

10 Q. Had you ever trained him or talked to him?

11 A. He had came up there for just like maybe a  
12 week at that red hat meeting teaching him so --

13 Q. Teaching him to pull shields?

14 A. Yes.

15 Q. Okay. Have you -- have you seen any of  
16 the pictures of the shear or the face or  
17 anything --

18 A. No.

19 Q. -- since you've been gone. I've got a  
20 picture here. I'll describe it to you, what it  
21 is. That's the tail gate drum on the shear, and  
22 that picture was actually taken from out in the  
23 tail gate entry; and right here is actually the rib  
24 of the coal block. And so the condition of the

1 shear right now that you can kind of tell it from  
2 this map we've got here, the shear right there was  
3 sitting all the way on the tail end of the drum as  
4 it punched out through the coal block. When you  
5 look at this picture here, do you see anything  
6 unusual here? I tell you when this picture was  
7 taken. We put water on the shears and that's when  
8 we took the picture.

9 A. It looks like there's about three sprays  
10 missing, three or four sprays missing.

11 Q. Have you seen something like this before?

12 A. Yeah, like I said, I mean, you know you  
13 might have a couple sprays beat out or something  
14 like that. As you can see here, it's pretty  
15 obvious when they're out.

16 Q. When the drums are turning, cutting coal,  
17 is it still obvious?

18 A. Yeah, it's still pretty obvious. You can  
19 see that big old stream of water kind of flinging  
20 as it's going around.

21 Q. If there's several streams flinging,  
22 coming out when it's going around, does it diminish  
23 the spray pattern coming out of the rest of the  
24 sprays?

1           A. I believe -- I believe it kind of makes  
2 the rest of the sprays weak, a little bit weaker.

3           Q. Okay. Now, in this case here we actually  
4 had seven sprays missing. We tested that. Does  
5 that surprise you?

6           A. Yes. I mean that's a pretty good bit of  
7 them out. I had never myself seen that many out at  
8 a time.

9           Q. If you had -- if you had sprays come out  
10 or you seen a stream like this when you were  
11 cutting or your crew was cutting, what would be the  
12 normal procedure?

13          A. If you had a bunch of it out like that and  
14 we weren't anywhere, you know, close to shutting  
15 down to set bits, we would go ahead and shut down  
16 and back up and put a few in.

17          Q. What if you had, say, two missing?

18          A. If we had two missing, you know, like I  
19 said, it'd just all depend on how close we were to  
20 having to shut down for bits. If, you know, you  
21 notice that you just got -- and, you know, we're  
22 about through with the shuffle, they'd go ahead and  
23 just finish up.

24           MS. HAMPTON: I'm actually going to mark

1 this photograph as Exhibit No. 3, so later on when  
2 we're reviewing the transcript we'll know what  
3 you're talking about.

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

6 Q. If you're on the face and working and  
7 there's a problem of some kind. Let's say it's  
8 a -- Well, any kind of a problem, you need to get  
9 off the face quick, which way would you go out, the  
10 head gate or out the tail gate? If you're -- Let's  
11 say the shear and you are located down at the  
12 tail. Which way would you go off the face?

13 A. It'd just all depend on which -- what I  
14 was trying to get away from.

15 Q. Okay.

16 A. If it was something with the shear and it  
17 was setting there at the tail, then I would take  
18 off towards the head.

19 Q. Why would you do that?

20 A. I mean, if it's something right there with  
21 the shear itself, you know, it would be blocking  
22 the tail gate off anyway. Wouldn't be able to  
23 really get around it to get away from it.

24 Q. Okay. What if there was some kind of

1 problem up towards the head gate?

2 A. Then, you know, the tail is supposed to be  
3 your escapeway if there's something towards the  
4 head.

5 Q. Okay. The -- the shear with the location  
6 of where it's sitting that you know of right now at  
7 about three o'clock in the afternoon on day shift,  
8 do you think the crew would normally have stopped  
9 right there to leave the face to go home?

10 A. There's a good possibility of it, yeah.  
11 They may have went ahead and shut down to -- to go  
12 ahead and leave.

13 Q. Had you ever done that when you was on day  
14 shift if the other crew wasn't underground yet?

15 A. Not generally. That's -- We would  
16 generally keep running the whole time through until  
17 they got up there and hollered at us.

18 Q. Okay.

19 A. But there have been several times, you  
20 know, we come up on day shift and the crew'd be --  
21 be waiting on us. They just didn't start another  
22 pass, you know, after they punched out on the tail.

23 Q. And they left the shear at the tail gate?

24 A. Yeah, there have been several instances.

1 It wasn't uncommon; but, you know, it's not  
2 something that our crew typically done. There  
3 would be times we'd come in on evening shift and  
4 we'd run for about an hour on the hoot owl shift,  
5 but that's just how our boss was.

6 Q. Was that just to get more coal?

7 A. Yes.

8 Q. Okay. Do you have any reason to know or  
9 ever have occasion to call the head gate and tell  
10 them to open the disconnect switch for the shear  
11 cable?

12 A. Just if like when we were having trouble  
13 with the cable pulling in half, pulling in two  
14 some, you know, I think they generally only have --  
15 you know, go ahead and pull it out there and have  
16 the electrician on his way with his lock.

17 Q. Okay. Other than a problem with the shear  
18 cable, can you think of any other reason that the  
19 knives would be open?

20 A. We had them pulled when we were setting  
21 bits and stuff like that.

22 Q. Okay. Which I mean that's another  
23 condition that we found on the longwall was the  
24 knife or the shear.



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**concluded.)**

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 TRAVIS NELSON  
6 was duly taken by me and before me at the time and  
7 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