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**Statement Under Oath of Jeff Spratt**

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STATEMENT UNDER OATH

OF

JEFF SPRATT

taken pursuant to Notice by Brett Steele, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, May 13, 2010, beginning at 1:11 p.m.

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A P P E A R A N C E S

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ATTORNEY WILSON:

We're here with Jeff Spratt. Mr. Spratt,  
my name is Bob Wilson. I am with the Office of the  
Solicitor, United States Department of Labor. With me  
is Dave Steffey, an accident investigator with the  
Mine Safety and Health Administration. There are  
several other individuals present with the State of  
West Virginia. I'll ask at this time that they state  
their name for the record.

MS. MONFORTON:

Celeste Monforton with the Davitt McAteer,  
independent investigation.

MR. FARLEY:

I'm Terry Farley, with the Office of  
Miners' Health, Safety and Training.

MR. O'BRIEN:

John O'Brien with the Office of Miners'  
Health, Safety and Training.

ATTORNEY WILSON:

And there are a couple other people in  
the room who are with the different teams. All  
members of the Mine Safety and Health Administration  
Accident Investigation Team, and all members of the

1 State of West Virginia Accident Investigation Team  
2 participating in the investigation of the Upper Big  
3 Branch Mine explosion, shall keep confidential all  
4 information that is gathered from each witness who  
5 voluntarily provides a statement, until witness  
6 statements are officially released. MSHA and the  
7 State of West Virginia shall keep this information  
8 confidential, so that other ongoing enforcement  
9 activities are not prejudiced or jeopardized by a  
10 premature release of information. This  
11 confidentiality requirement shall not preclude  
12 investigation team members from sharing information  
13 with each other, or with other law enforcement  
14 officials. Everyone's participation in this interview  
15 constitutes their agreement to keep information  
16 confidential.

17 Mr. Spratt, government investigators and  
18 specialists have been assigned to investigate the  
19 conditions, events and circumstances surrounding the  
20 fatalities that occurred on April 5th, 2010, at the  
21 Upper Big Branch Mine. The investigation is being  
22 conducted by MSHA, pursuant to Section 103(a) of the  
23 Federal Mine Safety and Health Act, and by the Office  
24 --- the West Virginia Office of Miners' Health, Safety  
25 and Training. We appreciate your assistance in this



1 investigation. After the investigation is complete,  
2 MSHA will issue a report detailing the nature and the  
3 causes of the fatalities, in the hope that greater  
4 awareness about the causes of accidents can prevent  
5 their occurrence in the future. Information obtained  
6 through witness interviews is frequently contained in  
7 these reports. You should know that if you request  
8 confidentiality, confidentiality will only be granted  
9 on a case-by-case basis. Your statement may also be  
10 used in other enforcement proceedings. You may have a  
11 personal representative present with you during the  
12 taking of this statement, and you may consult with a  
13 representative at any time. Do you have a  
14 representative?

15 MR. SPRATT:

16 No, I don't.

17 ATTORNEY WILSON:

18 Now, you may refuse to answer any  
19 question, and you may request a break at any time. A  
20 court reporter will record the interview. Please  
21 speak loudly and clearly. If you do not understand a  
22 question, please ask that the question be rephrased.  
23 Please answer each question as fully as you can,  
24 including any information that you may have learned  
25 from someone else.

1 Again, I would like to thank you for your  
2 appearance here today. We appreciate your assistance  
3 in this investigation. Your cooperation is critical  
4 in making the mine --- the nation's mines safer.  
5 After we have finished asking questions, you will have  
6 an opportunity to make a statement and provide us with  
7 any additional information that you believe to be  
8 important. If at any time after the interview you  
9 recall any additional information that you would like  
10 to provide to the investigation teams, you can contact  
11 Norman Page at the telephone number in the letter that  
12 was provided to you, or you can contact Mr. Farley.  
13 At this time I'll ask the court reporter to swear you  
14 in.

15 -----  
16 JEFF SPRATT, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
17 AS FOLLOWS:  
18 -----

19 ATTORNEY WILSON:

20 Terry?

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. Jeff, if at any time my question's not clear,  
24 please interrupt me and straighten me out. Okay.

25 Would you please begin by giving us your name and home

1 address and phone number, please?

2 A. Jeff Spratt, I live at [REDACTED] . My  
3 home phone number is [REDACTED] .

4 Q. Now, how long have you been employed by the West  
5 Virginia Office of Miners' Health, Safety and  
6 Training?

7 A. Since August the 3rd, 2009.

8 Q. August 3rd, 2009. Okay. So you're still serving  
9 a --- some call it probation; is that correct?

10 A. Yes, sir.

11 Q. Which lasts for a year as you understand it?

12 A. Yes.

13 Q. Okay. What is your position with Miners' Health,  
14 Safety and Training?

15 A. Underground inspector.

16 Q. Okay. Which regional office do you work out of?

17 A. District 4.

18 Q. Okay. Would that be the Oak Hill office?

19 A. Yes, sir.

20 Q. Okay. Who's your immediate supervisor?

21 A. Steve Snyder.

22 Q. Okay. Approximately, how many years have you been  
23 working in the coal mining industry, prior to joining  
24 Miners' Health, Safety and Training?

25 A. Approximately 30 years.

1 Q. Okay. Can you give us an idea of where you worked  
2 before you joined the agency?

3 A. I worked for Armco Steel, Robin Hood Number Nine.

4 Q. Uh-huh (yes).

5 A. And then when they worked out, they put us in a  
6 new mine called the Weiss Branch Mine, which was for  
7 Patriot Coal who bought Armco out. And from there, I  
8 worked from Harris Number One mine, for Eastern.

9 Q. Okay.

10 A. All the same company.

11 Q. Okay. Do you have West Virginia coal miner's  
12 certification and mine foreman fireboss certification?

13 A. Yes, sir.

14 Q. Okay. Now, aside from those things, have you had  
15 any specialized technical training that is relevant to  
16 your job?

17 A. I was a member of the mine rescue team for 12  
18 years.

19 Q. Okay. Okay. Now, if you joined the agency on  
20 August 3rd, 2009, when would your first major visit to  
21 the Upper Big Branch Mine, where this explosion took?

22 A. It was in the last part of November of 2009.

23 Q. Okay. Now, I also have some inspection reports  
24 here available with your signature on them. They're  
25 dated 3/29/2010, 11/19/09 and 12/30/2009, if you'd

1 like to refer to them at any time during the interview  
2 that would be fine. Forgive me; I started talking so  
3 fast, that I disregarded your answer about when you  
4 were there first.

5 A. Let me see, the first date I had was November the  
6 10th, 2009. That's the first day I was there.

7 Q. Okay. Now, were you in the company of another  
8 Miners' Health, Safety and Training inspector?

9 A. Yes. Yes, I was. Gerry Pauley.

10 Q. Gerry Pauley? Okay. Was Jerry assigned to train  
11 you and mentor you?

12 A. Yes.

13 Q. Okay. Now, I think your first inspection report  
14 there is dated December 30th of 2009. Can you  
15 estimate as to how many days you actually spent with  
16 Gerry Pauley at the Upper Big Branch Mine, between  
17 November 10th and the end of 2009?

18 A. According to my sheet, 23 days at the mines.

19 Q. Okay.

20 A. Excuse me, 24.

21 Q. All right. Now, one of your inspection reports  
22 shows that November the 19th, 2009 shows an idle  
23 inspection. Why was the mine idled that day; do you  
24 recall?

25 A. I do not recall.

1 Q. Okay. Now, as you began your inspections ---  
2 before you began your inspections underground, did you  
3 and Mr. Pauley typically review the examination books  
4 on the surface?

5 A. Yes, sir.

6 Q. Okay. Did you consistently find that the  
7 conditions in the mine were consistent with what the  
8 examination book entries reflected?

9 A. Yes, sir. For the most part, they were.

10 Q. Okay. Were there any notable exceptions that you  
11 recall?

12 A. Not that I recall.

13 Q. Okay. Now, during the November through December  
14 inspection, can you take me through how many of the  
15 underground working sections you may have visited  
16 during that period of time?

17 A. I visited all four of the miner sections and the  
18 longwall section.

19 Q. Okay. Now, did you visit them in each case with  
20 Mr. Pauley?

21 A. Not all the time with Mr. Pauley. Sometimes I was  
22 there by myself.

23 Q. Okay. All right. Now, when you visited each of  
24 these four continuous miner sections and the longwall  
25 section, did you and Mr. Pauley --- and/or Mr. Pauley

1 take methane examinations?

2 A. Yes, sir.

3 Q. Okay. Now, at any time during this quarterly  
4 inspection from November through the end of December  
5 of 2009, did you record any methane on any of these  
6 operating sections?

7 A. No, sir.

8 Q. Okay. What did your detectors typically indicate?

9 A. The most I ever detected in any of the faces was  
10 .1 percent.

11 Q. Okay. Now, when you examined each of the  
12 continuous miners sections, would you have made  
13 methane examinations of each working face?

14 A. Yes.

15 Q. Okay. Now, before you entered the mine --- or  
16 actually as you were entering the mine, how long did  
17 the mantrip ride normally take, let's say for the  
18 longwall section?

19 A. That would probably have been --- I'll give you an  
20 approximate because I'm not sure. Anywhere from 30 to  
21 40 minutes.

22 Q. Okay. And now, obviously the --- was the 22  
23 Tailgate section operating at the time in November,  
24 December?

25 A. No, sir, it was not.

1 Q. Okay. Was the 22 Headgate section operating at  
2 that time?

3 A. The headgate was being developed. It wasn't ---  
4 they hadn't made the turn to actually drive the three  
5 developing entries at that time.

6 Q. Okay.

7 A. They were driving the mains over to that area.

8 Q. Okay. All right. Now, in addition to the  
9 longwall section in the development of 22 Headgate,  
10 what other section was operating in that area of the  
11 mine at that time? Or was there another section?

12 A. I don't recall that there was another miner  
13 section in that area.

14 Q. Okay. Now, can you tell us where the other miner  
15 sections were operating elsewhere in the mine at the  
16 time as precisely as possible? Feel free to use the  
17 map in front of you or the map on the wall and we also  
18 have a laser pointer here, if it would be helpful to  
19 you.

20 A. Big mines are hard for me to --- let's see,  
21 there's --- we had the headgate section was operating.  
22 And you had a, what they call the barrier section ---

23 Q. Right.

24 A. --- down in the lower part of the mines.

25 Q. Would that be the south end of the mine?



1 A. Right. The Upper Big Branch area, not the Ellis  
2 area of the mine.

3 Q. Okay.

4 A. And there was a, what they called the Number Four  
5 section, which was the --- I'm trying to establish  
6 just where it is. It was also in the South Portal ---  
7 from the South Portal of the mine.

8 Q. Okay. Thank you. Now, I asked you, you know if  
9 you'd taken the methane examinations on each of the  
10 operating sections, and of course you responded yes.  
11 What's your recollection of the condition of the face  
12 ventilation on these underground working sections  
13 during that period of time?

14 A. There was the required amount of air. I always  
15 take an anemometer reading also. And had at least  
16 3,000 foot behind the line curtain in all the faces.

17 Q. On the continuous miner section?

18 A. Yes, sir.

19 Q. Okay.

20 A. The face ventilation was always within the  
21 required area near the face, within ten foot of the  
22 face.

23 Q. Okay.

24 A. And most of the time their backup plows were tied  
25 where you had clean air circulating across the last

1 open crosscut.

2 Q. Okay. Now, on all of the operating sections  
3 during that time period, again that being November  
4 through December of 2009, and in your travels  
5 throughout the mine elsewhere, airways, belt lines,  
6 whatever, what was your impression of the rock  
7 dusting?

8 A. It seemed adequate, other than I think I wrote a  
9 violation on one of the belts, the Number Five belt  
10 one time around the take-up area. It lacked rock  
11 dusting in that area. But other than that, the rock  
12 dusting in the intakes and returns seemed to be  
13 adequate.

14 Q. Okay. Now, obviously you have not been with the  
15 agency very long, and you had not been with the agency  
16 very long when you began making this inspection at UBB  
17 in November of 2009 with Mr. Pauley, but based on your  
18 impression of the UBB mine at that time, how did it  
19 compare with other underground mines you've visited in  
20 terms of the quality of the rock dusting?

21 A. I would say it was probably the same, pretty much.  
22 Most of the mines --- well, I haven't been to very  
23 many mines, but the most I've been to, they seem to be  
24 keeping the rock dusting up.

25 Q. Okay. All right. Does the Office of Miners'

1 Health, Safety and Training have any equipment to  
2 scientifically evaluate rock dust content in coal  
3 mines?

4 A. Not to my knowledge.

5 Q. Now, as you traveled throughout the UBB mine in  
6 November and December 2009, do you recall any evidence  
7 of hooving in the mine floor at any location?

8 A. Yes, sir.

9 Q. Can you tell us where, and describe what you saw?

10 A. It was in one of the intake airways from the Ellis  
11 Portal, toward what they called the 78 Break, where  
12 the tracks split to go.

13 Q. All right.

14 A. There was some hooving in part of the intake in  
15 that area. Not a lot, but some.

16 Q. Was this in one specific entry, or was it multiple  
17 entries?

18 A. It was in the primary intake escapeway.

19 Q. Okay. Is it something you can point out on the  
20 map?

21 MR. STEFFEY:

22 We've got a blown-up map.

23 BY MR. FARLEY:

24 Q. Do you want to use this map; it may be a little  
25 bigger.

1 A. Yeah. I'll use that.

2 Q. Try this.

3 A. Okay. I'm thinking it was in more in the area of  
4 this spad number 22451.

5 Q. 22451?

6 A. Yes, sir. That's not a definite, but it seems  
7 like they --- seems like that was where the area was.  
8 About midway of the air course.

9 Q. Okay. Thank you. Now, anywhere else in the mine?  
10 Did you see any evidence of floor hooving anywhere  
11 else in the mine that you can recall?

12 A. On the Number Two section, on the south side.  
13 Didn't see hooving, but one day when myself and Mr.  
14 Pauley were up there, I'm thinking it was in the  
15 Number Three entry, the bottom burst underneath us,  
16 you know, it was a --- the pressure, it cracked  
17 underneath our feet. No sign of a crack, but you felt  
18 the concussion from the bottom itself.

19 Q. You could physically feel ---?

20 A. You could feel the movement. There was no sign of  
21 the bottom hooving, but the floor underneath your feet  
22 vibrated.

23 Q. Okay. Did you sense that there was any air  
24 pressure release when it was cracking?

25 A. No. No. Didn't detect any.

1 Q. Did you have your methane detector on?

2 A. Yes, sir.

3 Q. Okay. Did it get any accumulation?

4 A. No.

5 Q. Okay. All right. Anywhere else that you can  
6 think of?

7 A. Not to my knowledge.

8 Q. Okay. Now, during your inspections of November,  
9 December of 2009, did you ever visit the area of the  
10 mine known as Eight North?

11 A. Eight North? I'm not familiar.

12 Q. Actually north is where the 22 Headgate ---.

13 A. I don't remember being in that area.

14 Q. Okay. Now, during this same inspection, November  
15 and December of 2009, when you accompanied Mr. Pauley,  
16 did you at any time inspect or test methane monitors  
17 on any of the mining machines?

18 A. No, sir, I did not.

19 Q. Okay. Does the West Virginia state law require  
20 methane monitors on continuous mining machines?

21 A. Yes, sir.

22 Q. Under what condition?

23 A. I don't understand the question.

24 Q. Are the methane monitors required on all  
25 continuous mining machines?

1 A. Yes, sir.

2 Q. Okay.

3 A. And the longwall has a methane monitor on it also.

4 Q. Okay. Now, during your November and December  
5 inspection of 2009, did any employees --- did any  
6 Upper Big Branch employees approach you with any  
7 complaints?

8 A. No. No.

9 Q. Okay. No safety related issues?

10 A. No, sir.

11 Q. Okay. Now, during this same inspection, November,  
12 December of 2009, did you visit an area of the mine  
13 known as the Glory Hole?

14 A. Yes, sir.

15 Q. Okay. Were you with Mr. Pauley and others or ---?

16 A. I was with Mr. Pauley and Everett Hager.

17 Q. Okay. Everett Hager is ---?

18 A. He was the superintendent on the Ellis Portal side  
19 of the mine. At that time, though, everyone was  
20 portalling from the Upper Big Branch side.

21 Q. Okay. Did you detect any methane in the vicinity  
22 of the Glory Hole?

23 A. No, sir.

24 Q. Okay. Now, also, in the vicinity of where the ---  
25 near where the turn would have been made for 22

1 Headgate section at that time, I think the people at  
2 the mine may refer to this as a crossover. It extends  
3 north from the area of where the current longwall face  
4 was approximately located. Did you ever travel  
5 through those entries in either direction?

6 A. I don't recall doing that, no.

7 Q. Okay. The map reflects that there's a roof fall  
8 in the Number Three entry, counting from the left as  
9 you advance from the north. It extends approximately  
10 two crosscuts. I guess if you passed through that ---  
11 you didn't pass through the area, you didn't see ---?

12 A. No, sir.

13 Q. Okay. During your 2009 inspection at UBB, or any  
14 inspection of 2010, was you aware of a --- also in the  
15 first quarter of 2010; is that correct?

16 A. Yes, sir.

17 Q. Did you hear any stories from any of the miners or  
18 any of the people there about any instances where  
19 methane bleeders might have been encountered with  
20 methane emitted from the mine floor or the coal face?

21 A. No, sir, I did not.

22 Q. Okay. Any stories about methane being released  
23 from cracks due to hooving the floor; anything like  
24 that?

25 A. No, sir.

1 Q. Nothing like that at all? Okay. When you visited  
2 the working sections, particularly the continuous  
3 mining sections, did you happen to pay any attention  
4 to the makeup of the section quarters? Meaning, was  
5 there a particular, specific individual who was  
6 assigned responsibility for ventilation duties? Was  
7 there a ventilation man, or a ventilation person?

8 A. I don't think there was one in particular, I think  
9 the roof bolt crew kept their ventilation up as they  
10 went. And then the scoop man, of course he would  
11 tighten up fly pads when they were tore down and all.

12 Q. Uh-huh (yes). Okay. Well, let's move to the 2000  
13 --- first quarter of the 2010 quarterly inspection.  
14 Can you estimate, approximately, how many days you  
15 assisted Mr. Pauley on that on inspections?

16 A. Four days. I was there four days.

17 Q. Four days?

18 A. Yes, sir.

19 Q. Do you recall the time frame for those four days,  
20 what month that would have been?

21 A. That would have been in March of 2010.

22 Q. Is it possible you can be more specific?

23 A. The 25th.

24 Q. Okay.

25 A. The 26th, 29th and 30th.



1 Q. Okay. What areas of the mine did you visit on  
2 those four days?

3 A. The Number Six beltline one day. The intake  
4 airway from Break 78 to the 22 Tailgate section.

5 Q. And you said the 22 Tailgate?

6 A. Yes, sir. And then the intake airway from the  
7 Ellis Portal to Break 78, the third day.

8 Q. Okay. So three days?

9 A. Yes. The first day we were there, we just more or  
10 less checked out the facilities at the Ellis Portal,  
11 because it was a new facility.

12 Q. All right. So I would surmise that the 22  
13 Tailgate section might have been the only working  
14 section you visited in those four days?

15 A. Yes, sir.

16 Q. Okay. Did you visit the existing faces on the 22  
17 Tailgate section that day?

18 A. Yes, I did.

19 Q. Did you make methane examinations?

20 A. I did.

21 Q. Did you detect any methane?

22 A. No, I did not. I think it was the Number Three  
23 entry, though; it had an area approximately 60 foot  
24 long that had water built up in it. Nothing deep.

25 Q. Uh-huh (yes).

1 A. And I detected bubbles coming out of the bottom.  
2 So I made a special check there. And no methane was  
3 detected there either, and I didn't know whether it  
4 might have been the methane or bottom pressure causing  
5 the bottom to hoove, causing the bubbles.

6 Q. Okay. Is that a location you can pinpoint on the  
7 map here if possible?

8 A. Okay.

9 Q. Maybe the one underneath it?

10 A. It was probably around spad number 24575.

11 Q. 24575?

12 A. I think that's the number.

13 ATTORNEY WILSON:

14 Do you want him to mark that?

15 MR. FARLEY:

16 Please do.

17 ATTORNEY WILSON:

18 We'll just circle the area, and then you  
19 can put the date that you were there.

20 MR. FARLEY:

21 Thank you.

22 ATTORNEY WILSON:

23 Okay. I marked that as Spratt Exhibit

24 One, and you wrote on the map 03/29/10, your initials,  
25 and an arrow to a circle?

1 (Spratt Exhibit One marked for  
2 identification.)

3 A. Yes, sir.

4 BY MR. FARLEY:

5 Q. On the separate third and fourth days of the four  
6 days you were there in March, and you indicated you  
7 traveled the Number Six belt to begin with. What was  
8 the number six belt like in terms of the quality of  
9 rock dust?

10 A. It was adequate, it was white. They just rock  
11 dusted it, I think.

12 Q. All right. And I think one of the --- the day  
13 following you indicated you traveled from Number 78  
14 Break to 22 Tailgate. Now, was that ---?

15 A. That was the intake airway.

16 Q. Intake airway?

17 A. Yes, sir.

18 Q. Now, what was the quality of the rock dust in that  
19 area that you traveled then?

20 A. Area was dusted good. It was quite dry. When you  
21 were walking, you were picking up, you know, float  
22 dust --- well, not float dust, but dust in the air.

23 Q. Okay.

24 A. Where you had to keep a steady pace in order to  
25 outrun the dust.

1 Q. Okay. Now, I think your last day there would have  
2 been March 30th; is that correct?

3 A. Yes, sir.

4 Q. And you communicated that you traveled the intake  
5 from Ellis Portal to 78 Break?

6 A. Yes, sir. Myself, Gerry Pauley and Michael  
7 Plumley. We hopscotched. Each individual took a  
8 certain section of that airway and walked it from  
9 Ellis Portal to 78 Break.

10 Q. Okay. Which particular section of that airway did  
11 you walk?

12 A. I had the middle section, which was about from  
13 probably crosscut 23 to crosscut 60. Somewhere in  
14 that area.

15 Q. Okay. And again, what was the quality of the rock  
16 dusting in the area that you examined?

17 A. It was adequate.

18 Q. Now, let's go back to 22 Headgate --- 22 Tailgate,  
19 excuse me. That would have been --- when you visited  
20 22 Tailgate, would that have been on March 29th?

21 A. Yes, sir.

22 Q. Okay. I know I asked you if you made methane  
23 examinations on the 22 Tailgate faces; correct?

24 A. Yes.

25 Q. How was the section ventilation?

1 A. It was good.

2 Q. Did you make air readings in any or all of the  
3 faces?

4 A. I did not.

5 Q. Okay. What about the last open crosscut?

6 A. Last open crosscut had --- I didn't write it down.  
7 It was better than 14,000 though.

8 Q. Okay. Did you see any evidence of hooving in the  
9 floor, in the 22 Tailgate area?

10 A. No, sir.

11 Q. Do you recall any employee of the Upper Big Branch  
12 Mine approaching you or Mr. Pauley about the floor  
13 hooving at any time?

14 A. No, sir.

15 Q. Okay. November, December of 2009, during that  
16 quarterly inspection, when you assisted Mr. Pauley  
17 during the four days in March of 2010, when you were  
18 traveling with him at the Upper Big Branch Mine, did  
19 you pay any particular attention to the mine bulletin  
20 boards on the surface at any time?

21 A. I glanced at them, but as far as particular  
22 things, no.

23 Q. Okay. Do you have any recollection of any signs,  
24 letters or memorandums directed to Upper Big Branch  
25 employees?

1 A. No.

2 Q. Okay. During the time you were assisting in the  
3 inspection of the UBB mine, November/December of 2009,  
4 and the time you were there in March 2010, did any  
5 Performance Coal or Upper Big Branch Mine management  
6 employee, or other employee of any type, at any time,  
7 attempt to impede your ability to do your inspection?

8 A. No, sir.

9 Q. Let's move to the day of the explosion on April  
10 5th of this year. When and how did you learn of the  
11 explosion?

12 A. I'd been inspecting mines up in Fayette County.  
13 Maple Coal. When I got home, and the lady that takes  
14 care of my mother through the day, called me and said  
15 she'd heard of an accident at the mine, and wondered  
16 if I'd heard anything. I hadn't, so I, in turn,  
17 contacted my brother, which is with the State, Miners'  
18 Health, Safety and Training. And he was on his way  
19 from the Logan campus of the Southern Community  
20 College. Said they'd had a mine accident.

21 Q. Okay.

22 A. He said he was going to call me back, and in the  
23 meantime I got ahold of Gerry Pauley, because I knew  
24 he inspected the Upper Big Branch Mine. Well, I  
25 actually contacted his wife, and she contacted him at

1 the office.

2 Q. Okay.

3 A. He called me back, and said that there'd been an  
4 ignition, and asked me to go to the Bandytown fan and  
5 take some air readings and gas readings.

6 Q. Okay.

7 A. That was approximately five o'clock on the 5th.

8 Q. Okay.

9 A. From there, I went to the fan and there were two  
10 employees from Massey there.

11 Q. Can you recall who?

12 A. I have that in another notebook out in my vehicle.

13 Q. Okay. Would you provide that to us ---?

14 A. I can provide that to you.

15 Q. Okay.

16 A. When I got there, as I stepped out of my vehicle,  
17 I turned my detector on, and I was picking up 1,500  
18 parts per million CO at that time.

19 Q. As you stepped out of your vehicle?

20 A. Yes, sir. The two employees were at the fan  
21 house, and when I went to their location, my detector  
22 was still alarming, and it was reading better than 300  
23 parts per million in the fan house. So I had them  
24 step out of the building, out into the open area. At  
25 that time I went up to the fan opening, and just held

1 my detector out in front of it. I didn't have a probe  
2 at that time. And the carbon monoxide reading was in  
3 excess of 7,000 parts per million. I detected 2.3  
4 percent methane, and the oxygen ---.

5 Q. I'm sorry. What was the methane?

6 A. 2.3 percent.

7 Q. Okay.

8 A. And the oxygen at that time was 18.6 percent, I  
9 think.

10 Q. Okay.

11 A. Then I took another reading approximately 30  
12 minutes later, detected no methane ---.

13 Q. Back up a minute.

14 A. Okay.

15 Q. Now, approximately at what time did you arrive at  
16 the Bandytown fan; can you ---?

17 A. I would say probably 20 after 5:00.

18 Q. Okay. Go ahead.

19 A. And my second set of readings, I detected no  
20 methane, the oxygen content was at 20.7, and the  
21 carbon monoxide reading, I think, was a little better  
22 than 5,000 parts per million on the second test. At  
23 that time, the federal inspectors showed up, and they  
24 decided it'd be better to try to set a probe, and run  
25 tubing away from the fan, rather than take actual



1 readings at the fan house. So we did that, and then  
2 monitored the gas from a remote location.

3 Q. Okay. All right. Do you recall who the first  
4 MSHA people were to arrive at the Bandytown fan?

5 A. I can't think of his last name. Keith --- I've  
6 got it written down, but I don't have it with me. I  
7 can provide it to you.

8 Q. Okay. Please do. And anybody else?

9 A. Scott Vandyke was also with him.

10 Q. Okay. And do you recall approximately what time  
11 they might have arrived there at the Bandytown fan?

12 A. I'm thinking probably between 6:00 and 6:30.

13 Q. Okay. What did you do for the remainder of the  
14 evening on the 5th, April 5th?

15 A. Well, I wrote down the readings that we were  
16 getting, and then transmitted them to a Massey  
17 employee, who in turn had a cell phone and was calling  
18 at the UBB office, and giving them the readings over  
19 there.

20 Q. Okay. Do you recall who the Massey person was?

21 A. I have that written down also, but I don't know  
22 his name.

23 Q. Okay. If you'd provide that to us, we'd  
24 appreciate it. Were you there throughout the evening  
25 on the 5th?

1 A. Yes, sir. I left at 5:30 the morning of the 6th.

2 Q. Okay. Were you involved in any of the recovery  
3 operations after that, on the 6th?

4 A. Checking rescue teams in and out, the last day  
5 that --- the day that they recovered the last victims,  
6 was the only time I was over there. Since then I've  
7 been there three days, just marking the gas readings  
8 at the portals and the fans.

9 Q. Okay. When you initially arrived at the Bandytown  
10 fan on April the 5th, somewhere around 5:20 p.m., did  
11 the Upper Big Branch Performance employees who were  
12 there, did they have gas detectors at any time?

13 A. They did. They have these Solaris gas detector.

14 Q. Okay.

15 A. And they had a high speed anemometer, they tried  
16 to take an air reading with. But the velocity coming  
17 out was so strong, we had a hard time keeping the  
18 anemometer in front of the fan.

19 Q. Okay. And you, of course, have their names in  
20 some other notes?

21 A. Yes.

22 Q. Okay. Well, I hope you can provide that.

23 EXAMINATION

24 BY MR. STEFFEY:

25 Q. Jeff, just for the record, can you spell your last

1 name, please?

2 A. S-P-R-A-T-T.

3 Q. Okay. And also for the record, are you appearing  
4 here today voluntarily?

5 A. Yes, sir.

6 Q. And also for the record, what is your area of  
7 responsibility, as far as your job goes.

8 A. I'm a district inspector with the State. I  
9 inspect underground mines, and also prep plans.

10 Q. Okay. Thank you. Now, I understood you to say  
11 that you were last at the Upper Big Branch Mine in  
12 late March, March 30th, I believe you said; right?

13 A. Yes, sir.

14 Q. Were you assigned to that mine that quarter?

15 A. No, sir. I'd finished my mines that I'd been  
16 assigned, and I knew that that was the big mines, and  
17 I called Mr. Pauley and see if he needed any  
18 assistance and he said he could use some help.

19 Q. Okay. During your time at the mine, both with Mr.  
20 Pauley and by yourself, did anybody accompany you  
21 guys, any company officials?

22 A. Always had a company official with us.

23 Q. Do you remember who they were and what their  
24 titles were?

25 A. Are you talking about in the March or ---?

1 Q. Just in March.

2 A. I traveled with Rick Foster, which is a mine  
3 foreman; Gary May, mine foreman; Everett Hager, the  
4 superintendent, and Vernon Cornet, I think he's safety  
5 supervisor.

6 Q. Okay. And did they ever take any notes,  
7 photographs while you guys were conducting your  
8 inspection?

9 A. They may have taken some notes, I don't remember  
10 them taking any photographs.

11 Q. Did you ever have to issue any citations during  
12 those inspections?

13 A. I did.

14 Q. What was their reaction?

15 A. Well, they didn't like receiving them, but they  
16 understood that I had a job to do, and they accepted  
17 them.

18 Q. Okay. Before you go to the mine to conduct a  
19 quarterly inspection, I believe that's what you guys  
20 call that, ---

21 A. Uh-huh (yes).

22 Q. --- do you look at the plans and the maps or  
23 anything?

24 A. Yes, sir.

25 Q. Okay. Now, are these plans and maps submitted to

1 your office for approval by the State of West  
2 Virginia?

3 A. Yes, sir, they are.

4 Q. Are they the same plans and maps that we have  
5 received at the MSHA office? Would you know that?

6 A. I don't know.

7 Q. Okay. In your travels through this mine, when you  
8 looked at the maps, is what you found on the ground,  
9 in the mine, was it the same as what you found on the  
10 maps, or was it different --- how did it compare?

11 A. The map was pretty accurate as far as I could  
12 tell.

13 Q. Okay. And you said the rock dusting in the mine  
14 compared to other mines that you had seen in the  
15 areas?

16 A. Yes, sir.

17 Q. Now, these other mines that you're talking about,  
18 are they Massey mines, or are they operated ---?

19 A. Some, but some are --- Magnum Mines is one,  
20 Patriot Mines, a couple others.

21 Q. Okay. And let's talk about ventilation here. You  
22 said that when you were on the section that they  
23 always had 3,000 cfm behind the ---?

24 A. At least. At least.

25 Q. At least? Yeah. Is that what the State of West

1 Virginia's plan requires?

2 A. Yes, sir.

3 Q. Okay. These continuous miners that were on the  
4 section, did they have scrubbers on?

5 A. They did.

6 Q. Were they using them?

7 A. I believe they were, yes.

8 Q. You wouldn't happen to know the operating volume  
9 of those scrubbers, would you? Do you all check that  
10 kind of thing?

11 A. No, sir. I don't know the operating volume.

12 Q. So you actually saw the miner cut coal?

13 A. I watched them load some, yes.

14 Q. Okay.

15 A. Not a complete cut.

16 Q. Not a complete cut, but they loaded some?

17 A. Right.

18 Q. Did you ever see any methane on the miner while  
19 they were cutting?

20 A. No, sir.

21 Q. Ain't nothing on the ---?

22 A. Not on the display.

23 Q. Not on the display?

24 A. No.

25 Q. Okay. What about roof and rib conditions on the

1 sections; how'd they look?

2 A. The roof in general was good. On one of the  
3 sections you had some sloughing off of ribs. Nothing  
4 major, but you know, enough that they would put up  
5 some rib support along with it at times.

6 Q. Now, right here on this section, you mentioned  
7 some water right in here.

8 ATTORNEY WILSON:

9 What are you referring to?

10 BY MR. STEFFEY:

11 Q. I'm referring to right here to what you've got  
12 circled here at this spad number, and you've got it  
13 dated 03/29/2010, on the 040-0 MMU.

14 A. Yes, sir.

15 Q. Okay. And you said there was some water there.  
16 Was it just localized, or was the section in general  
17 wet?

18 A. It was localized.

19 Q. It was localized?

20 A. Yes.

21 Q. Okay. But you could see --- mobile enough but you  
22 didn't detect anything?

23 A. No. Actually it was not right in the face area,  
24 that was outby.

25 Q. Outby a little bit. Okay. And you said that the

1 mantrip ride to the longwall was 30 to 40 minutes?

2 A. To the best of my knowledge.

3 Q. To the best of your knowledge. Best estimate in  
4 these areas right here, about how long did it take to  
5 get to the tailgate and the headgate section?

6 A. The tailgate would have probably been close to the  
7 same amount of time.

8 Q. Yeah?

9 A. Headgate, I didn't go to the headgate other than  
10 --- well, at that time, they hadn't even started  
11 driving the headgate in November, December when I was  
12 there.

13 Q. When you got up on the section, how did you find  
14 the vent controls up on the section for face  
15 ventilation? They always have it hung or ---?

16 A. When I got on the section, they did have a  
17 ventilation there.

18 Q. Well, what did it look like, what type of shape  
19 was the curtains in?

20 A. Most of the time fairly new looking.

21 Q. Fairly new looking? Did you ever get the feeling  
22 that they might have known you were coming?

23 A. I'm pretty sure that they did, you know. The  
24 amount of time that it takes to get to a section. If  
25 they hadn't had ventilation, I'm sure that they would



1 have had it, by the time we got there. I'm not saying  
2 that they didn't have it up.

3 Q. I understand what you're saying. What about your  
4 last open crosscut readings, now, you --- that's  
5 something you all take every time you go to the  
6 section. How ---?

7 A. I don't take --- not every time. If I feel like  
8 there's adequate air, then I won't take a reading.

9 Q. When you did take it, how'd it compare to what you  
10 saw in the pre-shift and on-shift book?

11 A. It was usually close.

12 Q. Usually close?

13 A. Uh-huh (yes).

14 Q. Let's talk about doors back along this trackway  
15 back down this way.

16 A. They had a lot of doors.

17 Q. Had a lot of doors?

18 A. Rather than overcast, they put in doors.

19 Q. How do you feel about that?

20 A. My personal opinion, I don't particularly care  
21 about it.

22 Q. Did you ever find any areas in there where the air  
23 reversed along that track when they'd open a door?

24 A. I didn't, no, sir.

25 Q. Did you ever hear of anybody that found ---?

1 A. No, sir.

2 ATTORNEY WILSON:

3 Can I ask just a clarifying question.

4 Just so that the record's clear, you said I don't  
5 particularly care about it. What do you mean by that?

6 A. About rather than using an overcast to split your  
7 air, or separate your air. You have a tendency to  
8 lose control of your air with doors. People leave  
9 them open at times, I never found those doors, any so  
10 doors open at that mine, but at other mines that I've  
11 actually worked at, there's been times when airlock  
12 doors would be left open, and it short circuits your  
13 air. And if there's opportunity to do away with said  
14 doors, then, you know, I feel like that's a better way  
15 to go about mining.

16 ATTORNEY WILSON:

17 You think an overcast is better than  
18 having the doors; is that right?

19 A. Yes, sir.

20 ATTORNEY WILSON:

21 Okay. I just wanted to make sure that  
22 was clear on the record. Sorry.

23 MR. STEFFEY:

24 No, that's fine.

25 BY MR. STEFFEY:

1 Q. When you got up on the section, how was their  
2 cleaning?

3 A. They kept the scooping and dusting up pretty good.

4 Q. Were they running coal when you got up on the  
5 section?

6 A. Yes.

7 Q. You said you wrote some violations at the mine,  
8 what kind of violations were these?

9 A. One of them were on the bookkeeping, where the  
10 pre-shift books had been countersigned. Electrical  
11 books, some of the pump books hadn't been --- their  
12 weekly exams hadn't been recorded in the book. I  
13 think I wrote one violation on dust and coal  
14 accumulations. Most part were ---. Well, just a  
15 second. On the belt insulated platforms, that some of  
16 their electrical installations --- I wrote one where  
17 the lifeline was overtop of a discharge pump line in  
18 the intake escapeway. I found a saline tank that  
19 didn't have a plug in it. Just nothing really major,  
20 but you know ---.

21 Q. Change gears here a little bit. When you were on  
22 the section, you said that, you know, none of the men  
23 really approached you with concerns about, you know,  
24 the conditions in the mine. They were, you know ---  
25 did they seem concerned or ---?

1 A. No, sir.

2 Q. Did they actually talk to you? How was your ---?

3 A. They'd joke with you, and banter around, you know.

4 It was just ---.

5 Q. So it didn't seem like they were fearful or

6 anything?

7 A. No.

8 Q. Okay. When you were making inspections by

9 yourself, you know, were they aware of how long you

10 had been conducting inspections?

11 A. Some of the men asked how long I'd been working as

12 an inspector and wanted to know where I'd worked

13 previously, and things like that.

14 Q. Did mine management treat you any differently

15 during that time?

16 A. I don't feel like they did, no.

17 Q. Don't feel like they did? Let's see here. You

18 said they had ventilation at the face?

19 A. Yeah.

20 Q. How'd you all measure that?

21 A. You mean the air quality?

22 Q. Yeah.

23 A. With the anemometer.

24 Q. Anemometer. Behind the curtain?

25 A. Yes.

1 Q. Okay. I think you may have answered this, but  
2 we'll repeat it just to make sure here. Are you aware  
3 of any conditions that required all or some of the  
4 miners to be evacuated at any point in time?

5 A. I don't remember any condition.

6 Q. Don't remember any. Did you ever hear of anybody  
7 talk about anything like that?

8 A. It seemed like at one time they may have had a fan  
9 outage, and they may have evacuated then, but I don't  
10 remember the date or anything like that.

11 Q. Don't remember the date or anything?

12 A. No.

13 Q. You're not aware of any oncoming shifts that were  
14 cancelled or delayed due to conditions in the mine or  
15 anything like that?

16 A. No, sir.

17 Q. Now, this mine shows a three-year gap in the  
18 longwall production. Did you ever hear of why?

19 A. No, sir.

20 Q. Any reasons? Okay. So let's go to April 5th, and  
21 let's talk about the 5th. You say you were at the  
22 Bandytown fan, and you said --- I think you mentioned  
23 once you were getting 5,000 parts per million?

24 A. My first check was in excess of 7,000 parts per  
25 million?

1 Q. Seven? Okay. What were you using?

2 A. ITX Multigas Detector.

3 Q. Okay. Did you ever go over to the main portals  
4 during this time --- during the rescue and recovery  
5 operation?

6 A. The last day of the recovery, I was over there.

7 Q. When you arrived at the mine site on April 5th,  
8 and I guess for that remainder of the day that you  
9 went to the portal, do you know who was in charge for  
10 the company?

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

12 Q. Okay. What about the State?

13 A. I didn't actually go over to the UBB side. I  
14 guess at the Bandytown fan, I was the only state  
15 representative there.

16 Q. Okay. Anybody there from MSHA? I think you said  
17 they were over there?

18 A. Yes, sir. I don't recall their names.

19 Q. All right. How long did it take you to get from  
20 the field office to the mine?

21 A. I don't leave from the field office, I leave from  
22 my home.

23 Q. How long did it take you to get from your home?

24 A. To the Bandytown fan?

25 Q. Yes, sir.

1 A. Seven minutes.

2 Q. Seven minutes? You're from over that way?

3 A. Yes, sir.

4 Q. Anything else go on that day that you'd like to  
5 add?

6 A. When I first got on the scene, there was light  
7 smoke coming out of the fan, and there was soot on a  
8 air compressor in front of the fan opening. And there  
9 was like a --- like a little power sander in front of  
10 it, it was covered with soot also. Other than that,  
11 that's pretty much the extent of things there.

12 Q. Now, the two Massey employees, I believe you said  
13 there were two?

14 A. Yes, sir.

15 Q. They were at the fan house?

16 A. Yes.

17 Q. Did they have multigas detectors, or anything with  
18 them?

19 A. They had the Solaris Multigas Detector with them,  
20 they also had a high speed anemometer.

21 Q. Were they getting any kind of reading on their  
22 multigas detector?

23 A. They were. I didn't ask them, but they decided  
24 they were going to take my readings rather than  
25 theirs. I don't know ---.

1 Q. They didn't tell you what kind of readings they  
2 had?

3 A. No, sir.

4 Q. Did they seem alarmed when they saw your readings?

5 A. They did.

6 Q. Were they surprised at all?

7 A. I don't think they were surprised, because I'm  
8 sure they knew there'd been an accident.

9 Q. As far as the CO levels, do you think they were  
10 surprised at the amount of CO they were standing in?

11 A. I really don't know.

12 Q. You don't know?

13 A. No. I know I was.

14 Q. Is there anything else you can add that might help  
15 us?

16 A. Not to my knowledge, sir.

17 MR. STEFFEY:

18 Okay. That's about all I got. Celeste?

19 EXAMINATION

20 BY MS. MONFORTON:

21 Q. Mr. Spratt, you started working as an inspector on  
22 August 3rd. When you had that job, are you considered  
23 a full-fledged inspector and you have the authority of  
24 an inspector that's working a longer period of time?

25 A. No, ma'am. I was in training, and I assisted



1 inspectors, but I was not allowed to write violations.

2 Q. And at what point were you allowed to write  
3 violations?

4 A. After training for three months.

5 Q. So that would be towards the end of the year?

6 A. Yeah. Probably, I think, around the 1st of  
7 November, I was issued violations that I could write.

8 Q. In terms of rock dusting, you said your  
9 impressions were that they were adequate. For your  
10 training on rock dusting, what are the metrics --- or  
11 how were you trained to kind of assess what's adequate  
12 or not adequate?

13 A. Actually, I've not been trained, other than being  
14 a coal miner. You know, knowing that when something  
15 is not adequately dusted, you know, if it's dark or  
16 gray, then you know it needs some more dust on it.

17 Q. Thank you. About the double doors. So the State  
18 has a requirement for approval of ventilation plans?

19 A. I'm sure they do, yes.

20 Q. And so would those double doors be part of the  
21 approval process?

22 A. I assume so, yes.

23 Q. And do you think that's the same for MSHA?

24 A. I don't know.

25 Q. Okay. But they're part of the ventilation plan?

1 A. Right. The double doors they had, the track went  
2 up the entry, and rather than building overcast, where  
3 you could freely travel the track, they put in two  
4 sets of airlock doors, where you open one set, enter,  
5 and then open another set. That way the air's not  
6 been short circuited.

7 Q. But in your opinion, you don't think that's as  
8 sufficient, or as ---?

9 A. In my opinion, I don't think it is as good as an  
10 overcast, but ---.

11 Q. But it is something that's approved by the State  
12 and probably MSHA as well?

13 A. Yes.

14 MS. MONFORTON:

15 Okay. Thank you. That's all I have.

16 ATTORNEY WILSON:

17 Okay.

18 MR. STEFFEY:

19 One more question for him.

20 RE-EXAMINATION

21 BY MR. STEFFEY:

22 Q. Did I remember hearing you correctly say that you  
23 had been on the longwall at some point?

24 A. Yes, sir.

25 Q. About when was that?

1 A. That was in either last November or December of  
2 2009.

3 Q. That'd be right in here then?

4 A. Yeah. They were about halfway out of the panel, I  
5 think, at that time.

6 Q. Did you happen to notice any water accumulating in  
7 here anywhere?

8 A. Myself and Mr. Pauley went up on the longwall, and  
9 along with some of the MSHA inspectors, went back  
10 behind the longwall, because they'd had problems with  
11 water, and there were stoppings crushing out.

12 Q. Which side? Did you go up on the headgate side,  
13 or the tailgate side?

14 A. The headgate side.

15 Q. What'd you find?

16 A. I didn't travel that far. The water got deep  
17 enough that when I got my feet wet I stopped. More of  
18 the inspectors went on up to check out the situation.  
19 The top was quite bad, they had cribs and jacks.  
20 They'd actually used some of the Kennedy stopping  
21 panels to try to, I guess, establish a split of air or  
22 isolated area there.

23 Q. Could you see where the water was coming from?

24 A. No, sir.

25 Q. Could you hear water running or anything?

1 A. Just along the entry, is all I could tell where it  
2 was coming from.

3 Q. Did you go across the face?

4 A. No, sir.

5 Q. Didn't go across the face. Okay. So mainly you  
6 were back in here (indicating)?

7 A. Right. The intake, and then around the mule  
8 train.

9 Q. Do you have any idea about how far you went? Spad  
10 numbers --- do you remember spad numbers or anything?

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

12 Q. Okay. Did you pick up any methane or anything  
13 during that time?

14 A. No, sir.

15 MR. STEFFEY:

16 Okay. Thank you.

17 ATTORNEY WILSON:

18 Terry?

19 MR. FARLEY:

20 A couple things.

21 RE-EXAMINATION

22 BY MR. FARLEY:

23 Q. Back on April 5th, when you arrived at the  
24 Bandytown fan, and there were two Massey guys there  
25 who had Solaris detectors, was an alarm sounding on

1 either of their detectors?

2 A. Yes.

3 Q. Either or both?

4 A. One detector's all they had, ---

5 Q. Okay.

6 A. --- and it was alarming.

7 Q. Okay. Also, you indicated it took you seven  
8 minutes to go from home to the Bandytown fan. Is it  
9 standard operating procedure for Office of Miners'  
10 Health, Safety and Training inspectors to work out of  
11 their homes?

12 A. Yes.

13 Q. Okay. Also concerning the rock dust, I'm going to  
14 ask this again just in case. I may have asked this  
15 before, but just in case, does the agency have any  
16 equipment whatsoever to scientifically evaluate  
17 quality or content of rock dust?

18 A. Not to my knowledge.

19 Q. Okay. Also, concerning your opinion of doors. Do  
20 you favor overcast --- the use of overcast as opposed  
21 to doors because the overcast is generally more  
22 reliable?

23 A. Yes, sir. Doors get dinged, and at that location,  
24 around Break 78 where the airlock doors were, there  
25 were several doors laying there, where they had been

1           damaged and then replaced, so ---.

2   MR. FARLEY:

3   All right. That's all I have for now.

4   ATTORNEY WILSON:

5   Okay. Jeff, what we're going to do now

6           is we're going to go off the record, and take a short

7           break, and then we'll come back.

8           A. Okay.

9           SHORT BREAK TAKEN

10   ATTORNEY WILSON:

11   Terry, do you have anything?

12   MR. FARLEY:

13   No, I don't think I do.

14   ATTORNEY WILSON:

15   Dave?

16   MR. STEFFEY:

17   No.

18   ATTORNEY WILSON:

19   Celeste?

20           RE-EXAMINATION

21           BY MS. MONFORTON:

22           Q. Just one more question about the double doors.

23           And you mentioned that you saw other doors that were

24           broken around in that area?

25           A. Yes, sir --- ma'am. Excuse me.

1 Q. That's okay. So why do you think we as agencies  
2 approve the plans, when we know that the doors break,  
3 and potentially aren't as effective?

4 A. I don't have an answer for that.

5 Q. Okay. When you would witness problems like that,  
6 is there a mechanism for you to raise that up the  
7 chain of command to make your concerns known about the  
8 problems with something like this?

9 A. I'm sure that mine supervisor are well learned,  
10 problems that he had with doors, and you know, it's  
11 --- you know, if they're damaged, you write a  
12 violation, and get it corrected that way.

13 Q. Uh-huh (yes). In your agency, who actually does  
14 the plan approvals? Would that have been your  
15 supervisor or is it someone else?

16 A. I'm not exactly sure who, I know we have people in  
17 our agency that approve the roof control plans. I  
18 don't know about who approves the ventilation plan.

19 MS. MONFORTON:

20 Thank you.

21 ATTORNEY WILSON:

22 Anything else?

23 MR. STEFFEY:

24 No.

25 MR. FARLEY:

1 No.

2 ATTORNEY WILSON:

3 Okay. Mr. Spratt, on behalf of MSHA and

4 the Office of Miners' Health, Safety and Training, I

5 want to thank you for appearing and answering

6 questions today. Your cooperation is very important

7 to the investigation as we work to determine the cause

8 of the accident. Because we will be interviewing

9 additional witnesses, we would require that you not

10 discuss your testimony here today with any person.

11 After questioning other witnesses, we may call you if

12 we have any follow-up questions that we feel we need

13 to ask you. If at any time you think of additional

14 information that you think would be helpful to the

15 investigation, please call either Norman Page, or

16 contact Mr. Farley.

17 At this time, I'd like to give you the

18 opportunity to go back over any answers that you've

19 provided here today. If there's anything that you

20 feel that you need to correct, you may also at this

21 time make any kind of a statement that you would like

22 to make for the record.

23 A. I think I'm good.

24 ATTORNEY WILSON:

25 Okay then. Again, thank you for your



1 cooperation in this matter. We're done.

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STATEMENT UNDER OATH CONCLUDED AT 2:27 P.M.

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CERTIFICATE

I, Brett Steele, a Notary Public in and for  
the State of West Virginia, do hereby certify:  
That the witness whose testimony appears in  
the foregoing deposition, was duly sworn by me on said  
date and that the transcribed deposition of said  
witness is a true record of the testimony given by  
said witness;  
That the proceeding is herein recorded fully  
and accurately;  
That I am neither attorney nor counsel for,  
nor related to any of the parties to the action in  
which these depositions were taken, and further that I  
am not a relative of any attorney or counsel employed  
by the parties hereto, or financially interested in  
this action.



*Brett Steele*