

01 STATEMENT UNDER OATH
02 OF
03 JAMES FRED JAMISON
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Clarksburg
10 Bankruptcy Court, 324 West Main
11 Street, Clarksburg, West Virginia, on
12 Tuesday, January 17, 2006, at 9:07
13 a.m.

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01 I N D E X

02

03 WITNESS: JAMES FRED JAMISON

04 QUESTIONS

05	By Mr. Gates	16 - 67
06	By Mr. Conaway	67 - 85
07	By Mr. Gates	86 - 123
08	By Mr. Conaway	123 - 127
09	By Attorney Moore	127 - 130

10	By Mr. Gates	130 - 135
11	By Attorney Moore	135 - 136
12	By Mr. Conaway	136 - 137
13	CERTIFICATE	141
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

6

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	Jamison		
05	One	Large map of mine	25*
06	Two	Large map of mine	29*
07	Three	Small map of mine	30*
08	Four	Entry into record book	40*
09			
10	(EXHIBITS NOT ATTACHED)		
11			

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* NOT ATTACHED

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01 P R O C E E D I N G S

02 -----

03 MR. GATES:

04 Good morning. My name
05 is Richard Gates. I am the
06 District Manager with the Mine
07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. I'd like to
11 introduce Mr. Jim Crawford
12 with the Solicitor's office,
13 Mr. Doug Conaway, with the
14 West Virginia Office of

15 Miners' Health, Safety &
16 Training, and Mr. Davitt
17 McAteer. Representing
18 International Coal Group is
19 R. Henry Moore and Sam Kitts.

20 I've been assigned to
21 conduct an investigation into
22 the accident that occurred at
23 the Sago Mine on January 2nd,
24 2006, in which 12 miners died
25 and one was injured. The

8

01 investigation is being
02 conducted by MSHA and the West
03 Virginia Office of Miners'
04 Health, Safety & Training to
05 gather information to
06 determine the cause of the
07 accident, and these interviews
08 are an important part of the
09 investigation.

10 At this time, the
11 accident investigation team
12 intends to interview a number
13 of people to discuss anything
14 that may be relevant to the
15 cause of the accident. After
16 the investigation is

17 completed, MSHA will issue a
18 written report detailing the
19 nature and causes of the
20 accident. MSHA accident
21 reports are made available to
22 the public in hopes that
23 greater awareness about the
24 causes of accidents can reduce
25 their occurrence in the

9

01 future. Information obtained
02 through witness interviews is
03 frequently included in these
04 reports. Your statement may
05 be used in other enforcement
06 proceedings.

07 I would like to thank
08 you in advance for your
09 appearance here, and we
10 appreciate your assistance in
11 this investigation. The
12 willingness of miners and mine
13 operators to work with us is
14 critical to our goal of making
15 the nation's mines safer. We
16 understand the difficulty for
17 you in discussing the events
18 that took place, and we
19 greatly appreciate your

20 efforts to help us understand
21 what happened.

22 This interview with
23 James F. Jamison is being
24 conducted under Section 103 of
25 the Federal Mine Safety &

10

01 Health Act of 1977 as a part
02 of an investigation by the
03 Mine Safety & Health
04 Administration and the West
05 Virginia Office of Miners'
06 Health, Safety & Training into
07 the conditions, events and
08 circumstances surrounding the
09 fatalities that occurred at
10 Sago Mine owned by
11 International Coal Group in
12 Buckhannon, West Virginia, on
13 January 2nd, 2006. This
14 interview is being conducted
15 at the U.S. Bankruptcy
16 Courthouse in Clarksburg, West
17 Virginia on January 17th,
18 2006.

19 Questioning will be
20 conducted by representatives
21 of MSHA and the Office of

22 Miners' Health, Safety &
23 Training. After MSHA and
24 state officials have finished
25 asking questions, the

11

01 representative of the mining
02 company may ask clarification
03 questions only. This is not
04 an adversarial proceeding,
05 therefore, Cross Examination
06 will not be permitted.

07 Mr. Jamison, the
08 interview will begin by my
09 asking you a series of
10 questions. If you do not
11 understand a question, please
12 ask me to rephrase it. Feel
13 free at any time to clarify
14 any statements that you make
15 in response to the questions.
16 After we finish asking
17 questions, you will also have
18 an opportunity to make a
19 statement and provide us with
20 any other information you
21 believe may be important. If
22 at any time after the
23 interview you recall
24 additional information that

25 you believe may be useful,

12

01 please contact me at the
02 number or e-mail address
03 provided to you.

04 Your statement is
05 completely voluntary. You may
06 refuse to answer any question
07 and you may terminate your
08 interview at any time. If you
09 need a break for any reason,
10 please let me know. A court
11 reporter will record your
12 interview and will later
13 produce a written transcript
14 of the interview. Please try
15 and respond to all questions
16 verbally, since the court
17 reporter cannot record
18 nonverbal responses. Also,
19 please try and keep your voice
20 up. Copies of written
21 statements, written
22 transcripts, will be available
23 at a later time. If any part
24 of your statement is based not
25 on your own firsthand

13

01 knowledge but on information
02 that you learned from someone
03 else, please let us know.
04 Please answer each question as
05 fully as you can, including
06 any information you've learned
07 from someone else. We may not
08 ask the right questions to
09 learn information that you
10 have, so do not feel limited
11 by the precise question asked.
12 If you have information about
13 the subject area of a
14 question, please provide us
15 with that information.

16 At this time, Mr.
17 Conaway, do you have anything
18 that you would like to add on
19 behalf of the State?

20 ATTORNEY CONAWAY:

21 Yes. I'd like to make
22 a statement that the West
23 Virginia Office of Miners'
24 Health, Safety & Training is
25 conducting this interview

14

01 session jointly with the Mine
02 Safety & Health
03 Administration. And we are in

04 agreement with the procedures
05 outlined by Mr. Gates for
06 these interviews that will be
07 conducted here today. But the
08 Agency reserves its right, if
09 necessary, as outlined in the
10 West Virginia Code, to call or
11 subpoena witnesses TO require
12 the production of any record,
13 document, photograph or other
14 relevant materials necessary
15 to conduct this investigation.
16 Mr. Gates will do the initial
17 questioning, and then I'll
18 follow up with additional
19 questions. Richard?

20 MR. GATES:

21 Mr. Jamison, you are
22 permitted to have a
23 representative with you during
24 this interview and you may
25 consult your representative at

15

01 any time. You may designate
02 any person to be your
03 representative. Do you have a
04 representative with you?

05 MR. JAMISON:

06 I didn't bring nobody
07 with me. Is that what you're
08 talking about?
09 MR. GATES:
10 Yes.
11 MR. JAMISON:
12 No.
13 MR. GATES:
14 Do you have any
15 questions regarding the matter
16 in which this interview will
17 be conducted?
18 MR. JAMISON:
19 No.
20 MR. GATES:
21 Could you try to speak
22 up, ---
23 MR. JAMISON:
24 No.
25 MR. GATES:

16

01 --- please, for the
02 court reporter? Will you
03 please swear in Mr. Jamison?
04 -----
05 FRED JAMISON, HAVING FIRST BEEN DULY
06 SWORN, TESTIFIED AS FOLLOWS:
07 -----
08 BY MR. GATES:

09 Q. Mr. Jamison, do you prefer to
10 go by Fred or ---?
11 A. Fred.
12 Q. Fred, okay. Fred, would you
13 please state your full name and spell
14 your last name?
15 A. James Fred Jamison,
16 J-A-M-I-S-O-N.
17 Q. And could you please state
18 your address and telephone number?
19 A. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. And Fred, do you have an
23 e-mail address?
24 A. No.
25 Q. Are you appearing here today
17
01 voluntarily?
02 A. Yeah.
03 Q. Fred, how many years of mining
04 experience do you have?
05 A. I started in the mine very
06 close to saying June the 18th of '76.
07 Q. And could you give a brief
08 description of your coal mining
09 history, employment history?
10 A. Well, when I was a red hat, I

11 done red hat work. And then I
12 started running equipment. In '80 I
13 went to school and got my fire boss
14 papers.

15 Q. What mines have you worked at
16 during your mining career, briefly,
17 those that you recall?

18 A. A lot.

19 Q. Okay.

20 A. I've worked for Eastern, EAP,
21 Republic Steel, Kitt Energy, Global
22 Coal, Light Coal, Anker, ICG now.
23 Probably more, but ---.

24 Q. Okay. Thanks. And how much
25 of that mining experience was at the

18

01 Sago Mine?

02 A. Sago Mine, I started in --- I
03 believe it was right after vacation,
04 July. I worked over at Spruce and
05 then they moved me over to Sago.

06 Q. And that was July of ---?

07 A. '05.

08 Q. 2005. And when did you begin
09 employment with ICG?

10 A. When they had taken over. I
11 really don't --- it was November,
12 January.

13 Q. Do you recall when you started

14 working at Spruce Mine?

15 A. It was January, I believe, of

16 '99 or 2000. It was one of them

17 there. I believe it was '99.

18 Q. And what is your present

19 position at the Sago Mine?

20 A. I was a fire boss and belt

21 examiner.

22 Q. And did you hold that same job

23 position on January 2nd, 2006?

24 A. Yes.

25 Q. Would you give us a

19

01 description of your job duties on

02 January 2nd, 2006?

03 A. What do you mean?

04 Q. You mentioned that your job

05 title was fire boss and belt ---?

06 A. Belt examiner.

07 Q. Could you please kind of go

08 into a little description of what

09 that entailed or what your duties

10 consisted of?

11 A. Well, I'll go in and I'll

12 shovel in the belt until like

13 pre-shift time. And then I make my

14 examination and walk the belt,

15 inspect hot rollers, gas, float dust,

16 and then I would call out and report
17 it.

18 Q. Okay. And how long have you
19 worked in that position, in that
20 particular position as fire boss and
21 examiner?

22 A. Since '81.

23 Q. Pardon?

24 A. 1981.

25 Q. And how long have you had that

20

01 position at the Sago Mine?

02 A. I started there.

03 Q. That was your position
04 immediately after you started?

05 A. Uh-huh (yes).

06 Q. Have you held any other
07 positions at the Sago Mine?

08 A. No.

09 Q. And Fred, do you have any
10 mining certifications?

11 A. Just fire boss. I mean, I'm
12 not an electrician or shop foreman or
13 anything like that, you know. Would
14 that be good enough, just ---?

15 Q. Right.

16 A. Okay.

17 Q. And that's with the State of
18 West Virginia?

19 A. Yes.

20 Q. Any other State Certifications
21 in any other states?

22 A. No.

23 Q. And who's your immediate
24 supervisor at the Sago Mine?

25 A. Well, it would be Carl

21

01 Crumrine.

02 Q. And how long has Mr. Crumrine
03 been your supervisor?

04 A. Well, I'm just guessing.
05 Heck, you go out there and there's
06 somebody there all the time, but I
07 would say maybe permanent, three
08 months.

09 Q. Three months?

10 A. Uh-huh (yes). Brad Phillips
11 was the other one.

12 Q. Brad Phillips was your
13 supervisor prior to Mr. Crumrine?

14 A. Yeah.

15 Q. And do you recall how long he
16 had been your supervisor?

17 A. Well, he --- I was with him at
18 Spruce, too, so maybe we'd say seven
19 months, just a guessing. It's pretty
20 hard to ---.

21 Q. Right. To the best of your
22 recollection.

23 A. Yeah, it's just the best I
24 can.

25 Q. Okay. And you were working at

22

01 the Sago Mine on January 2nd, 2006?

02 A. Yes.

03 Q. Starting at the time you
04 arrived on the mine property, could
05 you tell us what you did that day,
06 including as many details as you
07 recall and times that you might
08 remember?

09 A. I arrived at the bathhouse and
10 I was changing clothes, and Terry
11 Helms come in. So we were talking,
12 you know how guys do, just talk. And
13 we was getting dressed, and I said,
14 where are you going to get today.
15 And he said, well, I'll just do my
16 regular run and you do yours, and
17 said I'll leave the Jeep at Four
18 Head. So my regular job is One, Two,
19 Three belt and track.

20 Q. Do you recall what time you
21 arrived at the mine, on the mine
22 property that day?

23 A. It was probably quarter after

24 2:00 a.m.

25 Q. And you mentioned when you

23

01 were at the mine getting dressed you

02 were talking with whom?

03 A. Terry Helms.

04 Q. Terry Helms?

05 A. The other fire boss.

06 Q. Did you begin your shift at

07 your normal time on January 2nd? Was

08 2:15 about your normal time to arrive

09 at the mine?

10 A. Yeah. I usually got there

11 about 40, 45 minutes early, and our

12 starting time was at 3:00.

13 Q. And I know you briefly

14 described it a minute ago, but can

15 you kind of go over what you remember

16 doing on the surface prior to going

17 into the mine?

18 A. We were just talking,

19 bullshitting, like coal miners do.

20 And he said he would do that area,

21 and I'd do my regular area. And we

22 went back and countersigned the

23 books.

24 Q. And what books are you ---

25 particular books are you referring

01 to?

02 A. Yeah. That was the fire boss

03 --- the area you fire bossed, you'd

04 go back and look at it and co-sign

05 that you've read it. And I went out

06 and got my light and he did, too, and

07 got my spotter. And I stepped

08 outside, smoking a cigarette, and he

09 was bullshitting with the dispatcher.

10 And then we left and went down the

11 hill and he was going to get a Jeep.

12 Is that what you want me to do, just

13 keep right on going?

14 Q. Right.

15 A. And he was going to get a

16 Jeep, mantrip.

17 Q. And when you mentioned you

18 were --- or there were some

19 discussions with the dispatcher, who

20 was the dispatcher at the mine on

21 January 7th?

22 A. I believe his name is --- we

23 call him Flea. I think his name is

24 Chisolm. Everybody got a nickname.

25 Q. That's true. That's true.

01 There is a map up on the easel of the

02 underground mine workings. Do you

03 recognize that map as a map of the
04 Sago Mine? And you can certainly get
05 up and take a closer look if you
06 like. Looking at the map, it would
07 be on your far left.

08 A. Yeah.

09 MR. GATES:

10 And could you mark that
11 map as Jamison Exhibit One,
12 please?

13 (Jamison Exhibit One
14 marked for
15 identification).

16 BY MR. GATES:

17 Q. Mr. Jamison, I'm going to
18 provide you with a marker, and if you
19 could use that marker and draw a line
20 on the map indicating your path of
21 travel during your pre-shift
22 examination. I'd just start on the
23 surface and work your way in. And if
24 you could describe in any details any
25 of your observations as you travel.

26

01 A. I came down in the mantrip
02 with Terry, over the derail, went
03 over on the belt came down to about
04 11 block, come out ---.

05 Q. Could you go ahead and just
06 use the marker and outline your path
07 of travel?
08 A. I came out and opened the
09 derail for him and the door.
10 Q. Excuse me. Opened the?
11 A. Derail. It's a thing that
12 goes across the track. If you don't
13 open it, you get a derail, it will
14 throw you off the track so you don't
15 run through there.
16 Q. Okay.
17 A. Opened it up, heard him
18 acoming, got in with him.
19 Q. Got in with?
20 A. Terry.
21 Q. Terry?
22 A. Helms. Rode up to Three Head,
23 got out.
24 Q. Could you go ahead and just
25 mark that, use the marker and

27

01 continue your route travel, please?
02 A. Got out. Terry went on. I
03 walked up the belt.
04 Q. So you got out?
05 A. Yeah, and walked the belt.
06 Q. You got out of the ---?
07 A. The mantrip.

08 Q. Where at, please?
09 A. Three Head.
10 Q. Three Head. Could you mark
11 that location, please?
12 A. Okay. Right here it is.
13 Q. Just label it Three Head.
14 WITNESS COMPLIES
15 A. Walked up the belt to Four
16 Head. Do you have Four Head marked
17 on here?
18 BY MR. GATES:
19 Q. I'm not sure if it's
20 specifically marked. That's the mine
21 map that was provided by the mine.
22 If you'd like to point out Four Head.
23 A. Terry had left the mantrip sit
24 here.
25 Q. Sit here, could you mark that?

28

01 A. Four Head.
02 Q. At Four Head. Okay. Would
03 you just mark that as Four Head?
04 WITNESS COMPLIES
05 BY MR. GATES:
06 Q. The mantrip was left at Four
07 Head; is that correct?
08 A. Right. Right. I got on the
09 mantrip and I proceeded to go to Two

10 Left. That's what he wanted me to
11 get. He was going to his run and
12 asked me if I'd pick up Two Left for
13 him. I parked the Jeep here because
14 I was afraid of getting off track by
15 myself. Crossed the Jeep at Two Left
16 switch.

17 Q. Two Left switch?

18 A. Walked up ---.

19 Q. Okay. When you entered the
20 mine, were you actually conducting
21 your examination when you entered the
22 ---?

23 A. Yeah, down to 11 Head, One
24 belt.

25 Q. Okay.

29

01 A. I went to Two Left, came over
02 into One, checked the face.

03 Q. If you'd like to, there is a
04 blow-up of the Two Left section that
05 may be easier to --- easier for you
06 to see and understand and you'll have
07 more room to make any marks.

08 MR. GATES:

09 And if you could mark
10 that as Jamison Exhibit Two,
11 please.

12 (Jamison Exhibit Two

13 marked for
14 identification).
15 A. Over here?
16 BY MR. GATES:
17 Q. Yes.
18 A. All right. Came up, went over
19 up to the face, checked the face,
20 went back, took an air reading, went
21 across down to Two, back --- Three
22 Left, Three --- never had no like .0
23 CH, no buildup. Curtain draw good.
24 Section is well dusted. It was made
25 --- it really looked good. Checked

30

01 in here, noticed here that the
02 curtain was that high. The air
03 ---.
04 Q. Now, when you say you noticed
05 where --- and I was going to ask,
06 Fred, if you could, to the best of
07 your recollection, put the curtains
08 or the ventilation controls that were
09 in place at the face, if you recall
10 where they were located on that day,
11 with a black marker and just label
12 them as curtains. If you want to sit
13 back down, we got another ---.

14 MR. GATES:

15 I guess if you want to
16 mark that as Three, please.
17 (Jamison Exhibit Three
18 marked for
19 identification).
20 BY MR. GATES:
21 Q. And again, if you could just
22 kind of outline as you worked your
23 way across the section, and include
24 any of the curtains that you referred
25 to.

31

01 A. Well, the curtains were up.
02 The only one I noticed was ---
03 really, was the one in the intake
04 that was blowing up because we had a
05 lot of air.

06 Q. And when you say in the
07 intake, where exactly are you
08 referring to?

09 A. Right in here. Right in here.
10 This is where the curtain went.

11 Q. Could you mark that and label
12 it as a curtain on the map where you
13 believe that it was located?

14 A. You want me to draw it to the
15 face or just mark ---?

16 Q. To the best of your
17 recollection, if you could draw how

18 the curtains were positioned on that
19 particular day.
20 WITNESS COMPLIES
21 A. That curtain would be there.
22 BY MR. GATES:
23 Q. Which particular curtain? And
24 when you're finished --- take as much
25 time as you need. And when you're

32

01 finished, we can go over and you can
02 explain what you've drawn.
03 WITNESS DRAWS ON MAP
04 BY MR. GATES:
05 Q. Is that the best of your
06 recollection?
07 A. Yeah. I'm not up there every
08 day, you know what I mean?
09 Q. I understand that, Fred. And
10 this is just to the best of your
11 recollection on that particular day.
12 A. Because usually --- I'm not a
13 face man, you know what I mean? But
14 you know, I can tell if we've got
15 curtains down and stuff like that.
16 Q. Could you just briefly
17 describe the location of the curtains
18 that you just marked on the map then
19 as you saw them going across the

20 section? Just kind of briefly
21 describe what you drew there on the
22 map and ---.
23 A. Line curtain. I put line
24 curtains through the face.
25 Q. Starting in ---?

33

01 A. Like One.
02 Q. When you say one, that's ---?
03 A. It's left to right ---
04 Q. Okay.
05 A. --- for curtain.
06 Q. In Number One?
07 A. This is a line curtain run to
08 ten feet of the face.
09 Q. To within ten feet of the
10 face, okay.
11 A. Right.
12 Q. Okay.
13 A. Line curtain, same thing.
14 Q. Same thing in entry Number
15 Two?
16 A. Two, yeah. And this is Three,
17 Three Left, ten foot of the face.
18 Four.
19 Q. There was also a curtain going
20 into that connecting crosscut from
21 Three to Two?
22 A. Yeah.

23 Q. And was that --- so that had
24 not been cut through?
25 A. No.

34

01 Q. Okay.
02 A. Four to the face.
03 Q. Entry Four, the same curtain
04 to within ---?
05 A. Ten foot of the face.
06 Q. Okay.
07 A. And the same thing on Five.
08 They go ten foot of the face. Six,
09 Seven and Eight.
10 Q. And also you have drawn some
11 curtains ---?
12 A. Them would be line curtains or
13 check curtains.
14 Q. Across ---?
15 A. You're going to hold the air
16 up.
17 Q. If you could just kind of
18 describe what entries or where those
19 curtains --- where those check
20 curtains were located.
21 A. This would be in Seven. This
22 would the air up into here, Seven
23 Entry. If you don't, it would come
24 right back down.

25 Q. Okay.

35

01 A. So you got to have these here
02 to keep your air up here. The same
03 thing here.

04 Q. The same thing here in ---?

05 A. Six, Five, Four, Three and
06 Two. And you want to leave One open
07 because it's the intake and you want
08 it to go down.

09 Q. And when you say the intake,
10 the intake is in entry ---?

11 A. Number Eight.

12 Q. And ---.

13 A. See, it's open. And this is
14 your return. It's open because it
15 doesn't go down.

16 Q. And when you say that the
17 return is then in entry --- what
18 entry is ---

19 A. One.

20 Q. --- considered the return?

21 Number One, okay. When you say
22 you're not a face man, what are you
23 referring to?

24 A. I usually work outby face. A
25 section boss is usually --- you know,

36

01 he's there every day. You know, he

02 can --- he's the expert on this. You
03 know what I mean?

04 Q. But part of your assignments
05 are, in fact, to conduct the
06 pre-shift for this area?

07 A. Yes, I have done it. Yeah, I
08 have done it like --- just like
09 Christmas and New Year's I done it.
10 But I'm certified to do that.

11 Q. On January 2nd, did you, in
12 fact, conduct the pre-shift for the
13 Two Left working section?

14 A. Yes, I did.

15 Q. Prior to entering the mine on
16 January 2nd, did you review anything
17 or speak to anyone regarding the
18 pre-shift examination?

19 A. Terry. I talked to Terry.
20 You know, we talked. He said like,
21 you know, you get your regular run
22 and I'll get mine.

23 Q. And again, your regular run is
24 One, Two, Three?

25 A. And he said, you get your

37

01 regular run and I'll get mine and
02 asked me if I'd pick up Two Left for
03 him.

04 Q. So normally, Two Left was not
05 a part of your ---?

06 A. No.

07 Q. When was the last time that
08 you had performed a pre-shift on the
09 Two Left section prior to January
10 2nd?

11 A. It was after the 26th maybe of
12 December, after Christmas.

13 Q. After Christmas?

14 A. First day back after
15 Christmas.

16 Q. On January 2nd, do you recall
17 if you observed any hazardous
18 conditions during the course of your
19 examination?

20 A. No.

21 Q. No, you did not observe any?

22 A. I didn't observe no ---
23 nothing out of the ordinary. In
24 fact, I thought it looked good.

25 Q. When you say you thought it

38

01 looked good ---?

02 A. It was clean. The section was
03 clean and dust --- sometimes you go
04 up on a section, there's spillage up
05 to your knees, there's no rock dust
06 and there's curtains down and, you

07 know, you got to put them curtains
08 up. Because I always put a curtain
09 up when I find it down because it
10 might catch me before we get outside,
11 and I made that rule a long time ago.
12 But it looked good. It was just a
13 good-looking section.

14 Q. Do you recall when the last
15 time was that you observed any of
16 these conditions that you just
17 referred to, the spillage or the
18 curtains down or some of the
19 conditions that you just laid out for
20 me?

21 A. No. I don't think I ever did
22 at that mine because I never went up
23 that area. I've always been outby,
24 what we call outby. In fact, that
25 was the second time I had ever been

39

01 on that section.

02 Q. This was only the --- January
03 2nd was the second time ---?

04 A. Second time I had ever been up
05 there.

06 Q. So the second time that you
07 had been on the section or the second
08 time that you had conducted a

09 pre-shift --- the pre-shift for the
10 section?

11 A. Right, both.

12 Q. Both, okay.

13 A. I didn't work up there.

14 Q. Did you fill out a pre-shift
15 report after exiting the mine?

16 A. Yes.

17 Q. And did you identify this as a
18 copy of that pre-shift report?

19 A. Yeah, that's mine.

20 MR. GATES:

21 And could you mark that
22 as Jamison Exhibit Four?
23 (Jamison Exhibit Four
24 marked for
25 identification).

40

01 BY MR. GATES:

02 Q. Did you make those entries in
03 the pre-shift record book based on
04 any notes that you kept or wrote
05 while you were underground?

06 A. My notes, when we came
07 outside, our clothes was hanging
08 outside, and my coat, my notes, my
09 glasses, my mining light and spotter
10 were all --- disappeared. But ---.

11 Q. When you say when you came

12 outside --- could you repeat what you
13 just said?

14 A. Yeah. When we come outside, I
15 went back --- we took our clothes
16 off. See, I went back into the mine.

17 Q. Okay. But when you --- the
18 notes that you used to fill out this
19 report, do you ---?

20 A. I have a little United Central
21 book I write notes in. But when we
22 come outside, you know how it is,
23 everybody worried what's this, what's
24 this, what's this. We laid our
25 clothes down on the bench. Here come

41

01 the rescue squad. Here come Mine
02 Rescue. It's just hard to tell what
03 happened to the stuff. Mine wasn't
04 the only one. There was other
05 clothes gone, too. But I mean, you
06 know, you see an old shirt laying
07 there, you see an old coat, you got
08 something going on inside, it just
09 don't mean nothing.

10 Q. So you don't have a copy of
11 the --- you don't know what happened
12 to the notes that you took ---

13 A. No.

14 Q. --- while you were underground
15 on January 2nd?
16 A. No, because it was later ---
17 I think it was last Saturday before
18 we ever went to the mine. We went to
19 get our stuff.
20 Q. Could you go over the entries
21 that you made on the pre-shift record
22 book, the one that you're looking at?
23 A. What do you mean by that?
24 Q. Could you just kind of briefly
25 describe the entries that you made in

42

01 the record book on that particular
02 day?
03 A. Well, I went to them, dated
04 them, checked for gas. They was all
05 right. I didn't have no buildup on
06 anything, no gas.
07 Q. Now, when you say that, on the
08 particular face areas ---
09 A. Yeah.
10 Q. --- that you're talking about?
11 A. Yes.
12 Q. Any other locations that you
13 observed? Any methane on that
14 particular day?
15 A. No. If there had been a lot
16 of methane, my detector would have

17 beeped and picked it up.

18 Q. Okay. Back to the notes. You
19 say you normally keep notes in a
20 notebook while you're underground?

21 A. Yeah. I write down like date,
22 where I'm going, entries and what the
23 violation is. And then when we get
24 to a section, I'll put that out, you
25 know, to see what I need to check,

43

01 what's wrote. Because a lot of times
02 when I have a place that's not
03 bolted, when you go up there it is
04 bolted. So you clear that up.

05 Q. On this particular day, do you
06 recall anything that may have been
07 out of the ordinary that you would
08 have had in your notes? Or do you
09 recall any of the notes that you took
10 that day?

11 A. Well, I never wrote any like
12 violations or anything because
13 everything looked good.

14 Q. So you don't recall having
15 taken many notes on January 2nd?

16 A. No. It looked good.

17 Q. Do you recall taking any notes
18 on January 2nd?

19 A. On anything --- like if
20 everything is right, you know, you
21 just don't write it.

22 Q. Okay. On January 2nd, was the
23 main mine fan operating?

24 A. Yes.

25 Q. And was it operating at its

44

01 normal speed and pressure?

02 A. I would say it was. Now, I do
03 not check that. That's the
04 electrician, permissibility and stuff
05 on that.

06 Q. And who is the electrician
07 that's responsible?

08 A. There's many of them. I have
09 no idea.

10 Q. Do you know if the main mine
11 fan was operating on the Sunday prior
12 to the accident?

13 A. I don't know. I wasn't there.
14 But it was running when I got to the
15 mines. I think those guys worked
16 Sundays, so it would have had to be.

17 Q. When was the last time that
18 you were in the mine prior to your
19 pre-shift examination on January 2nd?

20 A. I don't remember my last day
21 that I worked. Let's see. I think I

22 worked Thursday. I'm just a guessing
23 now.

24 Q. Okay. To the best of your
25 recollection.

45

01 A. A lot's happened. It's been a
02 long time.

03 Q. Sure. I understand.

04 A. I think I was off Thursday,
05 Friday, Saturday, Sunday was a
06 holiday. It would have been on, I'm
07 guessing, Wednesday.

08 Q. The Wednesday between ---?

09 A. Before Christmas.

10 Q. Before Christmas or before New
11 Year's?

12 A. Right, before New Year's.

13 You're right.

14 Q. So the Wednesday between
15 Christmas and New Year's was the last
16 day that you had worked ---

17 A. Yeah.

18 Q. --- prior to January 2nd?

19 A. Yeah. Don't hold me right on
20 that, but I think that's what it was.

21 Q. And what was your particular
22 job assignment on that day, if you
23 recall?

24 A. Belt and track, One, Two,
25 Three.

46

01 Q. Do you know when the last time
02 that anybody was in the mine prior to
03 the morning of January 2nd?

04 A. Well, I believe the boys told
05 me that they worked yesterday, that
06 was Sunday. I was talking to Runyon
07 (phonetic), I think was his name.

08 But you know, a lot of guys, I don't
09 know their first names. You know
10 what I'm saying?

11 Q. And that name again was?

12 A. Runyon.

13 Q. Runyon?

14 A. Yeah. And he said, the
15 section looked good; didn't it. And
16 I said, yeah. And I don't know if he
17 had been the one up there that
18 cleaned and dusted or what.

19 Q. And you had had this
20 conversation with Mr. Runyon on
21 January ---

22 A. 2nd.

23 Q. --- 2nd?

24 A. Yeah. He had come out the
25 mines. I think they might have

47

01 called him out because he was a motor
02 man. They were going to try to haul
03 block or something. You know, they
04 get supplies and they would rebuild
05 and rehabilitate. I really don't
06 know. Or maybe he just come down on
07 his own. I don't know.

08 Q. So you would have had --- you
09 think you had this conversation with
10 Mr. Runyon then on the surface ---

11 A. Yeah.

12 Q. --- on Sunday?

13 A. No, it was on Monday, ---

14 Q. Monday.

15 A. --- after I come out. A lot
16 of guys came to the mines that lived
17 close when they heard.

18 Q. So that conversation wouldn't
19 have taken place prior to you
20 conducting your pre-shift
21 examination?

22 A. No, it was after.

23 Q. After. Do you know if the
24 mine fan operated continuously during
25 the weekend, the weekend before

48

01 January 2nd?

02 A. I wouldn't know, but there is

03 a record of the fan.

04 Q. And do you know where that

05 record is, where it's kept?

06 A. No. That's the electrician.

07 Q. Okay. Do you know if the

08 underground power was de-energized on

09 Sunday, January 1st?

10 A. No.

11 Q. And again, back to January

12 2nd, when you were assigned to

13 conduct a pre-shift. Again, do you

14 recall what time you actually entered

15 the mine that day?

16 A. No, not exactly.

17 Q. Well, do you have an estimate

18 as to what time you entered the mine?

19 A. It was close to three o'clock

20 or 3:00. I mean, we're not always

21 right on the money. You know what I

22 mean?

23 Q. Right. And again, could you

24 state how you traveled into the mine,

25 not the route of travel, but the

01 particular equipment that you used to

02 enter the mine?

03 A. Well, I walked for a ways and

04 then we rode the mantrip up through

05 the --- I rode to Three Head. Terry

06 rode to Four. I walked to Four, rode
07 the mantrip to Two. And then made an
08 examination, started out, got down to
09 One Left, called the dispatcher,
10 Flea, told him that I was going to
11 leave Terry's dinner bucket and coat
12 at the switch.

13 Q. At the switch?

14 A. Of One Left.

15 Q. Switch of One Left?

16 A. Right.

17 Q. When you entered the mine on
18 January 2nd to conduct that pre-shift
19 examination, was there anybody else
20 in the mine when you entered?

21 A. No, I never seen anybody. I
22 wouldn't have thought there would be
23 anybody.

24 Q. Was the power on underground?

25 A. Yes.

50

01 Q. And on your way into the mine,
02 did you energize any electrical
03 equipment on the way?

04 A. The only thing I tried to do
05 was to set a breaker on a pump at 22
06 block along Three belt. It wasn't
07 running. And I knew we got a water

08 problem. But I was there at the
09 pump. And you know, I checked it, so
10 I tried to start it and it wouldn't
11 start.

12 Q. So you tried --- again, could
13 you describe the location where this
14 pump was located?

15 A. Twenty-two (22) block on Three
16 belt. But it sets in the return, but
17 it's along Three belt.

18 Q. And that pump --- when you
19 arrived at the pump, it was not
20 energized, it was not running?

21 A. Running. We was getting a
22 water buildup.

23 Q. And when you say a water
24 buildup, ---?

25 A. It was making water. You got

51

01 to keep them pumped or your water
02 will, you know, eventually come over
03 on it, so we run it.

04 Q. And how much water had --- how
05 much water did you observe at that
06 location?

07 A. Well, we're coal miners, so
08 I'm just going to say --- we've got a
09 cement block sitting there, half of
10 the block. And you know, when you

11 change shift, the guy asks you, where
12 was the water at, and you'd say,
13 well, it's a foot from the block foot
14 above the block. You know, that
15 tells us something.
16 Q. So was this --- so the water
17 level ---?
18 A. Was up to the block.
19 Q. Up to the block.
20 A. It could be run, yeah. And I
21 couldn't get it started, so I didn't
22 --- you know, I'm no electrician, so
23 I just went on. And then when I got
24 back outside, I told John Boni about
25 it. He was our pumper.

52

01 Q. Would you have made a notation
02 of this in your notebook?
03 A. Yes. I let him know it.
04 Q. Again, could you describe or
05 tell me one more time where the
06 location of this pump installation
07 --- where the pump was located?
08 A. Twenty-two (22) block, Three
09 belt return.
10 Q. Were any of the conveyor belt
11 flags operating when you entered the
12 mine on January 2nd?

13 A. You mean like the belt
14 running?
15 Q. Yes.
16 A. No.
17 Q. Did you start any of the
18 belts?
19 A. No.
20 Q. And when you started your
21 examination underground that day, did
22 you have any type of measuring
23 instruments that you took with you?
24 A. Yes. I had a spotter and an
25 anemometer.

53

01 Q. And when you say spotter,
02 could you describe what you mean by
03 spotter?
04 A. It's a little hand-held that
05 picks up oxygen efficiently and
06 methane.
07 Q. So it does detect oxygen and
08 methane?
09 A. Uh-huh (yes).
10 Q. And I think you had mentioned
11 earlier about the --- at times, that
12 that device would give an alert or an
13 alarm?
14 A. Yeah. It was right around .9,
15 it would ---.

16 Q. .9 ---?

17 A. Percent.

18 Q. Percent?

19 A. Of methane. At .9, it would
20 start beeping, beep, beep, beep,
21 beep. And then that's when you got to
22 figure out what's going on.

23 Q. Does the oxygen also have an
24 alarm setting on it that you're aware
25 of?

54

01 A. I'm not aware of that.

02 Q. Had these instruments or the
03 instruments you're referring to, the
04 spotter and the anemometer, had they
05 been calibrated?

06 A. Yeah. Mine was a good one. I
07 always kept up on it, made sure it
08 worked good, you know, because I put
09 a lot of faith in it and I wanted it
10 to work. Because a lot of times they
11 don't work right, and I made sure
12 mine did. In fact, they borrowed
13 mine to go in when they went in to
14 check to see if they could find the
15 guys, you know, or something. And
16 they come and got mine because they
17 know, you know, I make it work.

18 Q. Do you know where your spotter
19 is now?

20 A. No. Unless they've checked it
21 and had it when I come to get it,
22 which could be.

23 Q. When you say that you kept
24 yours up and running, does that mean
25 that you performed the calibrations

55

01 on it yourself?

02 A. No. I would have the
03 dispatcher come.

04 Q. And again, the dispatcher is?
05 Who is the dispatcher?

06 A. Flea.

07 Q. Flea. So Flea was the person
08 responsible for doing the ---?

09 A. I would say he did. But see,
10 it's really simple, too. If you just
11 watch what you do and do it. When
12 you turn it on, it will say normal or
13 low battery. And if you got a low
14 battery, you just tell him. It's not
15 a big job.

16 Q. Do you know if it had been
17 calibrated as far as with any kind of
18 air --- methane mixture?

19 A. I don't know that, but that's
20 how they do it.

21 Q. When you say they, again, Flea
22 is ---?

23 A. Probably Flea.

24 Q. Do you know if there are
25 records kept of those calibrations?

56

01 A. I don't know for sure, but I'm
02 sure there is. Everything else is
03 kept on record.

04 Q. You mentioned a little bit ago
05 that the spotter that you carried
06 will give a signal when .9 percent
07 methane is ---.

08 A. One percent.

09 Q. You said one?

10 A. Yeah.

11 Q. Okay. I misunderstood you.
12 I'm sorry.

13 A. Well, now it had like a ---
14 when you're getting close, it will
15 start, but you're not there yet. You
16 know what I mean? It's just kind of
17 giving you a little warning at .9.
18 And then it goes to one percent and
19 then, you know, it will just kind of
20 give you a little warning.

21 Q. Have you heard that spotter
22 give you that warning at any time in

23 the course of your examinations?
24 A. I'll tell you something.
25 Never in that whole mine as long as I

57

01 worked there or at Spruce. Because
02 I've never been in gas air.

03 Q. Has the oxygen alert or alarm

04 ---

05 A. No.

06 Q. --- ever gone off? So this

07 particular ---.

08 A. But see --- but I'm a long way

09 from the face, too. You know what I

10 mean? I'm not up there all the time

11 when they're drilling in the mine.

12 I'm talking about myself, no.

13 Q. And this particular spotter

14 does not have the capability to

15 monitor for carbon monoxide or any

16 other gases?

17 A. Yes.

18 Q. Oh, it does?

19 A. Yeah.

20 Q. Okay. So now we're at carbon

21 monoxide, ---

22 A. Oxygen.

23 Q. --- oxygen and ---?

24 A. CO.

25 Q. Okay. Any other gases

01 that ---

02 A. No.

03 Q. --- that this particular

04 spotter ---? Do you know what type

05 of --- who manufactures the spotter

06 that you use; do you recall?

07 A. No.

08 Q. Have you ever heard the

09 spotter or the detector give any kind

10 of alert or alarm based on CO levels?

11 A. I have been around mantrips

12 sometimes on hooking where they've

13 been charging, and it will pick it

14 up.

15 Q. When you mentioned and you

16 described or used the term mantrip a

17 couple of times earlier, could you

18 describe exactly --- not exactly, but

19 could you give a little description

20 of the type of equipment that you're

21 referring to that's the mantrip?

22 A. That's what the men ride in

23 and out on.

24 Q. And is that electrically

25 powered?

01 A. It's battery operated, but

02 it's electrical charge.

03 Q. Okay.

04 A. And sometimes the battery will

05 get real low on water and you'll have

06 carbon monoxide come out. And the

07 spotter will pick it up. But it

08 usually is just a flash like that,

09 you know. And we also have CO

10 monitors for that, too, and

11 controllers.

12 Q. At the battery-charging ---

13 A. Right.

14 Q. --- stations?

15 A. Yeah.

16 Q. And the mantrip, is this a

17 rail --- it's designed to operate on

18 ---?

19 A. On rail, probably hauling

20 maybe, guessing, ten men, maybe more.

21 I don't know. They're difference

22 sized.

23 Q. What types of communication

24 are used in the Sago Mine?

25 A. Like we got a phone, pager

60

01 phone.

02 Q. Pager phone?

03 A. Uh-huh (yes).

04 Q. And where are those phones?

05 Do you recall the locations of those
06 phones?

07 A. They're along the track.
08 They're at the belt heads, on the
09 sections.

10 Q. Where are they located on the
11 sections?

12 A. Usually at the power centers.

13 Q. Power centers?

14 A. Uh-huh (yes).

15 Q. On both the One Left and Two
16 Left ---

17 A. Yeah.

18 Q. --- belt heads? Any other
19 locations that you know of?

20 A. They're along the track so you
21 don't have to run so far. Like, you
22 know, if you break down or something,
23 you don't have to go a mile or two to
24 get to a phone.

25 Q. Are there any walkie-talkies

61

01 or any other types of communication
02 used in the mine?

03 A. The section, I see them
04 picking them up and using them. They
05 got walkie-talkies where they talk
06 back --- but see, I don't work up

07 there, ---

08 Q. I understand.

09 A. --- but I'm just --- what I'm

10 seeing, you know, they use them.

11 Like a miner man will say last buggy

12 or something, you know, and then that

13 means that the buggy man won't come

14 back because the miner is being

15 moved.

16 Q. So does everybody on the

17 working section then have a

18 walkie-talkie?

19 A. I don't know if all of them

20 have it or not. I don't know. I

21 would say the miner and the buggy men

22 definitely would have, but I don't

23 know about the scoop and the bolters

24 and stuff like that. I don't know.

25 Q. Other than the required air

62

01 quality and quantity measurements

02 that you made and recorded in the

03 examination book on January 2nd, did

04 you take any other readings anywhere

05 in the mine?

06 A. No, I didn't take no air

07 reading.

08 Q. But you had --- your spotter

09 was on?

10 A. I usually carry my spotter on
11 my arm.
12 Q. And you had no alerts or
13 alarms that you heard anywhere during
14 that time?
15 A. (Indicates no).
16 Q. Along the belt and the track
17 entries entering into the mine, are
18 there any high places along that belt
19 of track?
20 A. High places? Yeah. I don't
21 know a mine that don't have one or
22 two somewhere.
23 Q. And do you recall where those
24 high places are, where they're
25 located at?

63

01 A. No. It's pretty high all the
02 way through.
03 Q. When you say pretty high ---?
04 A. Ten or 11 foot some places.
05 Q. What was that, I'm sorry?
06 A. Ten or 11 foot some places.
07 Q. What's the normal height then,
08 I guess, along the track or the belt?
09 A. Well, it varies up and down.
10 Probably from six foot maybe to nine,
11 ten foot. Sometimes we can't hold

12 --- they try to and they can't hold
13 it and, you know, it will break out
14 or --- and they just cut it down and
15 bolt it while we're there.

16 Q. Do you recall or could you
17 identify on the mine map where any of
18 these higher places are located?

19 A. No.

20 Q. And do you normally examine
21 these areas?

22 A. When I'm walking, usually
23 I'll go like that.

24 Q. And when you say go like that
25 ---?

64

01 A. Yeah. I'll stick it up as I
02 move through, because it will pick
03 up.

04 Q. So do you have a probe or any
05 kind of --- any mechanism to ---?

06 A. No, I don't have one. Now, at
07 the real high spots, they keep a
08 probe or try to. They get misplaced,
09 ran over and everything else. But
10 they do have them. But there's none
11 on my area.

12 Q. Okay. Do you know where these
13 high areas are then that you just
14 mentioned?

15 A. No. But at other mines, you
16 know, I've seen seem. Now, they had
17 them over at Spruce.

18 Q. Okay.

19 A. Because they had a lot of real
20 high falls there.

21 Q. And these higher areas then
22 that you're responsible for
23 examining, have you ever detected any
24 methane in any of those areas?

25 A. No. That's why it's so

65

01 confusing. You know, you just don't
02 know where it comes from or what.

03 Q. And on January 2nd, did you
04 examine the higher areas along your
05 route of work, route of travel?

06 A. Yes.

07 Q. And again, no ---

08 A. No.

09 Q. --- methane?

10 A. No. And my spotter would have
11 went crazy in any of that, if I run
12 into any kind of methane problem. I
13 mean, it would have let you know.

14 Q. During any of your
15 examinations at the Sago Mine, have
16 you encountered any low air

17 velocities or air reversals in the
18 belt track or any of the common
19 entries to the belt track?

20 A. No, not until that day it
21 happened.

22 Q. Pardon?

23 A. The day of the explosion,
24 which is when air started back down
25 the belt.

66

01 Q. So prior to January 2nd, you
02 had not encountered any low
03 velocities or air moving?

04 A. No. I usually got about 20,
05 20.9, 21. The air was pretty good.
06 It was outby, too, you know.

07 Q. In what direction is the air
08 normally traveling in the belt and
09 track entries?

10 A. Usually in neutral, going up.

11 Q. When you say going up ---?

12 A. Yeah, it's usually going in.

13 Q. And towards the work area?

14 A. Yeah.

15 Q. And working faces? Okay. I
16 believe you may have answered this
17 already, but were your --- the
18 findings of your pre-shift on January
19 2nd any different or significantly

20 different in any way from previous
21 examinations that you had conducted
22 at Sago Mine?
23 A. What?
24 Q. Were your findings on January
25 2nd during the course of your

67

01 examination different in any way from
02 previous examinations?
03 A. No.
04 Q. Did you make any observations
05 concerning rock dust in areas that
06 you traveled?
07 A. What do you mean, write it
08 down or anything? I mentioned it to
09 people, how good it looked.
10 Q. And you mentioned any --- did
11 you mention any problems or any
12 concerns with the rock dusting?
13 A. No.
14 Q. Are you okay for ---?
15 A. I could take one.
16 MR. GATES:
17 Could we go off the
18 record?
19 SHORT BREAK TAKEN
20 MR. GATES:
21 At this time, Doug

22 Conaway I believe has a few
23 questions for you, Fred. So
24 Doug?
25 BY MR. CONAWAY:

68

01 Q. Fred, I just want to go back
02 through and clarify a few things to
03 this point. You said as you went in
04 to make your pre-shift examination
05 you went up to the Two Left switch
06 and parked your vehicle; is that
07 correct?

08 A. Yes.

09 Q. Could you show us how --- did
10 you go up the track belt? How did
11 you go up onto the section? Which
12 entry ---?

13 A. Walked up the belt.

14 Q. You went up the belt?

15 A. Walked up the belt and come
16 back this way.

17 Q. Do you know what time you were
18 on the section? Do you want to mark
19 that? Do you want to mark that on,
20 if you would, how you went up --- how
21 you entered the section? You say you
22 went up the belt?

23 A. Uh-huh (yes).

24 Q. Could you mark ---?

25 MR. GATES:

69

01 Just one thing. If you
02 could take that blue marker
03 and maybe mark your route of
04 travel into the section, Fred.

05 And that's being marked on
06 Jamison Exhibit Three.

07 WITNESS COMPLIES

08 BY MR. CONAWAY:

09 Q. Do you know what time that you
10 arrived and started your exam on the
11 section, Fred?

12 A. 4:00.

13 Q. 4:00 a.m.?

14 A. 4:00 a.m. to 4:25.

15 Q. On the section?

16 A. Yeah.

17 Q. Do you know how long you were
18 on the section conducting ---?

19 A. On the section, 25 minutes.

20 Q. Twenty-five (25) minutes.

21 Could you mark on there where you
22 made your examinations and what
23 examinations you made during your
24 time on the section?

25 A. I made them at the face.

70

01 Q. Okay. You made a what?
02 A. Examination to check for gas.
03 Q. You made a methane exam?
04 A. Right.
05 Q. On the face?
06 A. Uh-huh (yes).
07 Q. On all the face areas, one
08 through ---?
09 A. Eight.
10 Q. Okay. Where did you take your
11 air reading? Did you take an air
12 reading?
13 A. Yeah. I took an air reading
14 here.
15 Q. And what did that ---?
16 MR. GATES:
17 And could you mark
18 where here or could you
19 describe where here is, Fred?
20 A. It's right here.
21 BY MR. CONAWAY:
22 Q. And what was that air reading;
23 do you recall?
24 A. Eleven (11) something.
25 Q. Okay.

71

01 A. I've got it in my book.
02 Q. It's on --- would you look at
03 your --- that's the report ---.

04 A. Okay. Here it is, 11.241.
05 Q. That's correct then?
06 A. Yeah.
07 Q. That's what you found?
08 A. Yeah.
09 Q. When you came off the section,
10 when you came down off the section
11 after you examined the face areas,
12 what was your travel --- route of
13 travel? Could you mark that on there
14 as well?
15 A. Down the track.
16 Q. Could you maybe use, just so
17 we can differentiate between in and
18 out, use a ---
19 A. I'll use a different color.
20 Q. --- green marker here?
21 WITNESS COMPLIES
22 BY MR. CONAWAY:
23 Q. Now, you're saying you came
24 down the track entry then off of the
25 section?

72

01 A. Yeah.
02 Q. After you had been there
03 approximately 25 minutes. So that
04 should have been approximately 4:25,
05 according to what you're saying?

06 A. Uh-huh (yes).
07 Q. You hit the section at four
08 o'clock. Twenty-five (25) minutes,
09 you're exiting off 4:25. Do you
10 recall where the equipment was on the
11 section, any equipment that may have
12 been up there? Did you recall seeing
13 where it may be? And if so, mark it
14 on the ---.
15 A. The miner was in ---.
16 Q. If you can just kind of use
17 the black marker and mark where ---
18 mark any equipment that you might
19 have observed during your exam.
20 A. The miner is really the only
21 one I recall. I mean, I seen the
22 bolters and the buggies, but I don't
23 know --- remember what heading, you
24 know what I mean, because it's not
25 something we do.

73

01 Q. So the only thing you recall
02 is just the ---
03 A. The miner.
04 Q. --- is you can give me an
05 exact location or general location
06 ---
07 A. That would be right here.
08 Q. --- where you recall the

09 miner? And that is where?

10 A. Number One.

11 Q. Number One entry?

12 A. Yeah.

13 Q. And it's --- where would you

14 say, is it in the face or it's ---?

15 A. No, no, it was back.

16 Q. Back outby the face, a block,

17 is that what you're showing?

18 A. Yeah, right in this block

19 right here.

20 Q. Okay.

21 MR. GATES:

22 And you have got that

23 labeled miner?

24 A. Yeah. Right here it is.

25 BY MR. CONAWAY:

74

01 Q. So that's the only piece of

02 equipment that you recall seeing? No

03 tool car?

04 A. I seen a tool car and I seen

05 buggies. In fact, I dated the

06 buggies and the bolters, but I don't

07 remember what heading.

08 Q. Okay. I'm just trying to see

09 what you recall, exactly what you

10 recall.

11 A. It's hard --- you know, you
12 say this and that's here and ---.
13 But usually when I go out, I'll tell
14 the boss coming in where his miner
15 is, and I did do that. And then he
16 goes from there.

17 Q. Were there any
18 battery-charging stations on the
19 section?

20 A. There was one outby the power
21 center.

22 Q. Would you mark where that's at
23 and where the power center is?

24 WITNESS COMPLIES

25 A. The power center is probably

75

01 right in here. Mark it in black?

02 MR. GATES:

03 Yes, black is fine.

04 BY MR. CONAWAY:

05 Q. Yes, that would be fine. And
06 you're showing the spad, but --- can
07 you show that spad mark is where he's
08 putting it?

09 MR. GATES:

10 I think he's labeling
11 it power center, I believe.

12 A. And the charger was back, they
13 had a scoop sitting on it.

14 BY MR. CONAWAY:
15 Q. Was it charging?
16 A. No.
17 Q. No other equipment that you
18 recall at all on the section?
19 A. It was all there, but I don't
20 know exactly where it was sitting.
21 MR. CONAWAY:
22 Do you need an exact
23 location of the charger? Do
24 you want to ---?
25 MR. GATES:

76

01 You're saying it's
02 located --- if you could just
03 clarify if it's in the
04 crosscut between entry --- the
05 number of the entries that
06 it's between or designate
07 close to a spad number,
08 however you'd like to
09 describe, the easiest for you
10 to describe that location,
11 Fred.
12 A. It would be sitting between
13 Five and Six.
14 BY MR. CONAWAY:
15 Q. Okay. The battery charging

16 station? Okay. Do you recall seeing
17 any Kennedy stoppings on the section?

18 A. No.

19 Q. What about is there
20 battery-charging stations that you
21 saw anywhere else in your examination
22 throughout the mine?

23 A. No.

24 Q. That's the only one that you
25 saw that you've just identified,

77

01 which is on the working section?

02 A. Yeah.

03 Q. That's the only
04 battery-charging station?

05 A. Uh-huh (yes).

06 Q. Did you make an exam at that
07 ---?

08 A. Yeah, because it was right
09 there.

10 Q. You made an exam. You've
11 talked about your spotter. You said
12 it's called a spotter. I mean, could
13 you describe your methane detector in
14 a little more detail? What color is
15 it? What does it look like? Does it
16 have a name on it?

17 A. It's like aluminum. I don't
18 know the name of it. I should, but I

19 don't. I can't recall.

20 Q. You said that you're not
21 normally on a section. How much
22 section experience have you had in
23 your working career, working up on
24 the ---?

25 A. I worked all face until I got

78

01 my paper. So '77 to --- I have four
02 years.

03 Q. That you worked on the face
04 area?

05 A. Yeah, but at a different mine.

06 Q. How much pre-shift experience
07 have you had --- how many times have
08 you pre-shifted a working section?

09 A. I can't tell you that.

10 Q. A lot? Some? Seldom?

11 A. Seldom, because I've only done
12 it twice there.

13 Q. This is only the second time?

14 A. Right.

15 Q. December 26th you said and
16 then the 2nd?

17 A. Yeah, I believe it was the
18 26th. It was after Christmas.

19 Q. After Christmas. So those are
20 the only two jobs you've ever been on

21 a working section making a pre-shift
22 examination at this mine?

23 A. I believe.

24 Q. Okay.

25 A. I mean, I'm not for sure. You

79

01 know, I just can't remember
02 everything. But I know it's not
03 much.

04 Q. Okay. You said that you
05 walked down the track entry when you
06 were leaving the section. Where did
07 you go from that point?

08 A. I went ---

09 Q. What did you do?

10 A. --- and got on my Jeep
11 and ---.

12 Q. Which was where?

13 A. What?

14 Q. Where was the Jeep located?

15 A. At the switch.

16 Q. At the Two Left switch?

17 A. Two Left switch.

18 Q. Okay.

19 A. And then I started outside.

20 Q. Okay. You mentioned something
21 about working on a pump at 22 block
22 of Three belt. When did you do that
23 in the course of this day's activity?

24 A. When I was coming back ---.

25 Q. Coming back from where?

80

01 A. Outside. From Two Left to

02 outside.

03 Q. Okay. This is on your way now

04 outside. You stopped at ---?

05 A. Twenty-two (22) block on Three

06 belt.

07 Q. Okay. And you went over and

08 checked the pump and you said you

09 tried to start it. What did you do

10 or ---?

11 A. Just threw the breaker.

12 Q. Just threw the breaker. And

13 it didn't start, so that's all you

14 did?

15 A. And that's all I did. I'm not

16 an electrician. I just turn her in.

17 Q. Do you know anything about

18 what kind of pump it is or ---?

19 A. I'd say it's a Stanko

20 (phonetic). I'm just guessing.

21 Q. Okay.

22 A. You know, they've been painted

23 so many times, I don't know what they

24 are.

25 Q. Do you know what time that

01 was?

02 A. No, I don't.

03 Q. Okay.

04 A. But it was on your way out?

05 A. Uh-huh (yes).

06 Q. At any time did you examine
07 the Number Two belt? And if so, when
08 did you do that?

09 A. Yeah. I come back down to the
10 Three Head, left the Jeep on my way
11 out.

12 Q. Okay.

13 A. Stopped at Three Head and
14 checked the head because there's
15 always rocks getting caught in it.
16 And I checked it to make sure there
17 wasn't no rocks in it. Walked down
18 Two Head and then I come back and got
19 on the track --- got on the Jeep,
20 went down to One Head and done the
21 same thing.

22 Q. Okay.

23 A. I checked that head and looked
24 that One belt over, went down and
25 then checked that pump across from

01 Two Head. And then I proceeded
02 outside.

03 Q. Okay. Did you make any
04 methane readings?
05 A. I always make methane
06 readings.
07 Q. You mentioned you just kind of
08 carried your spotter, and you're
09 waiting for it to go off, the alarm
10 to go off. But did you stop and ---?
11 A. Yeah. But you're looking ---
12 you're looking ---.
13 Q. Did you stop and actually take
14 readings at some point?
15 A. Yeah.
16 Q. Okay.
17 A. It does it for you. All you
18 got to do is just put it there. It
19 does it.
20 Q. You made a statement. You
21 said we're not always on the money
22 with our times. What did you mean by
23 that?
24 A. Well, you asked me exactly
25 what time we departed, and I said it

83

01 would have been three o'clock.
02 Q. Around ---?
03 A. It could have been 2:50, it
04 could have been 3:05. I mean, I'm

05 being honest with you.

06 Q. I just wanted you to clarify

07 what you meant by that. Weather

08 conditions when you entered the mine,

09 what's your recollection of the

10 weather condition? Anything stand

11 out?

12 A. I have none, you know, because

13 I usually don't pay any attention to

14 the weather. I don't know whether it

15 was raining or what.

16 Q. When you exited the mine, what

17 time was that?

18 A. It was probably 20 'till 6:00,

19 something like that.

20 Q. Twenty (20) 'till 6:00. Do

21 you recall any of the weather

22 conditions at that time?

23 A. I didn't pay attention.

24 Q. Don't pay attention? Did you

25 call your report out or did you bring

84

01 it out with you?

02 A. No, I brought it out.

03 Q. You brought it out. You

04 didn't call it out. Okay. What

05 about the seals in the mains area?

06 We're calling it Two Left? What are

07 we going to officially call it, Two

08 Left, the north mains, the Three
09 Left? Either one. The set of seals
10 that were just put in ---.
11 A. I don't check seals.
12 Q. You haven't examined those at
13 all?
14 A. Never.
15 Q. Never have?
16 A. I've never been there.
17 Q. Okay. What was the closest
18 examination that you made to that
19 area, any kind of methane reading or
20 any kind of exam that you made during
21 your pre-shift of this mine, in this
22 area right here? Did you make any
23 methane exam or anything close in
24 that area at all?
25 UNIDENTIFIED SPEAKER:

85

01 For the record, this
02 area ---?
03 BY MR. CONAWAY:
04 Q. I'm pointing to the area of
05 the Two Left switch.
06 A. I never picked up anything.
07 Q. But you're saying you did make
08 an exam in that area?
09 A. (Indicates yes).

10 Q. Do you know exactly where you
11 made it or why?
12 A. No, I don't know exactly where
13 I made it because I'm always looking
14 at it, you know.
15 Q. What you're saying is you went
16 through that area and you're
17 confident you had made a methane
18 reading ---
19 A. Right.
20 Q. --- in the area of the Two
21 Left switch?
22 A. Right. And there would have
23 been a buildup, I would have knowed
24 it.
25 Q. Okay.

86

01 MR. CONAWAY:
02 Richard, I'll go back
03 to you. That's just a few.
04 MR. GATES:
05 Okay.
06 BY MR. GATES:
07 Q. Fred, we're going to try to
08 avoid switching back and forth as
09 much as we can, try to make things as
10 easy for you as possible. So just
11 kind of easing back into what I had
12 been asking you about your pre-shift

13 examination, I think the last
14 question I had asked about any
15 observations that you had made
16 concerning rock dust in the areas
17 that you traveled, and I believe you
18 responded that you didn't see any
19 areas of concern; is that correct?

20 A. That's right.

21 Q. And during the course of your
22 travels on January 2nd, during the
23 pre-shift examination, did you
24 observe any damage to any of the
25 ventilation controls in the mine

87

01 during your pre-shift?

02 A. No.

03 Q. Going back to your examination
04 and looking at Exhibit Two that is a
05 blow-up of the One Left and the Two
06 Left section, did you make any
07 examinations at the intersection of
08 the Second Left and the Two North
09 mains?

10 A. Right there at the switch?

11 Q. Yes.

12 A. Yes.

13 Q. And were there any --- what
14 did your examination reveal or any

15 observations that you made in that
16 particular area?
17 A. .1 is about all I ever got.
18 Q. .1?
19 A. Yeah, methane.
20 Q. .1 percent methane?
21 A. Yeah. But that's just normal
22 in a coal mine.
23 Q. Did you recall if that would
24 have been in any particular entry or
25 any --- at the switch or where was it

88

01 normal to find that .1?
02 A. You can just find that
03 anywhere.
04 Q. About anywhere?
05 A. Yeah. You know, we are in the
06 coal mines.
07 Q. Sure. Was there any
08 electrical equipment located around
09 the intersection of Two Left and the
10 Two North mains?
11 A. Toward the belt drives.
12 Q. Could you mark that belt drive
13 location on Exhibit ---?
14 A. I don't know exactly right
15 where it does sit.
16 Q. In other words, grab a black
17 marker and mark where you think that

18 belt drive is on Exhibit Number Two,
19 please.

20 WITNESS COMPLIES

21 A. But I'm not that familiar with
22 it.

23 BY MR. GATES:

24 Q. Just do the best of your
25 recollection.

89

01 A. It's in this area right here.
02 Just label that as belt drive or
03 however you want it? Belt drive. It
04 doesn't make any difference.

05 Q. Any other electrical equipment
06 in or around that area of the mine
07 that you observed during your
08 examination?

09 A. There was a charger probably
10 right here, the mantrip.

11 Q. Fred, if you could just mark
12 that and label it charger, please.

13 WITNESS COMPLIES

14 BY MR. GATES:

15 Q. Any other equipment that you
16 recall in that general area?

17 A. I never noticed it.

18 Q. And again, I understand that
19 you said this is not a part of your

20 ---

21 A. No, I'm not there every day.

22 Q. --- normal assignments. Do

23 you recall anything about the roof

24 conditions around the intersection of

25 Two Left and the Two North mains, the

90

01 area we just discussed?

02 A. I never noticed anything out

03 of the ordinary.

04 Q. And just to repeat, I guess,

05 or to confirm, did you ever examine

06 any of the old Two Left main seals,

07 the seals at the end of the --- and I

08 don't know. I'll just ask maybe what

09 you refer ---.

10 A. I've never --- I was sitting

11 here thinking. I've never examined

12 any of the seals.

13 Q. You've never examined any

14 seals in the mine or any ---?

15 A. In that mine, because it's not

16 my job. They have guys that does

17 that.

18 Q. Okay. Do you know who's

19 responsible for making the

20 examination of the seals in the mine?

21 A. Ron Grall and John Boni, I

22 believe, does it.

23 Q. And just for clarification, I
24 guess, what do you refer to those
25 seals as? I mean, I guess I'm just

91

01 kind of looking for some terminology
02 that would make it easy for you to
03 know what I'm talking about.

04 A. A bomb.

05 Q. Pardon? No. I mean, how
06 would you --- what do you refer to
07 this --- and when I say this, it's on
08 Jamison Exhibit Two, set of ten seals
09 on the north mains. What do you
10 refer to this set of seals as? Or is
11 there a designation that you would
12 give to it?

13 A. It would just be --- I would
14 call it --- maybe if somebody wanted
15 to know exactly what they are, Two
16 Left seals maybe. I don't know.

17 Q. Okay. I was just ---.

18 A. Yeah. I really don't know.
19 Like I said, I have nothing to do
20 with them.

21 Q. Okay. And I believe that you
22 indicated that you have marked the
23 electrical equipment on the Two Left
24 Section to the best of your

25 recollection on Exhibit Three?

92

01 A. The equipment?

02 Q. Right.

03 A. Yeah. When I go by, my name
04 is on them, and it should still be
05 there.

06 Q. But I mean you have labeled on
07 this particular exhibit the location
08 that you recall the continuous mining
09 machine being located?

10 A. My initials was on it, and I
11 was there.

12 Q. And I know you mentioned,
13 Fred, that you don't recall the exact
14 location of any of the other
15 equipment on that section.

16 A. No.

17 Q. But do you recall what
18 equipment that you would normally
19 find --- and I say normally,
20 understanding that this is not part
21 of your regular assignment. But what
22 other equipment do you recall being
23 there?

24 A. There was a miner and buggies
25 and bolters.

93

01 Q. One miner? One continuous

02 miner?
03 A. Yeah. I believe that's all I
04 seen.
05 Q. And how many --- when you say
06 buggy ---?
07 A. I might have seen one or I
08 might have seen two. But I mean, you
09 know, ---.
10 Q. Right. All I'm saying ---.
11 A. What I seen is what I signed.
12 Q. Okay. Right. Just to the
13 best of your recollection.
14 A. I'm hoping that it's on all of
15 them. I think it is, but it's on
16 enough.
17 Q. Do you remember how many roof
18 bolting machines you observed on the
19 section that day?
20 A. No, I don't. But I signed ---
21 I do remember signing on a pie pan on
22 a bolter. And everybody knows what
23 I'm talking about.
24 Q. On one --- you remember one
25 ---?

94

01 A. Yeah, I signed. Probably went
02 by and seen the pie pan there, so I
03 just dated it.

04 Q. Okay.

05 A. But I don't know which bolter

06 or where it was sitting or ---.

07 Q. So you think there was more

08 than one bolter involved there on the

09 section?

10 A. There might have been.

11 Q. Do you recall any scoops or

12 any ---?

13 A. The scoop was on the charge at

14 the --- where I marked it there.

15 Q. Okay. Any other support

16 equipment, low tracks or forklift or

17 anything of that nature.

18 A. I don't remember.

19 Q. Was there personnel --- do you

20 recall a mantrip anywhere?

21 A. I never seen one.

22 Q. Okay. And what did you do

23 after you had completed your exam of

24 the section?

25 A. I came outside.

95

01 Q. Could you take the green

02 marker, and I know you've started

03 your return route out of the ---

04 outside, if you will, on Exhibit

05 Three, getting you off the section.

06 Do you recall your route of travel

07 from there on out of the mine?
08 A. I just followed the track out.
09 Q. So you took the --- you stayed
10 on the track entry the rest of the
11 way out of the mine?
12 A. That's the only way you can
13 get a mantrip out is on a track.
14 Q. So you rode the mantrip?
15 A. I brought --- I always come
16 out and bring the mantrip out and put
17 it on charge so the next crew coming
18 will have a Jeep.
19 Q. And when you say bring it out,
20 that charger --- you're out of the
21 mine? The charging station is on the
22 surface?
23 A. (Indicates yes).
24 Q. Did you report the findings of
25 your pre-shift examination to anyone

96

01 on January 2nd?
02 A. It was in the book, and I was
03 talking to Junior Toler, and told him
04 that the section looked good and I
05 said your miner is in One.
06 Q. And you mentioned that to,
07 again, I'm sorry?
08 A. Junior Toler, the next boss

09 coming in.

10 Q. And you had that conversation
11 after you had reached the surface?

12 A. Yeah.

13 Q. Okay. Anything else that you
14 recall doing while you were on the
15 surface, after you had exited the
16 mine?

17 A. No. But just a guessing, I
18 probably went and got me a sandwich.
19 I usually do get a little, you know,
20 something to eat before I go back in.

21 Q. Do you recall what time you
22 arrived at the surface on that
23 particular day?

24 A. No. You asked me there a
25 while ago. I just --- I don't know,

97

01 5:40, 5:30. I don't know.

02 Q. Pardon? About ---?

03 A. Yeah, probably about 20 'till,
04 something like that.

05 Q. Twenty (20) 'till?

06 A. 6:00.

07 Q. Twenty (20) 'till 6:00?

08 A. Yeah.

09 Q. And did you re-enter the mine
10 on January 2nd, after you had
11 completed your pre-shift examination?

12 A. Yeah.
13 Q. Do you recall about what time
14 you may have started back into the
15 mine?
16 A. It was probably a little
17 before 6:00, and I went to Two drive.
18 Q. Number Two belt drive?
19 A. Number Two belt drive. Up
20 into Two drive.
21 Q. So you walked back into ---?
22 A. Yeah. I like to walk. I
23 don't ride much, unless I have to.
24 You get fat.
25 Q. I'm kind of like you. I

98

01 prefer to walk. I walk myself when I
02 can.
03 A. That's lazy.
04 Q. And what was your purpose for
05 re-entering the mine then on ---?
06 A. I was starting my shift. I
07 walked in the Two drive and I had a
08 little spillage at the V flap.
09 Q. At the where?
10 A. At Two Head, on One belt there
11 was a piece of rubber that's shaped
12 like a V. And when the cold comes
13 back, it hit on that V and fall off,

14 and we'd clean it up. It keeps
15 getting a buildup. So I had some
16 there, and I also had some behind the
17 drive. And I took a shovel and I was
18 getting ready to shovel it up.

19 Q. When you went back into the
20 mine, Fred, did you --- were you
21 traveling alone or was there anybody
22 who accompanied you?

23 A. I work alone.

24 Q. Alone, okay. And could you,
25 again, take the orange marker and

99

01 kind of just describe the layout of
02 the route that you took to walk back
03 into the mine?

04 A. Too many repeats here.

05 Q. Maybe just if you --- I'm
06 sorry for repeating, but just for
07 clarification. If you'd mark that on
08 Jamison One, please. I believe we've
09 marked blue on the initial trip, to
10 the best of your recollection. Use
11 the orange marker for re-entry into
12 the mine.

13 WITNESS COMPLIES

14 BY MR. GATES:

15 Q. And that was the extent of
16 your travel into the mine?

17 A. Yeah, on foot.

18 Q. Okay. Thank you.

19 A. Did you take any air readings

20 when you re-entered the mine?

21 A. No.

22 Q. Did you have your spotter with

23 you when you ---?

24 A. Absolutely, all the time.

25 Q. Any findings as far as the

01 spotter that you recall or any

02 methane readings or --- no?

03 A. No.

04 Q. Okay.

05 A. I'm not even going to say it.

06 Q. And were you underground at

07 the time of the accident?

08 A. Yeah, I was shoveling.

09 Q. Shoveling at that location

10 that you just marked on the map?

11 A. Yeah.

12 Q. Could you describe to the best

13 of your abilities what you remember

14 about that particular time?

15 A. I felt something in my ears,

16 like that, and I thought we had had a

17 fall in the intake or a return

18 because the air coming down the belt.

19 So I walked up towards Three drive to
20 see if there was a stopping
21 crushdown. I never seen none. So I
22 heard Owen Jones on the phone. He
23 was telling that he thought he had an
24 explosion. I don't recall who he was
25 talking to. They told him to get his

101

01 men out, so I started walking back.

02 Q. Starting walking back down the
03 belt, the belt entry?

04 A. I really don't recall right
05 now. I was scared. And I started
06 outside and I met Al Schoonover,
07 Wilfong and I think Jeff Toler, and
08 they told me to get outside.

09 Q. Do you recall where you met
10 those people at, Fred?

11 A. It was probably --- maybe
12 three blocks in, but on my way out.

13 Q. Three blocks in --- I'm sorry,
14 I know this is difficult.

15 A. 300 feet in the mine.

16 Q. Okay.

17 A. But I noticed on the way out
18 that the man doors were all open on
19 One belt, so I shut them as I came
20 out. That's about it.

21 Q. I know you mentioned that you

22 felt something in your ears. Did you
23 observe any smoke or feel any heat?
24 A. The only thing I felt was
25 pressure on the stopping. I mean, it

102

01 --- a stopping can crush out and you
02 got air that's going to come through.
03 It wasn't a hurting feeling. You
04 know what I mean? It was just ---
05 but I've been around long enough to
06 know something is wrong. And that's
07 just what --- you know, I never even
08 dreamed of this, what really
09 happened. I just thought a stopping
10 had crushed and I was trying to find
11 it.

12 Q. So you continued --- that's
13 when you started up the Number Three
14 belt?

15 A. Two belt.

16 Q. Two, up towards Number Three
17 belt, ---

18 A. Right.

19 Q. --- was to ---?

20 A. Because you know, it was a
21 --- I thought it was close because it
22 was a pretty good percussion. And I
23 thought that stopping is close. I

24 wanted to find out and then get on
25 the phone and call and tell them what

103

01 was going on.

02 Q. And while you were traveling
03 up the belt then, did you observe any
04 stoppings, any damage to any
05 stoppings, any roof conditions that
06 were different than you had recalled
07 from your last time there?

08 A. No.

09 Q. And again, you mentioned that
10 when you had met the four gentlemen
11 and were told to exit the mine, that
12 you continued to walk out the belt
13 entry; is that correct?

14 A. Correct. I was coming out the
15 track.

16 Q. You were coming out the track.
17 And you continued out the track to
18 the surface?

19 A. Yes, sir. I shut all the
20 doors. I seen them open when I come
21 outside.

22 Q. Now, do you recall how many
23 doors you ---?

24 A. No.

25 Q. I know it's tough and I know

104

01 there were a lot of things going on
02 at this time, but do you have a feel
03 for what time you may have --- first,
04 what time you may have felt this
05 pressure in your ears or this feeling
06 in your ears initially?

07 A. I never looked at my watch
08 because I never really knew how
09 serious it really was. But they're
10 saying 6:30, so probably right on.
11 Because I hadn't been there very
12 long.

13 Q. You hadn't been at the belt
14 drive very long?

15 A. No. I walked in.

16 Q. Right. And do you have a feel
17 for how long you were in the mine or
18 I guess what time it was when you got
19 back to the surface?

20 A. From the time I went in and
21 heard it until the time I come out?

22 Q. Yes.

23 A. Well, it didn't take me long
24 to get out. I couldn't really --- I
25 can't put no time on it. Because I

105

01 was looking pretty hard to find that
02 air. You know, I was looking left

03 and right, left and right, intake,
04 return, intake, return, trying,
05 because it just seemed like air
06 everywhere and you didn't know where
07 to look. So I was just looking
08 everywhere and ---.

09 Q. So you didn't stay in the belt
10 entry or the track, you looked in the
11 intakes and the return entries as
12 well then?

13 A. You could stay right in there.
14 You can look. You can see. You can
15 stand in the track and see the intake
16 and the return stoppings on just
17 about everywhere.

18 Q. Did you look through or open
19 any doors in any stoppings into the
20 intake or the returns?

21 A. No.

22 Q. No. Okay.

23 A. Because I was looking for
24 stoppings to be gone.

25 Q. Anything else you remember

106

01 about what you may have seen, heard
02 or felt around that particular time?

03 A. Just pressure.

04 Q. On your way back to the
05 surface, and I think you said you

06 were traveling by yourself back to
07 the surface, did you don your SCSR?
08 A. No. I had it in my hand. I
09 just was making sure. You know, I
10 had it ready to go.
11 Q. Did you observe anybody
12 donning an SCSR at that time or ---?
13 A. The only one I seen was them
14 three. They was in a mantrip. Some
15 of them could have had it on and
16 could maybe not. And you know, I
17 wasn't looking at them that close. I
18 remember one of them was hollering, I
19 --- because you're excited. You
20 know, you're not writing names and
21 taking pictures.
22 Q. I understand.
23 A. Somebody told me to get out,
24 get outside, and that's what I done.
25 Q. And again, do you recall who

107

01 those people were that you met when -
02 -- that gave you those instructions?
03 A. Yeah. I told you that it was
04 Wilfong, Dick Wilfong, Al Schoonover
05 and Jeff Toler, I believe.
06 Q. So there were three people
07 ---?

08 A. Yeah. But it could have been
09 four. I mean, that's what I seen.
10 It's kind of hard to see in them
11 mantrips.
12 Q. I'm sure. I'm sure it was a
13 difficult time. And I appreciate you
14 recalling it to the best of your
15 abilities. When you exited the mine,
16 did you have --- what did you see
17 when you exited the mine? Or did you
18 talk with anybody when you got to the
19 surface?

20 A. I don't believe I seen
21 anybody. I come up to the
22 dispatcher's office and they was a
23 hollering. I think somebody was on
24 there hollering inside, you know,
25 inside, trying to get ahold of

108

01 somebody inside.
02 Q. And what do you remember doing
03 yourself when you got to the surface
04 that second time exiting the mine
05 that day?

06 A. I don't recall what I was
07 doing. I was nervous. I was just
08 worried. I don't know what I really
09 done.

10 Q. I mean, do you recall talking

11 with anybody or did you get any ---?
12 A. I probably talked --- I mean,
13 we was talking, but I don't remember
14 who. I don't remember who I talked
15 to. That just didn't seam important.
16 Q. After you got to the surface,
17 did anybody give you any instructions
18 or any assignments or any duties for
19 you to carry out?
20 A. No. I waited, but nobody said
21 anything. Of course, everybody, you
22 know, wasn't thinking, I reckon.
23 Really nobody knew what they was up
24 against.
25 Q. And how long did you stay at

109

01 the mines after you --- stay on the
02 surface of the mine property?
03 A. We stayed, just guessing,
04 maybe --- I can't really tell you. I
05 can tell you what we done, but I
06 can't tell you times. I'd say two
07 o'clock we went up to the tipple.
08 That's on up the road. And Johnny
09 Stemple come up, and they still
10 didn't know anything. And I told
11 Johnny Stemple that I wasn't in very
12 good shape because I'm a real bad

13 diabetic, and when stuff upsets me,
14 you know, my sugar goes out of whack.
15 And I asked him if I could go home
16 because I needed to take a shot. And
17 he said, sure, go ahead. And I went.
18 Q. And you recall that being
19 around 2:00?
20 A. I wasn't up there too long.
21 I'd say I went up at 2:00 and left at
22 3:00. That's just a time.
23 Q. Okay.
24 A. Whether it is or not, I don't
25 know.

110

01 Q. Like I say, I understand that
02 you weren't paying a whole lot of
03 attention to your watch during that
04 time.
05 A. No.
06 Q. I understand that.
07 A. No. I was getting to where I
08 had to have some insulin.
09 Q. And I appreciate --- and I
10 know these were some tough questions,
11 and I appreciate you answering them
12 to the best of your abilities.
13 Again, you mentioned that ---
14 when we talked about the seals up in
15 the old Two Left or the Three Left,

16 whatever we might refer to them to,
17 but you weren't involved in any
18 examinations of those seals and not
19 familiar with ---?
20 A. Not a thing. I've never seen
21 one laid up and I never seen it when
22 it was running.
23 Q. Do you have any idea when
24 those seals were built?
25 A. No.

111

01 Q. You don't recall. Okay. Were
02 you familiar with any of the mining
03 that went on in that --- what did you
04 say, Three Left area? Ever involved
05 in any examinations of that while
06 mining was going on?
07 A. (Indicates no).
08 Q. So you're not familiar if
09 there was any equipment that was left
10 behind those seals or ---?
11 A. Oh, no, I wouldn't know. I'm
12 just outby.
13 Q. Okay.
14 A. An outby man.
15 Q. Have you ever received any ---
16 in addition to the Part 48 training,
17 have you had any training provided to

18 you on conducting pre-shift
19 examinations and what that would
20 entail and the record keeping
21 requirements of that and so forth?
22 A. I don't know what you're
23 talking about there.
24 Q. I mean, has ---?
25 A. When I got my papers, all that

112

01 was on there.
02 Q. Right.
03 A. And I've been trained on it.
04 Q. And again, when did you get
05 your papers, Fred; do you recall?
06 A. I think it was '81. But they
07 go over stuff like that when we have
08 our eight-hour re-training every
09 year. They go over everything, first
10 stage and all.
11 Q. And on that --- do you want to
12 take another break? Are you all
13 right?
14 A. I want to just get it over
15 with. I can't take much more of
16 this.
17 Q. I just wanted to ask you. And
18 you just mentioned the re-training.
19 Do you recall the last re-training
20 class that you participated in?

21 A. It was --- here we go guessing
22 again, but ---.

23 Q. Well, the best of your
24 knowledge.

25 A. Right. Right. I'm going to

113

01 say around October because there was
02 a lot of people who had vacations
03 scheduled, deer season was coming up,
04 and a lot of guys didn't want to give
05 up the time to go, you know, and we
06 was supposed to start after, you
07 know, like the first of the year,
08 after deer season was over.

09 Q. Okay.

10 A. But we're going to have a lot
11 of classes so you only have to do it
12 once a year. And we're supposed to
13 have a lot of them, so I'm sure it
14 will all be covered.

15 Q. Do you remember what was
16 covered in the last session that you
17 referred to in October?

18 A. No, not everything. Because
19 after you go to them classes for 30
20 years, you know, you've pretty well
21 heard all of it.

22 Q. Do you remember who put the

23 training on?

24 A. Yeah. Ty Coleman and John

25 Stemple.

114

01 Q. And did the person conducting

02 that training sign the training form

03 at the conclusion of the training, at

04 the end of it?

05 A. I'm sure they did. Always

06 have.

07 Q. Do you recall in the course of

08 that training if the emergency

09 evacuation or the firefighting plan

10 was reviewed?

11 A. I've never been in one that

12 that wasn't done.

13 Q. So yes, it was?

14 A. Yeah.

15 Q. Okay.

16 A. Escapeway. Even if they

17 change it, they --- even, you know,

18 sometimes they change an escapeway

19 for something and we're always told

20 about it.

21 Q. And in reference to that

22 emergency evacuation plan, do you

23 know who the responsible person is

24 for giving instruction or information

25 at the mine if an emergency should

01 occur?

02 A. Now, repeat that again.

03 Q. In the mine emergency and
04 evacuation plan there's a requirement
05 for a responsible person to be
06 designated. And that person has, in
07 fact, some responsibilities for
08 giving information and instruction to
09 ---.

10 A. On how to get the guys out?

11 Q. Right.

12 A. That would probably be the
13 dispatcher.

14 Q. The dispatcher?

15 A. Yeah.

16 Q. Again, that is?

17 A. Flea.

18 Q. Flea. And are you familiar
19 with the location of emergency
20 materials in the mine?

21 A. They're kept on the section,
22 like if we got a sled it's got so
23 many posts, stuff like that.

24 Q. Any other emergency materials
25 on the sections?

01 A. First-aid boxes and stuff.

02 Q. And that's located?
03 A. At the power center.
04 Q. At the power center. Any
05 other locations that you're familiar
06 with outby the sections where any
07 materials would be kept?
08 A. I don't have any knowledge of
09 it, but ---.
10 Q. And are you familiar with the
11 evacuation procedures that are
12 included in that plan to any degree?
13 A. What do you mean?
14 Q. I mean, are there any
15 particular routes that you were
16 instructed to take or ---?
17 A. Yeah. You're designated to go
18 like if you got an escapeway, primary
19 escapeway.
20 Q. And during the course of your
21 training sessions, did anybody
22 explain to you what procedures to
23 follow in the event of an explosion
24 in the mine?
25 A. Yes.

117

01 Q. Yes?
02 A. You know, you're supposed to
03 try to get out. And if you can't,
04 barricade.

05 Q. And you just mentioned
06 barricading. Were there any
07 procedures or any instructions for
08 barricading that were covered in the
09 training classes?

10 A. There could have been. I
11 don't remember, but I'm sure we've
12 been told to, you know, get to the
13 biggest area that we can find that
14 would support life and make a block.

15 Q. Any communications included in
16 that barricade training or ---?

17 A. If you hear them drill, you
18 hit five times.

19 Q. If you hear something,
20 you ---?

21 A. If you hear them drill or
22 something, then you can take a hammer
23 and hit a roof bolt five times. And
24 then if you've been located, they'll
25 put off shots.

118

01 Q. Any other training associated
02 with barricades or the barricading
03 procedure that you recall, Fred?

04 A. No, not that I can think of.
05 But if I knew --- if I had to do it,
06 I could do it. It would come to me.

07 I can't think of it now. I'm not
08 that great right now. I could do it,
09 but it would be --- it's the last
10 thing you do. But it has worked.
11 Q. And in any of the training, do
12 you recall whether or not carbon
13 dioxide or carbon monoxide hazards
14 were covered or discussed with you?
15 A. I'm sure they had been.
16 Q. Do you recall any of the
17 particulars about any of that
18 training?
19 A. Uh-huh (yes).
20 Q. Okay. Have you, in the course
21 of your training or in the course of
22 your employment at Sago Mine,
23 participated in any escapeway drills?
24 A. No.
25 Q. Have you traveled the primary

119

01 or secondary escapeways?
02 A. No.
03 Q. And do you know how the
04 primary or the secondary escapeways
05 are identified in a mine?
06 A. With reflectors, red and
07 green.
08 Q. Red reflectors and ---?
09 A. Green.

10 Q. And the primary is marked
11 with?

12 A. Red --- with green.

13 Q. The primary is marked with
14 green?

15 A. With green. The secondary,
16 red.

17 Q. Red, red reflectors? Is that
18 ribbon hanging from ---?

19 A. Just a regular reflector on a
20 car.

21 Q. And have you participated in
22 any fire drills at the Sago Mine?

23 A. No.

24 Q. During the course of the
25 training that you received, did you

120

01 have any hands-on training on donning
02 an SCSR?

03 A. I've done that a lot.

04 Q. Do you recall when you
05 received your last training on
06 donning an SCSR?

07 A. I don't remember us doing, you
08 know, --- you just --- you just don't
09 pay attention. You just go through
10 it. They usually have test models
11 and you just ---.

12 Q. Was first-aid covered in any
13 part of the training?

14 A. I'm sure it was.

15 Q. Do you recall any of the
16 particulars of that?

17 A. I just went to so many of
18 them, I just ---.

19 Q. I understand. The roof
20 control plan?

21 A. I'm sure we went over that.

22 Q. All aspects of the plan, the
23 ventilation plan?

24 A. Yeah. You couldn't have a
25 class if you didn't.

121

01 Q. Do you feel that the training
02 that you received was adequate?

03 A. Yeah.

04 Q. Any particular areas that you
05 think you could have used additional
06 training?

07 A. No. It was pretty
08 interesting, this one was, because
09 this was a new guy. And everybody
10 new, had a different idea.

11 Q. And it's always nice to hear a
12 different voice during the training?

13 I'm sure of that.

14 A. Yeah, exactly

15 Q. Just a couple more questions
16 for you, Fred, on my end. Have you
17 ever been searched for smoking
18 materials at the Sago Mine?

19 A. Yes, I have.

20 Q. And the results of any of
21 those searches at the mine that
22 you're familiar with?

23 A. I've never knowed anybody
24 being caught with anything.

25 Q. Have you ever observed anyone

122

01 smoking underground at the Sago Mine?

02 A. If I did, you'd knowed about
03 it.

04 Q. I'll take that as a no?

05 A. No, I haven't. Everybody
06 would know because --- uh-uh.

07 Q. Have you ever found any
08 smoking materials underground at the
09 Sago Mine?

10 A. No.

11 Q. And to appear here today, has
12 anybody offered you anything or made
13 any kind of promises to you for,
14 again, appearing here today?

15 A. No.

16 Q. Anything that you would like

17 to add to the questions that I've
18 asked of you today? Anything that
19 you think I didn't ask in --- didn't
20 ask the right question or didn't go
21 into enough detail?

22 A. No. I think you covered it.

23 Q. Anything else that you would
24 like to add beyond the scope of the
25 questions?

123

01 A. Well, I don't think there's
02 anything I done to cause this. And I
03 don't think there was anything that I
04 could have done to prevent this. I
05 feel I done my job. And that's all I
06 got to tell you about that.

07 Q. Okay. I appreciate that.

08 MR. GATES:

09 Doug, do you have any
10 more questions for Fred?

11 MR. CONAWAY:

12 Yes.

13 BY MR. CONAWAY:

14 Q. Fred, I've just got a couple
15 real quick questions, just a couple
16 clarifying questions while we're at
17 it, and then we're done. I just want
18 to know, you had your spotter with
19 you when you were on the belt at ---

20 was it One Left when you were
21 shoveling?

22 A. Yeah.

23 Q. And you didn't hear any alarms
24 or anything when it went off?

25 A. No.

124

01 Q. You didn't feel any heat, you
02 just felt the pressure?

03 A. I just felt the pressure. In
04 the mornings I always turn my spotter
05 on. And I turned it off when I put
06 it on charge because it stayed on all
07 the time. But everybody knew my
08 spotter worked good, because even the
09 guys that went back in wanted my
10 spotter because it did work.

11 Q. But it didn't alarm when you
12 were in there at any time?

13 A. No.

14 Q. What type of doors --- you
15 said on the One Left belt the doors
16 were open. Were they walk-through
17 doors or were they the man door ---?

18 A. Man doors. They were like a
19 four-by-four door where you --- every
20 500 feet you got to have a door, and
21 that's what they are. We put dust in

22 through the duster or take posts in
23 or a pump or whatever you need.

24 Q. Were they a door that you walk
25 straight through or were they the

125

01 typical man door that you ---?

02 A. You just open it up. But you
03 got to hunker down and step through.

04 Q. Okay.

05 A. But like a fall --- even a
06 fall will make a man door open. You
07 know, vibration, it will open.

08 Q. But I was trying to get a
09 picture. It's just a normal man door
10 and it flaps out from the ---?

11 A. Sideways.

12 Q. Sideways. So they were all
13 open for side ---?

14 A. Well, I'm not going to say all
15 of them. Most of them.

16 Q. I'm just trying to get that
17 picture. And then you said you
18 walked up toward --- was it Number
19 Three? You said as soon as it
20 happened, you walked up toward Number
21 Three to check a stopping or you
22 thought --- you was looking for maybe
23 stoppings ---?

24 A. Yeah. Because, see, the air

25 was coming at me, and that was wrong.

126

01 There was a lot of air. So if it had
02 been going up the intake and a
03 stopping hit it first, it's going to
04 come right across and take the
05 easiest way out. That's right down
06 the track.

07 Q. And you were looking for a
08 stopping out, you didn't see any
09 damage?

10 A. I had no idea what had
11 happened. I figured a stopping was
12 broke.

13 Q. But you didn't see any damaged
14 stopping?

15 A. No.

16 Q. How long do you think it took
17 you to ---

18 A. Do that?

19 Q. --- just kind of walk from
20 where you was at up to ---?

21 A. Just a guessing, ten minutes.

22 Q. Ten minutes. And that's when
23 you heard Owen Jones on the radio ---
24 or on the pager? Did you feel any
25 electrical --- was there any

127

01 electrical disruptions or anything at
02 that time that you were aware of?

03 A. The power was off at Three
04 Head.

05 Q. Did it go off at 6:30 or was
06 it off ---?

07 A. No, I don't know. It probably
08 went off when all that happened.

09 Q. When that happened. At Three
10 Head the power went off?

11 A. Uh-huh (yes).

12 Q. Okay. All right.

13 MR. CONAWAY:

14 That's all I've got
15 right now.

16 MR. GATES:

17 Hank, do you have any
18 clarifying ---?

19 ATTORNEY MOORE:

20 I've got a couple
21 clarification questions.

22 BY ATTORNEY MOORE:

23 Q. Fred, looking at Jamison
24 Number Three, the map of the section,
25 in the Number Three entry, just outby

128

01 the face curtains and inby the check
02 curtain you drew near spad 4275
03 there's a black mark there. Was that

04 meant to be a partial curtain?

05 A. I don't know.

06 Q. If it's not, I just want to

07 make sure we have that clarified.

08 A. No, that's no curtain.

09 Because see, your air is going to

10 come up through here, here, here, and

11 it's got to come back down and over

12 to here.

13 MR. GATES:

14 And that's not meant to

15 indicate a piece of equipment?

16 A. Yeah.

17 MR. GATES:

18 If I recall, I think

19 you mentioned that you just

20 made a mistake.

21 A. I'll just draw something right

22 here.

23 MR. GATES:

24 X it out or put an X

25 there.

129

01 BY ATTORNEY MOORE:

02 Q. And you've Xed it out with

03 orange. You were asked about air

04 reversals on the belt. And you said

05 prior to the day of the explosion,

06 you hadn't felt any at Sago. And the
07 one you felt on the day of the
08 explosion was a result of the
09 explosion?

10 A. Yes, it would have had to have
11 been, that much air.

12 Q. And you were on the Two belt
13 head when you felt the air pressure
14 change in your ears?

15 A. (Indicates yes).

16 Q. The doors that you were ---.

17 MR. GATES:

18 He didn't answer the
19 question, for the record. You
20 have to say yes or no.

21 BY ATTORNEY MOORE:

22 Q. Yes. You nodded your head.
23 The doors that you were talking about
24 that you saw open, and forgive me for
25 my not being familiar enough with the

130

01 mine, do they open into the belt, do
02 they open away from the belt? Which
03 way do they open?

04 A. Some's in, some's out.

05 Q. And the ones that were open,
06 do you remember if they were ones
07 that opened toward the belt or ---?

08 A. I believe they were towards

09 the track.

10 ATTORNEY MOORE:

11 I have nothing further.

12 MR. GATES:

13 Do you want to take

14 five, just five minutes, and

15 we'll come back to close

16 things up?

17 A. We can do it now.

18 MR. GATES:

19 Can we go off the

20 record for a second?

21 OFF RECORD DISCUSSION

22 BY MR. GATES:

23 Q. I know it's been a long,

24 trying experience today, Fred. We've

25 got just a couple more questions, and

131

01 then that should wrap things up.

02 You've talked and there's been some

03 follow-up questions about the

04 particular doors that you observed

05 open and that you shut. Do you

06 recall the locations, specific

07 locations, of those doors?

08 A. Along one belt.

09 Q. Do you recall them to the

10 extent that you could mark those on a

11 map, where those doors were located?
12 A. No. I don't know which one.
13 And you know when you're hurrying and
14 --- but I just --- you know, I just
15 looked and I'd see a door, and I knew
16 if they're in trouble, we need them
17 doors shut. So I made it a point to
18 shut them.
19 Q. And you were --- I'm sorry.
20 A. Go ahead.
21 Q. Okay. And you mentioned that
22 you had been at the Number Two belt
23 drive shoveling when you felt
24 pressure and you started walking inby
25 towards Number Three. And as you

132

01 were proceeding inby in the belt
02 entry, that you heard --- or
03 overheard a conversation on the mine
04 phone?
05 A. Uh-huh (yes).
06 Q. Do you recall how far you had
07 traveled in the --- do you recall
08 your location when you heard ---?
09 A. I was up there.
10 Q. You were at ---?
11 A. Yeah, I was at Three Head when
12 ---.
13 Q. You were at Three Head when

14 you first heard the --- overheard the
15 phone conversation. And did you
16 recognize the voices?
17 A. It was Owie. I heard Owie,
18 but I don't remember or recall who he
19 was talking to. He said, we got an
20 explosion. And a few words was said,
21 I can't remember what, and he said,
22 get your men out. And then that's
23 when I left, too.
24 Q. Okay. Owie, that is ---?
25 A. Owie Jones.

133

01 Q. Owen Jones, okay. So that's
02 what --- when you heard that, that's
03 what prompted you to make the
04 decision to ---
05 A. To get out.
06 Q. --- get out of the mine?
07 A. Yeah.
08 Q. And you proceeded from the
09 Number Three belt head over into the
10 track?
11 A. To come outside.
12 Q. And exited the mine?
13 A. Yes.
14 Q. Okay, Fred. On behalf of MSHA
15 and the state, I want to thank you

16 for appearing and answering these
17 questions today. Your cooperation
18 has been very important to the
19 investigation as we work to determine
20 the cause of this accident. One
21 thing that I would ask is that you
22 not discuss your testimony with any
23 person who may have already been
24 interviewed or who may be interviewed
25 in the future. This will help us to

134

01 obtain everyone's independent
02 recollection of the events
03 surrounding the accident. After
04 questioning other witnesses, we may
05 call you if we have any follow-up
06 questions that we feel we need to
07 ask. Or if at any time you have
08 additional information that you
09 remember that you would like to
10 provide, you can contact me on the
11 information that I had given to you
12 earlier.

13 The Mine Act provides certain
14 protections to miners who provide
15 information to MSHA and, as a result,
16 are treated adversely. If at any
17 time you feel that you've been
18 treated unfairly because of your

19 cooperation in this investigation,
20 you should immediately notify me. If
21 you wish, you may now go back over
22 any answer that you've given or make
23 any additional statement that you
24 would like to make.

25 A. I don't know your name.

135

01 Q. My name is Richard Gates.

02 A. I want to mark that.

03 Q. I think I gave you my card.

04 A. I've got three cards. Here it
05 is.

06 Q. Okay.

07 ATTORNEY MOORE:

08 I have one question I'd
09 like to ask on clarification.
10 I'm not sure whether Fred
11 closed the doors on the One
12 belt or on the Three belt. My
13 notes show one thing. Maybe
14 on the second time ---.

15 MR. GATES:

16 I can't hear what --- I
17 don't know if Fred can. I
18 can't.

19 BY MR. MOORE:

20 Q. I just want to ask one

21 clarification question. Looking at
22 my notes, I wasn't sure of this.
23 When you closed doors, Fred, did you
24 close them on the Number One belt or
25 on the Number Three belt?

136

01 A. One belt.

02 Q. Okay.

03 ATTORNEY MOORE:

04 That's all.

05 BY MR. CONAWAY:

06 Q. Just one quick question. Did
07 you take any --- you said your meter
08 didn't go off after you felt
09 pressure. Did you stop and take any
10 readings --- just by chance, did you
11 take any readings? You just don't
12 recall the meter going off?

13 A. No, I just don't recall
14 because, you know, ---.

15 Q. I understand. I just wanted
16 to know if you actually ---.

17 A. But if it had been something,
18 you don't have --- you don't have to
19 stare at that meter. It does that
20 for you.

21 Q. One other thing. You said you
22 laid your coat down and it had your
23 notes in it. That was after you came

24 out the second time in the bathhouse
25 after the explosion? That's when you

137

01 took your coat off?

02 A. Yeah.

03 Q. And then you came back and it
04 was gone. It was the second time?

05 A. Well, it was the second time,
06 yeah.

07 MR. CONAWAY:

08 That's all I've got.

09 MR. GATES:

10 Okay. Again, Fred, I
11 want to thank you for your
12 cooperation. Again, I know
13 it's been difficult to sit and
14 go through the questions, but
15 certainly the information that
16 you've shared with us today is
17 going to be very helpful for
18 us in conducting the
19 investigation. And again, I
20 want to thank you one more
21 time.

22 A. Okay.

23 ATTORNEY MOORE:

24 Before we break, before
25 we go off the record, you

01 didn't address the issue of
02 his obtaining a copy of this
03 transcript. And I know the
04 letter was sent out to
05 everybody in reference to
06 requesting a transcript in
07 writing. And has that changed
08 or just --- I want to clarify
09 that while we've got Fred
10 here.

11 ATTORNEY CRAWFORD:

12 Well, we did indicate
13 that in the letter. We would
14 want a request in writing.

15 ATTORNEY MOORE:

16 Let me ask this while
17 we're on the record. Fred, I
18 have a quick one-sentence
19 request for a transcript.
20 That's so you can get your
21 transcript. Do you want to
22 submit a request for a written
23 transcript?

24 A. What, me get a copy of this?

25 ATTORNEY MOORE:

01 Yes.

02 A. Yeah, I'd like to have one.

03 ATTORNEY CRAWFORD:

04 Are you asking on his
05 behalf or on ---?

06 UNIDENTIFIED SPEAKER:

07 He doesn't need that in
08 writing. If he said it on the
09 record, then it's --- you
10 don't need it. It's silly.

11 ATTORNEY MOORE:

12 Because all I did was
13 prepare a one-sentence --- I
14 request a copy of my
15 transcript, knowing that this
16 comes up.

17 ATTORNEY CRAWFORD:

18 We clearly indicated in
19 the letter how we would
20 process it, and that hasn't
21 changed.

22 MR. GATES:

23 I believe in the
24 opening statement we made a
25 comment that the information

140

01 --- that your testimony was
02 being recorded and that there
03 would be an opportunity to
04 request a copy.

05 A. So I'll get one.

06 ATTORNEY CRAWFORD:

07 At a later time.

08 A. Yeah. All right.

09 * * * * *

10 SWORN STATEMENT

11 CONCLUDED AT 11:40 A.M.

12 * * * * *

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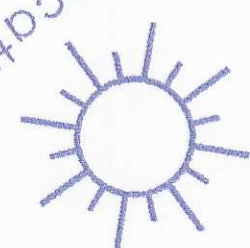
23

24

25

Scale: 1" = 100'

MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)



End of Mining
BUM Coal Company, Inc.
11/15/2001

4TH NORTHWEST SUB-MAINS

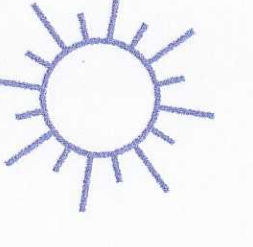
ADVERSE CONDITIONS
ENCOUNTERED
PTMS
3-20-2002
End of Mining
BUM Coal Company, Inc.
11/15/2001

1st Left

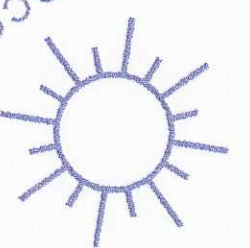
2nd Left Parallel

2nd Left Mains

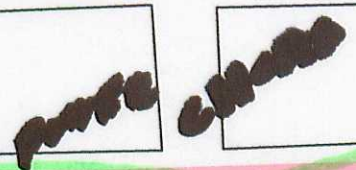
Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)



Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)







106)

Use Indelible
Pencil or Ink

PRESHIFT-MINE EXAMINER'S REPORT

Report shall be
signed when made

Date of Examination 4-25-20 Section or Area Examined 2 Left
Time of Examination: from 4:00 a.m. or p.m. to 4:25 a.m. or p.m.
Was this report phoned to outside: Yes no
By whom Brought in Time 5:30 A.M. P.M.
Report received by J. Laker (Signed)

Violations and other Hazardous Conditions Observed and Reported

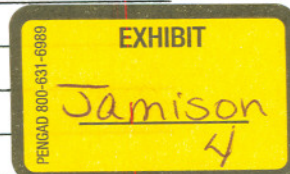
Location	Violation or Hazardous Condition	Action Taken
1. Entry	Clear	
2. Entry		
3. Entry		
4. Entry		
5. Entry		
6. Entry		
7. Entry		
8. Entry		
9.		
10.		

Air Measurements

Location	CFM	Location	CFM
Last open Bk	11,241		
Return 02	20.9		
Return CH4	0.0%		

Remarks:

1-2-08
J.B.
1-2-06
John Hollins



This is to certify that: (a) This section of the mine was properly examined by me, (b) all violations of the W. Va. Mining Laws and the Federal Coal Mine Health and Safety Act of 1969 and other unsatisfactory conditions and practices observed by me are listed in this report.

Signed By

J. Laker
Preshift-Mine Examiner

33073
Certificate No.

Martin Laker
Assistant Foreman

28298
Certificate No.

Countersigned

Mine Manager Mine Foreman

Assistant Foreman

Superintendent or Assistant