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Transcript of the Testimony of William Tucker

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Sargent's Court Reporting Services, Inc.

Phone: 814-536-8908

Fax: 814-536-4968

Email: schedule@sargents.com

Internet: www.sargents.com

STATEMENT UNDER OATH
OF
WILLIAM A. TUCKER

taken pursuant to Notice by Brett Steele, a Court Reporter and Notary Public in and for the State of West Virginia, at the offices of The National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Wednesday, May 12, 2010, beginning at 1:37 p.m.

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A P P E A R A N C E S

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ROBERT S. WILSON, ESQUIRE
U.S. Department of Labor
Office of the Regional Solicitor
1100 Wilson Boulevard
22nd Floor West
Arlington, VA 22209-2247

BARRY KOERBER, ESQUIRE
West Virginia Office of Miners' Health,
Safety and Training
1615 Washington Street East
Charleston, WV 25311

TERRY FARLEY
West Virginia Office of Miners' Health,
Safety and Training
1615 Washington Street East
Charleston, WV 25311

ERIC SHERER
Miner Safety Health Administration
1100 Wilson Boulevard
Arlington, VA 22209

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

JAMES BECK

West Virginia Independent Investigation

[REDACTED]

[REDACTED]

BETH SPENCE

West Virginia Independent Investigation

[REDACTED]

[REDACTED]

I N D E X

1		
2		
3	OPENING STATEMENT	
4	By Attorney Wilson	6 - 9
5	WITNESS: WILLIAM A. TUCKER	
6	EXAMINATION	
7	By Mr. Farley	10 - 28
8	EXAMINATION	
9	By Mr. Sherer	28 - 32
10	CLOSING STATEMENT	
11	By Attorney Wilson	33 - 34
12	CERTIFICATE	35
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
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6
7
8
9
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12
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21
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24
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EXHIBIT PAGE

PAGE

NUMBER

DESCRIPTION

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P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
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ATTORNEY WILSON:

We're here with Bill Tucker to ask him some questions. My name is Bob Wilson. I'm with the Office of the Solicitor, United States Department of Labor. With me is Eric Sherer, an accident investigator with the Mine Health --- Mine Safety and Health Administration. Also present are several individuals with the State of West Virginia. I would ask that they state their appearance for the record.

MR. BECK:

I'm Jim Beck. I work for Davitt McAteer on the Independent team.

MR. FARLEY:

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

ATTORNEY O'BRIEN:

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

MS. SPENCE:

Beth Spence with the Independent team.

ATTORNEY WILSON:

There are several other members of the investigation team in the room. All members of the

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

19 Mr. Tucker, government investigators and
20 specialists have been assigned to investigate the
21 conditions, events, circumstances surrounding the
22 fatalities that occurred at the Upper Big Branch Mine
23 South on April 5th, 2010. The investigation is being
24 conducted by MSHA under Section 103(a) of the Federal
25 Mine Safety and Health Act and by the West Virginia

1 Office of Miners' Health, Safety and Training. And we
2 appreciate your assistance in the investigation.

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

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

17 MR. TUCKER:

18 No.

19 ATTORNEY WILSON:

20 A court reporter will record the
21 interview. Please speak loudly and clearly. If you
22 do not understand a question asked, please ask that
23 the question be rephrased. Please answer each
24 question as fully as you can, including any
25 information that you may have learned from other

1 persons. Again, I would like to thank you in advance
2 for your appearance here today. We appreciate your
3 assistance in this investigation. Your cooperation is
4 critical in making the mines --- the nation's mines
5 safer.

6 After we have finished asking questions,
7 you will have an opportunity to make a statement,
8 provide us with any other information that you feel
9 may be relevant. If after the interview at any time
10 you recall additional information that you would like
11 to provide, you can either contact Terry Farley or you
12 can contact Norman Page. Here's a letter formally
13 requesting your appearance here today and Norman
14 Page's phone number is listed in that letter. At this
15 time I would ask that the court reporter swear in the
16 witness.

17 -----
18 WILLIAM A. TUCKER, HAVING FIRST BEEN DULY SWORN,
19 TESTIFIED AS FOLLOWS:

20 -----
21 ATTORNEY WILSON:

22 At this time, I'll turn it over to Terry
23 Farley to begin the questioning.

24 EXAMINATION

25 BY MR. FARLEY:

1 Q. Can you start by giving us your full name, home
2 address and phone number, please?

3 A. William Arthur Tucker, T-U-C-K-E-R. I go by Bill.

4 Address is [REDACTED]

5 [REDACTED]

6 Q. Okay. How long have you been with the West
7 Virginia Office of Miners' Health, Safety and
8 Training?

9 A. Right at 18 years, 19 years.

10 Q. Okay. What's your current position with the
11 agency?

12 A. Inspector-at-large, Welch region.

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

14 A. It'd be Mr. Wooten, the director.

15 Q. Okay. What's your total years --- total number of
16 years experience in the coal mining industry?

17 A. Thirty-four (34) plus.

18 Q. Can you give us an idea of where you worked before
19 you joined the Office of Miners' Health, Safety and
20 Training?

21 A. I started out at a little punch mine, Ellis Creek
22 Coal Company, right there by the old Marsh Fork High
23 School. Worked there a year and a half and then went
24 to work for --- then it was ARMCO Steel. Worked for
25 them until Peabody Coal Company bought them out, until

1 '91. Then I went to work for the Office of Miners'
2 Health, Safety and Training.

3 Q. Okay. Thank you. Now, my understanding is that
4 your involvement in the matters pertaining to the
5 Upper Big Branch explosion on April 5th of this year
6 is that you were involved in the rescue and recovery
7 operation. Is that generally correct?

8 A. Yes, sir.

9 Q. Okay. Let's go back to April 5th. Can you tell
10 me how and when and from whom that you learned that an
11 accident had occurred at UBB?

12 A. I was returning home from my daughter's in
13 [REDACTED] I spent Easter with 'em, plus
14 had a dentist appointment that Monday morning.

15 Q. Uh-huh (yes).

16 A. And I was in Lewisburg and Greg Norman called me
17 first and then Eugene White called right after that to
18 tell me they had a major event at Performance Coal
19 Company, UBB Mine. And my pager started going off
20 shortly after that. I was getting notified by
21 Homeland Security, the emergency hotline. And our
22 mine rescue team, they was in Logan. We had scheduled
23 practice there, so they told me all of them were
24 headed to the mine and, you know, to get there as soon
25 as possible.

1 Q. Okay. And your pager went off because you're a
2 member of the mine rescue team; is that correct?

3 A. Yes.

4 Q. Okay. Do you recall exactly what time Mr. ---
5 Greg Norman called you ---?

6 A. It was right around five o'clock.

7 Q. Okay. And I assume your pager went off after
8 Norman called you?

9 A. Yes.

10 Q. So let's take it like this. Why don't you just
11 take the ball now and just go from the time you
12 learned of the accident. Tell us what you did, where
13 you went, what time you got to the mine and go through
14 your involvement in the rescue and recovery operation,
15 and just be prepared for us to maybe interrupt you
16 occasionally with some questions.

17 A. Okay. That'd be fine. Well, from that point on I
18 hit my emergency flashers and got home as soon as
19 possible. When I got home, I throw me some clothes
20 together, not knowing for sure how long I'm going to
21 be there, some work clothes. And I left home at ten
22 after 6:00 on the 5th.

23 I got to the mines and, you know, we started
24 getting our apparatuses benched and ready to go
25 underground, trying to, you know, gather what

1 information we could. And, you know, realized just
2 early on that, you know, it was a major, major event.
3 My first stop was at the Ellis Portal. I live on
4 [REDACTED], so I went down through [REDACTED] and came
5 up Route 3 and they were set up at Ellis Portal,
6 initially. Our mine rescue truck was there, so I
7 ended up parking there and was starting to walk across
8 the bridge because there's a lot of congestion there
9 by that time. And Eugene White was coming across the
10 bridge to tell me they were moving everything up to
11 the other portal. And, you know, he had mentioned,
12 you know, briefly that some of the miners were --- you
13 know, that were deceased that they had already brought
14 outside there on the Ellis Portal side.

15 Q. Okay. Now, Eugene White would be the inspector-
16 at-large or supervisor of our Danville regional
17 office; is that correct?

18 A. That's correct. He's also on the mine emergency
19 team. So I went back to the vehicle and, you know,
20 headed up to the North Portals and, you know, a mine
21 rescue truck got there shortly after. We was just
22 working on getting it set up, trying to get it parked
23 over there we could get power run to it and things of
24 that nature. And MSHA's mine rescue truck was there
25 also and we was, you know, trying to help with that on

1 trying to get 'em both in there close where everybody
2 could set up.

3 Q. And that was up at the UBB main portal at ---?

4 A. Yes. So we ended up at that point --- that's when
5 we started benching our apparatuses and getting
6 everything ready to be prepared to go underground. We
7 had --- initially we went in. Eugene White took a
8 team in prior to myself going in and Barry Fletcher,
9 the northern team, went in first. They came out.
10 They needed a couple of guys to go with the team and
11 Greg Norman, from our state mine rescue team and Danny
12 Cook went with them.

13 So anyhow, shortly after that they needed a third
14 team, so they asked me to get our Welch team together
15 and we got prepared. And the ICG Beckley team went in
16 with us. At that point --- I entered the mine at 9:45
17 that evening. We had several mine rescue teams
18 underground by that time. So basically by mantrip
19 they took us in from the, you know, portals there at
20 the main bathhouse and everything and took us up to
21 around 78 Break. That's as far --- that was as far as
22 we could go --- I guess around ---. Actually around
23 75 Break, 76 in through there was as far as we could
24 go. From that point on we started having debris
25 across the track.

1 So they had a fresh air base set up. It'd
2 actually been along the 6 North belt up around 98
3 Break, which is down around the mother drive of the
4 longwall panel. So we were walking up the track entry
5 and I remembered that they mentioned one of the
6 persons unaccounted for was a fire boss. So I thought
7 I'd go over on the belt line and walk up instead of
8 everybody just going up the track entry. So a couple
9 of other guys ended up coming over there and walking
10 the belt line with me.

11 And we got up to about 86 Crosscut, which would be
12 on the 6 North belt. I noticed smoke on the offside
13 of the belt and that belt line was blown toward the
14 right rib.

15 Q. As you're facing inby?

16 A. As you're looking inby. So I seen some light
17 smoke across the belt, so I climbed overtop the belt
18 and there's a crib block laying over there. And I
19 flipped it over and it had red embers on the crib
20 block and, you know, some coal, little bit of coal
21 burning under it, where that was just a small hot spot
22 there.

23 So we ended up a couple of guys had some bottles
24 of drinking water and we --- I took the drinking water
25 and poured it on to that and, you know, cooled that

1 down. I did hang a reflector, like a last bolt
2 reflector, I hung it right there in that location. So
3 at that point we continued on up to the fresh air base
4 at 98. And when we got up there realizing, you know
5 --- I heard 'em talking just shortly after we got
6 there and the teams inby basically stretched out to
7 the point they were losing communications, couldn't go
8 any farther. And there was no communication cable to
9 be used up there. So I asked for a volunteer to go
10 back with me. I knew there was cable, large spools of
11 cable, back around 75 Break where we had parked our
12 manbus. And it's a pretty good hike up there, so we
13 ended up --- Randy Bell volunteered to go back with
14 me.

15 So we went back to around 75 Break. And we got a
16 large spool of phone line and we carried it back up to
17 the fresh air base. And once we got up there, I had a
18 couple of our guys started stretching it out to move
19 the phone line up. And they were working on doing
20 that. And as far as at the fresh air base, that's ---
21 Chris Blanchard and Jason Whitehead were --- they were
22 the ones on the phone there at the fresh air base.
23 And they were some company officials that, from what I
24 understand, went back in right after the explosion
25 trying to find the missing miners.

1 So we worked on that phone line a little bit and
2 shortly after that we got the call to retreat out of
3 the mine. They had had some high readings of methane
4 and, you know, we was in a lot of CO, the crew that
5 was trying to push up toward 22 Headgate. So they
6 brought us --- brought us out of the mines.

7 Q. Do you recall approximately what time that was?

8 A. I arrived back on the surface at 2:15 that
9 morning.

10 Q. Okay.

11 A. And at that point we went a few days before they
12 felt like it was safe for anybody to go back
13 underground. My next trip back to the mines was on
14 the 8th. I had worked that day at my office and I got
15 a call that evening from Danny Spratt. He called me
16 around 10:30 to get ahold of my team and for us to
17 come back to the mine.

18 So I left home at 10:50 on the 8th. I arrived at
19 the mines at 11:40 and entered the mines at 12:40,
20 which now would be on the 9th. So I ended up with
21 Robbie Asbury's team. He's with --- on the Massey
22 team's southern team there. And we went up on the
23 longwall section and we were going to try to get to
24 the section emergency shelter to see if anybody had
25 deployed that shelter.

1 Q. Can you see a location for that on the map?

2 A. Yes, just --- the corner of this map is just inby
3 the face line --- two crosscuts inby the face line,
4 the jack line.

5 Q. Uh-huh (yes).

6 A. It looks around like between Four and Five entry.

7 Q. Okay. Does the map accurately reflect
8 approximately where it was at the time?

9 A. It's approximate. One of the guys on the team had
10 a map and was marking it, so they had that marked. I
11 don't remember exactly ---

12 Q. Okay.

13 A. --- myself, but while we were --- while we were up
14 there ---. Once we got up to the longwall face,
15 Robbie had asked me if I would go with him. They had
16 identified --- they had found a body over on the
17 headgate on their original trip up there. I guess it
18 would have been on the 5th. And they didn't make a
19 positive ID. They were relatively sure who it was,
20 but we were trying to make positive IDs as much as
21 possible. So me and Robbie went over there and we
22 were able to find a tag on his belt and make a
23 positive ID.

24 So then we went back and got with the rest of the
25 team. And I don't recall exactly what --- it was a

1 break or two inby the longwall face that --- when we
2 rounded the corner to go over toward the shelter, we
3 started hitting high CO. Going up the entry there
4 you'd hit, you know, probably 60 or 70 parts per
5 million, somewhere through there. When you round that
6 corner, it'd go up to --- you know, to 200, 300 and I
7 can't recall exactly the highest number, maybe 400 and
8 some parts per million. So we had to go under air at
9 that point.

10 And there was --- it doesn't show it on here. I'm
11 not sure what --- there's no belt line that was
12 running up through there anyhow. We had to crawl over
13 --- you know, get overtop of it, but we did make it up
14 there and saw the ---. Got to the shelter and saw
15 that it had not been deployed and didn't look ---.
16 And best we could tell, it did not look damaged. Then
17 we encountered light smoke appeared to be coming
18 through this crossover between 22 Headgate and the
19 longwall panel. And it appeared to be traveling up
20 toward the 22 Tailgate section or MMU 040 section. It
21 was light smoke.

22 So shortly after that we got --- we got called out
23 of the mines, again, from the command center. So we
24 --- I got outside, which would have been now on the
25 9th at 6:30 that morning. So I was back at the mines

1 on April the 10th. I left home that morning at 9:30,
2 arrived at the mines at 10:20. Steve Snyder had been
3 there just about around the clock. He had put a lot
4 of hours in, so I relieved him in the command center
5 and ---.

6 Q. A tearful Saturday, wasn't it?

7 A. Yes. I ended up staying there from that
8 morning ---. I got home the next Sunday morning at
9 about 10:30. That night just --- we'd end up
10 splitting up the command center a little bit that
11 night and we had crews going on with other areas
12 exploring the ---. We separated the command center
13 and I was involved in the exploration of the command
14 center with the teams going --- trying to explore the
15 Glory Hole area. And, you know, we basically were
16 going up the outside entry trying to get in around the
17 Glory Hole and tie it back in to the --- around 140
18 Crosscut in the 8 North area. I guess we're still
19 referring to this panel here as 8 North, so that would
20 have been the 8 North area, about 140 Crosscut. Which
21 we got the command center notes. I don't have those
22 with me. I do recall we ran into some water issues.
23 We did run into some methane up in that area.
24 So at that point --- once we finally got most of
25 that area made, the perimeter of it, we ended up just

1 combining the command center back as one. The way the
2 phones was working, sometimes it would be confusing in
3 the command center because you could hear, you know,
4 the other things being called out. So it just seemed
5 to work smoother having one command center. So that
6 was --- now that was on the 11th. That Sunday morning
7 I had got back home.

8 And then on the 12th, the following Monday, I had
9 left home at 6:35 that morning. I arrived at the
10 mines at 7:30. I checked with Danny Spratt just to
11 get an idea, you know, what was ---. Danny Spratt is
12 our mine rescue coordinator. Get an idea of what we
13 was looking at as far as going underground. And Danny
14 had just put together a list there of rotation, of how
15 people were going to be going in. And I remember I
16 was down about 14th to go in. And I was kidding Danny
17 about it. And he said, well, we can change you if you
18 want. I said, no, you know, I'd like to be the next
19 one in, but I'm sure the next guy wants to go.
20 Everybody was trying to do all they could to help.
21 And I said I wouldn't do that, and made a joke about
22 Eugene White. He was the one in front of me. I said,
23 you can't bump me and Eugene around, so ---. But I
24 was kidding.

25 But anyhow I walked out and I thought it'd be a

1 little while before actually I'd be going underground.
2 And I know they were making arrangements for a crew to
3 go to actually recover the bodies. And Carl Baisden
4 had a couple of his men there and we had Barry
5 Fletcher and John Hall scheduled to go with them.

6 Q. Now, Fletcher and Hall are with Miners' Health,
7 Safety and Training?

8 A. Yes, they're --- yes, Barry Fletcher and John
9 Hall's two other members of the state mine rescue team
10 with Miners' Health, Safety and Training.

11 Q. Now, Carl Baisden is with the Southern West
12 Virginia Community College?

13 A. Yes, task force one, I think, is one of their
14 titles.

15 Q. Doesn't he have extensive experience in recovery
16 of bodies and so forth?

17 A. Right. And that's why that I think all parties
18 had agreed to use them to help recover the bodies up
19 on 22 Headgate. At this point we're a week past the
20 original explosion. So Carl, I just --- I went by
21 and, you know, just spoke with him and asked him how
22 he was doing and just mentioned, you know, if there's
23 anything I can do to help, you end up needing somebody
24 else to help you out, I'll do what I could.

25 And then I went on, left and was talking to

1 somebody else. In a little bit I came back and
2 rounded the corner and C.A. Phillips was there and he
3 said, you need to get your apparatus and said, you
4 need to go with Carl. So I went and grabbed my stuff
5 and went out and got loaded up to go in with Carl.
6 And I understood that at that time we were trying to
7 establish ventilation to where all the work involved
8 in recovering the bodies would be barefaced, you know,
9 you'd be in fresh air.

10 So I entered the mines at 11:10 a.m. on the 12th.

11 And actually when we were at 75 Break, we had
12 discussed --- there was some discussion about whether
13 even to take our BD4s, our mine rescue breathing
14 apparatuses, with us. And I made a comment, I was
15 going to take mine, I just feel better having it close
16 by. So everybody, whether State and Federal mine
17 rescue guys that was with that group ---. We had
18 three Federal MSHA employees who were mine rescue
19 members and there would have been three with the
20 State. And Carl had a couple guys with him and then
21 some members of another mine rescue team.

22 So anyhow we ended up taking our apparatuses with
23 us. When we got up to the mouth at 22 Headgate, there
24 was still a good bit of work taking place with the
25 ventilation up there, and we had a crew --- we made it

1 up to the mantrip and we had a team. We had air
2 locked and had a team inby there and some of us were
3 just helping out outby just doing what we could,
4 getting things ready, you know, to use for ventilation
5 on hanging the checks. And got a call on the radio
6 that one of our State guys was having trouble. Tom.
7 I can't think of his last name now. I'm drawing a
8 blank. I'll think of it in a minute. Anyhow, he's
9 with our northern team.

10 Q. Would it be Tom Maguire?

11 A. Maguire. Thank you. So they were --- I was there
12 at the curtain and of course I had my apparatus with
13 me, so I just threw my mask on, went under air and
14 went in to help with him. Barry and John Hall was
15 there also at that point, so we brought him on out to
16 the fresh air base or --- so the team was still inby
17 there, you know, working on the ventilation. So I
18 went on back and found him and finished helping them
19 do what we needed to do inby that area, building the
20 checks across. And then after that we came --- we
21 came outby and now the ventilation was pretty much
22 established. And then we got with --- I got with the
23 three MSHA guys and we got our crew together that was
24 going to be trying to recover the bodies. And we
25 started there at the mantrip.

1 Now, the outby canopy of that 22 Headgate
2 section's mantrip was blown inby. It was completely
3 gone. And the inby canopy of the mantrip was blown
4 down, it was bent down. And we actually took in
5 tools. We thought we were going to have to try to
6 remove the inby canopy to recover the bodies, but as
7 it turned out, we were able to get 'em out without
8 doing that.

9 Q. Can you estimate how far the outby canopy was
10 found inby?

11 A. I've tried to think since then. I'm thinking it
12 was around a break or so. It was at least a break,
13 maybe a couple breaks. And, you know, we would, you
14 know, try to map the bodies. And we marked the areas.
15 And, you know, we ended up --- we would, you know, get
16 'em in the body bags and put 'em on a stretcher. And
17 then we would carry 'em outby a ways and there'd be
18 other mine rescue members there ready to start 'em
19 outside toward the --- back down at the split there,
20 75, 76 Break.

21 And once we got six guys out of the mantrip, then
22 there was three other bodies inby at that location.
23 And we went basically and did the same thing with
24 them. We would map the area and, you know, load 'em
25 up and then take 'em back a little ways and then mine

1 rescue members was ---. They'd be waiting each
2 time ---

3 Q. To relay them?

4 A. --- to relay 'em on down. And the way that they
5 were set up, they actually did an excellent job, from
6 what I understand, of having teams scattered out. If
7 I'm not mistaken that's close to two miles. And they
8 had teams scattered out to where a team would carry
9 'em so far and they'd just --- another team would take
10 over and they brought 'em, you know, down to the
11 mantrip, prepared to bring 'em on out. So once we ---
12 once we ended up getting the last body, you know,
13 headed toward the outside, we started out. And I was
14 kind of hanging back and trying to come out with the
15 last guys coming out.

16 We were down at the mouth of 22 Headgate.

17 Somewhere in there I ran into Randy Bell, another one
18 of our State mine rescue guys and was talking to him.
19 And there was two mine rescue guys for --- I'm
20 thinking they may have been on the Massey team. I'm
21 not a hundred percent sure, but they had received
22 instructions from the command center. Apparently they
23 had a couple pieces of battery-powered equipment
24 toward the mouth of 22 Headgate and they wanted them
25 to come and disconnect those batteries. And they went

1 by themselves to do that.

2 One thing to mention, I talked to some of our mine
3 rescue guys that went in there on that last night who
4 were eye witnesses and saw --- talked to Paul Smith
5 and Mike Plumley, who saw another hot spot at break
6 116, which would be along, according to this map, on
7 the 7 North belt. And from the track entry facing
8 inby, it would have been --- the way they described it
9 to me was the crosscut to the left, about ten feet
10 into the crosscut and about two feet off the rib, they
11 said smoke was starting to blow up at that location.
12 And of course they ---.

13 Q. Toward the tracks, it hit a crosscut to the left
14 of the track?

15 A. To the left of the track entry, facing inby.

16 Q. Okay.

17 A. Yeah, 116 Crosscut. And, of course they, you
18 know, poured water on it and dug down into the bottom
19 there and tried to make sure that they had it cooled
20 off. But that was on the last night that we were in
21 there. So we --- we ended up --- I actually got out
22 of the mine at three o'clock that morning. We had ---
23 we had gotten to the outside a lot sooner than that,
24 probably around 1:30 or so, but we --- all the mine
25 rescue workers waited behind the mantrip. We waited

1 'til those guys got out and --- which was right at
2 three o'clock and then we came out.

3 So got outside about three o'clock, left the mine
4 about 3:40. That's about it.

5 ATTORNEY WILSON:

6 Mr. Sherer?

7 EXAMINATION

8 BY MR. SHERER:

9 Q. Mr. Tucker, when you arrived at the mine back on
10 the 5th, who was in charge for the company, do you
11 know?

12 A. I know early on I saw Chris Adkins.

13 Q. Okay.

14 A. And to the best of my knowledge, he would have
15 been in charge.

16 Q. So he was directing the mine rescue efforts at
17 that point in time?

18 A. To the best of my remembrance.

19 Q. Okay. Thank you. You mentioned that you went on
20 into the mine later on that night. You made it up to
21 the fresh air base about the 98th Crosscut. And you
22 said that Mr. Blanchard and a white hat were there and
23 they had been searching for survivors and such. Do
24 you recall the atmosphere inby at that point? Could
25 you go barefaced or was there concentrations of CO?

1 A. One thing that was mentioned since then is I
2 talked to a couple of our mine rescue guys that was
3 there --- went in early, ---

4 Q. Uh-huh (yes).

5 A. --- Eugene White and Greg Norman.

6 Q. Uh-huh (yes).

7 A. They were talking about their eyes burning so bad
8 that they were actually at one point going to go under
9 air just because their eyes were burning so bad. So
10 this crossover at the mouth of the longwall, Eugene
11 White and his team explored this area ---

12 Q. Uh-huh (yes).

13 A. --- between the head and tail and they had to be
14 under air from what I understand during that time.
15 And just inby the fresh air base, you know, that's
16 where they were hitting some high CO up in that
17 area, so ---

18 Q. Okay.

19 A. --- and low oxygen also is my understanding. So I
20 don't think you could have --- as far as someone going
21 barefaced much farther, no, I don't think they ---

22 Q. Okay.

23 A. --- could have done that.

24 Q. Had Mr. Blanchard or Mr. Whitehead mentioned where
25 they had been able to progress in the mine to look for

1 survivors or victims?

2 A. Not to me directly because, like I say, I was
3 there for a short period of time. I realized they
4 need phone line.

5 Q. Uh-huh (yes).

6 A. I left and went to get phone line. Now, I've
7 heard secondhand information from --- you know, it'd
8 be probably better to talk to the individual he talked
9 to. But, like I say, Eugene White had talked to him
10 because I guess when they got up there, Eugene's team
11 was going to go under air and go investigate this
12 area.

13 Q. Uh-huh (yes).

14 A. They had some conversation, so ---. I actually
15 didn't have hardly any conversation at all with him or
16 Jason.

17 Q. Sure. Okay. Thank you. Another question about
18 --- you've mentioned that you were putting in phone
19 cable for communication purposes. So I assume that
20 the communication system that had been installed in
21 the mine had failed?

22 A. I would assume. I'm not sure. I would think,
23 too, that they had knocked the power from --- on
24 everything going underground, ---

25 Q. Okay.

1 A. --- but I'm sure that by the devastation of the
2 structures underground that a lot of that system would
3 have been destroyed.

4 Q. Okay. Thank you. You talked about later on when
5 you were going up on the 22 Headgate working on the
6 ventilation, you mentioned that the canopy on the ---
7 the outby canopy of the mantrip had gotten blown inby
8 and the inby canopy had gotten bent down. Do you
9 remember which side of the inby canopy had gotten bent
10 down? Was it the outby side or the inby side?

11 A. The inby side.

12 MR. SHERER:

13 Okay. Thank you. That's all the
14 questions I've got.

15 A. One thing to add, I just --- you jogged my memory
16 about something.

17 MR. SHERER:

18 Sure.

19 A. But I did pay --- because we were waiting a good
20 while before we could actually get to the mantrip to
21 start bringing the --- preparing the bodies to be
22 brought out, but I did pay particular attention to the
23 --- a lot of pizza pans up on 22 Headgate.

24 BY MR. SHERER:

25 Q. Uh-huh (yes).

1 A. And you had --- you had 'em bent both ways, but
2 there was more that was bent down and in.

3 Q. Going inby?

4 A. Going inby. There were some that was bent outby,
5 but there was a larger amount of 'em ---.

6 Q. Did there appear to be any pattern to that
7 bending, some bent one way in one entry and some
8 bent ---?

9 A. Well, I was primarily just in the one entry, so
10 I'm not --- couldn't say.

11 MR SHERER:

12 Okay. Thank you.

13 MR. BECK:

14 I don't have any questions, but I would
15 like to commend you and thank you for your work in
16 this recovery.

17 A. I appreciate it.

18 ATTORNEY WILSON:

19 Terry, any follow-ups?

20 MR. FARLEY:

21 No, just --- like Mr. Beck said, I think
22 you did a double duty there and it's appreciated.

23 ATTORNEY KOERBER:

24 I'd like to add to that.

25 A. I appreciate that. I tip my hat to all the mine

1 rescue guys. Everybody wanted to do anything they
2 could to help, everybody there.

3 ATTORNEY WILSON:

4 All right. Then, Bill, also on behalf of
5 MSHA and the Office of Miners' Health, Safety and
6 Training, I want to thank you for coming here today
7 and answering our questions. Your cooperation is very
8 important in the investigation as we work to determine
9 cause of the accident. We ask that you not discuss
10 your testimony with anybody else since we will be
11 questioning other individuals. After questioning
12 other witnesses, we may have some additional questions
13 and we may contact you for that purpose.

14 If at any time you think of any
15 additional information that you want to provide,
16 obviously, you can contact Terry or feel free to
17 contact Norman Page at the phone number that we
18 provided. At this time before we close, I want to
19 give you an opportunity, if there's anything else that
20 you would like to add or any statement that you would
21 like to make, now is your chance to do that.

22 A. I appreciate it, but I can't think of anything
23 right now.

24 ATTORNEY WILSON:

25 Okay. Well, then again, thank you and

1 we're off the record.

2 A. Thanks.

3

4 * * * * *

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

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CERTIFICATE

5

I, Brett Steele, a Notary Public in and for

6

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.

20



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Brett Steele

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