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**Transcript of the Testimony of Ralph Tanner**

**Date:** May 25, 2010

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STATEMENT UNDER OATH  
OF  
RALPH TANNER

taken pursuant to Notice by Alicia R. Brant, 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 Tuesday, May 25, 2010, beginning at 2:05 p.m.

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██████

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

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EXHIBIT PAGE

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DESCRIPTION

IDENTIFIED

NONE OFFERED

P R O C E E D I N G S

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ATTORNEY FERGUSON:

Let's go on the record. Mr. Tanner, my name is Dana Ferguson. Today's Tuesday, May 25th, 2010. I'm with the Office --- Office of the Solicitor, U.S. Department of Labor. With me is Rich Stoltz, an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. At this time I ask that they state their appearance for the record.

MS. SPENCE:

I'm Beth Spence, with the Governor's independent team.

MR. FARLEY:

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

MR. JARRELL:

Dan Jarrell, with Miners' Health, Safety and Training team.

ATTORNEY FERGUSON:

All members of the Mine Safety and Health Accident Investigation Team and all members of the State of West Virginia Accident Investigation Team

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

17 MR. TANNER:

18 No.

19 ATTORNEY FERGUSON:

20 Government investigators and specialists

21 have been assigned to investigate the conditions,  
22 events and circumstances surrounding the fatalities  
23 that occurred at the Upper Big Branch Mine-South on  
24 April 5th, 2010. The investigation is being conducted  
25 by MSHA under Section 103(a) of the Federal Mine,



1 Safety and Health Act and the West Virginia Office of  
2 Miners' Health, Safety and Training. We appreciate  
3 your assistance in this investigation.

4 After the investigation is complete, MSHA  
5 will issue a public report detailing the nature and  
6 causes of the fatalities in the hope that greater  
7 awareness about the causes of the accidents can reduce  
8 their occurrence in the future. Information obtained  
9 through witness interviews is frequently included in  
10 these reports. You should know that if you request  
11 confidentiality, confidentiality will only be granted  
12 on a case-by-case basis. Your statement may also be  
13 used in other proceedings.

14 You may have a personal representative  
15 present during the taking of this statement and may  
16 consult with the representative at any time. Do you  
17 have a representative with you today?

18 MR. TANNER:

19 No.

20 ATTORNEY FERGUSON:

21 Your statement is completely voluntary.

22 You may refuse to answer any question and you may  
23 terminate your interview at any time or request a  
24 break at any time. Since this is not an adversarial  
25 proceeding, formal Cross Examination will not be

1 permitted. However, your personal representative may  
2 ask clarifying questions, or in this case you may ask  
3 clarifying questions.

4 A court reporter will record your  
5 interview. Please speak loudly and clearly. If you  
6 do not understand a question asked, please ask to have  
7 it rephrased. Please answer each question as fully as  
8 you can, including any information you may have  
9 learned from someone else. Because the court reporter  
10 who is sitting to your right is taking all this down,  
11 you need to respond verbally, that is by saying yes or  
12 no, instead of nodding your head or saying uh-huh or  
13 uh-uh ---

14 MR. TANNER:

15 Okay.

16 ATTORNEY FERGUSON:

17 --- as many of us do.

18 MR. TANNER:

19 Okay.

20 ATTORNEY FERGUSON:

21 Is that okay?

22 MR. TANNER:

23 Okay.

24 ATTORNEY FERGUSON:

25 I would like to thank you in advance for

1 your appearance here. We appreciate your assistance  
2 in this investigation. Your cooperation is critical  
3 in making the mines --- nation's mines safer. After  
4 we have finished asking questions, you will have an  
5 opportunity to make a statement if you wish, and you  
6 may provide us with any other information you believe  
7 to be important.

8 If at any time after the interview you  
9 recall any additional information you believe might be  
10 useful, please contact Norman Page and he will be  
11 happy to assist you. During this interview, Terry is  
12 going to do the initial questioning and then Rich  
13 Stoltz may ask some questions. Beth Spence may ask  
14 some questions. And you can ask for anybody to  
15 clarify any ---

16 MR. TANNER:

17 Okay.

18 ATTORNEY FERGUSON:

19 --- questioning that you have, if you  
20 don't understand it.

21 MR. TANNER:

22 Okay.

23 ATTORNEY FERGUSON:

24 Okay? There are also maps available for

25 you to describe different areas of the mine, if you

1       need to, but if you're going to use the maps either  
2       here on the table or as we have displayed on the wall,  
3       please identify by number or location specifically  
4       instead of saying things like here or there so that it  
5       comes through on the transcript clearly.

6       MR. TANNER:

7       Okay.

8       ATTORNEY FERGUSON:

9       Okay? Do you have any questions before  
10       we get started?

11       MR. TANNER:

12       No.

13       ATTORNEY FERGUSON:

14       You can swear the witness.

15       -----

16       RALPH TANNER, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
17       AS FOLLOWS:

18       -----

19       MR. FARLEY:

20       You ready?

21       ATTORNEY FERGUSON:

22       Yes.

23       EXAMINATION

24       BY MR. FARLEY:

25       Q. Ralph, would you be good enough to give us your

1 full name, home address and telephone number first,  
2 please?

3 A. Ralph Edward Tanner, [REDACTED]

4 [REDACTED]

5 Q. Okay. Now, you work for West Virginia Office of  
6 Miners' Health, Safety and Training?

7 A. I do.

8 Q. Which regional office are you assigned to?

9 A. Morgantown, Westover Office.

10 Q. Okay. What's your current position?

11 A. District inspector.

12 Q. Okay. How long have you been with the agency?

13 A. Four years this month.

14 Q. Okay. How long did you work in the coal mining  
15 industry before you joined the agency?

16 A. Thirty (30) years.

17 Q. Okay. So all told, about 34 years?

18 A. Yeah.

19 Q. Could you give us an idea of what companies you  
20 worked for before you came to the agency, please?

21 A. All of 'em or just ---?

22 Q. Well, the ones you ---.

23 A. Okay. I worked a lot a --- a small amount when I  
24 first started in the mines in Webster, Randolph  
25 County. Then I worked at Oneida Coal Company in

1 Braxton County. For a four-year period I worked a  
2 strip job in Webster County, Juliana Coal. And at  
3 that point, I left and started working away from home,  
4 Rock Springs Industry in Wayne County. Five years  
5 there, and when we sold that to the Germans and came  
6 to Charleston with Jim Bunn at Kanawha Eagle Coal  
7 Company ---

8 Q. Okay.

9 A. --- and worked there for five years. And then  
10 went back home and worked about six months up there  
11 and then took a job with the State.

12 Q. Okay. Are you also a member of the agency mine  
13 rescue team?

14 A. I am.

15 Q. Okay. How long have you been a member of the mine  
16 rescue team?

17 A. I've been on the State mine rescue team two and a  
18 half, three years, something like that.

19 Q. Okay. Did you have some mine rescue experience  
20 before joining the State?

21 A. Yes. All during the '80s I was on --- I was a  
22 captain of the mine rescue team for the Oneida Coal  
23 Company.

24 Q. Okay. All right. Now, let's go to April 5th,  
25 this year. When and how did you learn that there was

1 a problem at the Upper Big Branch Mine?

2 A. We were down at Chief Logan Park in Southern  
3 Community College here on rescue practice.

4 Q. Uh-huh (yes).

5 A. And we had finished at the classroom that day and  
6 went back to Chief Logan Park, and I was up to my room  
7 and came back down. Everybody was gathered out around  
8 the mine rescue trucks, and went out there and they  
9 said there'd been an explosion. I thought it was a  
10 practice to start with and they said it was the real  
11 thing. And it was around four o'clock, 4:00,  
12 something there. I don't remember the exact time.

13 Q. Okay. But around four o'clock?

14 A. Uh-huh (yes).

15 Q. What time --- do you recall what --- approximately  
16 what time you guys left, left there for the mine?

17 A. 4:15. I'm pretty sure right in that area we left  
18 and headed to Upper Big Branch.

19 Q. Okay. Do you recall approximately what time you  
20 arrived at the mine?

21 A. No. No, I don't.

22 Q. Okay. All right. Do you recall which portal you  
23 arrived at first?

24 A. Yeah. At the Ellis Porter --- Portal.

25 Q. Okay.

1 A. We got there and they had just covered, I believe,  
2 seven bodies up with a curtain there in the yard at  
3 the time we got there.

4 Q. Okay. Now, did you remain at the Ellis Portal or  
5 did you --- did you move elsewhere?

6 A. For a short time, and then they said we need to be  
7 over at the Upper Big Branch. And we moved over  
8 there ---

9 Q. Okay. Now ---.

10 A. --- and started getting our packs ready.

11 Q. Okay. Did you go underground later that evening  
12 as part of the rescue operation?

13 A. I did. We were --- I think two Massey teams and  
14 two State teams went underground, the first teams that  
15 went in.

16 Q. Okay. Do you roughly know what time that was?

17 A. I'm not sure. I haven't got my notes with me, so  
18 I don't really know.

19 Q. Okay. I know we kind of brought you in here kind  
20 of short --- on short notice.

21 A. But I'm sure it's on the ---

22 Q. Yeah.

23 A. --- command center report, what time we went in.

24 Q. Okay. Did you travel by mantrip, entering the  
25 main UBB Portal and traveling to about Crosscut 78?



1 Would that be accurate?

2 A. We cabbed to this part right here.

3 Q. You're pointing to the area of Six North on  
4 this ---

5 A. Yeah.

6 Q. --- 78 ---?

7 A. Seventy-eight (78). Right. We came up to 78 on  
8 the manbus and we got off the manbus here  
9 (indicating). The fresh --- it was just outby that.  
10 The fresh air base was supposed to be at that point,  
11 but when we got there, they had moved up.

12 Q. Okay.

13 A. And we got our packs and started following the  
14 phone line up to get to where the fresh air base was,  
15 and it was ---.

16 Q. Do you remember where the fresh air base was?

17 A. No, not exactly, but it was up in this  
18 (indicating) area here, someplace there, just outby  
19 the Mother Drive somewhere.

20 Q. Okay. All right.

21 A. That's where the fresh air base was when we got  
22 there.

23 Q. Outby the Mother Drive.

24 A. Or because one team at that point went up to these  
25 (indicating) connecting entries here to go toward the

1 headgate and the tailgate and check in that area. And  
2 we stayed at the fresh air base, our team did. It  
3 backed up and they was a Massey team up toward 22  
4 Headgate someplace.

5 Q. Let me back you up here a little bit. Is there a  
6 reason why you left the mantrip in the area of 78 or  
7 outby there?

8 A. That's fair --- as far as you could get and you  
9 couldn't get --- there was debris and doors and stuff  
10 on the track. You couldn't get in that far.

11 Q. Okay. So was it necessary, then, to walk, I  
12 guess, to the fresh air base?

13 A. It was necessary to walk.

14 Q. Okay. All right. Now, after you arrived at the  
15 fresh air base, which was just outby the Mother Drive  
16 some --- someplace as ---

17 A. Yes.

18 Q. --- you remember, what'd you do then?

19 A. Well, we stayed there as backup at the fresh air  
20 base as the Massey teams were exploring. And our  
21 other State team was up in this area, checking ---

22 Q. Now ---?

23 A. --- toward the headgate and the tailgate of the  
24 wall.

25 Q. Yeah. And that area you're pointing to on the map

1 where the State team was exploring would be the  
2 workings immediately outby the mouth of --- mouth of  
3 the longwall?

4 A. Correct.

5 Q. And also --- also there's some crossover  
6 entries ---

7 A. Right.

8 Q. --- on the mouth, at the mouth of the longwall ---

9 A. Right.

10 Q. --- which connected the longwall headgate and  
11 tailgate entry?

12 A. Yes.

13 Q. Is that where the State team was exploring?

14 A. The other State team.

15 Q. Okay.

16 A. We had --- I'm not real sure where the other  
17 Massey team was, but I know one Massey team was up  
18 here in the area of the Glory Hole someplace, and then  
19 they had went up to 22 Headgate section.

20 Q. Okay.

21 A. And meantime they were --- some other teams came  
22 in and started to serve as backup, so ---

23 Q. Uh-huh (yes).

24 A. --- our team then advanced on up toward the Glory  
25 Hole.

1 Q. Okay.

2 A. And at that point, the one Massey team had got up  
3 and found the mantrip on the 22 Headgate section ---

4 Q. Okay.

5 A. --- and said there were six bodies there and  
6 reported in excess of five percent methane. And  
7 that's the --- at that point is when we were told to  
8 retreat and come outside.

9 Q. Okay. All right. Now, at this time, by this time  
10 would it --- I think we're --- would we be past  
11 midnight into ---

12 A. Yes.

13 Q. --- Tuesday morning, April 6?

14 A. Yes.

15 Q. Okay. As you remember, at that point, how many  
16 miners remained unaccounted for?

17 A. Four.

18 Q. Okay.

19 A. Four miners had remained unaccounted for, three on  
20 the 22 Headgate section and one on the wall. They  
21 wasn't sure.

22 Q. Okay. Now, it's Tuesday morning, April the 6th.  
23 Did you enter the mine again as part of the rescue and  
24 recovery operation?

25 A. On Tuesday, no. No, I didn't.

1 Q. Did you enter the mine again later that week?

2 A. Not until Saturday.

3 Q. Okay.

4 A. And I can't recall what time that was Saturday,  
5 because Friday ---. I think Tuesday they told us to  
6 go, and we went back north.

7 Q. Uh-huh (yes).

8 A. Took our truck back north.

9 Q. Uh-huh (yes).

10 A. I don't know whether the --- because they had  
11 enough people down here, or I thought maybe they  
12 wanted our truck back up there in the event something  
13 happened up there, but we went back and ---

14 Q. Uh-huh (yes).

15 A. --- wasn't called back down to Upper Big Branch  
16 until Friday, whatever date that is, that week.

17 Q. Uh-huh (yes).

18 A. And it was Saturday when I went in with another  
19 team.

20 Q. Okay. Did you enter the mine in the same manner,  
21 mantrip, the same --- same portal ---

22 A. Yes.

23 Q. --- Saturday? And did you end up at 78 again?

24 A. Well ---. We rode that bus up to 78 and we was  
25 with two teams Saturday. One of 'em was ICG. Most of

1 the guys was from Imperial up there close to Sago,  
2 so ---

3 Q. Okay.

4 A. --- from the operation, and the other team was  
5 Federal 2's Team, I believe.

6 Q. Okay. Now, when you entered the mine on Saturday,  
7 was there an established fresh air base when you got  
8 there?

9 A. Yes. It was somewhere in the vicinity of the  
10 Mother Drive again.

11 Q. Okay. Would you take a marker and just circle the  
12 location of where you think the fresh --- possible?

13 A. This area.

14 Q. And you're pointing towards what's called Eight  
15 North?

16 A. Eight North and check the conditions and gas  
17 readings in that area.

18 Q. Did you make it all the way up to the faces ---?

19 A. No, we didn't.

20 Q. How far did you make it? Can you estimate?

21 A. We advanced the fresh air base up to approximately  
22 115 Break.

23 Q. Uh-huh (yes).

24 A. And we ended up and crossed the main belt to the  
25 outside entry of the --- right-hand entry to the ---

1 Q. Uh-huh (yes).

2 A. --- Glory Hole.

3 Q. Okay.

4 A. And we advanced up the outside entries up until  
5 about this point. And we were getting high CO and ---

6 Q. Now ---?

7 A. --- elevated readings of methane.

8 Q. Yeah. You're pointing to what would be about  
9 Crosscut 142 on Eight North, ---

10 A. On the right-hand entry.

11 Q. --- approximately?

12 A. Yes.

13 Q. On the outside right?

14 A. And at that point we was having trouble with  
15 communications. We wasn't --- our radios wasn't  
16 working. We had dropped people off with radios on the  
17 way up there. And some of their radios wasn't  
18 working. We wasn't being able to communicate with the  
19 command center.

20 Q. Okay.

21 A. And at that point I had some extra batteries with  
22 me. There were two --- we had two State people and  
23 both of us were up in there with that first team.

24 Q. Uh-huh (yes).

25 A. So I was taking back my batteries back into the

1 head --- truck ---.

2 Q. Uh-huh (yes).

3 A. Their batteries were dead.

4 Q. Uh-huh (yes).

5 A. But that didn't help, so we had to pull back out  
6 of there. And at that point we got permission from  
7 the command center to advance the fresh air base up to  
8 approximately 124, 125 Break ---

9 Q. Okay.

10 A. --- on the track.

11 Q. Right.

12 A. And at that point I went with the ICG team ---

13 Q. Uh-huh (yes).

14 A. --- and we tried to advance up the track entry and  
15 we got up to --- close to the gas well on, what is  
16 that, Eight North?

17 Q. Yes, sir.

18 A. On Eight North. And one of the ICG team members  
19 was experiencing trouble breathing.

20 Q. Uh-huh (yes).

21 A. So we had to come back out of there.

22 Q. Okay.

23 A. And we were pulled back outside that day.

24 Q. Okay. Can you estimate how long you were  
25 underground on Saturday?



1 A. No. I had it in my notes, but I don't have 'em  
2 with me.

3 Q. All right. That's fine. Okay. Now, after  
4 Saturday, were you underground again?

5 A. Yes, Monday morning.

6 Q. What time did you head in Monday?

7 A. Seven o'clock.

8 Q. The same route of travel up to 78 again; is  
9 that ---?

10 A. Yes.

11 Q. Okay.

12 A. And we parked at 78. At that time, the track was  
13 cleared. You could get a bus approximately six breaks  
14 past the switch at 78.

15 Q. Okay.

16 A. And I believe that's where we parked, and we went  
17 up and our objective was to ventilate 22 Headgate.

18 Q. Okay. Were you still without maps at that point?

19 A. Oh, yeah. We never did have maps.

20 Q. Okay. All right. Can you recall how you  
21 traveled?

22 A. Yeah.

23 Q. What did you do?

24 A. We traveled up the track. I think it was Federal  
25 Pocahontas Team and Federal 2 Team initially.

1 Q. Okay.

2 A. And Federal 2 Team had taken off and was roaming  
3 around up in there without being in communication with  
4 the fresh air base and the command center was  
5 hollering, what we doing? Nobody was taking charge  
6 and ---

7 Q. Uh-huh (yes).

8 A. --- finally asked the guy on Federal 2 captain to  
9 man the fresh air base and communicate with the  
10 command center and direct the work of them other mine  
11 rescue teams so there'd be some kind of order to it.

12 Q. Uh-huh (yes).

13 A. And he did that and he done an exceptional job  
14 that day.

15 Q. Okay. All right.

16 A. And I helped --- what I done there was I helped  
17 --- the ICG Team went up here (indicating) and started  
18 putting those checks up across the belt line on the  
19 mouth of 22 Headgate section. And we advanced the  
20 ventilation up to a point four --- four breaks outby  
21 where the manbus was.

22 Q. Okay. Can you --- can you describe how you  
23 advanced the ventilation, what you did, generally?

24 A. Yeah. We were directed to go so many breaks inby,  
25 a team, to put up airlocks and ---

1 Q. Uh-huh (yes).

2 A. --- then we advanced, put checks up between the  
3 belt entry and the Number Two entry.

4 Q. Okay. That belt entry's the Number One entry;  
5 right?

6 A. Correct. And we get up there and when the command  
7 center gave us permission, we would send a rescue ---  
8 another rescue team would go up another ten breaks or  
9 so and ---

10 Q. Uh-huh (yes).

11 A. --- erect another set of airlocks so we could  
12 advance the fresh air up ---

13 Q. Uh-huh (yes).

14 A. --- and know what we was sweeping out of the area.

15 Q. And then at that point you would advance the  
16 temporary check or ---

17 A. Yeah.

18 Q. --- the crosscuts between One and Two; is that  
19 right?

20 A. Yes.

21 Q. Okay.

22 A. And I stayed in there until about --- it was ten  
23 o'clock that night I got back outside. So I stayed in  
24 there for --- probably left up there about 8:30 or so  
25 and went back out. Good time --- I was getting kind

1 of tired.

2 OFF RECORD DISCUSSION

3 A. And that was the last time I was in there.

4 MR. FARLEY:

5 Okay.

6 A. That's what I done.

7 MR. FARLEY:

8 Do you have any questions?

9 MR. STOLTZ:

10 Dana?

11 ATTORNEY FERGUSON:

12 Okay.

13 EXAMINATION

14 BY MR. STOLTZ:

15 Q. Okay. Ralph?

16 A. Pardon?

17 Q. Ralph?

18 A. Yes.

19 Q. Okay. I have a few questions for you.

20 A. Okay.

21 Q. You've listed quite a few mines that you worked  
22 at.

23 A. Yes.

24 Q. And I think you also listed, said something about  
25 you worked at a ---

1 A. Surface.

2 Q. --- surface mine also. Could you just go through  
3 some of your job titles at some of the mines?

4 A. Yeah. I can run any kind of --- I ran any kind of  
5 equipment. I spent probably from --- first two, three  
6 years, I spent running equipment, and then I got my  
7 certification to be a foreman and held the section  
8 bolt shift foreman. And then '91 Oneida Coal shut  
9 down and I was kind of burnt out on bossing, so I took  
10 a job on strip for four years.

11 And then I went back underground in '95 and I was  
12 section boss to start with. Then I was shift foreman  
13 and then mine foreman. And for the last five years at  
14 Kanawha Eagle I was mine foreman, assistant  
15 superintendent.

16 And then when I went back home in 2005, I didn't  
17 want to boss. I went to work at Carter Roag, worked  
18 for six months. I was foreman there, but ---. And  
19 then I went to work at Sago two days before it blew  
20 up. And they wanted me to take a bolts man job there  
21 and I decided I --- to get out of it. That's when I  
22 went to work for the State. But I've ran any kind of  
23 equipment and spent close to 20 years and supervised  
24 in underground mines.

25 Q. Okay. You mentioned, also --- I believe in the

1 '80s you was on the rescue team?

2 A. Yes. Oneida Coal Company.

3 Q. Oneida Coal?

4 A. Uh-huh (yes).

5 Q. And your position, again, there was ---?

6 A. I was a captain.

7 Q. Captain? Okay.

8 A. Yeah.

9 Q. Just a team, their team or ---

10 A. Yes. Yes, just ---.

11 Q. --- did you have several teams?

12 A. We had two teams.

13 Q. Two teams?

14 A. Yes.

15 Q. And you had that through the '80s then?

16 A. Yes.

17 Q. Okay. So you have lots of experience, previous  
18 experience then?

19 A. I hadn't had a lot of actual disaster experience,  
20 but we had practice and competition.

21 Q. You mentioned that you showed up on April 5th at  
22 the Ellis Portal?

23 A. Uh-huh (yes).

24 Q. Was this the first time you were ever at this  
25 particular mine, Upper Big Branch?

1 A. Yes. Yes, it was.

2 Q. Okay. I guess when you, if you --- I know this is  
3 probably asking a lot, but when you showed up at the  
4 Ellis Portal, you'd mentioned about --- the victims  
5 were already covered up. Did you happen to discuss  
6 anything with mine management at that point of time or  
7 anything?

8 A. No, I did not. No.

9 Q. So after a while, then, you all went down to the  
10 other portal and ---

11 A. Yeah.

12 Q. --- were briefed?

13 A. Right.

14 Q. Somebody briefed you on ---?

15 A. Not really. It seemed pretty confused. At the  
16 Ellis Portal, we had people with us that were  
17 supervisors, district supervisors, that know the area  
18 and know the people, and they were communicating with  
19 some of the management but, myself, I wasn't. And I  
20 just --- all I remember, we was in the truck getting  
21 our packs ready and they said there was a couple teams  
22 going in and Fletcher, which is a guy on our team from  
23 Morgantown Area, said we want to go, too. And he went  
24 and talked to somebody and we got to go in, too.

25 Q. Okay. And so you all were either the third or

1 fourth team?

2 A. Yeah. There were two --- four teams, as I  
3 remember, two of the Massey teams and we was right  
4 behind them.

5 Q. Okay. I guess once you made it through 78  
6 Crosscut, you said you traveled up and followed the  
7 phone line to the fresh air base?

8 A. Yes.

9 Q. Just, again, I'm just going back from  
10 observations. When you were walking up there, did it  
11 appear that all the ventilation controls were  
12 destroyed?

13 A. It looked totally from that switch inby there  
14 wasn't nothing.

15 Q. Okay. And then once you made it up to the fresh  
16 air base, you said you were backup for a while?

17 A. Yes.

18 Q. Okay. And then more teams came in?

19 A. Uh-huh (yes).

20 Q. And then you headed up, I believe you said to the  
21 Glory Hole?

22 A. And toward --- we wasn't all the way up there. We  
23 headed up in that direction.

24 Q. Okay.

25 A. And we got up to where we was in about 75 parts



1 per million CO and we went under oxygen. And we were  
2 aiming to go on up on 22 Gate and that's when they ran  
3 into the methane and we pulled out.

4 Q. Okay. On your travels, then, up to the fresh ---  
5 fresh air base or up toward the Glory Hole, did you  
6 all happen --- did you encounter any hot spots or  
7 anything?

8 A. Nothing was --- it was still pretty smoky.

9 Q. It was smoky at that point?

10 A. Yeah. Yes, it was. That one body that was there  
11 at the Mother Drive, and other than that ---.

12 Q. Okay. But no hot spots ---

13 A. No.

14 Q. --- that you recall or anything ---?

15 A. No. I didn't see no hot spots.

16 Q. Okay. Okay. You mentioned that you were  
17 underground, what, two other times ---

18 A. Uh-huh (yes).

19 Q. --- later. But during that conversation, you were  
20 talking about the lack of maps.

21 A. Yeah.

22 Q. Why ---? Did you get a feeling on why that, you  
23 know, that important item to a mine rescue team was  
24 hard to come by? I'm going to say, hard to come by,  
25 since y'all didn't have it.

1 A. Pretty much impossible, I guess, because I never  
2 did see no maps, you know. Maybe if --- I hope this  
3 never happens again, but if it does, somebody needs to  
4 start printing maps for the mine rescue team, because  
5 if --- when you go into a new mine and it's full of  
6 smoke and black soot, it would be nice to have  
7 something to go by.

8 Q. I would understand that, you know, on the initial  
9 when you first get there and --- to go up to the fresh  
10 air base that initial time, yeah, there might be a  
11 lack of a lot of maps ---

12 A. Yeah.

13 Q. --- but the latter times you traveled in, you  
14 didn't --- you still didn't have maps.

15 A. Right.

16 Q. And at least by that time the thing should've been  
17 in progress where the engineering department should  
18 have been producing maps for you all.

19 A. I would've thought, yes.

20 Q. You would've thought. Okay. You mentioned ---.

21 OFF RECORD DISCUSSION

22 BY MR. STOLTZ:

23 Q. Did you all ever ask a Massey representative for a  
24 mine map to assist you with ---?

25 A. No. I didn't myself, so I ---

1 Q. Okay.

2 A. --- don't know that any --- whether anybody or  
3 not, but I never ---.

4 Q. Okay. I guess on Saturday you mentioned, again,  
5 that was the second time you all went underground  
6 and ---

7 A. Yes. Yes, sir.

8 Q. --- traveled, went to the fresh air base again and  
9 traveled up to the Glory Hole.

10 A. Yes.

11 Q. And on those travels, do you remember encountering  
12 any hot spots or anything unusual?

13 A. No, I never seen any hot spots or no evidence of  
14 smoke coming up from the bottom or the gob area.

15 Q. Okay.

16 A. Just notice the different disruptions in the area  
17 that we was at.

18 Q. A lot of stuff was destroyed or you're saying  
19 that ---

20 A. Yeah, quite ---.

21 Q. --- you're noticing destruction?

22 A. Quite a bit of destruction.

23 Q. Okay. Is that Saturday, then, that you were  
24 traveling, I thought, with an ICG team member, then,  
25 that started to have breathing problems?

1 A. Yes.

2 Q. And is that why you all retreated then?

3 A. Yes.

4 Q. Went back to the fresh air base?

5 A. Yes.

6 Q. Was it a problem with his apparatus or ---?

7 A. No. I talked to the team members later, because I  
8 know those guys, and his apparatus checked out good.  
9 I don't know if, you know ---. It's a new experience  
10 to be in respirable atmosphere for some people and  
11 things happen. I mean, your mind can play tricks on  
12 you. I don't know if that was the case, but his  
13 apparatus checked out to be good.

14 Q. You mentioned that the first time you all went in  
15 and went up to the fresh air base it was still smoky,  
16 so it was smoke in the atmosphere and visibility was  
17 limited, I imagine, due to the smoke.

18 A. Somewhat. It wasn't thick, but ---.

19 Q. It wasn't thick? I guess on Saturday and Monday  
20 visibility had improved?

21 A. Yes.

22 Q. And no smoke or anything?

23 A. Light smoke up in the Glory Hole because all their  
24 ventilation, but not --- it had improved quite a bit,  
25 but there was still some.

1 Q. Uh-huh (yes). Okay. I guess on the --- back to  
2 the 5th again, when you went --- reported to the fresh  
3 air base and you all said that --- ended up getting  
4 --- you explored something, went back to the fresh air  
5 base because of a report that somebody had encountered  
6 hazardous methane conditions, explosive ---?

7 A. Right. In excess of five percent.

8 Q. In excess of five. At the time, was anybody at  
9 the fresh air base without apparatuses on?

10 A. Yes.

11 Q. Okay. Do you recall who it was?

12 A. No.

13 Q. Okay. Was there some --- did you discuss ---?

14 A. They were in fresh air, though.

15 Q. Okay. Did you have a conversation with ---

16 A. Good air.

17 Q. --- any of the Massey employees?

18 A. No, I didn't.

19 Q. Okay.

20 A. No, I didn't know the Massey employees from the  
21 mine rescue team --- men.

22 Q. Okay. How many were --- did not have apparatuses  
23 on, that you recall?

24 A. It would be at the fresh air base. That's why  
25 they call it the fresh air base. You know, they have

1 respirable air that's over 20 percent oxygen and  
2 then ---.

3 Q. I'm not saying wearing apparatuses, excuse me, you  
4 know, have the face piece on. I mean, at least a lot  
5 of times you all have 'em on your back.

6 A. They all had them on their backs.

7 Q. Okay.

8 A. Okay. Yeah.

9 Q. Okay. I'm sorry.

10 A. They just didn't have the face pieces on.

11 Q. Okay.

12 A. They were ready.

13 Q. Okay. Again, then, just to clear my mind. On the  
14 last day you were there, you said you established  
15 ventilation up to Headgate 22.

16 A. Yes.

17 Q. Was it to within four breaks of the mantrip?

18 A. Yes.

19 Q. And that's where you established a set of checks  
20 inby, an air lock?

21 A. And when I left there, there was other people  
22 continuing to advance the fresh air.

23 Q. Okay.

24 A. But at that point, I was kind of tired.

25 Q. Well, I imagine. That's a long, hard day. Do you

1 just remember the --- just the general conditions of  
2 Headgate 22 when you were there? I mean, ---

3 A. Yes.

4 Q. --- was there a lot of destruction?

5 A. There was a lot of destruction at the mouth of ---  
6 the overcast at the mouth of Headgate 22. They were  
7 totally destroyed. And the one, particularly over the  
8 belt, the only thing that was left there was one H  
9 beam. Everything else was gone.

10 OFF RECORD DISCUSSION

11 A. One H beam and everything else was tore up and  
12 blown away.

13 BY MR. STOLTZ:

14 Q. A lot of force damage?

15 A. A lot of force.

16 Q. Okay.

17 A. And as we advanced on up, the ventilation controls  
18 were gone. And other than that, you know, it was just  
19 like a lot of soot.

20 Q. Uh-huh (yes).

21 A. The belt was still intact. It didn't show a lot  
22 of damage but just all the ventilation controls were  
23 gone. I noticed one little curtain. I don't know  
24 exactly where it was, it was scorched real bad.

25 Q. Showed ---?

1 A. A lot of heat.

2 Q. A lot of heat?

3 A. Yeah.

4 Q. And you can't recall where that was?

5 A. I can't recall exactly where it was. It was  
6 probably about 10, 12 breaks up in the 22 Headgate  
7 area.

8 Q. I guess to establish controls, then, you just used  
9 pogo sticks with ---?

10 A. Pogo sticks and curtain, yes, between the Number  
11 One and Number Two entry.

12 MR. STOLTZ:

13 Okay. Thank you. That's all I have for  
14 right now.

15 MS. SPENCE:

16 I just want to, on behalf of our team,  
17 thank you for your service. I don't have any  
18 questions of you.

19 A. Okay.

20 MS. SPENCE:

21 Thank you.

22 A. Thank you.

23 MR. STOLTZ:

24 Do you want to take a ---?

25 ATTORNEY FERGUSON:



1 Yeah. Let's take a break.

2 MR. STOLTZ:

3 Yeah, just a quick break, so I can tally  
4 up my team here to see ---.

5 SHORT BREAK TAKEN

6 BY MR. STOLTZ:

7 Q. You ready, Ralph?

8 A. I'm ready.

9 Q. Okay.

10 MR. STOLTZ:

11 We're on?

12 BY MR. STOLTZ:

13 Q. Okay. Ralph, I have, I guess, a couple more  
14 questions. One I'll ask, you should be able to --- on  
15 your travels up to Headgate 22. We've talked about  
16 the stopping, the damage and stuff.

17 A. Overcast.

18 Q. Yeah. The overcast. Do you remember what  
19 direction they were blown in, destroyed? Which way  
20 did the forces appear to be?

21 A. I'm no specialist or authority, but it looked to  
22 me like the forces came through the connecting entries  
23 from the wall over toward these overcasts, because in  
24 the --- where the overcasts were in the entries, there  
25 was a little bit of debris on each side of the

1 intersection, but the majority of the material from  
2 the overcast was blown away from the wall.

3 Q. Going north, away from the longwall, ---

4 A. Yeah. North.

5 Q. --- in the cross ---?

6 A. Correct.

7 Q. Okay. Okay. And the stopping, did you notice  
8 anything about the stoppings theirselves? They were  
9 just ---?

10 A. No, I didn't. No.

11 Q. They were destroyed by which directions and  
12 everything?

13 A. I didn't pay attention to that.

14 Q. Okay.

15 A. One --- one place in particular the belt outby the  
16 22 Gate head where the right entry of the Glory ---  
17 going up around the Glory Hole, there was tremendous  
18 force came out and hit that belt and caused --- all  
19 that rigid structure was blowing toward the track out  
20 from under the belt, twisted, twisted bad.

21 Q. And you're talking about around --- around  
22 Crosscut 124 ---

23 A. Yes.

24 Q. --- in the North, Number Seven North belt?

25 A. Yes.

1 Q. Okay. Okay. And I want to walk you back to on  
2 the April 5th, then, your first time you were  
3 underground. You all --- at that point in time was  
4 basically your task at hand --- was the search for  
5 either people that were alive or victims?

6 A. We was hoping to find people alive and rescue.

7 Q. Everybody was?

8 A. That's what a rescue team does.

9 Q. That's right.

10 A. That's what they enjoy doing anyway.

11 Q. And that was your assigned task at that point;  
12 right?

13 A. Yes.

14 Q. Okay. The next time you were under, on the  
15 Saturday, I believe, you told me, your assigned task  
16 of the team on that date was to ---?

17 A. To travel up in Eight North. Is this (indicating)  
18 Eight North?

19 Q. Yes.

20 A. Travel up into Eight North area and evaluate the  
21 atmosphere. See how much methane, CO was in that  
22 area.

23 Q. And probably to explore the area to check for ---?

24 A. Hot spots or whatever might be up there.

25 Q. Okay. And then the last day you were underground,

1 I believe you said it, but to ---

2 A. Yeah.

3 Q. --- make sure what ---.

4 A. Our objective was to ventilate up to 22 Gate to  
5 where we could recover those bodies in fresh air.

6 Q. Okay. And by that time all the victims had been  
7 accounted for?

8 A. Yes.

9 MR. STOLTZ:

10 Okay. Okay. That's all I have.

11 ATTORNEY FERGUSON:

12 Okay.

13 MR. STOLTZ:

14 Terry?

15 MR. FARLEY:

16 No. Anybody else? No?

17 A. Okay.

18 ATTORNEY FERGUSON:

19 Thank you.

20 A. Thank you.

21 ATTORNEY FERGUSON:

22 I'm sorry.

23 MR. STOLTZ:

24 Hold on.

25 ATTORNEY FERGUSON:

1 Wait. On behalf of MSHA and the Office  
2 of Miners' Health, Safety and Training, I want to  
3 thank you for appearing and answering questions today.  
4 Your cooperation is very important to the  
5 investigation as we work to determine the cause of the  
6 accident. We request that you not discuss your  
7 testimony with any person aside from your personal  
8 representative.

9 After questioning other witnesses, we may  
10 call you if we have any follow-up questions that we  
11 feel we need to ask. If at any time you have  
12 additional information regarding the accident that you  
13 would like to provide, please contact us with the  
14 contact information previously provided.

15 If you wish, you may now go back over any  
16 answer you've given during this interview and you may  
17 also make a statement that you would like to make.

18 A. No, I wouldn't care to make one. Thank you.

19 ATTORNEY FERGUSON:

20 Thank you very much for your ---

21 A. Okay.

22 ATTORNEY FERGUSON:

23 --- cooperation. Appreciate it.

24 \* \* \* \* \*

25 STATEMENT UNDER OATH CONCLUDED AT 2:51 P.M.

1 STATE OF WEST VIRGINIA )

2 )

4 CERTIFICATE

5 I, Alicia R. Brant, a Notary Public in and  
6 for the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in  
8 the foregoing deposition, was duly sworn by me on said  
9 date and that the transcribed deposition of said  
10 witness is a true record of the testimony given by  
11 said witness;

12 That the proceeding is herein recorded fully  
13 and accurately;

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



22 *Alicia R. Brant*