

01                   STATEMENT UNDER OATH  
02                               OF  
03                   VERNON KEITH HOFER  
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 the U.S. Bankruptcy  
10    Court, 324 West Main Street,  
11    Clarksburg, West Virginia, on Monday,  
12    January 23, 2006, at 9:01 a.m.

13

14

15

16

17

18

19

20

21

22

23    Any reproduction of this transcript  
24    is prohibited without authorization  
25               by the certifying agency.

01                   A P P E A R A N C E S

02  
03 DOUG CONAWAY, DIRECTOR  
04 Office of Miner's Health, Safety &  
05 Training  
06 1615 Washington Street, East  
07 Charleston, WV 25311  
08  
09 J. DAVITT MCATEER, ESQUIRE  
10 Vice President, Sponsored Programs  
11 Wheeling Jesuit University  
12 316 Washington Avenue  
13 Wheeling, WV 26003  
14  
15 JAMES BROOKS CRAWFORD, ESQUIRE  
16 Senior Trial Attorney  
17 Mine Safety and Health Division  
18 U.S. Department of Labor  
19 Office of the Solicitor  
20 1100 Wilson Boulevard  
21 Suite 2231  
22 Arlington, VA 22209-2296  
23  
24  
25

3

01 A P P E A R A N C E S (cont.)  
02  
03 RICHARD A. GATES,  
04 District Manager, District 11

05 U.S. Department of Labor  
06 Mine Safety & Health Administration  
07 135 Gemini Circle, Suite 213  
08 Birmingham, AL 35209  
09  
10 JOSEPH R. O'DONNELL, JR.  
11 Supervisory Coal Mine S&H Inspector  
12 U.S. Department of Labor  
13 Mine Safety & Health Administration  
14 District 11  
15 3867 Pine Lane, Suite 205  
16 Bessemer, AL 35022  
17  
18 R. HENRY MOORE, ESQUIRE  
19 Jackson Kelly, PLLC  
20 Three Gateway Center  
21 401 Liberty Avenue - Suite 1340  
22 Pittsburgh, PA 15222  
23 COUNSEL FOR ICG  
24  
25

4

01 A P P E A R A N C E S (cont.)  
02  
03 SAM KITTS  
04 6002 Pinnacle View Road  
05 Hurricane, WV 25526  
06

07 DENNIS J. SWENTOSKY  
08 Supv. MS&H Specialist (Ventilation)  
09 U.S. Department of Labor  
10 Mine Safety & Health Administration  
11 CMS&H, District 2  
12 Paintersville Road  
13 R.R. #1, Box 736  
14 Hunker, PA 15639  
15  
16 BRIAN MILLS  
17 Inspector at Large, Region One  
18 West Virginia Miners' Health, Safety  
19 & Training  
20 205 Marion Square  
21 Fairmont, WV 26554  
22  
23 DAVE STUART  
24 1507 Stonehenge Road  
25 Charleston, WV 25214

5

01 A P P E A R A N C E S (cont.)  
02  
03 ROBERT S. WILSON, ESQUIRE  
04 TIMOTHY S. WILLIAMS, ESQUIRE  
05 U.S. Department of Labor  
06 Office of the Regional Solicitor  
07 1100 Wilson Boulevard  
08 22nd Floor West  
09 Arlington, VA 22209-2247

10 COUNSEL FOR MSHA  
11  
12 JOSEPH YUHAS, ESQUIRE  
13 P.O. Box 1025  
14 Northern Cambria, PA 15714  
15  
16 MARCO M. RAJKOVICH, JR., ESQUIRE  
17 2333 Alumni Park Plaza  
18 Suite 310  
19 Lexington, KY 40517  
20 For Mr. Hofer  
21  
22  
23  
24  
25

6

01	I N D E X	
02		
03	INTRODUCTION	8 - 16
04	WITNESS: VERNON KEITH HOFER	
05	QUESTIONS	
06	By Mr. O'Donnell	16 - 156
07	By Mr. Mills	156 - 171
08	By Mr. O'Donnell	171 - 189
09	CERTIFICATE	190
10		
11		

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

7

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	One	Map of mine	39
05	Two	Map of mine	41
06	Three	CO printouts	103
07	Four	Signatures on	
08		Electrical Equipment	
09		Examination Documents	173
10			
11			
12			
13			
14			

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

8

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

02       -----

03           MR. O'DONNELL:

04           My name is Joe  
05   O'Donnell. I'm an accident  
06   investigator with the Mine  
07   Safety & Health  
08   Administration, an agency of  
09   the United States Department  
10   of Labor. With me is James  
11   Crawford, from the Solicitor's  
12   Office and Brian Mills, with  
13   the West Virginia Office of  
14   Miners' Health, Safety &  
15   Training. I've been assigned  
16   to conduct an investigation

17 into the accident that  
18 occurred at the Sago Mine on  
19 January the 2nd, 2006, in  
20 which 12 miners died and one  
21 miner was injured.

22 The investigation is  
23 being conducted by MSHA and  
24 the West Virginia Office of  
25 Miners' Health, Safety &

9

01 Training to gather information  
02 to determine the cause of the  
03 accident, and these interviews  
04 are an important part of the  
05 investigation.

06 At this time, the  
07 accident investigation team  
08 intends to interview a number  
09 of people to discuss anything  
10 that may be relevant to the  
11 cause of the accident.

12 After the investigation  
13 is completed, MSHA will issue  
14 a written report, detailing  
15 the nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the



20 causes of accidents can reduce  
21 their occurrence in the  
22 future. Information obtained  
23 through witness interviews is  
24 frequently included in these  
25 reports.

10

01 Your statement may also  
02 be used in other enforcement  
03 proceedings.

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

19 This interview with Mr.  
20 Hofer is being conducted under  
21 Section 103(a) of the Federal

22 Mine Safety & Health Act of  
23 1977 as part of an  
24 investigation by the Mine  
25 Safety & Health Administration

11

01 and the West Virginia Office  
02 of Miners' Health, Safety &  
03 Training into the conditions,  
04 events and circumstances  
05 surrounding the fatalities  
06 that occurred at the Sago  
07 Mine, owned by International  
08 Coal Group, in Buckhannon,  
09 West Virginia, on January 2nd,  
10 2006. This interview is being  
11 conducted at the U.S.  
12 Bankruptcy Court in  
13 Clarksburg, West Virginia, on  
14 January 23rd, 2006.

15 Questioning will be  
16 conducted by representatives  
17 of MSHA and the Office of  
18 Miners' Health, Safety &  
19 Training. This is not an  
20 adversarial proceeding,  
21 therefore cross examination  
22 will not be permitted.

23 Mr. Hofer, the  
24 interview will begin by my

25 asking you a series of

12

01 questions. If you do not  
02 understand a question, please  
03 ask me to rephrase it. Feel  
04 free at any time to clarify  
05 any statements that you make  
06 in response to the questions.

07 After we have finished  
08 asking questions, you will  
09 also have an opportunity to  
10 make a statement and provide  
11 us with any information that  
12 you believe may be important.

13 If at any time after  
14 the interview you recall any  
15 information, additional  
16 information that you believe  
17 may be useful in the  
18 investigation, please contact  
19 Mr. Richard Gates at the phone  
20 number or e-mail just provided  
21 to you. Here it is, right  
22 there.

23 Your statement is  
24 completely voluntary. You may  
25 refuse to answer any question,

13

01 and you may terminate the  
02 interview at any time. If you  
03 need a break for any reason,  
04 please let us know.

05 The court reporter will  
06 record your interview and will  
07 later produce a written  
08 transcript of the interview.  
09 Please try and respond to all  
10 questions verbally since the  
11 court reporter cannot record  
12 nonverbal responses. Also,  
13 please try and keep your voice  
14 up. Copies of the written  
15 transcripts will be available  
16 at a later time.

17 If any part of your  
18 statement is based not on your  
19 own first-hand knowledge but  
20 on information that you  
21 learned from someone else,  
22 please let us know. Please  
23 answer each question as fully  
24 as you can, including any  
25 information you have learned

14

01 from someone else.

02 We may not ask the  
03 right questions to learn the

04 information that you have, so  
05 do not feel limited by the  
06 precise question asked. If you  
07 have information about the  
08 subject area of a question,  
09 please provide us with that  
10 information.

11 At this time, Mr.  
12 Mills, do you have anything  
13 you'd like to add on behalf of  
14 the Office of Miners' Health,  
15 Safety & Training?

16 MR. MILLS:

17 Yes. Mr. Hofer, the  
18 West Virginia Office of  
19 Miners' Health, Safety &  
20 Training is conducting this  
21 interview session jointly with  
22 MSHA and are in agreement with  
23 the procedures outlined by Mr.  
24 O'Donnell for these interviews  
25 that will be conducted here

15

01 today.

02 But the Director  
03 reserves the right, if  
04 necessary, to call or subpoena  
05 witnesses or require the

06 production of any record,  
07 document, photograph or other  
08 relevant materials necessary  
09 to conduct this investigation.

10 MR. O'DONNELL:

11 Mr. Hofer, you are  
12 permitted to have a  
13 representative with you during  
14 this interview, and you may  
15 consult with your  
16 representative at any time.  
17 You may designate any person  
18 to be your representative. Do  
19 you have a representative with  
20 you?

21 MR. HOFER:

22 Yes, I do. Mr.  
23 Rajkovich, at this point in  
24 time, is my representative.

25 MR. O'DONNELL:

16

01 Mr. Hofer, do you have  
02 any questions regarding the  
03 manner in which this interview  
04 will be conducted?

05 MR. HOFER:

06 No, not at this point  
07 in time.

08 MR. O'DONNELL:

09           Would you please swear  
10   in the witness?  
11   -----  
12   VERNON KEITH HOFER, HAVING FIRST BEEN  
13   DULY SWORN, TESTIFIED AS FOLLOWS:  
14   -----  
15   BY MR. O'DONNELL:  
16   Q.   Mr. Hofer, we just have a few  
17   preliminary questions here. Did you  
18   talk to anyone about your interview  
19   statement here today?  
20   A.   No, sir.  
21        ATTORNEY RAJKOVICH:  
22        Just for the record,  
23   other than Counsel.  
24   BY MR. O'DONNELL:  
25   Q.   Please state your full name  
  
01   and spell your last name.  
02   A.   Vernon Keith Hofer, H-O-F-E-R.  
03   Q.   And your address and phone  
04   number?  
05   A.   [REDACTED]  
06   [REDACTED]  
07   [REDACTED]  
08   Q.   Are you appearing here today  
09   voluntarily?  
10   A.   Yes, sir.

11 Q. Okay. May I call you Vernon?  
12 A. Yes, sir, you may.  
13 Q. You can call me Joe.  
14 A. Joe.  
15 Q. How many years of mining  
16 experience do you have, Vernon?  
17 A. I went into the mining  
18 industry in 1979.  
19 Q. And what have you done in the  
20 coal mines since you've worked?  
21 A. Mostly outside man for  
22 approximately 15 years. I just,  
23 within the past seven to eight years,  
24 went underground. I've been an  
25 equipment operator, crane operator

18

01 and I'm currently a certified  
02 electrician and a maintenance  
03 foreman.  
04 Q. How long have you worked at  
05 Sago?  
06 A. Approximately two years.  
07 Q. And what have you done in that  
08 two years? Have you been the  
09 maintenance foreman that whole time?  
10 A. I've been the maintenance  
11 foreman, yes, sir.  
12 Q. Is that what your position was  
13 on January 2nd, ---



14 A. Yes, sir.

15 Q. --- the day of the accident?

16 And just briefly describe what your  
17 job duties were on the day of the  
18 accident.

19 A. My job duties include taking  
20 care of the outby equipment from the  
21 stacker and inby equipment to the  
22 face. I mean, I support the section  
23 mechanics if they need help. But  
24 primarily I take care of outby  
25 equipment.

19

01 Q. How many mechanics do you  
02 have?

03 A. The total number of mechanics  
04 at the mines, I don't know, but we  
05 have one per crew. Myself, part of  
06 the time I had one or two individuals  
07 working with me, but at this point in  
08 time they are temporarily assigned to  
09 the mines. Sometimes they work at  
10 other mines.

11 Q. So what kind of mining  
12 certificates do you have?

13 A. Just my underground card and  
14 my electrical card.

15 Q. That's West Virginia

16 certification?

17 A. Yes, sir.

18 Q. Any other state

19 certifications?

20 A. No, sir.

21 Q. From any other state?

22 A. No, sir.

23 Q. And Vernon, what

24 responsibilities do you have as far

25 as signing any of the books or

20

01 countersigning any of the books?

02 A. Just permissibility books on

03 pumps and the CO book.

04 Q. The CO book, okay. Who's your

05 immediate supervisor?

06 A. Mr. Dick Wilfong, the

07 maintenance superintendent.

08 Q. And how long has he been your

09 boss? Is it the whole time you've

10 been there?

11 A. Yes, sir, between there and

12 Spruce, the Spruce mines.

13 Q. Where is his office located in

14 relation to yours?

15 A. Our office is in the trailer.

16 His office is in the bathhouse

17 building office rooms.

18 Q. Here's what I want you to do.

19 Starting at the time you arrived at  
20 the mine, please tell us what you did  
21 until you left the mine property that  
22 day. Include as many details as you  
23 can, recalling any times you might  
24 remember. I'm not going to interrupt  
25 you. Just start from when you got

21

01 there until you left.  
02 A. I arrived at the mine at  
03 approximately 10 to 15 after 5:00. I  
04 dressed, went to the maintenance  
05 superintendent's office. We normally  
06 meet with the mechanics in his  
07 office, discuss anything that's  
08 relevant for the day. At that point,  
09 the crews left. I remained in the  
10 office and we talked about just what  
11 we done that weekend basically. I  
12 was sitting in the office and it was  
13 thundering and lightning outside. I  
14 noticed a flash of lightning outside.  
15 Immediately after the flash of  
16 lightning, the dispatcher called the  
17 maintenance office and told us the  
18 belts are down.  
19 At that point, I started  
20 gathering up my meter. The

21 maintenance superintendent proceeded  
22 to get some fuses, because we've had  
23 control fuses blow in the past. We  
24 talked a little bit and made sure  
25 they was the right size fuses. I

22

01 then proceeded to the dispatcher's  
02 office and picked up my light and  
03 checked in. I looked at the computer  
04 to see which belts were affected. I  
05 then proceeded into the pit, where I  
06 had my toolbox. I gathered up my  
07 tools, preparing to go underground.

08 At that point in time, the  
09 maintenance superintendent called  
10 down and told me not to go  
11 underground yet, that he and Jeff  
12 Toler, the super, were going to go in  
13 with us. I proceeded to move the  
14 mantrip to the portal, and then  
15 waited there on them. They came down  
16 over the hill, Dick, Jeff and Al  
17 Schoonover the safety director. Jeff  
18 called on the phone. I don't know  
19 who he talked with or what he said at  
20 that point. We then proceeded  
21 underground. I did hear him say that  
22 once we got approximately about ten  
23 blocks in that they hadn't brought a

24 detector with them. We proceeded on  
25 underground. At some point in time I

23

01 believe we met one of the bosses that  
02 take care of the pumps, John Boni.  
03 They got a detector off of him. And  
04 I don't remember if he went with us  
05 or if he then proceeded outside.

06 We proceeded on. We stopped  
07 at a phone that we have on the track  
08 at approximately 25 block on Four  
09 belt when he called to get a hold of  
10 someone, but I don't know who he  
11 tried to get a hold of or what he  
12 said at that point. We then  
13 proceeded on in. At some point close  
14 to 42 block, I'm not sure, some of  
15 the miners from the First Left crew  
16 appeared through a stopping and  
17 flagged us down. We stopped, picked  
18 those miners up. They told us that  
19 the other miners were still coming up  
20 the intake. We proceeded on down to  
21 a stopping that had been blowed out.  
22 The rest of that crew came through  
23 that stopping. They told us that the  
24 one section mechanic, Hoy Keith, and  
25 two guys that were assisting him were

01 still behind. We waited there until  
02 they got to the mantrip. They took a  
03 head count. Once we had everybody,  
04 we proceeded outside. Mr. Toler, Mr.  
05 Schoonover and Owen Jones, the  
06 foreman for the other crew, remained  
07 inside.

08 We then proceeded back  
09 outside. As we got to the air-lock  
10 doors, I asked the maintenance  
11 superintendent if he wanted us to ---  
12 wanted to switch from the electric  
13 doors to the manual doors. We had  
14 two sets of doors. We just started  
15 using electric doors. He said, yes,  
16 go ahead and close the manual doors  
17 and leave the electric doors open.  
18 So we proceed there on outside. Once  
19 we got outside, he said that we were  
20 going to remove power from the mines.  
21 He went up to the substation and I  
22 remained in the pit. Once he  
23 de-energized the mines, I disengaged  
24 the knife blades on the pole and the  
25 pit and locked those out.

01 At that point in time, they  
02 had men loading up the second Jeep.

03 We switched Jeeps. They had men  
04 outside loading up the Jeep with  
05 curtain and fly boards, nails, spads.  
06 I went up over the hill. I gathered  
07 up three or four more detectors, four  
08 or five rescuers, all that I could  
09 carry, and took those back down over  
10 the hill with me. We then proceeded  
11 back inside.

12       Once we started inside, I  
13 turned on one of the detectors that I  
14 had to monitor the air as we traveled  
15 in. We stopped at my toolbox at Nine  
16 block. We have an underground shop  
17 at the Nine block on Four belt. There  
18 I got a sledgehammer, a slate bar,  
19 pole axe, and I believe that was all.  
20 We then proceeded on inby. We got to  
21 approximately 42, 43 block, where Mr.  
22 Toler met us coming back out. He  
23 said that they had a stopping blowed  
24 out at 32 block. We then proceeded  
25 back to 32 block and hung a curtain

26

01 across that stopping on the intake  
02 side. We then moved back to 42  
03 block, which is --- I'm going by  
04 hearsay because I've never personally

05 looked at the track markers to see.  
06 We then curtailed off that blowed-out  
07 stopping on the intake side. In the  
08 process of going from 32 to 42, we  
09 did notice that 33 and 34 return  
10 stoppings had been blowed out. I  
11 tried to keep track of which ones,  
12 but due to cribbing and timbers, I  
13 couldn't keep track of all of them.  
14 And those were the only two that we  
15 did see that were blowed out on the  
16 return side.

17 At that point, I started on up  
18 the track entry when I realized my  
19 detector was going off. I then  
20 retraced my steps back to 42 and  
21 moved into the intake. At that  
22 point, we moved down the intake and  
23 were curtaining off the blowed-out  
24 stoppings that were blowed out on the  
25 way. We got to the power center for

27

01 the First Left section, the power  
02 center and splitter. Jeff asked me  
03 if --- where the closest phone was.  
04 I told him there was one on the other  
05 side of the stopping, between the  
06 track and the power center, plus the  
07 one at the belt drive, across the



08 belt for that One Left section. He  
09 proceeded over into the track entry  
10 and brought a phone line back, which  
11 he said had come from the One Left  
12 section.

13 At that point, Mr. Jones  
14 brought up the phone. I think he had  
15 stayed behind and was at a phone.  
16 But anyhow, he brought the phone up,  
17 which I proceeded to hook up. Once I  
18 hooked up the phone, I called outside  
19 to make sure that the phone worked  
20 and had them holler back at me to  
21 make sure the phone worked. During  
22 this, I called ahead to see if Jeff  
23 needed more curtain because the roll  
24 I had, we had used up. Also at that  
25 point in time, the man outside told

28

01 me, okay, we'll have them placed on  
02 the mines. Voice recognition, I  
03 recognized that as being our normal  
04 dispatcher. It was the outside man,  
05 Gary Marsh.

06 From there, I went back to the  
07 mantrip, got another roll of curtain,  
08 a coffee can with spads and nails and  
09 took that back to Mr. Toler and Dick,

10     who were several blocks in by the  
11     phone.

12             At that point, I dropped the  
13     curtain and then I proceeded back to  
14     the Jeep to get more curtain. Once I  
15     got to the Jeep, I realized there was  
16     more --- there was starting to be a  
17     certain amount of smoke in the track  
18     entry. I then proceeded to move the  
19     rescuers and the detector to the  
20     intake. I moved two more rolls of  
21     curtain to the intake. By the time I  
22     had accomplished that, Mr. Jones had  
23     come back and told me that we were  
24     supposed to proceed outside and to  
25     check the stopping out on the way

29

01     out. We then proceeded outside. And  
02     we got in the neighborhood of 12  
03     block and we felt the full velocity  
04     of air hit us, which we didn't have  
05     up where we were working at the time.  
06     We explored and we found what I  
07     assumed to be a regulator curtain on  
08     top of one of the overcasts at 12  
09     block, the wing walls on top of the  
10     overcast had come down and took the  
11     curtain down all but one point. We  
12     pulled that piece of curtain out from

13 underneath the block and moved it to  
14 the next overcast that was still  
15 intact, which I assumed was a track  
16 overcast. After we accomplished  
17 that, we proceeded back to the main  
18 escapeway. At that point, we saw  
19 lights from Dick and Jeff and Al  
20 coming outby. We waited on them to  
21 catch up with us. Once they caught  
22 up with us, then we proceeded on  
23 outside.

24       Once we got outside, we  
25 started giving information to the

30

01 personnel that were there that were  
02 asking us questions. They wanted to  
03 know where the electrical map for the  
04 mines was. We had two of them on the  
05 wall. We took both maps down and  
06 compared them to each other, with  
07 another individual. I don't know  
08 whether he was an investigator or an  
09 inspector. I don't know. We went  
10 over the two maps and compared them  
11 to make sure that they were the same.  
12 And during this time I was also  
13 hooking up phones for the trailers  
14 that were coming in. The one

15     inspector, Mr. Postalwait, wanted to  
16     know how many Jeeps we had  
17     underground. I got the  
18     permissibility books and went through  
19     them to see what Jeeps we had in  
20     service at that point in time and  
21     give him the list of the Jeeps that  
22     we had and the locations of all that  
23     I knew where they were at.

24             I went back to the maps. At  
25     that point in time, they wanted a

31

01     third map. So I took one of the old  
02     maps and transferred all the  
03     information from that map to a third  
04     map. I also, after that was done,  
05     moved into another room. And the  
06     surveyor was there with his laptop,  
07     and we went back over a map that he  
08     had and he entered the information on  
09     his laptop, I assume, to make up  
10     extra maps. Sometime after nine  
11     o'clock that night, I checked with  
12     Mr. Wilfong to see if I had to work  
13     the next day. He said, yes, so I  
14     then proceeded home to try to get  
15     some rest.

16     Q. What we want to do now is we  
17     want to just back up and then clarify

18     what you went through that day.  You  
19     say that --- what was your normal  
20     starting time?  
21     A.  Six o'clock.  
22     Q.  And you got there at?  
23     A.  Approximately quarter after  
24     5:00.  I normally get there at that  
25     point in time.

32

01     Q.  And you normally just line  
02     your --- what did you say you did,  
03     you ---?  
04     A.  I get dressed.  I go into the  
05     maintenance office.  We talk over  
06     what needs to be done for the day,  
07     anything that needs attention.  We  
08     talk with the section mechanics.  And  
09     then until they get inside and call  
10     for anything in particular, if they  
11     don't call for anything, I take care  
12     of whatever outside may need  
13     attention.  I work on the Jeeps or  
14     wait until the track is clear to  
15     where I can proceed inside.  
16     Q.  So about what time --- now,  
17     you said that you got all that  
18     finished.  You talked to your --- who  
19     was the foreman you talked to?

20 A. Mr. Wilfong, Dick Wilfong.

21 Q. Dick Wilfong?

22 A. Yes.

23 Q. And any other supervisors do  
24 you have any contact with?

25 A. No, sir, not at that point.

33

01 Q. What about the pre-shift exam,  
02 do you get involved in ---?

03 A. I'm not a certified foreman.

04 I do not involve myself in any of  
05 that.

06 Q. I understand. So how long did  
07 it take you to get all this  
08 preliminary stuff done before you ---  
09 before the belts went down?

10 A. From my understanding, the  
11 belts went down at approximately  
12 6:30. Basically I talk to the  
13 maintenance foreman during that time  
14 until the crews come out or if  
15 there's something needing done in the  
16 pit on one of the mantrips.

17 Normally, I just talk to the  
18 maintenance foreman and we discuss  
19 either what we done for the weekend  
20 or any possible work that needs ---.

21 Q. You said that you took a look  
22 at the monitor?

23 A. Yes, sir, I did.

24 Q. That is where the dispatcher  
25 is located?

34

01 A. Yes, sir, it is.

02 Q. And what else is located in  
03 that area?

04 A. The light rack, the --- it's  
05 in a separate room but within that  
06 trailer, the check-in/check-out  
07 board, the office that we keep our  
08 permissibility books are in the back  
09 end of that trailer.

10 Q. Who was the dispatcher that  
11 day?

12 A. I believe his name is William  
13 Chisolm. We normally refer to him as  
14 Flea.

15 Q. Flea?

16 A. Flea.

17 Q. Okay. And did you have any  
18 conversation with Flea?

19 A. Just as I went in, what belts  
20 were down. I took a quick look at  
21 the computer and then we went into  
22 the pit.

23 Q. And so the computer, does it  
24 have a --- it tells you what belts

25 are down. What else does it monitor?

35

01 A. It monitors the belts and it

02 monitors the CO system.

03 Q. Does it monitor anything else?

04 A. Not that I know of.

05 Q. Okay. Did you notice anything

06 else on the display other than the

07 belts being off?

08 A. No, sir, I did not, not at

09 that point in time.

10 Q. And did Flea convey any CO

11 readings to you at that time?

12 A. Not that I remember.

13 Q. So then you just --- from that

14 time, you only knew that you had

15 belts down; is that right?

16 A. That's correct.

17 Q. What belts did you recognize

18 were down?

19 A. Five and Six belt, which were

20 belts going towards each section,

21 were showing dead, no reply. Three

22 and Four belt were showing power

23 loss.

24 Q. Now, is that unusual?

25 A. Well, yes and no. In

36

01 lightning storms in the past we have



02 lost belt control or apparent belt  
03 control. If it blows a control fuse  
04 in the belt boss, the computer will  
05 show dead, no reply. It's not  
06 communicating with that belt boss.  
07 Power loss indicates that a breaker  
08 either in the starting box or at the  
09 power center has kicked.

10 Q. So what we had was a partial  
11 loss of power to just those inby  
12 belts; is that right?

13 A. That's correct. We had power  
14 loss to Three and Four, as shown on  
15 the computer, and no reply on Five  
16 and Six.

17 Q. Vern, does that kick other  
18 power or was that just specifically  
19 that belt power, power to that belt?

20 A. As we were going in, I noticed  
21 and Mr. Wilfong noticed that we still  
22 had power to Two, Two head, which at  
23 that point we have a splitter box.  
24 The lights were on around the belt  
25 drive. Also they were both still

37

01 running. We didn't check power as we  
02 went in. On the way in, we just ---  
03 our main concern was getting up as

04 far as they could get.

05 Q. The high voltage then was on;

06 is that right?

07 A. The Two head, yes, sir.

08 Q. Two head. When you said that

09 there was a storm outside, describe

10 what you --- do you have windows in

11 your office?

12 A. There's one window in Mr.

13 Wilfong's office at that point in

14 time. Of course, when we arrived

15 there, it was thundering and

16 lightning, and it continued to

17 thunder and lightning up to the point

18 that I proceeded inside.

19 Q. Was there any event that you

20 experienced when the power did go

21 off? You said it went off around

22 6:30. Do you remember anything ---

23 do you remember if the storm was

24 worse then or do you remember a clap

25 of thunder?

38

01 A. The thunder, I don't recall.

02 The flash of lightning outside the

03 window, I do. Preceding that, Mr.

04 Schoonover had mentioned a kind of

05 old wives' tale there was about

06 thunder in the wintertime. There's

07 usually some type of old adage or  
08 comment I didn't know.

09 Q. So then you heard that, you  
10 checked the CO display, you had a  
11 belt down, you got your gear  
12 together, and then went down over the  
13 hill. About what time was that?

14 A. That was immediately after.  
15 That would have been between 6:30,  
16 quarter 'till 7:00. The exact time,  
17 I couldn't give you.

18 Q. Did you have anybody else with  
19 you?

20 A. Not at that point in time, no.

21 Q. And what kind of mantrip ---  
22 you got into a mantrip or a personnel  
23 carrier?

24 A. Well, normally we have a  
25 maintenance Jeep that's designated

39

01 just for maintenance. Once I got in,  
02 got to the pit, Mr. Wilfong called  
03 and told me not to go underground  
04 yet. At that point, I got the first  
05 Jeep that was in line.

06 Q. And Mr. Wilfong, did he tell  
07 you to wait for him?

08 A. He told me to wait for him and

09 Mr. Toler.

10 Q. And was any other direction  
11 given to you by anyone else other  
12 than Mr. Wilfong?

13 A. No, sir.

14 Q. So at that time, did you know  
15 that there was just power off? Did  
16 you think that ---?

17 A. At that point in time, I just  
18 assumed that the belts were down.  
19 Once they arrived down over the hill,  
20 I realized something serious had  
21 happened. Like Jeff commented that  
22 something serious had happened, but  
23 he didn't know what.

24 Q. Did he talk to you about any  
25 communication that he had with

40

01 anybody inside?

02 A. No, sir, he did not.

03 Q. So what was --- you and  
04 whoever else were on the outside  
05 right now; right?

06 A. Yes, sir.

07 Q. And who was with you?

08 A. Mr. Toler, Mr. Schoonover, Mr.  
09 Wilfong and myself.

10 Q. Okay. Let's go over to the  
11 map. And what we're going to do is

12 we're going to use a colored marker  
13 and we're going to trace your route  
14 of travel to where you met the first  
15 person that you encountered. We're  
16 going to take this orange marker and  
17 we'll go over to the far map, and  
18 we'll call that Hofer Exhibit One.  
19 (Hofer Exhibit Number  
20 One marked for  
21 identification.)  
22 BY MR. O'DONNELL:  
23 Q. So we're at the pit mouth  
24 right now. Just mark what entry you  
25 started in, what ---.

41

01 A. Here's the track entry. And  
02 of course, it doesn't show the site  
03 where we come out, the track.  
04 Q. So he's in the Number Four  
05 entry. You're continuing up what  
06 belt?  
07 A. This is One belt.  
08 Q. Okay.  
09 A. Up to here.  
10 Q. That would be Two belt.  
11 A. Two belt. Three belt.  
12 Q. Three belt.  
13 A. Then at First Right switch, I

14 believe, we met Mr. Boni, but I'm not  
15 sure.

16 Q. Okay. So what was your  
17 conversation with Mr. Boni there?

18 A. I did not have any  
19 conversation.

20 Q. You didn't talk to him?

21 A. Mr. Toler and Mr. Wilfong  
22 would have been the ones that talked  
23 to him. I was in the back of the  
24 Jeep.

25 Q. And Mr. Boni, did he hop in

42

01 and ride with you?

02 A. I don't remember.

03 Q. Okay. So you left him there?

04 A. I don't remember if he got in  
05 the Jeep or if he stayed or I don't  
06 know what, either way.

07 Q. So you continued from One  
08 Right up the track?

09 A. Up the track.

10 Q. And that would be past Number  
11 Four drive?

12 A. Yes, sir, that would be past  
13 Four drive. Most stuff that --- I  
14 recognize this to use for reference  
15 points.

16 MR. O'DONNELL:

17           He's past Two Right in  
18   the track right now.  
19   A.   I think it was approximately  
20   42 block.

21           MR. O'DONNELL:

22           We have a larger map  
23   over here.   Maybe you'll find  
24   it there.   We call this Hofer  
25   Exhibit Two.

43

01   (Hofer Exhibit Number  
02   Two marked for  
03   identification.)

04   A.   This is Two Right.

05   BY MR. O'DONNELL:

06   Q.   Here's 25 crosscut right here.

07           ATTORNEY CRAWFORD:

08           And you're referring to  
09   Hofer Exhibit Number Two?

10           MR. O'DONNELL:

11           Yes.

12   A.   At 25 we have a phone.

13   BY MR. O'DONNELL:

14   Q.   Why don't you come over here?

15   Because we're on --- here's 25  
16   crosscut right here.   So if you  
17   could ---.

18   A.   At 25 crosscut we stopped at

19 the phone. Mr. Toler called  
20 whomever. I don't know who.  
21 Q. Did he call on a pager phone?  
22 A. Yes, sir.  
23 Q. You have another trolley phone  
24 system; is that right?  
25 A. Yes, sir, we do.

44

01 Q. At any time, from the time  
02 that you started into the mine until  
03 you arrived at 25 crosscut, do you  
04 recall any conversations or people  
05 having any kind of communication on  
06 the trolley phone?  
07 A. No, sir. The trolley phone  
08 would have been useless.  
09 Q. Why is that?  
10 A. You have to haul grounding  
11 resistors on the trolley wire and  
12 into each track. Once those  
13 grounding resistors or the wire is  
14 broken, then you no longer have a  
15 grounded resistor. That system  
16 becomes out of use. Also, it's  
17 powered up by a repeater that's at  
18 the Nine block on Four belt. And at  
19 that point if you don't have power,  
20 you ---.  
21 Q. So the entire time the trolley



22 phone never did work?

23 A. No, it wouldn't have worked.

24 Q. Okay. So you were at number

25 25. Who got off and talked on the

45

01 pager phone?

02 A. Mr. Toler.

03 Q. And do you know who he had a

04 conversation with?

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

06 Q. Okay.

07 A. We then proceeded along to

08 approximately 42 block. As I say,

09 I'm not exactly sure as to the exact

10 locations, but a crew come out of the

11 intake and from what I heard, they

12 heard us clanging, and they come to

13 the track. And we proceeded to ---.

14 Q. Do you remember any of the

15 guys that were there?

16 A. Ron Grall, Gary Carpenter, Hoy

17 Keith, Owen Jones.

18 Q. Would you say it was the whole

19 --- the entire One Left crew?

20 A. Yes, sir, plus Mr. Grall, who

21 is normally a fire boss.

22 Q. Grall?

23 A. Uh-huh (yes).

24 Q. Anybody else?

25 A. Not that I recall.

46

01 Q. So they come out of the intake  
02 escapeway to your area of 25. Did  
03 you --- or 42. Did you notice any  
04 smoke?

05 A. No, sir, not at that point in  
06 time.

07 Q. And you say you got a detector  
08 from Mr. Boni; right?

09 A. I believe Mr. Toler brung the  
10 detector.

11 Q. And were there any detectors  
12 going off at this time in the 42  
13 area?

14 A. Not that I know of.

15 Q. So other than miners coming  
16 out of the intake, everything looked  
17 normal at 42; is that right?

18 A. Yes. Everything but the  
19 stoppings being blown out.

20 Q. Well, let's back up. When did  
21 you first notice that there was  
22 evidence of an explosion?

23 A. Once we reached this point of  
24 picking up the crew.

25 Q. Didn't you say that there was

47

01 --- you just said that there were  
02 some stoppings out. Forty-two (42)  
03 was out; right?  
04 A. Yes. From my understanding,  
05 yes.  
06 Q. And did you notice any on the  
07 way in?  
08 A. Yes, sir.  
09 Q. Okay. Do you recall which way  
10 the stopping was blown?  
11 A. On the second trip in, they  
12 indicated that the stopping was  
13 blowed towards the track.  
14 Q. So did you pick those guys up?  
15 A. Yes, sir, we picked them up.  
16 They took a head count to see ---  
17 make sure they had everybody.  
18 Q. And then what did you do next?  
19 A. Immediately proceeded back  
20 outside with that crew.  
21 Q. You and who else?  
22 A. Myself and Mr. Wilfong.  
23 Q. You and Wilfong went outside?  
24 A. Yes.  
25 Q. And who remained inside the

01 mine?  
02 A. Mr. Toler, Mr. Schoonover and

03 Mr. Jones.

04 Q. And did they give you any

05 instructions or discuss what was

06 happening?

07 A. Not with me, no, sir.

08 Q. Did they tell you to come back

09 in?

10 A. No, sir.

11 Q. So now you go outside?

12 A. Yes, sir.

13 Q. And what happened next?

14 A. We picked up two more people

15 up on the way out.

16 Q. Who was that?

17 A. I don't remember exactly who

18 at that point in time. There were

19 two people we picked up on the way

20 out.

21 Q. The miners that you picked up

22 at 42, was anyone wearing an SCSR?

23 A. The majority of them were,

24 yes.

25 Q. They had them in their mouths?

01 A. Yes, sir.

02 Q. Okay. And did they remove

03 them?

04 A. I believe so.

05 Q. Did they take them with them

06 or did they leave them lay there?  
07 A. I don't remember.  
08 Q. Now, I'm sure there was some  
09 kind of conversation when these guys  
10 come out and take them off. They've  
11 just experienced something they've  
12 never experienced before. Did they  
13 say anything to you about what had  
14 happened?  
15 A. Not to me. I was driving ---  
16 at that point I was driving the Jeep  
17 back outside. Mr. Keith, the section  
18 mechanic, he was --- they helped him  
19 from their departure from the mines  
20 because he was, to my estimation, not  
21 in good shape so --- I talked to him.  
22 I was concerned about him possibly  
23 going into shock and on the trip out  
24 I talked to him periodically to try  
25 to make sure I got a response from

50

01 him.  
02 Q. Other than Hoy, was anybody  
03 hurt?  
04 A. Not to my knowledge.  
05 Q. Okay. So go ahead, continue.  
06 You picked two other miners up on the  
07 way out. Were they also wearing

08     their SCSRs?  
09     A.   I don't remember.  
10     Q.   Okay.   So you picked those  
11     guys up around 9:00, approximately;  
12     is that right?  
13     A.   Right.  
14     Q.   Okay.   Go ahead.  
15     A.   We then proceeded on outside.  
16     Like I said earlier, I asked Mr.  
17     Wilfong if he wanted to leave the  
18     electric air-lock doors open and  
19     close the manual doors, which ---.  
20     Q.   Where are those doors?  You're  
21     going over to Exhibit One.  
22     A.   They're on One belt.  
23     Q.   Just mark where the doors are.  
24     Now, you say there's two sets of  
25     doors?

51

01     A.   Yes, sir.  That would be the  
02     electric door.  
03     Q.   That's One electric door?  
04     A.   One electric door.  
05     Q.   At Number 4P crosscut?  
06     A.   Right.  
07     Q.   Okay.  
08     A.   And an air lock between 14 and  
09     13.  The manual door is somewhere  
10     around in there, I think.  I'm not

11 exactly sure on that.

12 Q. Okay. Just put approximately

13 where you think it might be.

14 Q. You say 11 crosscut the man

15 doors ---?

16 A. I'd say 12.

17 Q. Twelve (12) crosscut.

18 A. Approximately there.

19 Q. Now, when you first went into

20 the mines before you traveled to 42,

21 were these doors both closed?

22 A. Yes, sir, they were.

23 Q. And when you traveled in, did

24 you close both doors?

25 A. Yes, sir, we did.

52

01 Q. Now, when you came out, when

02 did you ask Wilfong what to do with

03 the doors?

04 A. As we got to the doors.

05 Q. And he told you to do what

06 with the electric door?

07 A. To go ahead and leave the

08 electric doors open and close the

09 manual doors.

10 Q. Now, there's two doors here?

11 A. You have another electric door

12 up here and another man door.

13 Q. Okay. Where were those?  
14 A. Here.  
15 Q. So there are a total of four  
16 doors?  
17 A. Yes, sir. Another man door  
18 here and there's approximately one  
19 here, I think.  
20 Q. What crosscut is that, eight?  
21 A. About eight or nine. And then  
22 you have the electric door right  
23 there.  
24 Q. Which would be One crosscut  
25 inby.

53

01 A. The exact location I ---.  
02 Q. So the inby-most door and the  
03 outby-most door are electric?  
04 A. No, sir.  
05 Q. No?  
06 A. The outby door is a man door.  
07 Q. Okay.  
08 A. And then you go through the  
09 electric door, the outby electric  
10 door and the next door is a manual  
11 door and the next door is an electric  
12 door.  
13 Q. Okay.  
14 A. The manual doors were used up  
15 to the point that they had installed



16 the electric doors. Once they  
17 installed the electric doors, they  
18 switched from the manual doors to the  
19 electric doors.

20 Q. So it just took their place  
21 and they were eliminated?

22 A. Right. The electric doors  
23 took the place of the man doors.

24 Q. Okay.

25 A. We then proceeded on outside

54

01 and Mr. Wilfong said we were going to  
02 de-energize the power to the mines.  
03 We would go up and de-energize it at  
04 the substation. Once he flagged me,  
05 I would begin to operate the  
06 disconnection and basically  
07 disconnect the mines.

08 Q. Did someone tell him to do  
09 that or did he ---?

10 A. I assume he done that on his  
11 own.

12 Q. Do you have any idea who was  
13 directing this --- we'll call it  
14 rescue attempt?

15 A. As far as direction, I don't  
16 have any --- I basically looked to  
17 Mr. Wilfong and Mr. Toler for

18 direction.

19 Q. When did you find out that you  
20 had the Second Left crew missing?

21 A. At some point they had tried  
22 to get in contact with them and got  
23 no response.

24 Q. Was it before you went  
25 underground the first time?

55

01 A. I don't know.

02 Q. Was it when you got to 42?

03 A. I don't think.

04 Q. Okay. You went back out. So  
05 you and Mr. Wilfong knocked all the  
06 power off; right?

07 A. Yes, sir.

08 Q. Then what happened?

09 A. Then the outside people were  
10 loading up the Jeep. We had switched  
11 Jeeps. I was directed then to switch  
12 Jeeps since we had one large Jeep  
13 with all of the chargers. I then  
14 proceeded up to get extra detectors.  
15 While I was up there, I realized that  
16 we had a box of new self-rescuers. I  
17 picked up three or four detectors and  
18 put them in my coveralls. I picked  
19 up as many detectors as I could carry  
20 --- or rescuers as I could carry and

21 took them back down with me.

22 Q. And at any of that time, did  
23 you hear any communication between  
24 anyone underground and the surface?

25 A. No, sir.

56

01 Q. How long were you outside  
02 before you re-entered the mine?

03 A. I would have to guess at that  
04 point in time. I never kept track of  
05 what the time is.

06 Q. And so you found supplies?

07 A. Right.

08 Q. You had how many detectors  
09 with you?

10 A. I believe four.

11 Q. Four detectors. And you say  
12 you had some curtain?

13 A. Right. The outside crew laid  
14 curtain, fly boards, nails and spads  
15 on the Jeep.

16 Q. And did anyone else re-enter  
17 the mine with you other than Mr.  
18 Wilfong?

19 A. No, sir.

20 Q. Okay. So pick that part up.  
21 You can start with the green and just  
22 mark your re-entry into the mine.

23 Are you going to follow the same  
24 track all the way to 42?  
25 A. Yes, sir.

57

01 Q. Okay. So you re-enter the  
02 mine and went all the way to 42?

03 A. Right. We stopped at Nine  
04 block. I had a toolbox underground.

05 Q. On re-entry, did you run into  
06 anybody else?

07 A. No, sir.

08 Q. Your second trip in, you went  
09 directly to 42 and didn't meet anyone  
10 else?

11 A. Right.

12 Q. Okay.

13 A. On the point of re-entry, I  
14 did turn on one of the continuous  
15 monitor detectors that I had to  
16 monitor the atmosphere as we went.

17 Q. Did you look at it to see what  
18 the readout was?

19 A. Yes, sir, I did.

20 Q. And what was it?

21 A. The methane was zero and the  
22 CO was zero.

23 Q. And the oxygen?

24 A. The oxygen, I don't remember.

25 Q. Okay.

01 A. I think at Nine block we  
02 stopped at my toolbox ---  
03 Q. Okay.  
04 A. --- and I got a sledgehammer,  
05 a slate bar and a pole axe. I had my  
06 ballpeen hammer on me. Mr. Wilfong  
07 didn't have any, so we stopped to get  
08 an extra hammer for the purpose of  
09 driving spads. And I picked up a  
10 couple extra items and then proceeded  
11 up to approximately 42 block.  
12 Q. If you want to come over to  
13 this map, it will be a little bit  
14 easier.  
15 ATTORNEY CRAWFORD:  
16 When you say this map,  
17 you mean Exhibit Number Two?  
18 MR. O'DONNELL:  
19 Yes.  
20 A. Okay.  
21 BY MR. O'DONNELL:  
22 Q. What made you stop at 42  
23 block?  
24 A. Mr. Toler, Mr. Schoonover and  
25 Mr. Jones were coming back outby.

01 Q. Were they walking down the

02 track towards you?

03 A. Yes, sir, they were walking

04 down the track.

05 Q. Did they have SCSRs on at that

06 time?

07 A. Yes.

08 Q. Did you notice any difference

09 in the air there from the first time

10 that you were in the mine?

11 A. No, sir.

12 Q. So everything seemed to be the

13 same, other than the wall that was

14 out between the track and the intake?

15 A. Yes, sir.

16 Q. Okay.

17 A. At that point, we then

18 proceeded back out. Mr. Toler told

19 us that there was a stopping out at

20 32 block. So then we proceeded back

21 to ---.

22 Q. We, meaning who?

23 A. Myself, Mr. Wilfong and Mr.

24 Toler. Mr. Schoonover and Mr. Jones

25 were further behind us.

60

01 Q. So did you all hop on the

02 mantrip and go out?

03 A. No, sir. Mr. Toler walked

04 back. I walked back. And Mr.

05 Wilfong drove the Jeep back. Once we  
06 got to 32 block, we curtailed it off.

07 Q. What did you notice at 32  
08 block?

09 A. A six-by-eight hole in the  
10 stopping at 32.

11 Q. A six-foot-by-eight-foot hole?

12 A. Approximately.

13 Q. And do you recall which  
14 direction the block was blown?

15 A. All the blocks in the  
16 stoppings that I saw were blown  
17 towards the track.

18 Q. It looked like it was --- were  
19 the blocks just laying there? Were  
20 they close? Were they out on the  
21 track or ---?

22 A. At that point, they were  
23 basically just laying there.

24 Q. And was the stopping also  
25 bulged or ---?

61

01 A. Not that I could tell.

02 Q. And do you recall what  
03 direction the air was moving?

04 A. There was very little air  
05 movement.

06 Q. Did you put the curtain on the

07 track side?  
08 A. We put the curtain on the  
09 intake side.  
10 Q. Okay. And there was pressure  
11 from the intake towards the track?  
12 A. Light pressure, but not much.  
13 Q. So you made that repair at ---  
14 put a circle around the 32. That  
15 will --- all the circles will  
16 designate a repair. How about  
17 purple?  
18 A. So from that point we then  
19 proceeded 32 ---.  
20 Q. And that will be between  
21 Number Five --- or Number Six and  
22 Number Seven; is that right?  
23 A. That's correct.  
24 Q. On 32 crosscut? Okay. So  
25 then what?

62

01 A. We then proceeded back to the  
02 mine.  
03 Q. Now, how did you travel?  
04 A. By vehicle.  
05 Q. All of you hopped in the Jeep  
06 and ---?  
07 A. I don't remember if all of us  
08 did or not. We were looking also  
09 over towards the return, and we



10 noticed that 33 block and 34 block  
11 return stoppings were blowed.  
12 Q. And that would be between  
13 Number Four and Number Five?  
14 A. It was in right here.  
15 Q. Okay. Could you draw a  
16 circle?  
17 Q. That would be the ---?  
18 A. No, we didn't repair those.  
19 Q. Oh, you didn't?  
20 A. No, sir.  
21 Q. Just put an arrow to them  
22 then. That would be 33 and 32 wall  
23 that they had noticed was damaged,  
24 but didn't repair. Okay. Go ahead.  
25 A. Thirty-three (33) and 34.

63

01 Q. Thirty-three (33) and 34.  
02 A. We then proceeded back up to  
03 what they told me was 42 block.  
04 Q. Okay.  
05 A. By the time we got there, I  
06 believe this --- I'm not sure what  
07 stopping they --- someone else,  
08 either Mr. Schoonover or Mr. Jones,  
09 was hanging up the curtain.  
10 Q. So 42 was repaired between Six  
11 and Seven, okay.

12 A. Yes.

13 Q. Okay.

14 A. We then proceeded down to  
15 approximately halfway down the block,  
16 and I realized my detector was going  
17 off.

18 Q. Now, that would be on the  
19 track entry between 42 and 43  
20 crosscut.

21 A. At that point, I automatically  
22 retraced my steps back.

23 Q. When you said that your  
24 detector went off, could you explain  
25 that?

64

01 A. It has a visual and audio  
02 alarm. I heard it. I glanced down.  
03 I seen lights flashing on it, so I  
04 automatically returned back to 42, I  
05 believe in the intake.

06 Q. Do you recall what the reading  
07 was?

08 A. When I checked the reading, it  
09 was right at the edge of the intake.  
10 At that point it was showing  
11 somewhere between 40 to 50 parts per  
12 million.

13 Q. So it was higher between 42  
14 and 43? You're saying it was on its

15 way down when you went over to the  
16 intake?

17 A. Huh?

18 Q. Was it still alarming?

19 A. Yes, sir, it was still  
20 alarming. I then ---.

21 Q. Let me just back up and ask  
22 you one other question before we go  
23 any further. Did anyone, at that  
24 time, don their SCSRs?

25 A. No, sir.

65

01 Q. Did any of your group that you  
02 were with, the five people, did  
03 anybody, at any time, don their  
04 SCSRs?

05 A. No, sir.

06 Q. Okay.

07 A. We proceeded --- do you want  
08 me to go with green again?

09 Q. Yes. Okay, sir. You are  
10 traveling back into the mine or back  
11 ---

12 A. Inby.

13 Q. --- inby from 42?

14 A. Okay. We're traveling inby  
15 and repairing blowed-out stoppings.

16 Q. Now, you're over at Number

17 Seven.

18 MR. O'DONNELL:

19 He's at Number Seven

20 entry at 42 crosscut in the

21 intake.

22 BY MR. O'DONNELL:

23 Q. Go ahead.

24 A. Okay. We proceeded up this

25 way, repairing blowed-out stoppings.

66

01 Q. Now, when you say blown-out

02 stoppings, how many? If you could,

03 do you know where they were or how

04 many you repaired?

05 A. I don't know exactly how many,

06 no. There were two or three in a

07 row, then there were one or two still

08 intact, as well as I remember.

09 Q. And what direction were the

10 forces?

11 A. Towards the track.

12 Q. And did you notice if it was

13 more pronounced, I mean, more damage

14 the further you got in?

15 A. At 49 block I noticed that it

16 was more damaged at that point.

17 Q. Okay. Now, this time up the

18 intake here, as you're traveling up

19 towards 49, did you notice any ---

20 what did you --- did you smell

21 anything?

22 A. I really didn't notice any

23 smell.

24 Q. Did you see anything?

25 A. No, sir.

67

01 Q. Any smoke?

02 A. No, sir.

03 Q. Was it warmer?

04 A. No, sir.

05 Q. Okay.

06 A. I proceeded to help repair the

07 stoppings to this point.

08 Q. Which would be 49 crosscut?

09 A. Yes, sir.

10 Q. Okay.

11 A. At that point, we have a power

12 center and a splitter box. And Mr.

13 Toler asked me where the closest

14 phone was. We did have a phone

15 hanging from the roof in the track

16 entry, and I told him that it was

17 there. He proceeded over. To my

18 understanding, he said he cut the

19 phone line going towards Number One

20 Left section and brought it back into

21 the intake. I proceeded to hook it

22 up. At the same time Mr. Jones come  
23 up from back behind with the phone.

24 Q. Now, when you traveled, you  
25 say that the whole group wasn't with

68

01 you, that you had some outby?

02 A. Mr. Jones, I believe, was  
03 outby.

04 Q. Where was he located at?

05 A. At that point, I don't know.

06 Q. Okay. So now after Toler  
07 comes over to you with the phone, the  
08 whole group now is at 49 crosscut?

09 A. No, sir. Mr. Wilfong and Mr.  
10 Schoonover were on ahead.

11 Q. Okay. As you traveled here,  
12 there were people ahead of you?

13 A. Yes, sir.

14 Q. And what were they doing?

15 A. They were curtaining the  
16 stoppings. We were working in teams.  
17 We only had two knives to cut curtain  
18 with. I had one and Mr. Toler had  
19 the other. We would --- one group  
20 would do one stopping and the other  
21 group would move up to the next  
22 stopping and basically we just leap-  
23 frogged up through there.

24 Q. Was your detector still going

25 off here in the intake?

69

01 A. I had shut my detector off and  
02 was turning it off and on to check  
03 because one of them had said that  
04 their detectors had failed, and I did  
05 that to keep from possibly burning up  
06 my detector.

07 Q. You mean failed, being over  
08 range or failed, being a dead  
09 battery?

10 A. I assumed over range.

11 Q. Okay.

12 A. So I, at some point, behind  
13 --- I didn't leave mine on  
14 continuous. Some of the other  
15 detectors were still alarming that  
16 the other people were carrying.

17 Q. Okay. So go ahead. From 49

18 ---.

19 A. At this point, I called Mr.  
20 Toler, because we had used up the  
21 roll of curtain that I had. We  
22 needed more curtain. At the same  
23 time I also called outside to check  
24 to make sure that the phone did work,  
25 that he could contact me.

70

01 Q. And who did you talk to  
02 outside?  
03 A. By voice recognition, I  
04 recognized it to be Gary Marsh.  
05 Q. What's his position?  
06 A. He's the outside man who loads  
07 supplies on the flatcars and runs the  
08 forklift.  
09 Q. And he would have been at the  
10 pit mouth or on top?  
11 A. He really could have been at  
12 either place. I don't know what  
13 location he was actually at.  
14 Q. And what was your conversation  
15 with him?  
16 A. Basically he told me that  
17 there was a K Order on the mines, and  
18 I relayed that message to Mr. Jones.  
19 Q. How did you call Owen from  
20 there?  
21 A. He was standing beside me.  
22 Q. Oh, he was standing beside  
23 you, okay.  
24 A. Yes, sir.  
25 Q. All right.

71

01 A. During all this process, I  
02 also called ahead to Mr. Toler,  
03 who had moved once he brought the



04 phone line to this point. He had  
05 moved on inby, and I called up to him  
06 to see if he needed more curtain  
07 because ---.

08 Q. Called up, just hollered to  
09 him?

10 A. Just hollered to him.

11 Q. Okay.

12 A. Since I knew we had used up  
13 one roll, and I didn't know how much  
14 curtain they had left. So he said,  
15 yes, we need more curtain. I relayed  
16 the message at the same time to Mr.  
17 Jones about the K order, and then I  
18 proceeded back to the Jeep at 42  
19 block to get more curtain.

20 Q. At 42 ---?

21 A. And at that point, I grabbed a  
22 roll of curtain, a coffee can which I  
23 put spads and nails in, and I  
24 proceeded back up here. Somewhere in  
25 here we had to come over and around a

72

01 water hole.

02 Q. In here is 48 to 49?

03 A. I don't remember exactly.

04 There was a big water hole we

05 detoured over and come back over and

06 then come up to wherever they were  
07 sitting at the time.

08 Q. You're pointing towards 56  
09 crosscut?

10 A. This general area somewhere.  
11 I don't know.

12 Q. Fifty-five (55), 56, 57 area?

13 A. I don't know.

14 Q. And tell us what happened  
15 there. Did you notice a difference  
16 in the atmosphere there, the mine  
17 atmosphere?

18 A. Somewhere in this area I did  
19 notice that --- what appeared to me  
20 was dust on the pavement floor.

21 Q. That's 52 you started  
22 noticing?

23 A. Probably 51, 52.

24 Q. Describe that. You said dust?

25 A. It just appeared to me it was

73

01 dust.

02 Q. Rock dust?

03 A. Black in color.

04 Q. Black dust?

05 A. I didn't feel it to see what  
06 it ---.

07 Q. Yes. What about smell or  
08 heat?

09 A. I never noticed any smell or  
10 heat.  
11 Q. What about when you got up to  
12 57, was it any different up there?  
13 A. No, basically about the same.  
14 Visibility, I could see as far as my  
15 light would project.  
16 Q. What about your detector? Did  
17 you notice any difference between the  
18 alarm or the readout in 57?  
19 A. I might have checked my  
20 detector beginning at that point.  
21 Q. Okay.  
22 A. Basically I got up at that  
23 area that they were sitting at and I  
24 dropped off that roll of curtain and  
25 the can of spads and nails and

74

01 immediately turned to go back to get  
02 more curtain.  
03 Q. And how far did you get outby?  
04 A. I proceeded clear back to the  
05 Jeep.  
06 Q. And that would be at 42?  
07 A. At 42.  
08 Q. And that would --- did you go  
09 by yourself ---  
10 A. Yes, sir.

11 Q. --- or did you have help?  
12 A. I went by myself.  
13 Q. Okay. Went back there again.  
14 And did you travel back to the intake  
15 and travel inby?  
16 A. Yes, I traveled the intake,  
17 the same route that we had used.  
18 Q. And how far did you get at  
19 that time?  
20 A. Well, at that point, when I  
21 returned back to here, ---  
22 Q. Which is 42.  
23 A. --- 42, I realized there was  
24 --- it was smoke. The visibility in  
25 the track entry was becoming cloudy.

75

01 Q. So it got worse along the  
02 track entry?  
03 A. Yes, sir. At that point, I  
04 moved the extra self-rescuers that I  
05 brought into the intake as well as  
06 the extra detector, which at that  
07 point in time I believe there was  
08 only one left because ---.  
09 Q. One detector left?  
10 A. That I had taken in, yes, sir.  
11 On the first trip back, the detector  
12 I had, Mr. Toler said his failed or  
13 someone's had failed. I gave them

14 the detector I had because I knew  
15 when I got back to the Jeep I would  
16 get another detector at that time. I  
17 moved the rescuers into the intake,  
18 the detectors we had and two rolls of  
19 curtain.

20 Q. Did you notice a difference in  
21 the smell there or heat?

22 A. Smell, I never noticed. I  
23 have a bad sense of smell.

24 Q. And was it smoke, dust?

25 A. Smell, I couldn't tell. I

76

01 mean, just the entry was cloudy.

02 Q. Black cloudy or white cloudy?

03 A. Whitish cloudy.

04 Q. You got all the gear and you  
05 left the mantrip on the track and now  
06 you're over on the intake. Now,  
07 what?

08 A. By the time I had accomplished  
09 removing the second roll of curtain  
10 to relieve Mr. Jones, he come back  
11 and told me that we were to proceed  
12 outside and to check the stoppings on  
13 the way out.

14 Q. And did he tell you why he  
15 decided to exit the mine?

16 A. No, sir.

17 Q. Okay. So now the whole group  
18 is together. Was this the only  
19 vehicle you saw, the one that you  
20 rode in on?

21 A. Yes, sir.

22 Q. And how did you exit the mine?

23 A. At that point, myself and Mr.  
24 Jones proceeded via the primary  
25 escapeway, following the reflectors

77

01 which I don't know at which point in  
02 time we moved to, but as we moved  
03 down the stopping line at some point  
04 in time, we saw the reflectors and  
05 moved over to it and followed it down  
06 to where we got back to the overcast.

07 Q. And the overcast was where?

08 We're on Exhibit One.

09 A. Let's see. There's 42 block  
10 right here. Over here somewhere we  
11 moved. I think it's right here. See  
12 where it sits over?

13 Q. Okay.

14 A. We moved in here down. We  
15 followed ---.

16 Q. So you traveled the intake  
17 escapeway out to the Second Right?

18 A. At this point we felt a volume

19 of air.

20 Q. Okay. At Second Right?

21 A. At --- right at this point

22 here there's a set of overcast, right

23 here.

24 Q. Which would be at Second

25 Right, between the track --- was it

78

01 on the track, on the track entry, the

02 overcast?

03 A. No, this was an overcast in

04 the intake.

05 Q. Intake overcast, okay. Number

06 Seven entry.

07 A. We then, after exploring and

08 seeing that the check curtain on top

09 of that overcast there was a

10 regulator on top of that overcast had

11 been knocked down by block, the inby

12 side of the overcast. The bottom of

13 it appeared to be damaged as well.

14 Q. And you were in fresh air this

15 whole time now?

16 A. Yes, sir.

17 Q. Do you remember what your

18 detectors --- were they okay then or

19 ---?

20 A. Yes, sir. At some point when

21 I left --- when we proceed outside,  
22 my monitor --- I took another air  
23 reading and my readings on my  
24 detector come down. I took two  
25 readings. At one point it was up and

79

01 then we moved in a couple more blocks  
02 and I took another one.

03 Q. Up, meaning how much?

04 A. I don't remember. I just  
05 remember seeing that it was  
06 registering CO. I don't know at that  
07 point if it was ---.

08 Q. Was it in alarm yet?

09 A. Yes.

10 Q. It was beeping, okay.

11 A. I don't know. I just come out  
12 of the track entry and I said it had  
13 dropped or cleared. I did notice CO  
14 was going down. I proceeded out by a  
15 couple blocks and I tried it again,  
16 and by that point in time it had  
17 cleared and it ceased to alarm.

18 Q. Okay.

19 A. We then proceeded to where we  
20 felt a volume of fresh air in this  
21 vicinity. We explored and found the  
22 regulator currently on top of the  
23 overcast to be knocked down, but



24 there was still one point of it into  
25 the roof. We pulled it. And I also

01 had a roll of curtain with me that I  
02 was taking outby with me, and I laid  
03 that roll of curtain down. While we  
04 was investigating the airflow, we  
05 found that curtain to be down. We  
06 pulled it out from underneath a block  
07 and we moved it over to the overcast,  
08 which I'm assuming is one on the  
09 track.

10 Q. On the track?

11 A. Yes.

12 Q. At Two Right?

13 A. At Two Right. And then by the  
14 time we had accomplished that, we  
15 went back to the escapeway and we saw  
16 the lights of Mr. Toler, Mr. Wilfong,  
17 Mr. Schoonover, and we waited for  
18 them to catch up with us, and then we  
19 proceeded on outside the mine.

20 Q. Did you travel the intake  
21 escapeway all the way out?

22 A. Yes, sir, we did.

23 Q. Do you recall any time that  
24 you checked for methane?

25 A. Yes, sir. When we went in, on

01 the second trip in, I monitored for  
02 methane and CO. At some point in  
03 time while we were working up the  
04 intake, when I checked, I was  
05 checking for methane and CO. At no  
06 point in time did I record any  
07 methane.

08 Q. Zero methane? Not even a  
09 tenth or two?

10 A. No, sir, not even a tenth.

11 Q. And did the oxygen stay good?

12 A. I never looked at the oxygen  
13 side of the detector for some reason.  
14 I did consciously think of my  
15 condition and, you know, whether I  
16 was breathing harder or felt sleepy  
17 or, you know, did try to monitor some  
18 other individuals as to what their  
19 possible physical condition might be.

20 Q. Would you like to take a break  
21 now?

22 A. I can proceed on.

23 MR. O'DONNELL:

24 Let's take a break now.

25 We'll pick it up right here.

01 SHORT BREAK TAKEN

02 BY MR. O'DONNELL:

03 Q. Vernon, now we're on the  
04 outside of the mine. And you said  
05 that you were concerned with how  
06 people were feeling.  
07 A. No. This was on the way out.  
08 Q. On the way out, okay.  
09 A. You know, while we were still  
10 in the 49 Block general area. I did  
11 realize that we were working in a  
12 toxic atmosphere. We hadn't donned  
13 our self-rescuers. So I consciously  
14 thought about my condition as to  
15 whether or not I should or shouldn't  
16 don the rescuer. Other than the one  
17 time that I entered back into the  
18 track entry to the Jeep before we  
19 departed for the outside, I did  
20 realize that there was a good amount  
21 of smoke. The visibility was  
22 becoming cloudy in that entry.  
23 Q. Do you remember what your CO  
24 reading was then?  
25 A. I never took one at that

83

01 point.  
02 Q. When was the last time you did  
03 --- actually at the furthest point  
04 in, when do you --- or whenever Toler

05 is with you, do you remember what  
06 your highest readings were?  
07 A. No, sir, I don't. We realized  
08 that the other detectors were still  
09 going off.  
10 Q. Where was that at? Do you  
11 recall what --- was it around ---?  
12 A. At 49 block I remember Owen's  
13 detector was still alarming. He had  
14 left his on because one had failed  
15 and he had come up on a screen on the  
16 detector that it had failed.  
17 Q. Failed, meaning over range?  
18 A. They had discussed that it had  
19 burnt up. They felt that the  
20 detectors had went over range or had  
21 burnt up. So to keep from possibly  
22 burning mine up, I would turn it on.  
23 I'd take a reading. I'd see that the  
24 CO was up, no methane ---.  
25 Q. Up to what?

84

01 A. The only actual reading I ever  
02 remember was the 40 --- between the  
03 40 and 50 parts per million range.  
04 Q. And that was at what location?  
05 A. That was at approximately 42  
06 block.  
07 Q. Of the track or the intake?

08 A. Well, I was in the intake, but  
09 I had just come off the track. I  
10 don't know --- I remember it being 50  
11 and I remember it dropping down close  
12 to 40. I don't think the detector at  
13 that point had cleared, completely  
14 cleared.

15 Q. What kind of detector was it?

16 A. I don't remember the model.

17 Q. Was it a silver one?

18 A. The larger silver ones.

19 Q. The bigger silver one?

20 A. The bigger silver one.

21 Q. With the kind of plastic front  
22 on it or ---?

23 A. It does have a plastic cover  
24 over the screen. The one I had, the  
25 one side of the screen was slightly

85

01 scuffed, which made it a little  
02 harder to read the readings, but ---.

03 Q. That was the shiny silver one  
04 or the buffed silver?

05 A. It's not --- it's probably the  
06 buffed. It's not a slick, shiny  
07 finish.

08 Q. Did you get sick?

09 A. No, sir. I never felt sick.

10 Q. Nauseated?  
11 A. No.  
12 Q. Dizzy?  
13 A. I was sweating a little bit  
14 from moving back and forth, but ---.  
15 Q. What about afterwards, Vernon?  
16 A. No, sir, I never did get sick.  
17 I never felt nauseated. I did notice  
18 that night my face felt a little hot.  
19 Q. That's what I mean. Like that  
20 night, the next day, the next few  
21 days?  
22 A. Just that night.  
23 Q. Now, the belts were off when  
24 you went inside; right?  
25 A. Initially?

86

01 Q. You said the monitor system  
02 and the belts were off?  
03 A. No. One and Two the monitor  
04 system was still running.  
05 Q. Oh, One and Two was still on.  
06 Did you shut those belts off?  
07 A. No, sir, we didn't stop and  
08 shut those off.  
09 Q. So the belts didn't go off  
10 until you came out the first time and  
11 knocked all inside power; is that  
12 right?

13 A. I would have to assume that.  
14 I don't know if the dispatcher had  
15 turned them off or not.  
16 Q. You said those return  
17 stoppings, the location was ---  
18 A. Thirty-three (33) and 34.  
19 Q. --- 33 and 34?  
20 A. Uh-huh (yes).  
21 Q. Was anyone with you when you  
22 noticed that?  
23 A. Mr. Wilfong was.  
24 Q. Okay. Do you have any idea  
25 what time you removed the power from

87

01 the first time that you traveled in  
02 and come out?  
03 A. No, sir.  
04 Q. Okay. And what are the  
05 stoppings made out of?  
06 A. Omega blocks. They have some  
07 stoppings which are Kennedy  
08 stoppings, I don't remember, up in  
09 the ---.  
10 Q. Kennedies, meaning the tin  
11 stoppings?  
12 A. The tin stoppings up in the  
13 neighborhood of 48 or 49 block had  
14 been some Kennedies, but I don't know

15 --- I don't remember if they replaced  
16 them with Omega blocks. Part of the  
17 stoppings are the eight-inch hollow  
18 blocks, but I don't remember which  
19 ones are ---.

20 Q. So you're saying we have a  
21 mixture of Kennedies, Omega and  
22 hollow block, cement?

23 A. Right.

24 Q. Did you notice any of the  
25 Kennedies out?

88

01 A. Up in the 46, 45 area, I  
02 noticed metal, but I don't remember  
03 --- because they had already  
04 curtained those off. I don't  
05 remember if ---.

06 Q. Did you notice metal out,  
07 metal on the ground?

08 A. It was just a piece of a  
09 Kennedy laying in the ---

10 Q. Okay.

11 A. --- walkway. I don't  
12 remember. It wasn't enough metal to  
13 be a full stopping. It was just ---  
14 at that point, I thought it was just  
15 a piece of where they had had  
16 Kennedies and had replaced them with  
17 either Omega or eight-inch blocks.



18 Q. Back up when you were at 49  
19 was it, where you moved the phone,  
20 ---

21 A. Uh-huh (yes).

22 Q. --- did you go over to the  
23 track with ---

24 A. No, sir, I did not.

25 Q. --- Toler? No. What did you

89

01 do, stand there and wait for him?

02 Did he ---?

03 A. At that point, actually he  
04 handed through the first-aid boxes.

05 We had a first-aid station there at  
06 that block. The first-aid boxes and  
07 backboard were with the power  
08 stations. He handed those through  
09 the curtain over to us.

10 Q. Did you notice that his  
11 methane detector was going --- was it  
12 alarming?

13 A. I think at that point his had  
14 failed, because at that point I gave  
15 him mine because I knew I was going  
16 back to get more curtain, and I knew  
17 I had more detectors on the Jeep.

18 Q. Why didn't you guys put your  
19 SCSRs on?

20 A. I never noticed any smoke. I  
21 mean, my visibility was good as far  
22 as the light, as my light would  
23 shine. I didn't have any trouble  
24 breathing. Actually, Mr. Jones had  
25 never donned his from the initial

90

01 explosion that he was caught up in.

02 Q. So that was how you measured  
03 whether --- if he was okay, ---?

04 A. No. I just didn't. I wasn't  
05 having trouble breathing. I wasn't  
06 --- didn't notice any adverse effects  
07 from the conditions that we were  
08 working in and we were moving as fast  
09 as we could safely move to try to  
10 direct air up to as close as to where  
11 we thought that the men possibly  
12 might be.

13 Q. I understand that. Do you  
14 recall anywhere in your training  
15 where they told you when to put it  
16 on?

17 A. No, sir. Basically under  
18 smoke and dust conditions or ---.

19 Q. Let's just go back. Where was  
20 the first time that you noticed  
21 smoke? You said you went over into  
22 the track and you noticed smoke.

23 What crosscut do you remember that  
24 being in?

25 A. That would have been back at

91

01 42 by the time we had already  
02 advanced the curtain line up to ---  
03 at whatever furthest point they had  
04 advanced it to, which at the point of  
05 49 I hadn't helped them do any more  
06 installation on curtains because I  
07 was going back to shuttle more  
08 curtain up to them. And on my second  
09 trip back is when I noticed that the  
10 track entry was becoming cloudy or  
11 smoky.

12 Q. You mentioned that when you  
13 came out that you noticed a change in  
14 the ventilation, increased  
15 ventilation around ---

16 A. Around 12 block.

17 Q. --- yes, One Right; is that  
18 right?

19 A. No, not One Right. Two Right.

20 Q. Two Right, I'm sorry. And you  
21 went over and you said that there was  
22 a regulator out. See, I'm confused  
23 about that because you said there was  
24 an overcast or a regulator curtain on

25 top. I'm not following you there.

92

01 A. They have ventilation to ---  
02 measures or controls for when they  
03 had the Two Right panel started.  
04 From my being familiar with what they  
05 do as far as regulating air or  
06 whatever, at that point we realized  
07 that all the air was bypassing at  
08 that point at 12 block.

09 Q. It was going towards the  
10 track?

11 A. It was going over into the  
12 return.

13 Q. Over the track, into the  
14 return?

15 A. Uh-huh (yes).

16 Q. Okay. And the regulator that  
17 we're talking about is an old control  
18 that was established for the  
19 development of the Two Right section;  
20 is that what you're ---?

21 A. Right.

22 Q. Okay. See, I didn't know ---  
23 I wasn't following on that one. And  
24 what was that made out of?

25 A. The regulator --- I assumed it

93

01 was a curtain.

02 Q. Okay.

03 A. The wing walls on top of the  
04 overcast or what I assumed was the  
05 wing walls had been blown down.  
06 There was Omega blocks on top that  
07 had fell over and tore the curtain  
08 down.

09 Q. Okay.

10 A. Whether --- anything else to  
11 that point would be speculation as  
12 far as what was there.

13 Q. And then when you went over to  
14 the track overcast, you put a solid  
15 curtain up?

16 A. Yes, sir, we did.

17 Q. That threw all the air up  
18 Number Seven?

19 A. Up the intake.

20 Q. Up the intake?

21 A. Up the intake, the complete  
22 intake.

23 Q. Okay. Vernon, when was the  
24 last time that anyone from the  
25 electrical department was in the mine

94

01 before the morning of the accident?

02 Did you have any guys working on

03 Sunday or Saturday?

04 A. No one, to my knowledge,  
05 worked on Sunday. I believe Saturday  
06 would have been the last day, but I'm  
07 not ---.

08 Q. So you had people from your  
09 maintenance department working on  
10 Saturday?

11 A. As far as I know.

12 Q. Do you know what their  
13 assignments were, where they were  
14 working?

15 A. No, sir, I don't know what all  
16 assignments would have been --- I  
17 mean, ---.

18 Q. Were they doing any repair of  
19 mining equipment, cutting or welding  
20 or burning or ---?

21 A. I have no idea.

22 Q. Does the fan usually operate  
23 continuously?

24 A. It always operates continuous.

25 Q. Do you know if there was any

95

01 power outages or fan down or power  
02 off before the day of the accident?

03 A. Not to my knowledge. I don't  
04 know.

05 Q. What about any maintenance  
06 issues on the Second Left mantrip?

07 A. Not to my knowledge.  
08 Q. Was there any problems  
09 reported on the mantrip at all?  
10 A. Not that I know of.  
11 Q. Okay. Near the old Second  
12 Left seals, that would be up on that  
13 top end, ---  
14 A. Uh-huh (yes).  
15 Q. --- what kind of electrical  
16 equipment did you have up there?  
17 Now, this would be where the Second  
18 Left switch makes the turn and in  
19 that area.  
20 A. In that area we had a mantrip  
21 charger. It was actually in the spur  
22 inby the switch on the opposite side  
23 of the track. We had a welder that  
24 we were --- had set up in place to  
25 work on the new shop with. There

96

01 would have been a drive transformer  
02 that wasn't hooked up to the steel  
03 package duct. And that's the shop  
04 area. And there was a set of oxygen  
05 and acetylene tanks.  
06 Q. Now, you say the new shop.  
07 Where were you going to put the new  
08 shop at?

09 A. Inby the switch on the right  
10 side or the walkway side of that  
11 spur, which was I think one block  
12 long.

13 Q. At the Second Left switch?

14 A. At the Second Left switch.

15 Q. Is there any reason why you  
16 picked that particular area to set  
17 your shop up?

18 A. Mr. Wilfong chose that spot as  
19 being in a central location.

20 Q. Was it high?

21 A. Yes, it was high.

22 Q. How high was it?

23 A. As far as the roof?

24 Q. Yes.

25 A. I don't know. The roof wasn't

97

01 overly high. It went from  
02 approximately eight foot down to  
03 approximately six and a half to seven  
04 feet.

05 Q. So how far along were you on  
06 the construction of the shop?

07 A. We had just started.

08 Q. You just started?

09 A. We had just started.

10 Q. None of the walls were up yet  
11 or ---?



12 A. None of the walls. I had set  
13 approximately four Heinzmann jacks,  
14 two to mount the shop doors on and  
15 two more to help mount shop shelving  
16 on. We had sent a beam in from  
17 outside which they bolted to the roof  
18 for a dolly, with a hoist, too. But  
19 the hoist wasn't on the beam at that  
20 point in time, but with the  
21 intentions of putting a hoist to load  
22 and unload heavier pieces or parts.  
23 Q. Did you have the air duct  
24 there yet? Did you have a separate  
25 split set up yet?

98

01 A. No, sir. As far as for the  
02 shop area itself?  
03 Q. Yes. Were you going to?  
04 A. I don't know what Mr. Wilfong  
05 had ---.  
06 Q. Okay. So what about the  
07 heaters, did you have those set up  
08 yet?  
09 A. There were no heaters at that  
10 location.  
11 Q. No curtains set up yet?  
12 A. No curtains, no.  
13 Q. What about any sidetracked

14 equipment? Did you start  
15 sidetracking equipment there yet?  
16 A. No. We never had --- there  
17 would have been pieces in and out of  
18 there, but at that point in time I  
19 don't remember. I don't think there  
20 was any equipment in that ---.  
21 Q. So it wasn't completed, but  
22 you had done some repair work there  
23 already?  
24 A. No, we hadn't done any repair  
25 work there.

99

01 Q. Okay. None at all?  
02 A. None at all.  
03 Q. Where did you normally do the  
04 repair work?  
05 A. Any equipment we repaired, we  
06 normally either did it on the section  
07 or wherever it was located at.  
08 Q. So what would be the purpose  
09 of making a shop area then?  
10 A. For parts, supplies, was the  
11 main purpose of the shop, so that we  
12 didn't have to go completely outside  
13 to obtain parts and supplies.  
14 Q. You said there was a battery  
15 charging station there?  
16 A. Yes, sir, there was.

17 Q. Was there any equipment on  
18 charge then?  
19 A. Not to my knowledge.  
20 Q. Now, whenever you charge  
21 equipment, do you rely on the timers?  
22 Because I know people were out of the  
23 mine.  
24 A. Normally, it's never on charge  
25 long enough to --- for the --- I

100

01 mean, we do check the timers, but  
02 normally the Jeeps are never there on  
03 charge long enough to, you know, ---.  
04 Q. Was it just a Jeep charger or  
05 was it a scoop charger?  
06 A. It was just a Jeep charger.  
07 Q. So it was the small Jeep  
08 chargers?  
09 A. Physical size, they're the  
10 same as a scoop. This one was the  
11 same size as your scoop chargers.  
12 Q. It was the same size, okay.  
13 And Jeeps --- you refer to Jeeps.  
14 Are you talking about rubber tire or  
15 ---  
16 A. No, sir.  
17 Q. --- rail mounted?  
18 A. Rail-mounted Jeeps.

19 Q. Okay. Was all the equipment  
20 in the mine battery that was on rail?  
21 A. Yes, all the equipment in the  
22 mine, on-the-rail equipment, other  
23 than what was towed.  
24 Q. Did you have any diesel  
25 equipment?

101

01 A. No, sir.  
02 Q. Now, you talked earlier about  
03 the AMS system. What's your role in  
04 the AMS?  
05 A. The CO system?  
06 Q. Yes, CO system.  
07 A. Okay. I make sure that it's  
08 installed, the intervals that it  
09 should be installed at, the switch.  
10 You know, it's supposed to be every  
11 thousand feet. I calibrate that  
12 system once every 30 days. If one of  
13 the monitors goes down or fails, I  
14 investigate and replace ---.  
15 Q. How does that alarm and alert  
16 system work?  
17 A. If it detects gas or CO, it  
18 alerts at ten percent and alarms at  
19 15 percent.  
20 Q. Do you know if that happened  
21 that day?

22 A. Later that day, yes, I do  
23 know. We looked at the computer  
24 outside. At least four of the CO  
25 alarms on Four belt were showing red,

102

01 flashing red, were in alarm mode.

02 And the COs on the One Left section  
03 were in the alarm mode.

04 Q. You mean you --- the system  
05 was down, though, when you were  
06 looking at it; right? You were just  
07 watching the --- reading the  
08 printouts?

09 A. I was watching the screen.  
10 They hadn't shut the system off yet  
11 at this time.

12 Q. What time was that?

13 A. That would have been after we  
14 exited the mine. I don't recall what  
15 particular time. I do remember the  
16 dispatcher saying that the one alarm,  
17 there had been five on the belt  
18 showing an alarm, but then the one  
19 had cleared.

20 Q. Okay. Let's see. I have  
21 copies of these printouts. Maybe you  
22 can help me out on it, because you're  
23 a lot more familiar than I am with

24 it. So maybe we could just step  
25 through this and you could explain

103

01 some of these codes to me.

02 A. Codes I don't know.

03 Q. That's Exhibit Three.

04 (Hofer Exhibit Number

05 Three marked for

06 identification.)

07 BY MR. O'DONNELL:

08 Q. Let's start up at the top.

09 Now, it's --- here you go. We'll

10 start at 1/2/2006. It's 6:09. Now,

11 it says at station 199, One Left

12 alarm, CO monitor taken off. What

13 does that mean? Right in there

14 somewhere. It's 6:10:01. It says

15 ---.

16 A. It says taken off.

17 Q. Well, or at 6:09:50, it says

18 taken off, then it says initialized,

19 then place on those three, and then

20 it goes into alarm, alarm 26 ppm, all

21 within several seconds. And that was

22 when the Number Four belt went on;

23 right?

24 A. The actual readout, I normally

25 don't go over, so ---.

104

01 Q. Well, what is this telling me?  
02 A. I'm assuming that the  
03 dispatcher looked at that alarm on  
04 the screen when he clicked on it and  
05 clicked to see if it would clear, and  
06 I'm assuming that it cleared when he  
07 clicked on it.  
08 Q. And is that what it means by  
09 initializing?  
10 A. I would assume it does.  
11 Q. And then what does placed on  
12 mean?  
13 A. When he clicked on it again,  
14 that it cleared.  
15 Q. And it went on scan; right?  
16 A. I would assume that, yes, it  
17 would have went back on scan.  
18 Q. Now, is this a normal  
19 procedure? I mean, how often --- so  
20 we're saying that this right here,  
21 this part before we get down to the  
22 alarm, is how you determine if it is  
23 a nuisance alarm or the real thing?  
24 A. Once an alarm goes off, the  
25 dispatcher will get a hold of

105

01 someone, either the section people, a  
02 fire boss, whoever he determines is

03     closest to that location, to have  
04     them check out the situation.

05     Q.   But you say that he cleared  
06     it.   What do you mean by that?  If  
07     this thing goes off and he didn't  
08     know that it was an alarm --- like  
09     let's say, well, it goes to 26 ppm  
10     here, okay, at that station, just  
11     within seconds afterwards, what does  
12     that mean?

13     A.   When he clicked on it, that it  
14     would have cleared, and then it would  
15     have went back into the alarm mode, I  
16     would ---.

17     Q.   And then it says, user, Muffy,  
18     supervisor, privilege, time-out.

19     A.   That, I don't know.

20     Q.   Defaulting to public?

21     A.   That, I don't know.

22     Q.   So according to --- if you  
23     went up there and you looked at this,  
24     you would understand this to be an  
25     alarm of 26 ppm?

106

01     A.   Yes.  If I looked at the  
02     computer, I would know that it's  
03     showing me it's alarming at 26 parts  
04     per million.

05     Q.   Then we go down to, just a few



06 minutes later, at the pit mouth.  
07 A. Uh-huh (yes).  
08 Q. Now, this is a ten. It's an  
09 alarm condition at 10 ppm. Now, this  
10 is the same time that you said that  
11 when you were on the surface that you  
12 noticed the belts had gone off.  
13 A. Yes, sir.  
14 Q. And you went over there and  
15 you checked --- the belts were off,  
16 and you made arrangements to go check  
17 them out?  
18 A. Right.  
19 Q. Is it uncommon --- I mean,  
20 what would cause the pit mouth CO  
21 monitors to knock like this?  
22 A. They --- I mean, at this point  
23 it would be speculation as to what  
24 caused it to go off. I've had CO  
25 monitors malfunction for no apparent

107

01 reason. They just malfunction. I've  
02 had to replace them. I don't --- if  
03 I have one that malfunctions, if I  
04 calibrate it and it won't clear, I  
05 replace it. We send those off to the  
06 repair shop. And I don't know the  
07 cause of their malfunction or why

08 they --- and when they show an alarm,  
09 if at the point in time that I check  
10 them everything appears to be okay.

11 Q. But in this condition here,  
12 would that have an audible alarm or a  
13 visual alarm?

14 A. It would be a visual alarm.  
15 It would not be an audible.

16 Q. And this condition, now did it  
17 stay on, the pit mouth warning?

18 A. The pit mouth warning is  
19 actually in the belt entry inside the  
20 head house.

21 Q. Okay.

22 A. At that point, unless you  
23 actually went into the head house,  
24 you wouldn't actually see that alarm.

25 Q. Okay. And just right after

108

01 that, if you just go down, up at 57  
02 block at Number Four belt, we have  
03 another alarm, 51. Now, at that  
04 time, would not there be an alarm and  
05 an alert or an alarm, which would be  
06 the audible and the visual; right?

07 A. The ones located on the belt  
08 are visual alarms. The audible  
09 alarm, they have a separate box on  
10 the section for an audible alarm, on

11 each section.

12 Q. Now, at this time, that would  
13 be the dispatcher has those at his  
14 screen; right?

15 A. Right.

16 Q. And did the dispatcher call  
17 anyone at any time that you recall,  
18 to inform them that they had alarms  
19 that were going off with higher  
20 levels of CO?

21 A. Not to my knowledge.

22 Q. Do you know who the  
23 responsible person is designated by  
24 the company for firefighting and  
25 evacuation?

109

01 A. No, sir, I do not.

02 Q. And then I go down to Number  
03 Four belt, this is the 49 and 46  
04 break, and it says alarm 107. Could  
05 you explain what --- and they're both  
06 107. Is there something --- it seems  
07 odd that both would be at 107.

08 A. Well, my understanding of the  
09 system, that that's the highest  
10 they'll go, and at that point they  
11 either go into failure or that's as  
12 high as they will actually alarm to.

13 Q. At the over range?

14 A. Right.

15 Q. Now, are all your CO monitors

16 in the mines 107s or some 50s?

17 A. The section alarms are 1700s.

18 The alarms on the belt line are 1703

19 models.

20 Q. So we're saying that the belts

21 over range at 107 and the sections

22 over range a different ---?

23 A. I don't know if that's an over

24 range number or a model number. I

25 just assumed that that's a model

110

01 number.

02 Q. Okay. And here's one that

03 says on the One Left section alarm,

04 alarm latch set, 26 ppm. What's an

05 alarm latch?

06 A. That, sir, I do not know.

07 Q. And One Section left alarm

08 warning. Then it says here,

09 communication dead. That would be at

10 6:31:45 at the Two Left alarm, CO

11 monitor, communications dead. What

12 is that saying to me?

13 A. At 6:31 ---.

14 Q. It's right about in the

15 middle. Up in there it says

16 communication dead.  
17 A. Some of these alarms have  
18 fuses in them. Some of them don't.  
19 At that point it could be the line  
20 into, that it's no longer  
21 communicating with the outside.  
22 Q. So it's not communications  
23 between people, it's communications  
24 of the system?  
25 A. Right.

111

01 Q. The continuity of the system  
02 has been compromised; right?  
03 A. Right.  
04 Q. And then I see a little bit  
05 down 6:31:57, it looks like Number  
06 Five --- Number Four belt, power loss  
07 and then communications dead.  
08 A. Right.  
09 Q. Number Two belt. What can you  
10 tell me ---?  
11 A. No, that's Number Five belt  
12 boss.  
13 Q. Just kind of walk me through  
14 the rest of this and tell me what's  
15 happening.  
16 A. I'm showing that it's 6:31:57,  
17 Number Four belt, the belt boss

18 stopped, power loss sequence, that it  
19 shut down on sequence. So therefore,  
20 ---.

21 Q. And what would cause that to  
22 sequence out?

23 A. The belt in front of it had  
24 shut down.

25 Q. And no one shut that belt off;

112

01 is that right?

02 A. Not to my knowledge. I mean,  
03 I'm reading this that the Number  
04 Three belt in front of it had stopped  
05 for whatever reason and the sequence  
06 on that belt shut Four belt down.

07 Q. Okay.

08 A. Number Five belt boss,  
09 communications dead. To me, that  
10 indicates that a control fuse was  
11 possibly blowed, which was what we  
12 were under the assumption outside.  
13 Because in the past we have had  
14 control fuses blowed in the belt  
15 bosses and they were showed dead on  
16 the screen outside, but they would  
17 continue to run inside because it's  
18 lost communications with the computer  
19 outside.

20 Q. Okay.

21 A. The belt boss Number Six  
22 drive, communications dead, which  
23 indicates the same thing to me.  
24 Break Number Two, let's see, that's  
25 at 6:32, break Number Two belt CO

113

01 monitor, communications is dead.  
02 Part of the COs have fuse holders in  
03 them, part of them don't. Some of  
04 the older ones, if I remember  
05 correctly, don't have the fuse  
06 holders in them and some do. That  
07 would indicate to me that if it's a  
08 newer CO, that one of the fuses or  
09 both of the fuses inside the CO have  
10 been blowed.

11 Q. So it's either/or; right?  
12 Either it's severed or a fuse blew?

13 A. Right.

14 Q. Okay.

15 A. If the line is severed at  
16 whatever point, everything inby that  
17 point will register dead.

18 Q. Okay.

19 A. If the fuse is blowed,  
20 anything inby that point will still  
21 function. As long as its fuses are  
22 good and the lines are severed, it

23 will function.

24 Q. Okay.

25 A. It's showing Number Three belt

114

01 boss stopped, power loss. CO monitor

02 to Four belt, communications dead,

03 which, as I stated before, it would

04 indicate either a fuse or a blown

05 line. 6:51, Number One belt boss

06 stopped on sequence. Number Two belt

07 boss stopped on sequence.

08 Q. So would it be reasonable to

09 assume that at 6:51, because the

10 belts continued to run until the

11 power was taken off outside, that the

12 power was removed then?

13 A. I would assume that at that

14 point power was either removed from

15 the mines or that the dispatcher had

16 shut the stacker off, because it

17 shows it was stopped on sequence.

18 Q. If it was just from you

19 knocking all the main power, would it

20 be different than ---?

21 A. I don't know at that point.

22 Of course, they would still operate

23 on battery back-up. So yes, at that

24 point it could have been when we

25 knocked them out, power to the mines.



01 Q. Okay. But even if One and Two  
02 is out --- okay, we have power off,  
03 but we're still getting them --- at  
04 7:16, we're still having a warning  
05 and an alarm at Number Four belt CO  
06 monitor, would that be from the  
07 battery back-up?

08 A. The CO system is powered up  
09 from the computer outside. It's not  
10 powered up from power within the  
11 mines.

12 Q. Okay.

13 A. It would continue to operate.

14 Q. So even though this belt  
15 sequence stopped, we still have a CO  
16 monitor system. Okay. I got you.

17 A. Yes, sir.

18 Q. Now we're looking at Seven  
19 drive.

20 A. Okay. Number 182, one block  
21 outby Seven drive showed CO monitor  
22 warning five parts per million, is  
23 that the one you're on?

24 Q. Yeah.

25 A. Okay.

01 Q. Seven drive, is that the

02 Second Left ---?  
03 A. That's the First Left section  
04 belt.  
05 Q. First Left section belt, okay.  
06 And Number Five belt ---?  
07 A. Is the First Left belt.  
08 Q. Whenever you get an alarm or  
09 an alert like this, I mean, let's say  
10 you have a malfunction in the sensor,  
11 it doesn't register like this; does  
12 it? Does it just go straight into  
13 malfunction?  
14 A. It doesn't necessarily go into  
15 malfunction. It will give you a  
16 reading of --- it can vary from five  
17 to whatever range is the upper limits  
18 on the scale.  
19 Q. Like also it can go all the  
20 way up to 107 or as low as five or  
21 ten?  
22 A. Right.  
23 Q. Okay. And so if you look at  
24 this, you wouldn't --- unless someone  
25 checked it out, you wouldn't know if

117

01 it was a nuisance alarm or a real  
02 alarm?  
03 A. That's right. You have to  
04 physically check which one goes into

05 alarm mode. The dispatcher will get  
06 a hold of I'd say generally whoever  
07 is the closest to that alarm. If  
08 it's outby along the main belt lines,  
09 they'll usually contact me, and we'll  
10 go over and investigate and try to  
11 determine whether there's an actual  
12 condition that exists or if it's ---  
13 the alarm itself has malfunctioned.

14 Q. Have you ever found that to  
15 be?

16 A. Yes, sir, I have.

17 Q. That you did have smoke  
18 or fire?

19 A. No fire. I've never found any  
20 fires. I've found it to be an alarm  
21 that has malfunctioned that we've had  
22 to replace.

23 Q. Okay. But not an actual alarm  
24 situation?

25 A. No, sir.

118

01 Q. It's always been a  
02 malfunction?

03 A. It's always either been a  
04 malfunction --- some of these alarms,  
05 if they're too close to the battery  
06 station, then they pull air --- air

07 is pulled off the battery station to  
08 them. They will alarm in those  
09 situations as well.

10 Q. What's your procedure if you  
11 do go in there and find that you have  
12 20 parts per million?

13 A. To try to calibrate the CO  
14 with the zero air and 50 parts per  
15 million.

16 Q. No, I mean, if you have really  
17 20. It's not a malfunction

18 A. I've never run into that  
19 situation, I mean, other than ---  
20 well, I have to rephrase that. I  
21 have a battery where a battery  
22 charging station was closed, in which  
23 case we generated the charging  
24 station.

25 Q. Was anybody else contacted

119

01 that you may have a possible problem?

02 A. I would have contacted the  
03 section or whoever would be around  
04 that general area where we had a  
05 possible problem. It has happened,  
06 but it very seldom happens, so ---.

07 Q. Would that be a withdrawal?  
08 Would that be a reason to call the  
09 crew and have them withdrawn?

10 A. I would assume. I'm going on  
11 assumption now. I don't know.  
12 Assuming to this point --- I would  
13 assume that once, you know, a  
14 responsible individual checked the  
15 situation out, that they would make  
16 that determination once they had  
17 checked the situation out.  
18 Q. Now, all the way to the back,  
19 does this tell me that the system was  
20 taken out of service or --- what's  
21 that tell me?  
22 A. It's ---.  
23 Q. Okay. What are you referring  
24 to on the record, page ---?  
25 A. I'm at page six. Are you at  
01 page six?  
02 Q. In the last entry, what does  
03 that mean?  
04 A. 1/3/2006 at 3:59:07 --- is  
05 that a.m. or p.m.? I don't know. It  
06 doesn't tell me a time. It gives us  
07 a time, but ---.  
08 Q. But all of these, really,  
09 they're --- if you look at the whole  
10 page, this is a sequence of events  
11 that happen within a couple of

12 minutes; right?

13 A. Fifty-five (55), 56, 57, 57,  
14 57, 57.

15 Q. What would you say that tells  
16 us? What happened?

17 A. At this point, that the system  
18 is alarming and that at that point  
19 someone outside had wanted us to  
20 unhook the system or take power off  
21 the system.

22 Q. Okay.

23 A. So I'm assuming that someone  
24 has taken it off line per  
25 instruction.

121

01 Q. Okay. So that's where we can  
02 say that the system is out of service  
03 then, off line or whatever we want to  
04 call it?

05 A. Yeah, taken off, off standby.

06 Q. Okay.

07 A. Whomever was inside the  
08 dispatcher's office, at certain  
09 points outside, they wanted us to  
10 unhook the CO and then they changed  
11 their mind and said, no, leave it on.  
12 The same with the phone system, the  
13 pager phone system. We were  
14 instructed to disconnect it, and then

15 we were instructed, no, wait, don't  
16 disconnect it. Those decisions were  
17 coming from the command center. I  
18 don't know who, you know, was  
19 instructing us, whether they had been  
20 instructed to tell us that or ---.

21 Q. Who told you to do that? Was  
22 it on a phone or ---?

23 A. I wasn't --- at that point in  
24 time, I wasn't in the dispatcher's  
25 office. I was in --- over in the

122

01 office building going back over the  
02 electrical maps.

03 Q. Your office?

04 A. No, sir. In actually the  
05 foreman's office. I was going over  
06 the two electrical maps that we had  
07 had on the wall to make sure that  
08 both maps to the best of my knowledge  
09 were correct. After that, after I  
10 went over those two maps, I was  
11 working on transferring the  
12 information to the third map for the  
13 whole process. I was also answering  
14 questions to the inspectors or  
15 command center personnel.

16 Q. When you did leave the mine

17 and come out, did anybody debrief you  
18 or have a discussion with you and  
19 say, hey, Vernon, give me a rundown  
20 on what happened?  
21 A. Basically, no. I believe  
22 Toler and Mr. Wilfong had been  
23 debriefed. After I got out and got  
24 the light put up and my belt off, I  
25 went over to the office to see if

123

01 there was any questions asked or that  
02 they wanted to ask, and they directed  
03 me --- or Mr. Wilfong directed me to  
04 go over the electrical map with one  
05 of the individuals that was there.

06 During this time different  
07 individuals come in and took  
08 statements from me as far as ---.

09 Q. Who were these people, do you  
10 know?

11 A. A Mr. Postalwait.

12 Q. Who is he?

13 A. He's a federal inspector. We  
14 went over the battery-operated  
15 mantrips to determine which Jeeps  
16 were where, either outside or in the  
17 mines, which I used the  
18 permissibility book to determine ---  
19 to make a correct determination of



20     how many Jeeps that we did have in  
21     the book.  I know that two of the  
22     Jeeps were completely out of service  
23     up on top.  Taking a count of the  
24     Jeeps that were in the pit and the  
25     Jeeps that I knew had been either

124

01     taken inside or --- I got a rough  
02     estimate of which Jeeps were inside  
03     and which Jeeps were outside.  I  
04     basically had to guess on which Nova  
05     Jeeps were where, because I didn't  
06     remember which Jeep we had taken in  
07     last and which Jeeps the crews had  
08     actually taken in.

09             MR. O'DONNELL:

10             Brian, do you have any  
11     questions, because I know ---  
12     go ahead, I'm sorry.

13     A.  I'm fine.

14             MR. O'DONNELL:

15             Do you want to take a  
16     break first, or do you ---?

17             MR. MILLS:

18             Yes.  I just want to  
19     talk to you for a minute.

20             MR. O'DONNELL:

21             Okay.  Let's take a

22 break.  
23 SHORT BREAK TAKEN  
24 BY MR. O'DONNELL:  
25 Q. Getting back to the CO system.

125

01 Do you recall where the One Left  
02 section alarm --- the sensor is for  
03 One Left section?

04 A. The One Left section?

05 Q. Yeah. That would be the 199.

06 A. On the section, it should be  
07 located within 40 feet of the tail.

08 Q. Okay. Within 40 feet of the  
09 tail?

10 A. Right.

11 Q. And whenever you were  
12 debriefed, you said there was a  
13 federal inspector?

14 A. No.

15 Q. No? What?

16 A. I don't consider that I was  
17 technically debriefed.

18 Q. Okay. Somebody talked to you  
19 about what happened?

20 A. Right. Different people,  
21 different ---.

22 Q. Who were those people besides  
23 the federal inspector?

24 A. The other people? I'm not

25     sure who they were.

126

01     Q.   Were they your company reps,

02     or ---?

03     A.   There were so many strange ---

04     strange faces.  I have no idea who

05     they were.  I just know that I was

06     within the office complex of the

07     command center, and ---.

08     Q.   Were they people who were

09     employed by ICG, or were they

10     strangers?

11     A.   They were all strangers to me.

12     Q.   Okay.  Now, Vernon, when you

13     calibrate the system, tell me about

14     your calibration, how you go about

15     that.

16     A.   You come to a CO monitor, you

17     have to hold your button down for

18     approximately three seconds to get it

19     to enter into calibration mode.  You

20     then put zero air to the system.  At

21     that point, once it's registered

22     zero, which normally they're already

23     at zero, you remove the zero air, you

24     hit the reset/next button, which

25     moves it to the gas.  You then put

127

01 the gas to the CO monitor, and it  
02 should register at 50 parts per  
03 million, run it up to 50 parts per  
04 million. Once it's reached that, if  
05 it goes over, you adjust it down. If  
06 it's under, you adjust it up to the  
07 50 parts per million. And you remove  
08 the gas from it, and you wait for it  
09 to come down to --- back to within  
10 --- I generally wait until within one  
11 percent, you hit the reset/next  
12 button, it goes out of calibration  
13 mode. And I generally watch to see  
14 if it zeros back, or hit offset/end  
15 button. If you push it, it returns  
16 to zero.

17 Q. You said percent, did you mean  
18 parts per million?

19 A. Yeah, I meant parts per  
20 million.

21 Q. Okay. And what kind of gas do  
22 you use to do your calibration?

23 A. It's a bottle of methane gas,  
24 50 parts per million.

25 Q. It's methane?

128

01 A. Or carbon monoxide, not  
02 methane. I misspoke there.

03 Q. So it's CO?

04 A. Uh-huh (yes).  
05 Q. And its maximum is ---?  
06 A. Fifty (50) parts per million.  
07 Q. Fifty (50) parts per million.  
08 Do you use the same gas on all the  
09 sensors?  
10 A. Yes, sir, I do.  
11 Q. And how often do you do that?  
12 A. I have to calibrate them once  
13 every 30 days.  
14 Q. Okay. Let's go back up to the  
15 map. And what I want to do is mark  
16 the location of the repair shop,  
17 where it was going to be put, and any  
18 and all equipment that was there.  
19 We'll do that with the black marker.  
20 And any kind of power sources that  
21 you had there, and if they were  
22 energized.  
23 A. Okay.  
24 Q. All right. Let's go to  
25 Exhibit Two. Maybe you can just mark

129

01 where this first --- you said the  
02 spur?  
03 A. The shock at the spur. Okay.  
04 The spur is right up through here.  
05 Q. So that would be straight off

06 the track entry at 58?

07 A. It ends, because at this point

08 in time, there was a stopping line.

09 Right here is a stopping. Right in

10 here.

11 Q. Right in here is in Number

12 Six, at the end of Number Six before

13 you get to 60 crosscut; is that

14 right? Maybe you can mark that in

15 right --- is that where it's at,

16 right here?

17 A. As far as I remember. I don't

18 remember.

19 Q. Now, this track, did it ---

20 how far did it continue?

21 A. It continued to this stopping.

22 Q. Okay.

23 A. Wherever the stopping was at

24 is where the track ended. Now, they

25 change this back and forth, because

130

01 at one time they had the stopping

02 back here and the track going back,

03 and then they moved the stopping up.

04 And it had been changed at different

05 times. They had to pull the track

06 out as well, as I remember the last

07 time.

08 Q. Were these stoppings in here?

09 That would be in Two, Three, Four and  
10 Five?

11 A. Yes. As I far as I know,  
12 there was a stopping line here. At  
13 one point they had a roadway to this  
14 point, and I believe that they had  
15 done away with it, and they moved  
16 this stopping here and moved the  
17 other stoppings up here. I don't  
18 remember if they were here or here.

19 Q. Okay. Was there any more  
20 track off of this switch, other  
21 than ---?

22 A. Off of this switch?

23 Q. Yes.

24 A. No. They had this track dead  
25 end in here. The rest of the track

131

01 went to the Two Left section, which  
02 was within --- the last time that I  
03 had worked was within one or two  
04 blocks of the power center.

05 Q. Okay. Now, where was the  
06 charging station --- where was the  
07 shop. The shop was going to be in  
08 that area?

09 A. The charging station was right  
10 here. The stopping we had to move it

11 back to the back of this crosscut,  
12 and this was going to be the shop  
13 area.  
14 Q. So that would be at crosscut  
15 59?  
16 A. Yes, sir.  
17 Q. Between Six and Seven; is that  
18 right?  
19 A. Yes.  
20 Q. And yet the wall was in the  
21 back of the shop area?  
22 A. Yes, sir.  
23 Q. What type of equipment --- if  
24 you could just put an arrow and write  
25 down what was in that area?

132

01 A. Approximately this corner  
02 right here was oxygen and acetylene  
03 tanks back to the corner. Somewhere  
04 setting within the shop area was a  
05 welder, and it was de-energized. And  
06 there was a dry transformer,  
07 approximately 75 to 110, 220, 110. A  
08 steel one packed in --- wrapped in  
09 plastic.  
10 Q. So it was off?  
11 A. Right. We were taking it up  
12 there in preparation to set it up for  
13 power for the shop.



14 Q. It was still packed?  
15 A. It was still packed. To my  
16 knowledge, everything we had there  
17 --- there was an old air-lock door on  
18 this corner. At one point in time  
19 they had ---.  
20 Q. Was the door open or closed?  
21 A. It was not in use. It had  
22 been taken out of service. It was  
23 just the remains of the door. There  
24 was one of them setting here, and  
25 there was one of them setting there.

133

01 At one point in time when they were  
02 rebolting this escapeway, putting up  
03 more screen, they had those air-lock  
04 doors in. They were used to ---

05 MR. CRAWFORD:

06 For the record ---.

07 A. --- for the intake.

08 MR. CRAWFORD:

09 For the record, where  
10 was that located?

11 A. Huh?

12 MR. CRAWFORD:

13 For the record, where  
14 was that located?

15 A. They were disassembled. They

16       were leaning on the rib.

17                   MR. CRAWFORD:

18           What location are you

19   pointing to?

20   A.   Right here.

21   BY MR. O'DONNELL:

22   Q.   In Number Six track entry.

23   Vernon, was this, in Number Six where

24   the stopping was, was that the

25   charging station?

134

01   A.   Yes, sir.

02   Q.   Could you tell us what type of

03   equipment was in there?

04   A.   To my knowledge there was none

05   in there at that point in time.  I

06   don't know.  It had been --- my last

07   day of work had been four days prior

08   to that.  I worked three on and three

09   off, 12-hour shifts.

10   Q.   Was there a charger in there?

11   A.   Yes, sir.  There was a charger

12   in there.

13   Q.   Can you indicate where the

14   charger was located?

15   Q.   Now was there a hole in the

16   --- how was the shop area and the

17   charging station done?

18   A.   At that point in time we had a

19 hole in the back of this stopping.  
20 Q. In the back of --- would you  
21 mark where the hole is at? That  
22 would be in the crosscut between six  
23 and seven shop area. Was there any  
24 hole in the back of the stopping near  
25 60?

135

01 A. I do not know.  
02 Q. Okay. Were there any electric  
03 lights?  
04 A. No, sir.  
05 Q. And you said there were no  
06 heaters. Was this the extent of  
07 anything that could possibly be  
08 energized?  
09 A. The only thing that I know of  
10 that could possibly have been  
11 energized would have been the charger  
12 itself or the welder. The welder  
13 should have been, the last time I  
14 worked --- it's been off, like it  
15 wasn't in use. The charger, whether  
16 or not it had power on it at that  
17 point in time, I don't know.  
18 Q. Where does the power come from  
19 to service that area?  
20 A. The power comes from 57 block

21 if you're at the 57 block.  
22 Q. If you could just put an arrow  
23 to the --- show us how that was  
24 powered, where it was powered from?  
25 Number Six belt?

136

01 A. No.  
02 Q. Number six drive power's  
03 located in Spad Number 3906; right?  
04 A. That's correct.  
05 Q. You said that as far as the  
06 screen went that was --- the screen  
07 meaning roof mats?  
08 A. The screen that they put ---  
09 bolted to the roof, that was required  
10 by whatever plans, and they made a  
11 --- they originally screened certain  
12 entries and then at a later date they  
13 had them go back and rescreen all the  
14 entries.  
15 Q. All of them?  
16 A. As well as I remember, all of  
17 them, or at least on the intake.  
18 Q. Did the screen extend up  
19 through the stopping?  
20 A. I don't know. Originally it  
21 would have, but if it's steel, then I  
22 don't know.  
23 Q. Well, what about up the old

24 belt track, or the old track for the  
25 belt entry in Number Five. Did that

137

01 also continue to go up in the old  
02 section?

03 A. The screen?

04 Q. Yes.

05 A. I have no idea. After the  
06 point that they pulled back out of  
07 here, I have not gone back up into  
08 this area.

09 Q. Did you work up in that old  
10 area, that Second Left Mains?

11 A. Only to support the section  
12 mechanic or to work on my CO line,  
13 check the pumps.

14 Q. So the belt line did extend in  
15 and the track extended up into the  
16 old Second Left main? How far did it  
17 go? Do you remember?

18 A. That would have --- the belt  
19 probably would have originally went  
20 to this point, and then they pulled  
21 all of it back out.

22 Q. And that is the Number Five  
23 entry around 3967?

24 A. I believe. I'm not sure.

25 Q. Did the belt track extend once

01     you went into the main?

02     A.   You had Six belt, which run

03     into the section, which once they

04     pulled it out, they pulled everything

05     back out and set it up once they

06     pulled back to go this way.

07     Q.   How about the track, do you

08     know how far the track extended?

09     A.   The track originally extended

10     right in this general area.

11     Q.   Up to around 62 crosscut?

12     A.   Possibly.  I'm not sure what

13     extent they extended.

14     Q.   And that would be between

15     Number Five --- well it would be the

16     old track entry, Number Six?

17     A.   I'm trying to think if it went

18     around the turn, I really don't know.

19     Around in here.  Let's see.  I think

20     it's like the entry right here.

21     Q.   Other than what you've already

22     discovered in this shop area, was

23     there any other energized equipment

24     or any power lines or cables or

25     anything in this area right here that

01     you can recall?

02     A.   I don't recall any energized

03 or any --- there may have been old  
04 cables removed from the ---.  
05 Q. How about some pumps; were  
06 there any pumps up there?  
07 A. There wasn't any pumps that I  
08 know of.  
09 Q. Were there any pumps set in  
10 this area?  
11 A. No, sir, not that I know of.  
12 Q. What's the reason why they  
13 pulled it out of there?  
14 A. Water.  
15 Q. They didn't pump it?  
16 A. Originally they pumped it.  
17 Q. That's what I mean.  
18 A. All of those, as far as I  
19 know, they pulled back out of there.  
20 Q. Okay.  
21 A. Originally we had four pumps  
22 on the section. I'd say five pumps,  
23 but those pumps have been pulled back  
24 out.  
25 Q. Do you ever leave any junk

140

01 equipment up there, stuff you didn't  
02 want?  
03 A. Not that I know.  
04 Q. You don't know if there was

05 any scrap equipment up there?  
06 A. No, sir.  
07 Q. Was there any up there you  
08 wanted to leave?  
09 A. Actually, we had pretty well  
10 all brand new equipment.  
11 Q. Now, you said you had five or  
12 six pumps up there in that area when  
13 they were mining?  
14 A. When they were mining.  
15 Q. When they were mining. The  
16 discharge lines, did they --- did  
17 they hang them, did they bury them?  
18 A. They hung discharge lines  
19 where they had cross ---.  
20 Q. Typically, what do you use for  
21 your pickup and your discharge lines?  
22 A. Typically, two-inch plastic.  
23 Q. Okay. Do you ever use metal?  
24 A. No, sir, we don't.  
25 Q. Aluminum on the belt lines or

141

01 anything?  
02 A. No, sir. We use ---  
03 Q. Your fresh water line.  
04 A. --- the byplastic and the  
05 flexible two-inch ---. Fresh  
06 waterline, at one point we --- at the  
07 One Left section we had used aluminum



08 to where we can cut and regroove it  
09 to get our fresh water feed exactly  
10 where we needed it. As a general  
11 rule, if it works out close within  
12 the crosscut, they start the fresh  
13 water to the section and angle it.

14 Q. Do you remember what the fresh  
15 water line was that extended up into  
16 that old area that you withdrew from?

17 A. Fresh water would have been  
18 Victaulic. I don't remember if it  
19 was four-inch or six-inch. It would  
20 have been Victaulic fresh water pump.

21 Q. And the material was?

22 A. Plastic, I assume. Victaulic  
23 is plastic.

24 Q. I know. But you have to say  
25 it.

142

01 A. Some type of ---.

02 Q. What else did you intend to  
03 put in that shop? Was it pretty much  
04 completed?

05 A. No, sir, it was just actually  
06 under the starting of the  
07 construction phase of it. They had  
08 just shoveled it out, cleaned it out  
09 some. They had the outby crew who

10 had worked on getting it shoveled out  
11 and cleaned out. When they had  
12 pulled that section back, Mr. Wilfong  
13 had a beam --- a trolley beam made  
14 up, which they bolted to the roof.  
15 Within the past week, or the last two  
16 rotations of work that I had, I had  
17 set the Heinzmann jacks for the  
18 doors, and for mounting the shelving,  
19 too. No walls had been constructed  
20 at that point in time.

21 Q. Were you involved in any way  
22 with the sealing of that area?

23 A. No, sir.

24 Q. Or the preparation of the  
25 area?

143

01 A. The only involvement I had as  
02 far as seals were concerned, they had  
03 a vent to --- that they had to make  
04 up to, I guess, where they check gas  
05 from. I made up a vent to ---.

06 Q. What did you make it out of?

07 A. It was made out of steel. Out  
08 of the pipe fittings.

09 Q. How long was it?

10 A. Maybe it was approximately  
11 that long. They said they had more  
12 stuff that they were going to add to

13 it.

14 Q. Did you install it?

15 A. No, sir.

16 Q. Were you in the area at all  
17 whenever they built the stoppings?

18 A. No, sir.

19 Q. Did you see any part of it,  
20 any of the construction at all?

21 A. No, sir.

22 Q. For the record, how long was  
23 the pipe, because we can't go by your  
24 hands? Approximately.

25 A. It was approximately eight

144

01 inches with a tube set up to add  
02 extra length to it.

03 Q. Okay. How big are --- what  
04 was the diameter?

05 A. I believe it to be three-  
06 quarters.

07 Q. Was another line to be put  
08 through this, or was this the line  
09 that ---?

10 A. They were going to add another  
11 line to it, or put through it, I  
12 don't know which. I just made up the  
13 pipe. That would have been a pipe  
14 reducer or a bell, a pipe bell, which

15 we thread it so that we could thread  
16 steel pipe from both sides into it so  
17 that you --- because normally, it  
18 only comes from one side. So we  
19 tapped it out so that we could thread  
20 piping from both sides to go both  
21 directions.

22 Q. Through the seal?

23 A. Through the seal.

24 Q. Could you tell me what types  
25 of communication, again, that you

145

01 have in the mine?

02 A. We have the hardwire pager  
03 system, and we have the trolley phone  
04 for the Jeeps.

05 Q. And what else?

06 A. And we have --- that's the  
07 only thing I know that is person-to-  
08 person communication.

09 Q. What would that be?

10 A. The pager phone that I can  
11 call the dispatcher, hand-held, or  
12 the pager phone that the mines have,  
13 which you page the dispatcher or some  
14 portion of the mines.

15 Q. Did the men have anything in  
16 the crew that they communicated  
17 between each other with?

18 A. They had a radio system that  
19 they used on the sections, by  
20 hearsay, my understanding was that  
21 they didn't have it with them that  
22 day. I don't personally know whether  
23 they did or whether they didn't.

24 Q. Well, what I was getting at  
25 is, there is another form of

146

01 communication?

02 A. Yes.

03 Q. Did they only use that in the  
04 section, or do outby people also use  
05 it?

06 A. They only used it on the  
07 section.

08 Q. Okay. And how did that system  
09 work?

10 A. It was radios, portable radios  
11 that they carried. Generally, the  
12 boss carried the radio and the miner  
13 operators carried a radio, and I'm  
14 not sure as to who else.

15 Q. Do you know what the name of  
16 those were?

17 A. The brand, I'm not sure. I'd  
18 guess, because I never ---.

19 Q. GE, Motorola?

20 A. I'm thinking Motorola, but I'm  
21 not sure.

22 Q. And they were a battery radio?

23 A. They were a battery radio.

24 They brought them outside to charge  
25 them.

147

01 Q. Every day? Or did they also  
02 charge them in the section?

03 A. They brought them out at the  
04 end of the shifts. Oncoming crew  
05 would bring in fresh batteries, and  
06 they would change the radios out on  
07 the shift.

08 Q. Okay. Now, the trolley phone,  
09 how did that work? How was it  
10 powered?

11 A. The trolley phone, of course,  
12 originates outside. It sends a  
13 signal on the wire, it doesn't send  
14 power on the wire, it sends some type  
15 of signal.

16 Q. Okay. It has a repeater  
17 system in it that strengthens the  
18 signal once you get a certain  
19 distance away from the main station.  
20 You have to have resistors on the end  
21 of each line at the end of the track  
22 to make that system work.

23 Q. What's the diameter of that  
24 antenna line that runs through the  
25 mine, or what number wire is it?

148

01 A. I believe it's number eight,  
02 THNN. It's either eight or ten, and  
03 I believe it's number eight THNN  
04 wire, single strand.

05 Q. Copper?

06 A. Copper.

07 Q. Okay. And you said that the  
08 line extends to the surface?

09 A. Yes, sir.

10 Q. Where does it come out of the  
11 mine, at the pit mouth, and goes  
12 where?

13 A. At the pit mouth and then it  
14 goes to a pole, and by pole up to the  
15 dispatcher's trailer.

16 Q. So there is a line that  
17 continues all the way to the  
18 dispatcher from the underground ---  
19 from the dispatcher's shanty to the  
20 pit mouth underground and to all the  
21 sections?

22 A. Right. Both the pager phone  
23 as well as the trolley.

24 Q. Okay. But there are two

25 separate systems there; right?

149

01 A. They're two separate systems.

02 They are integrated within each other

03 to where if you use --- let's see.

04 If you use the pagers, as long as

05 you're in pager mode, you can hear

06 them on the trolley or vice versa.

07 It's one way or the other. They're

08 integrated.

09 Q. If you put it on like squawk,

10 on page, you could hear that over

11 both systems?

12 A. Over both systems.

13 Q. Okay. Is there any way to be

14 able to tell who's talking on what

15 system?

16 A. Only by --- if you recognize

17 the voice, and you know, he pages

18 him, and if he's on like one of the

19 motors or the Jeeps, and then he'll

20 state the Jeep number or whatever,

21 and call the dispatcher by the pager

22 phone. And generally, he just ---

23 you know, he'll call for the

24 dispatcher, he won't give a location.

25 Q. So if I'm on the Jeep, I can

150

01 call the section?



02 A. No, you can't. You can talk  
03 to the dispatcher, but you can't  
04 actually talk to the section.  
05 Q. I can't? But what if I'm on a  
06 pager phone and I press page, can I  
07 talk to somebody on a Jeep?  
08 A. They can possibly hear you,  
09 but he can't possibly talk to you.  
10 Q. Okay. Because I thought you  
11 said ---.  
12 A. It works ---.  
13 Q. Is it because of the antenna  
14 system?  
15 A. I'm not sure why, but you can  
16 hear the person, but you can't  
17 necessarily talk to the person.  
18 Q. Okay. But is it installed to  
19 do that? Is that what the function  
20 is supposed to be?  
21 A. It was installed to do that,  
22 I'm assuming.  
23 Q. So that anybody can hear the  
24 loudspeaker when it's in page mode,  
25 you could hear it either on the Jeep

151

01 or the pager phone; is that right?  
02 A. I believe that if I'm on the  
03 Jeep and I call the dispatcher, it

04 comes out over the pager phone.  
05 Q. Okay.  
06 A. But I don't remember for sure  
07 in reverse --- if it comes out the  
08 other way in reverse. That I don't  
09 remember for sure.  
10 Q. Okay. And you said earlier  
11 that if that line is broken anywhere,  
12 the whole system is out.  
13 A. On the trolley?  
14 Q. Yes.  
15 A. Yes, sir. If that rung breaks  
16 before, say, you get to First Left  
17 switch, then everything inby that  
18 point where it breaks, and your  
19 trolley even, becomes ineffective.  
20 Q. Okay. But from that point  
21 outby I can still use it; is that  
22 right?  
23 A. Not necessarily from that  
24 point.  
25 Q. Well, would part of the system

152

01 still function with another part of  
02 it out?  
03 A. Yes, part of it will, if you  
04 go --- the farther outby you go, then  
05 it will, at some point, start picking  
06 up.

07 Q. How many repeaters are  
08 involved in that whole system?  
09 A. Just one repeater, Nine block  
10 on Four belt.  
11 Q. So that's like halfway in the  
12 mine?  
13 A. Approximately. Once you pass  
14 that repeater it should work from  
15 that point, because at that point the  
16 repeater is grounded to the track,  
17 part of it through resistance. And  
18 part of the system --- the system  
19 works through the resistance ground.  
20 It has to be grounded to the track  
21 for it to work. If the resistor is  
22 tore loose on either one of the  
23 sections, that particular section  
24 won't work. Once you get outby that  
25 section, after a certain point the

153

01 other system will start working  
02 --- the remaining one. It doesn't  
03 work the best, but at times it will  
04 still work.  
05 Q. Okay. How's that system fused  
06 or broken? I mean, does it have a  
07 fuse on it, or some type of --- let's  
08 say a lightning arrestor?

09 A. The lightning arrestor would  
10 be outside at some location. I'm not  
11 aware of the location of the  
12 lightning arrestor for that system.  
13 Q. Okay. Does the system have  
14 one?  
15 A. As far as I know it does, yes.  
16 The whole system was already set up  
17 when I started at the mine.  
18 Q. I understand that. I'm just  
19 trying to learn about it. What about  
20 the belt line now, was there any kind  
21 of --- was there a phone line that  
22 went up the belt line?  
23 A. The phone line --- the  
24 original phone system --- let's see.  
25 The phone system, I believe went ---

154

01 the only track entry along Number One  
02 belt was approximately 12 block, I  
03 believe. Part of this system was the  
04 old system that was established  
05 before. One of the maintenance  
06 people that worked with me around in  
07 the mine set up, or continued the  
08 phone system, as I believe it went to  
09 approximately 12 block, and it  
10 shifted to the belt entry. From 12  
11 block it went to, I believe Two head

12 in the belt entry, and traveled up  
13 Two belt from the belt entry, its  
14 entire length. It then traveled down  
15 Three belt to approximately 22 block  
16 entry belt. That's not an exact  
17 location, but an approximate  
18 location.

19 Q. Yes.

20 A. Where we then transferred it  
21 into the track entry, and then run  
22 the --- should have run the track  
23 entry the rest of the way to each of  
24 the sections.

25 Q. Did you have a phone installed

155

01 in the new shop area?

02 A. Yes, sir, I did.

03 Q. Where was the phone located  
04 there?

05 A. It was located within the  
06 crosscut.

07 Q. Could we go up there and mark  
08 where that phone was at? We'll do  
09 that on Exhibit Two. So that's at 59  
10 crosscut, the same location that this  
11 shop was?

12 A. Yeah.

13 Q. Okay. And that was a battery

14 phone, Vernon?

15 A. That was a pager phone.

16 Q. Okay. So the telephone line

17 didn't --- it jumped from the track

18 to the belt? You say it went up the

19 intake, jumped across to the belt,

20 went up so far, and then come back?

21 A. No, they didn't go up the

22 intake. They went up the track

23 entry, I believe to approximately 12

24 block.

25 Q. Okay.

156

01 A. And it crossed to the belt

02 line.

03 Q. But it's mostly in the belt

04 entry?

05 A. It's the old 22 block on Three

06 belt.

07 Q. Okay.

08 A. And we moved it to the track.

09 Q. And it only has one repeater;

10 right?

11 A. Yes, sir, the trolley. The

12 trolley runs the track the complete

13 distance. The pager phone is one

14 that jumps back and forth.

15 MR. O'DONNELL:

16 I'm going to take a

17 little break. Brian, do you  
18 have any questions?

19 MR. MILLS:

20 Just a couple.

21 BY MR. MILLS:

22 Q. These are in no order. Some  
23 will be skipping around a little bit.

24 A. Okay.

25 Q. When did you say was the last

157

01 day you worked prior to this?

02 A. Wednesday would have been the  
03 last shift I worked prior to the  
04 explosion.

05 Q. Okay. That would have been  
06 between Christmas and New Year's  
07 weekend, Wednesday?

08 A. That would have been the  
09 Wednesday before when New Year's  
10 weekend.

11 Q. Are you an EMT?

12 A. Not at this time. Years ago I  
13 was an EMT.

14 Q. Okay. You mentioned control  
15 fuses. Were those for the CO system  
16 or for the belt?

17 A. You have --- in some of the  
18 belt bosses, you do have control

19 fuses, and --- or in all of the belt  
20 bosses, you have control fuses, and  
21 in some of the CO boxes, some of the  
22 newer ones have control fuses. Some  
23 of the older ones don't.  
24 Q. Okay. You mentioned that  
25 sometimes when lightning strikes, you

158

01 have trouble with these control  
02 fuses?

03 A. Yes, sir.

04 Q. Which system were those  
05 control fuses?

06 A. That would be the belt boss  
07 system.

08 Q. The belt boss, not the CO  
09 system?

10 A. No, sir. Not to my knowledge,  
11 on any of the shifts that I worked.

12 Q. Do you have any mine rescue  
13 team experience?

14 A. No, sir.

15 Q. Detectors. The detectors that  
16 you use, do you know what the alarms  
17 are set at?

18 A. No, sir.

19 Q. If you have a malfunction in  
20 the CO system, does that  
21 automatically shut your belts off?



22 A. No, sir.

23 Q. The belts will continue to  
24 run?

25 A. Yes, sir.

159

01 Q. We just talked a little bit  
02 about the Nine block, Four belt  
03 repeater. If you knock the power  
04 outside, is this a separate system  
05 from the mine power?

06 A. The repeater gets its power  
07 from the mine.

08 Q. From the mine. So if we knock  
09 the power outside going into the  
10 mines, we do away with our trolley  
11 communication?

12 A. Yes, sir.

13 Q. The electric doors, should the  
14 power go off, can those be closed  
15 manually?

16 A. Yes, sir. You'd have to pull  
17 the pins on the jacks to either open  
18 or close them manually.

19 Q. At what time of the day did  
20 you realize that there had been an  
21 explosion in the mines?

22 A. Basically, I would say at the  
23 point we picked up the First Left

24 crew. At that point I realized that  
25 there had been a possible explosion

160

01 in the mines.

02 Q. Did that lead you to when you  
03 got outside to say, hey, I need to  
04 get detectors and some extra SCSRs?

05 A. That's why I decided to pick  
06 up whatever available stuff I could  
07 grab as quick as I could get it.

08 Q. Okay. You mentioned that  
09 there was some return stoppings  
10 knocked out at 33 and 34 block on  
11 Four belt ---

12 A. Yes.

13 Q. --- separating the belt from  
14 the return?

15 A. Say again, please.

16 Q. Separating the belt from the  
17 return?

18 A. Yes, sir.

19 Q. Do you know which direction  
20 those were blown?

21 A. No, sir.

22 Q. Two Right overcast, you  
23 mentioned you did a little work on  
24 those, the one at the track?

25 A. Yes, sir.

161

01 Q. I think you hung a curtain on  
02 top?  
03 A. Yes, sir, myself and Mr. Jones  
04 hung the curtain.  
05 Q. And the reason you did that  
06 was why?  
07 A. To direct the air at the  
08 intake towards the places that we had  
09 been working up the main intake.  
10 Q. So you thought there was a  
11 short circuit there?  
12 A. Yes. We discussed it, and we  
13 thought the air was short circuiting  
14 at that point, because until we  
15 reached that point, as we were  
16 walking out we had a full volume of  
17 air that you would normally feel when  
18 we were working outby --- or inby I  
19 mean.  
20 Q. Is that curtain hard to put  
21 up? Was there a lot of pressure  
22 against it when you ---?  
23 A. Yes, sir. Whenever we went to  
24 fastened the curtain to the roof,  
25 there was a good bit of pressure on

162

01 that curtain at that point.  
02 Q. Once you got that curtain up,

03 did you notice in the intake heading  
04 that you accomplished what you were  
05 trying to do? Did the velocity pick  
06 up going inby?

07 A. Once we moved back into the  
08 intake, of course, at that point we  
09 were already in the fuller velocity,  
10 but the people coming from behind  
11 told us that they felt the air pick  
12 up once we got that curtain put up.

13 Q. At any time during the day,  
14 did you take any quality readings at  
15 the pit mouth return?

16 A. No, sir. I took --- on our  
17 second trip in, which I already  
18 stated, I started monitoring the air  
19 as we proceeded in on the second  
20 trip.

21 Q. But not at the pit mouth on  
22 the outside?

23 A. No, sir, not at the pit mouth  
24 itself.

25 Q. The Jeep charger, the new shop

163

01 area, had there been any mention of  
02 any ventilation problems in that area  
03 from charging, that you're aware of?

04 A. No, sir, not that I'm aware  
05 of. Not at that location.

06 Q. Okay. The hole in the  
07 stopping, I guess would be to the  
08 right of the track in the shop area?  
09 A. Yes, it is.  
10 Q. There was a stopping there ---  
11 A. Yes, sir.  
12 Q. --- to ventilate that area?  
13 A. No, I assume --- originally  
14 they used it to shovel the shop area  
15 out when they --- the outby crew  
16 shoveled the debris, there was mud  
17 within that shop area and they  
18 cleaned that out. They used it to  
19 throw the mud through to the other  
20 side of the stopping and then it was  
21 left open, I assume for ventilation  
22 purposes.  
23 Q. How big a hole was that?  
24 A. They removed the Omega block  
25 in the input, part of the Omega block

164

01 back. Probably about an eighth ---  
02 I'm trying to think how high the  
03 Omega block is. Clear up to 16, I  
04 think. Six by 16 to an eight by 16.  
05 I never measured it.  
06 Q. Was that the same hole used to  
07 ventilate gases during the charging

08 away from the ---?  
09 A. Yes, sir. The hole was there.  
10 I don't know, you know, their  
11 intents, purposes of that hole  
12 completely ---.  
13 Q. Okay. At that hole, was air  
14 coming from the intake side into the  
15 shop, or from the shop through  
16 the ---?  
17 A. The intake side and into the  
18 shop.  
19 Q. Air was coming through that  
20 stopping into the shop and over the  
21 track?  
22 A. Yeah.  
23 Q. You talked a little bit about  
24 if you would get a high CO reading.  
25 Were there times when it went on

165

01 alarm mode or a malfunction mode that  
02 you would notify the section mechanic  
03 to take a look at it?  
04 A. Yes, sir, there have been  
05 times in the past when if it was in  
06 alarm mode we had a section mechanic  
07 check it.  
08 Q. Does the dispatcher notify  
09 you, then you notify the section  
10 mechanic, or does he go straight

11 to ---?

12 A. Normally the dispatcher would  
13 notify us, whoever's on duty, either  
14 on the section --- generally on the  
15 section at points in times when they  
16 are doing cutting and welding on the  
17 section, it will set the section  
18 alarm off. And at that point then  
19 the dispatcher will notify --- get a  
20 hold of the section and notify them  
21 that that alarm is going off.

22 Q. Does the section mechanic have  
23 the tools necessary to calibrate that  
24 alarm?

25 A. No, sir, he doesn't have the

166

01 calibration. Get on the section,  
02 he'll check the alarm and he'll check  
03 to see if it'll reset. Generally if  
04 the air clears, the alarm will reset.

05 Q. So once it alarms, it doesn't  
06 have to be recalibrated?

07 A. I don't know what it all  
08 requires in that case.

09 Q. Do the section mechanics carry  
10 CO detectors or any kind of detector?

11 A. I don't know if he carries a  
12 detector or not, or whether he uses

13 --- I don't know.

14 Q. Do you know if the section

15 foreman carries a multi-gas detector?

16 A. Yes, sir. The section foremen

17 and the bolt men carry detectors.

18 Q. They're capable of detecting

19 CO?

20 A. I don't know what they're ---

21 what particular models they carry, so

22 I don't know.

23 Q. Okay. What as the approximate

24 time you got outside the mines for

25 the final time that day?

167

01 A. I have no idea. I never

02 looked at my watch. The only time my

03 watch even came into play is I broke

04 the band on it when I stuck it in my

05 pocket. The times, I have no actual

06 times recorded of anything that we

07 done throughout that day.

08 Q. What entry is your high

09 voltage line in?

10 A. It runs the track entry at one

11 point --- it's approximately 44, 45

12 block. It goes over to the belt

13 entry and comes back. We had had a

14 fall on the track during Thanksgiving

15 vacation. They had re-routed the



16 high line around the fall at that  
17 point in time. And once the track  
18 entry was cleaned up they had not  
19 returned it back to the track entry.

20 Q. So it's usually in the track  
21 --- it's in the track entry?

22 A. Yes, sir.

23 Q. Okay. And how's it supported?

24 A. It's supported with high line  
25 hangers expanded to the rib or hung

168

01 from bolt plates where it crosses the  
02 intersections.

03 Q. A messenger cable?

04 A. No, sir.

05 Q. No? How is it supported then,  
06 it's on plates, or ---?

07 A. Plates or we have spads driven  
08 into the rib and high voltage hangers  
09 are hooked onto those spads.

10 Q. But no continuous messenger  
11 line?

12 A. No, sir.

13 Q. Okay. Let's see here. What  
14 is your high voltage system?

15 A. 7,200.

16 Q. And where does the mine pick  
17 the power up?

18 A. From the substation outside on  
19 top of the hill.

20 Q. And how does it enter the  
21 mine?

22 A. Nailed into the pit on poles,  
23 and there's a disconnecting in the  
24 pit, it leaves that pole and goes  
25 with the high voltage cable into the

169

01 track entry of the mines and travels  
02 the track entry.

03 Q. What type of electrical  
04 protections do you have in the  
05 system?

06 A. Could you clarify that for me?

07 Q. Well, do you have circuit  
08 overload? Lightning protection?  
09 How's it grounded?

10 A. My understanding is that it  
11 has a lightning arrestor within the  
12 substation. I'm not sure if there's  
13 any other locations for lightning  
14 arrestors. It has a ground field.  
15 I'm not doing any of the inspections  
16 with the electrical inspector, I  
17 haven't accompanied him on his  
18 inspections.

19 Q. Is it a resistance grounded  
20 system?

21 A. As far as I know, yes, sir, it  
22 is.

23 Q. Who does the monthly high  
24 voltage exams?

25 A. Let's see. That one I'm not

170

01 sure since --- they've changed people  
02 back and forth, and they have other  
03 maintenance people there that they  
04 brought, but at this point in time,  
05 I'm not exactly sure who does the  
06 high voltage exams.

07 Q. Okay. Is the surface conveyor  
08 belt structure and ropes protected  
09 against straight current from  
10 entering the mine?

11 A. I don't know.

12 Q. How is the belt structure  
13 secured; is it hung?

14 A. It's hung from the roof.

15 Q. Now, what about the track, is  
16 the track broken anywhere or  
17 separated or insulated from the  
18 outside to the inside?

19 A. No, sir, only while we  
20 performed that day the rescue  
21 operation took place.

22 Q. Okay. That was only done

23 after the accident; is that right?

24 A. Yes, sir.

25 Q. What was the condition of your

171

01 lightning arrestors after the

02 accident? Did you check them?

03 A. I don't know who checked them.

04 Q. You don't know? Who's the

05 chief electrician?

06 A. Our electrician superintendent

07 is Mr. Dick Wilfong.

08 Q. Wilfong?

09 A. Yes, sir.

10 Q. When you cleaned up the shop

11 area, you said shoveling. Was it

12 done mechanically, or did you do it

13 by hand?

14 A. No, the outby crew done it by

15 hand. I personally didn't help.

16 Q. Do you want to take a little

17 short break, and then we'll come back

18 and finish up? Does that sound good?

19 A. Yes, sir.

20 SHORT BREAK TAKEN

21 BY MR. O'DONNELL:

22 Q. Okay. Just a few more

23 questions on who works at the mine,

24 who signs the books. Did you say how

25 many people that you've had working

01 for you?

02 A. No, sir. There's one man that  
03 works with me part of the time. He's  
04 been temporarily assigned to the  
05 mines while they were getting their  
06 other mines ready to go. He works  
07 with me a good deal. Part of the  
08 time he works at the Phillipi mines.

09 Q. What's his name?

10 A. Stan Wagman. He was off that  
11 day.

12 Q. Okay. So you're an  
13 electrician; right?

14 A. Yes, sir.

15 Q. And what --- do you directly  
16 supervise anyone?

17 A. Part of the time, yes. Part  
18 of the time I directly supervise  
19 Stan. If the section mechanics have  
20 trouble on the section with a piece  
21 of equipment, and part of the time  
22 when I'm up there, I would be  
23 supervising them.

24 Q. So how many maintenance people  
25 do you have, certified electricians?

01 A. Certified? I can't give you

02 an exact total. We have several,  
03 close to 15, I'm thinking. I can't  
04 state that as an exact total though.  
05 Q. Okay. I have a copy of the  
06 examination of electrical equipment.  
07 And what we need you to do is to, if  
08 you can, tell us --- we can't make  
09 out the signatures, and maybe you  
10 can. If you could try to tell us the  
11 circled --- this is Exhibit Three.

12 MR. CRAWFORD:

13 Four.

14 (Hofer Exhibit Number

15 Four marked for

16 identification.)

17 BY MR. O'DONNELL:

18 Q. Four. Okay. And if you  
19 could, if you would just write --- if  
20 you know who that is, if you could  
21 write their name?

22 A. The equipment examined ---.

23 Q. Just the signature, if you  
24 recognize it?

25 A. I recognize that as Dick

174

01 Wilfong.

02 Q. Dick Wilfong. That would be  
03 on --- okay. If you could just write  
04 that on there.

05 MR. CRAWFORD:

06 That's on the first  
07 page of that exhibit?

08 MR. O'DONNELL:

09 Yes.

10 A. I'd like to confer with ---.

11 ATTORNEY RAJKOVICH:

12 Just write that's who  
13 you think it is.

14 A. Okay.

15 ATTORNEY RAJKOVICH:

16 And initial it. The  
17 second page?

18 A. Page one. Page two, I believe  
19 --- I'm not sure, I believe that to  
20 be Pete Capaldo, but I'm not sure.  
21 Page three, I don't know.

22 ATTORNEY RAJKOVICH:

23 Just don't mark it if  
24 you don't know.

25 A. Huh?

175

01 ATTORNEY RAJKOVICH:

02 Just don't even mark it  
03 if you don't know who it is.

04 A. I would be guessing at that  
05 one. Page four, at a guess, I would  
06 say Everett Huffman, or E. Huffman.

07 The top one, I think.  
08 BY MR. O'DONNELL:  
09 Q. What page are you on?  
10 A. I'm still on page four where  
11 you have two names circled.  
12 Q. Yeah, okay.  
13 A. I'll just draw a line if I  
14 don't know. Page five, I make out to  
15 be Dick Wilfong.  
16 Q. Okay. Six?  
17 A. Page six, I don't know.  
18 Q. Okay. Number seven?  
19 A. Page seven, I don't know.  
20 Q. Okay. On page eight, I guess  
21 the --- do you have the top one,  
22 there's an initial. Would you know  
23 who that would be?  
24 A. No. I can't make out what  
25 that --- whether it's a CC or a GC.

176

01 Q. Okay.  
02 A. I don't know which it is.  
03 Q. Do you recognize either one of  
04 them?  
05 A. I don't recognize the  
06 handwriting. The SW, I'd have to go  
07 back over my mind to see whose  
08 initials would be SW.  
09 Q. What about the GC, ---



10 A. There's more than one.  
11 Q. --- do you know who GC is?  
12 A. That's not right. I cannot  
13 come up with it off the top of my  
14 head.  
15 Q. Okay. That'll be good then.  
16 Thank you. Let's see here. Do you  
17 ever perform any electrical work  
18 yourself?  
19 A. Yes, sir, I do.  
20 Q. And what type of electrical  
21 work do you do?  
22 A. I worked on the Jeeps, on the  
23 electrical system on the Jeeps. I  
24 set up the dry transformer for the  
25 --- I think we have them listed as

177

01 the third and fourth door on Three  
02 belt airlock doors. We were in  
03 preparation of putting another set of  
04 airlock doors in service. And I  
05 wired pumps at times.  
06 Q. Okay. Do you do any tests or  
07 examinations?  
08 A. Yes, sir. I am responsible  
09 for the permissibility on the pumps.  
10 Q. Okay. I'm going to read you a  
11 list of miners, Russell Bennett,

12 Christopher Bradberry, Pete Capaldo,  
13 Junior Lee Collins, Roy Williams, do  
14 you know if any of these people  
15 perform electrical work?

16 A. Pete Capaldo is a maintenance  
17 foreman. Basically, I believe he's  
18 Dick's --- will be basically second  
19 in command. He performs electrical  
20 work.

21 Q. Russell Bennett?

22 A. I believe he's a trainee at  
23 this point. I'm not sure.

24 Q. Christopher Bradberry?

25 A. I do not know him.

178

01 Q. And Junior Lee Collins?

02 A. I do not know him.

03 Q. Roy L. Williams?

04 A. Roy works on midnight. I know  
05 him when I see him, but I don't work  
06 with him.

07 Q. And do you know if they do  
08 electrical work also, the people that  
09 you did know?

10 A. I don't know to what extent  
11 that they had done it and under what  
12 situations, if they had people with  
13 them, or if they did do work.

14 Q. So you don't know if they do

15 it independently or under the direct  
16 supervision of someone?  
17 A. That's correct.  
18 Q. Do they do any electrical work  
19 at all?  
20 A. Under direct supervision, I  
21 believe they do, but that would be an  
22 assumption or a speculation.  
23 Q. Okay. All right. When was  
24 the last time you had annual  
25 retraining class?

179

01 A. I don't remember the exact  
02 date. Last year. It was nice  
03 weather, I remember.  
04 Q. Was it? Okay.  
05 A. A sunny day at the cleaning  
06 plant at --- up the river from us.  
07 Q. This summer, or last summer?  
08 A. This preceding spring or  
09 summer. I don't remember the exact  
10 date.  
11 Q. What about your electrical  
12 retraining?  
13 A. We had it down here at the ---  
14 down here at the Sentinel training  
15 facility.  
16 Q. Recently?

17 A. I think actually it was close  
18 to a year ago now. It was early in  
19 the year.  
20 Q. Okay. Do you remember who did  
21 it?  
22 A. I remember his face. I can't  
23 remember his name off hand. He works  
24 at Sentinel.  
25 Q. What about your annual

180

01 retraining, do you remember who did  
02 that?  
03 A. Mr. Schoonover.  
04 Q. Schoonover.  
05 A. He done the annual retraining.  
06 Q. And he signed your training  
07 form?  
08 A. As well as I remember, he did.  
09 Q. Do you remember if the mine  
10 emergency evacuation and firefighting  
11 program was reviewed then?  
12 A. No.  
13 Q. Evacuation?  
14 A. I don't really remember.  
15 Those classes all kind of run  
16 together over the years.  
17 Q. Okay. Do you recall who the  
18 responsible person is on each shift  
19 if an emergency occurs?

20 A. No, sir.

21 Q. Do you know where the  
22 emergency materials are located?

23 A. Yes, sir. Per section, or per  
24 outby the emergency exit?

25 Q. The outby.

181

01 A. The outby. Approximately 47  
02 or 46 block on Four belt. That's an  
03 approximate location.

04 Q. Did anyone explain to you what  
05 procedures you were to follow in case  
06 there was an explosion in the mine?

07 A. I don't remember.

08 Q. What about barricading  
09 procedures?

10 A. I don't remember.

11 Q. The hazards of carbon dioxide  
12 or carbon monoxide?

13 A. I don't remember.

14 Q. Did they go over the  
15 escapeways as part of your training?

16 A. Yes, sir.

17 Q. Have you participated in an  
18 escapeway drill?

19 A. Not at this mine.

20 Q. How about, have you ever  
21 traveled the primary or secondary

22 escapeways at this mine?

23 A. Not in its entirety at this

24 mine. I have traveled them, but not

25 its entirety. In one continuous

182

01 wall. I've been ---.

02 Q. What would be the reason why

03 you did it?

04 A. I have pumps ---

05 Q. Oh, okay.

06 A. --- located ---.

07 Q. So you've worked in it, but

08 you didn't travel it for the purpose

09 of like a drill or anything?

10 A. That's correct.

11 Q. Okay. Have you ever

12 participated in a fire drill?

13 A. Not at this mine that I can

14 recall. I don't really remember.

15 Q. Do you know if they hold fire

16 drills?

17 A. They have held fire drills

18 that I've not been a part of. I

19 believe it to be on the section ---.

20 Q. How do you know that?

21 A. It would be hearsay.

22 Q. Okay. Now, part of your

23 annual retraining, did you get any

24 SCSR hands-on training?

25 A. Yes, sir.

183

01 Q. And how was that done? Did

02 you have to don it?

03 A. Yes, sir. We went --- we had

04 a SCSR there that we used and reused.

05 Q. Used and reused, you mean ---?

06 A. As far as ---.

07 Q. Did they put it all back

08 together each time?

09 A. They put it all back together

10 instead of using a brand new one each

11 ---.

12 Q. How about first-aid training?

13 A. They went over first-aid at

14 the ---.

15 Q. How about ---?

16 A. And it would have probably

17 been a tape.

18 Q. Did I ask you how long you

19 worked at the mine here?

20 A. I believe you did, but I'll

21 restate. I started in February,

22 approximately two years ago. I

23 looked at my resume this morning, and

24 it was February 7th, 2004.

25 Q. Okay. What about the roof

184

01 control plan, the ventilation plan,  
02 was that stuff covered?  
03 A. I remember going over the roof  
04 control plan.  
05 Q. How long did it last?  
06 A. The ventilation plan --- I  
07 don't remember one way or the other  
08 the length. I don't remember.  
09 Q. What about additional  
10 training, have you ever been given  
11 any additional training other than  
12 what's required by the law?  
13 A. No, sir. I had been scheduled  
14 for additional training this fall. I  
15 had vacation scheduled at the point  
16 in time that they had scheduled the  
17 training. Beforehand I had my  
18 vacation scheduled. They said I  
19 would make it up later.  
20 Q. Have you ever been searched  
21 for smoking articles?  
22 A. No, sir. I do not smoke  
23 myself.  
24 Q. Have you ever observed anyone  
25 smoking underground in this mine?

185

01 A. No, sir, I have not.  
02 Q. Have you found any --- ever  
03 found any smoking articles



04 underground?

05 A. No, sir, I have not.

06 Q. Has anyone offered you  
07 anything or made any promises to you  
08 in exchange for you appearing here  
09 today?

10 A. No, sir, they have not.

11 Q. Do you have anything that  
12 you'd like to add that may be  
13 relevant to this investigation?

14 A. I had a question as to why the  
15 CO system that was in place wasn't  
16 used to a greater extent by the  
17 rescue team to determine how soon and  
18 how quick that they could go into the  
19 mines. Because at one point, after  
20 we were out of the mines, you could  
21 look at the system and tell on the  
22 belt line, which is strictly on the  
23 belt line, that --- what the quality  
24 of air was at that point.

25 At one point the dispatcher

186

01 had told me that one of the COs that  
02 had been on alarm had cleared, and  
03 they went back to a normal reading.  
04 Back from red, back to green. And in  
05 that respect, I wonder why it wasn't

06 used more to help facilitate the  
07 rescue attempt. I don't know to what  
08 point they used it, and I know one of  
09 the individuals come over and did  
10 look at it and write down some  
11 information off of it that evening,  
12 but to what extent they used that  
13 information, I don't know.

14 MR. O'DONNELL:

15 I wish I could answer  
16 for them, but I can't. Do you  
17 have anything you'd like to  
18 say?

19 MR. MILLS:

20 Nothing.

21 MR. O'DONNELL:

22 On behalf of MSHA, I  
23 want to thank you for  
24 appearing and answering  
25 questions today. Your

187

01 cooperation is very important  
02 to the investigation as we  
03 work to determine the cause of  
04 the accident. We ask that you  
05 not discuss your testimony  
06 with any person who may have  
07 already been interviewed, or  
08 who may be interviewed in the

09 future. This will ensure that  
10 we obtain everyone's  
11 independent recollection of  
12 events surrounding the  
13 accident.

14 After questioning other  
15 witnesses, we may call you if  
16 we have any follow-up  
17 questions that we feel that we  
18 need to ask you. If at any  
19 time you have additional  
20 information regarding the  
21 accident that you would like  
22 to provide us, please contact  
23 us at the contact information  
24 that we've previously provided  
25 to you.

188

01 The Mine Act provides  
02 certain protections to miners  
03 who provide information to  
04 MSHA, and as a result are  
05 treated adversely. If at any  
06 time you believe that you've  
07 been treated unfairly because  
08 of your cooperation in this  
09 investigation, you should  
10 immediately notify MSHA.

11           If you wish, you may  
12   now go back over any answer  
13   that you've given during this  
14   interview, and you may also  
15   make any statement that you  
16   would like to make at this  
17   time.  
18   A.   The information received  
19   during the rescue, as far as the  
20   explosion is concerned, I believe the  
21   explosion had been caused by  
22   lightning, the events that took place  
23   outside. I do believe that everybody  
24   within their power done everything  
25   that they could, according to the

189

01   rules and regulations to try to reach  
02   those men. I think that those men  
03   could have been reached, but at what  
04   risk, I don't know.

05           MR. O'DONNELL:

06           Thank you, Vernon. We  
07   appreciate your time.

08

09

10                   \* \* \* \* \*

11                   SWORN STATEMENT

12                   CONCLUDED AT 1:10 P.M.

13                   \* \* \* \* \*

14

15

16

17

18

19

20

21

22

23

24

25





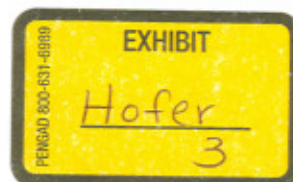


Exhibit 48D SagoLog from jan 1 to 3.TXT

01-01-2006 09:42:27 (Sta...) 1.1 NO. 1 BELT (Belt Boss) Belt Start  
01-01-2006 09:42:57 (Sta...) 1.1 NO. 1 BELT (Belt Boss) Run  
01-01-2006 09:44:02 (Sta...) 1.2 NO. 2 BELT (Belt Boss) Belt Start  
01-01-2006 09:45:46 (Sta...) 1.3 NO. 3 BELT (Belt Boss) Belt Start  
01-01-2006 09:47:26 (Sta...) 1.4 NO. 4 BELT (Belt Boss) Belt Start  
01-01-2006 09:48:58 (Sta...) 1.4 NO. 4 BELT (Belt Boss) STOP - Sequence  
01-01-2006 09:49:04 (Sta...) 1.3 NO. 3 BELT (Belt Boss) STOP - Sequence  
01-01-2006 09:49:10 (Sta...) 1.2 NO. 2 BELT (Belt Boss) STOP - Sequence  
01-01-2006 09:49:16 (Sta...) 1.1 NO. 1 BELT (Belt Boss) STOP - Sequence  
01-02-2006 05:27:16 (Sta...) 1.1 NO. 1 BELT (Belt Boss) Belt Start  
01-02-2006 05:27:46 (Sta...) 1.1 NO. 1 BELT (Belt Boss) Run  
01-02-2006 05:28:45 (Sta...) 1.2 NO. 2 BELT (Belt Boss) Belt Start  
01-02-2006 05:30:35 (Sta...) 1.3 NO. 3 BELT (Belt Boss) Belt Start  
01-02-2006 05:32:17 (Sta...) 1.4 NO. 4 BELT (Belt Boss) Belt Start  
01-02-2006 06:09:50 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Taken off scan  
01-02-2006 06:10:01 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Initializing  
01-02-2006 06:10:01 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Placed on scan  
01-02-2006 06:10:06 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Alarm (26 ppm)  
01-02-2006 06:25:35 (Sta...) 0.6 User "muffie" supervisor privilege timed out. Defaulting to "public".  
01-02-2006 06:31:23 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Warning (10 ppm)  
01-02-2006 06:31:24 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
01-02-2006 06:31:31 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Alarm (51 ppm)  
01-02-2006 06:31:41 (Sta...) 1.45 49 BRAKE NO.4 BELT (CO Monitor) - Alarm (107 ppm)  
01-02-2006 06:31:43 (Sta...) 1.44 46 BRAKE NO. 4 BELT (CO Monitor) - Alarm (107 ppm)  
01-02-2006 06:31:45 (Sta...) 1.100 2 LEFT SECTION ALARM (CO Monitor) - Communications Dead  
01-02-2006 06:31:49 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Alarm Latch Set (26 ppm)  
01-02-2006 06:31:49 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Warning Latch Set (26 ppm)  
01-02-2006 06:31:57 (Sta...) 1.4 NO. 4 BELT (Belt Boss) STOP - Power Loss - Sequence  
01-02-2006 06:32:01 (Sta...) 1.5 NO.5 BELT (Belt Boss) Communications Dead  
01-02-2006 06:32:01 (Sta...) 1.6 Belt Boss #6 drive (Belt Boss) Communications Dead  
01-02-2006 06:32:02 (Sta...) 1.34 7 BREAK No. 2 BELT (CO Monitor) - Communications Dead  
01-02-2006 06:32:02 (Sta...) 1.48 CO Monitor 2 Blk's outby 6 tail (CO Monitor) - Communications Dead  
01-02-2006 06:32:05 (Sta...) 1.3 NO. 3 BELT (Belt Boss) STOP - Power Loss  
01-02-2006 06:32:06 (Sta...) 1.47 CO Monitor Tail #4 Belt (CO Monitor) - Communications Dead  
01-02-2006 06:51:10 (Sta...) 1.1 NO. 1 BELT (Belt Boss) STOP - Sequence  
01-02-2006 06:51:18 (Sta...) 1.2 NO. 2 BELT (Belt Boss) STOP - Sequence  
01-02-2006 07:16:34 (Sta...) 1.43 37 BRAKE NO.4 BELT (CO Monitor) - Warning (10 ppm)  
01-02-2006 07:19:19 (Sta...) 1.43 37 BRAKE NO.4 BELT (CO Monitor) - Alarm (15 ppm)  
01-02-2006 07:30:59 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Warning (5 ppm)  
01-02-2006 07:31:07 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Maximum CO value obtained during alarm condition was (5 ppm)  
01-02-2006 07:31:07 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Warning Cleared (4 ppm)  
01-02-2006 07:31:25 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Warning (5 ppm)  
01-02-2006 07:34:05 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Alarm (10 ppm)  
01-02-2006 07:38:35 (Sta...) 1.81 22 Blk #5 Belt (CO Monitor) - warning (5 ppm)  
01-02-2006 07:41:52 (Sta...) 1.81 22 Blk #5 Belt (CO Monitor) - Alarm (10 ppm)



Exhibit 48D SagoLog from jan 1 to 3.TXT

01-02-2006 08:10:47 (Sta...) 1.80 14 BRAKE 5 BELT (CO Monitor) - Warning (5 ppm)  
 01-02-2006 08:14:59 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Alarm Latch  
 Reset (107 ppm)  
 01-02-2006 08:14:59 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Warning  
 Latch Reset (107 ppm)  
 01-02-2006 08:15:01 (Sta...) 1.80 14 BRAKE 5 BELT (CO Monitor) - Alarm (10 ppm)  
 01-02-2006 08:45:29 (Sta...) 1.3 NO. 3 BELT (Belt Boss) Communications Dead  
 01-02-2006 08:47:35 (Sta...) 1.1 NO. 1 BELT (Belt Boss) Communications Dead  
 01-02-2006 08:49:51 (Sta...) 1.42 27 BRAKE No.4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 08:57:49 (Sta...) 1.42 27 BRAKE No.4 BELT (CO Monitor) - Alarm (15 ppm)  
 01-02-2006 10:23:44 (Sta...) 1.42 27 BRAKE No.4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (78 ppm)  
 01-02-2006 12:30:32 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 12:30:32 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Warning Latch Set  
 (10 ppm)  
 01-02-2006 12:31:49 (Sta...) 1.29 CO Monitor 17BLK MOTOR SPUR (CO Monitor) - Warning  
 (5 ppm)  
 01-02-2006 12:45:40 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Alarm (15 ppm)  
 01-02-2006 12:45:40 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Alarm Latch Set (15  
 ppm)  
 01-02-2006 12:46:00 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Alarm Latch Reset  
 (14 ppm)  
 01-02-2006 12:48:27 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 12:48:29 (Sta...) 1.35 TAIL No 2 BELT (CO Monitor) - Taken off scan  
 01-02-2006 12:48:44 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:48:44 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)  
 01-02-2006 12:49:24 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 12:49:42 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:51:03 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 12:51:03 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Warning Latch  
 Set (10 ppm)  
 01-02-2006 12:57:12 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 12:57:31 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:57:52 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:58:27 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:58:46 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Warning (10  
 ppm)  
 01-02-2006 12:58:49 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:58:55 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 12:59:05 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 12:59:18 (Sta...) 0.6 User "muffie" supervisor privilege timed out.  
 Defaulting to "public".  
 01-02-2006 12:59:25 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:02:31 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:02:38 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:03:07 (Sta...) 1.38 31 BRAKE No.3 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:03:09 (Sta...) 1.38 31 BRAKE No.3 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:03:49 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm (15 ppm)  
 01-02-2006 13:03:49 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Set  
 (15 ppm)



Exhibit 48D SagoLog from jan 1 to 3.TXT

01-02-2006 13:04:04 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:04:56 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:05:13 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Reset (14 ppm)  
 01-02-2006 13:05:14 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:05:23 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Set (15 ppm)  
 01-02-2006 13:05:54 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Communications Dead  
 01-02-2006 13:06:01 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Gained Communications  
 01-02-2006 13:06:08 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Reset (14 ppm)  
 01-02-2006 13:06:15 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:06:28 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:06:38 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Set (15 ppm)  
 01-02-2006 13:06:49 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:07:19 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:07:36 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:07:42 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Alarm (14 ppm)  
 01-02-2006 13:08:18 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:08:19 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:08:50 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:09:34 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:09:55 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:10:15 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:10:29 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Reset (15 ppm)  
 01-02-2006 13:10:36 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Set (14 ppm)  
 01-02-2006 13:10:46 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:11:27 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:11:28 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Alarm Latch Reset (15 ppm)  
 01-02-2006 13:13:08 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:16:54 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:16:54 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Warning Cleared (9 ppm)  
 01-02-2006 13:17:37 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (13 ppm)  
 01-02-2006 13:17:37 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Warning Cleared (9 ppm)  
 01-02-2006 13:17:45 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:18:30 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value obtained during alarm condition was (11 ppm)  
 01-02-2006 13:19:49 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO



Exhibit 48D SagoLog from jan 1 to 3.TXT

value obtained during alarm condition was (11 ppm)  
 01-02-2006 13:20:15 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:21:16 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:22:54 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:23:11 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Maximum CO  
 value obtained during alarm condition was (10 ppm)  
 01-02-2006 13:26:18 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Test  
 Switch Active (96 ppm)  
 01-02-2006 13:26:18 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Begin  
 Calibration (96 ppm)  
 01-02-2006 13:26:18 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Sensor  
 Disconnected (96 ppm)  
 01-02-2006 13:26:19 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Maximum  
 CO value obtained during alarm condition was (96 ppm)  
 01-02-2006 13:26:19 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Test  
 Switch Released (96 ppm)  
 01-02-2006 13:26:19 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Sensor  
 Connected (96 ppm)  
 01-02-2006 13:26:20 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) -  
 Calibration data not available.  
 01-02-2006 13:26:20 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - End  
 Calibration (96 ppm)  
 01-02-2006 13:28:10 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (15 ppm)  
 01-02-2006 13:28:10 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)  
 01-02-2006 13:28:10 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Warning Latch  
 Reset (9 ppm)  
 01-02-2006 13:29:39 (Sta...) 1.29 CO Monitor 17BLK MOTOR SPUR (CO Monitor) - Maximum  
 CO value obtained during alarm condition was (8 ppm)  
 01-02-2006 13:29:39 (Sta...) 1.29 CO Monitor 17BLK MOTOR SPUR (CO Monitor) - Warning  
 Cleared (0 ppm)  
 01-02-2006 13:29:44 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Alarm (96  
 ppm)  
 01-02-2006 13:34:49 (Sta...) 1.38 31 BRAKE No.3 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (12 ppm)  
 01-02-2006 13:34:49 (Sta...) 1.38 31 BRAKE No.3 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)  
 01-02-2006 13:34:55 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Test  
 Switch Active (96 ppm)  
 01-02-2006 13:34:55 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Sensor  
 Disconnected (96 ppm)  
 01-02-2006 13:35:02 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Test  
 Switch Released (96 ppm)  
 01-02-2006 13:35:02 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Sensor  
 Connected (96 ppm)  
 01-02-2006 13:39:34 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (15 ppm)  
 01-02-2006 13:39:34 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)  
 01-02-2006 13:46:17 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (13 ppm)  
 01-02-2006 13:46:17 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)  
 01-02-2006 13:46:25 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:46:27 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:46:46 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:46:55 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Warning (10 ppm)  
 01-02-2006 13:50:08 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Warning (10 ppm)



Exhibit 48D SagoLog from jan 1 to 3.TXT

01-02-2006 13:50:51 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:51:22 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:51:33 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:52:55 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:53:05 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:53:26 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:54:18 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:54:49 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:55:20 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:56:22 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:56:32 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (0 ppm)  
 01-02-2006 13:56:53 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:57:34 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:57:54 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:58:26 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:59:18 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 13:59:38 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 14:00:30 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 14:02:14 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (0 ppm)  
 01-02-2006 14:15:08 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (11 ppm)  
 01-02-2006 14:15:18 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 14:21:24 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (11 ppm)  
 01-02-2006 14:22:16 (Sta...) 1.2 NO. 2 BELT (Belt Boss) Communications Dead  
 01-02-2006 14:26:45 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 19:04:26 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 19:04:31 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 19:15:53 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 19:15:55 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 19:16:04 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Warning (9 ppm)  
 01-02-2006 19:16:20 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 19:31:20 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 19:31:37 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-02-2006 20:39:45 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (14 ppm)  
 01-02-2006 20:39:45 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning Cleared  
 (9 ppm)



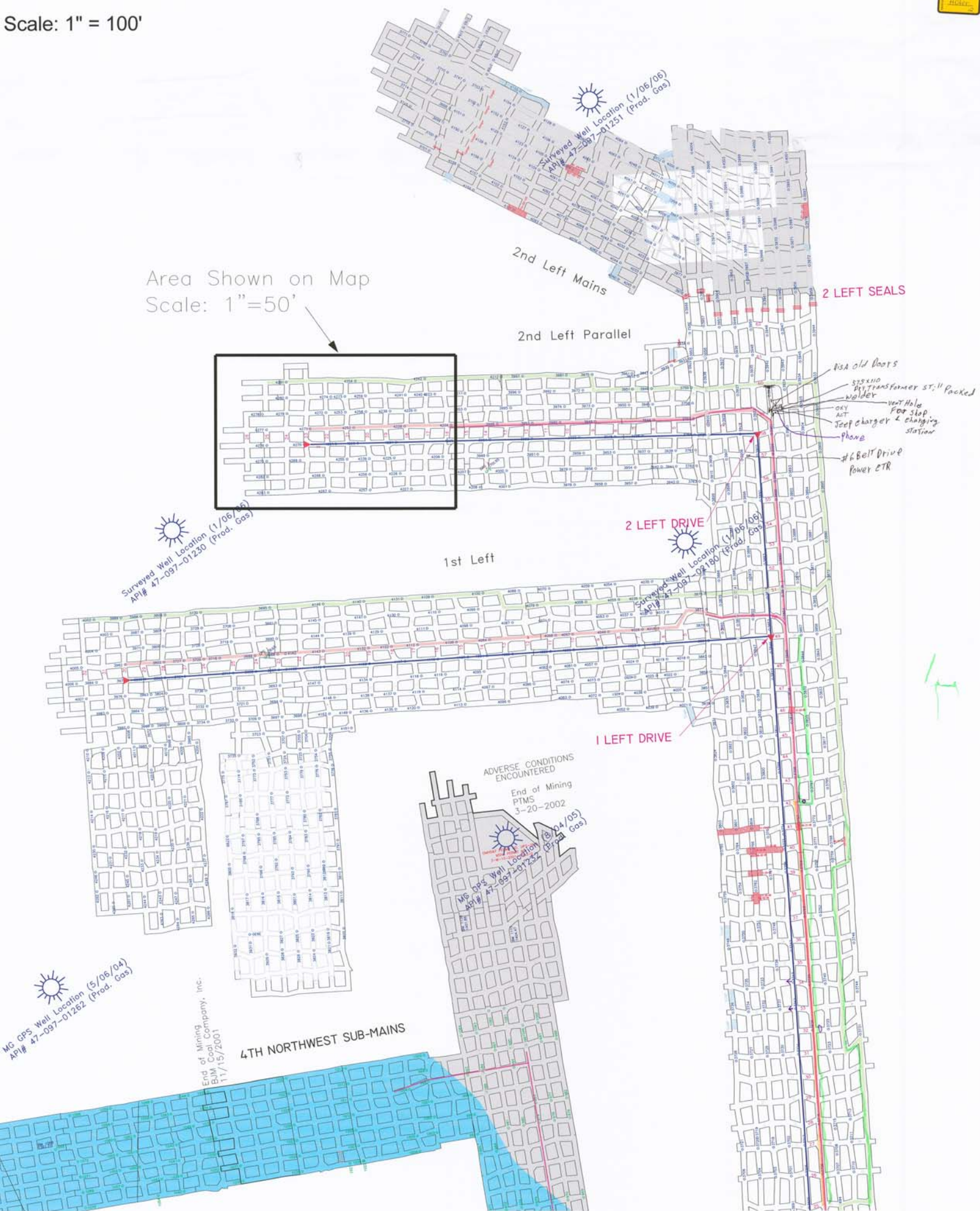
Exhibit 48D SagoLog from jan 1 to 3.TXT

01-02-2006 20:40:01 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Warning (10 ppm)  
 01-02-2006 20:40:38 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Maximum CO value  
 obtained during alarm condition was (10 ppm)  
 01-03-2006 03:55:35 (Sta...) 1.30 PITT MOUTH (CO Monitor) - Taken off scan  
 01-03-2006 03:55:46 (Sta...) 1.31 9 BRAKE No.1 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:55:53 (Sta...) 1.29 CO Monitor 17BLK MOTOR SPUR (CO Monitor) - Taken  
 off scan  
 01-03-2006 03:55:59 (Sta...) 1.32 21 BREAK No. 1 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:05 (Sta...) 1.33 TAIL No. 1 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:12 (Sta...) 1.2 NO. 2 BELT (Belt Boss) taken off scan  
 01-03-2006 03:56:33 (Sta...) 1.34 7 BREAK No. 2 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:44 (Sta...) 1.36 11 BRAKE No.3 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:49 (Sta...) 1.37 22 BRAKE No.3 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:55 (Sta...) 1.38 31 BRAKE No.3 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:56:59 (Sta...) 1.39 38 BRAKE No.3 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:04 (Sta...) 1.40 8 BRAKE No. 4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:12 (Sta...) 1.41 17 BRAKE No. 4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:19 (Sta...) 1.42 27 BRAKE No.4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:28 (Sta...) 1.43 37 BRAKE NO.4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:36 (Sta...) 1.44 46 BRAKE NO. 4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:43 (Sta...) 1.45 49 BRAKE NO.4 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:57:50 (Sta...) 1.46 CO Monitor #57 Blk 4 Belt (CO Monitor) - Taken off  
 scan  
 01-03-2006 03:57:56 (Sta...) 1.47 CO Monitor Tail #4 Belt (CO Monitor) - Taken off  
 scan  
 01-03-2006 03:58:05 (Sta...) 1.80 14 BRAKE 5 BELT (CO Monitor) - Taken off scan  
 01-03-2006 03:58:13 (Sta...) 1.81 22 Blk #5 Belt (CO Monitor) - Taken off scan  
 01-03-2006 03:58:19 (Sta...) 1.82 1 Block outby 7 drive (CO Monitor) - Taken off  
 scan  
 01-03-2006 03:58:26 (Sta...) 1.99 1 LEFT SECTION ALARME (CO Monitor) - Taken off  
 scan  
 01-03-2006 03:58:33 (Sta...) 1.4 NO. 4 BELT (Belt Boss) taken off scan  
 01-03-2006 03:58:44 (Sta...) 1.5 NO.5 BELT (Belt Boss) taken off scan  
 01-03-2006 03:58:52 (Sta...) 1.6 Belt Boss #6 drive (Belt Boss) taken off scan  
 01-03-2006 03:59:02 (Sta...) 1.48 CO Monitor 2 Blk's outby 6 tail (CO Monitor) -  
 Taken off scan  
 01-03-2006 03:59:07 (Sta...) 1.100 2 LEFT SECTION ALARM (CO Monitor) - Taken off  
 scan



Scale: 1" = 100'

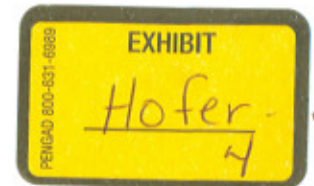
Area Shown on Map  
Scale: 1" = 50'





# EXAMINATION OF ELECTRICAL EQUIPMENT

Examination of electrical equipment (weekly)



Date	Location	Equipment examined and/or tested	Dangerous conditions	Action taken	Examiner
12-1-05		Dispatchers Trailer	NONE		
		PARTS TRAILER	NONE		
		#1 Belt Drive	NONE		
		#1 Discharge	NONE		
		#1 Sump Pump	NONE		
		Stacker Belt	NONE		
		#3 & #4 Mantip Charger	NONE		
		FAW	NONE		
				12-1-05	D. Wilfer

Weekly tests of grounding devices (diodes)

12-1-05	Under Shop Shop	No Dangerous Condition
	Chop Saw	" " "
	Grinder	" " "
	Hose Machine	" " "

12-1-05  
D. Wilfer  
Dick Wilfer

Page 1

Monthly examinations of methane monitors



# EXAMINATION OF ELECTRICAL EQUIPMENT

Power centers and transformers prior to movement

etc

12-8-05

Date

Location

Equipment examined and/or tested

Dangerous conditions

Action taken

Examiner

~~12-8-05~~

Dispatches Trailer

None

Pallets Trailer

None

#1 Belt Drive

None

#1 Discharge

None

Stuck in Belt

None

#1 Sump pump

None

Fan

None

#3 & #4 Motor Charges None.

12-8-05

Pt 1/2

12-8-05

Examinations of low-medium-voltage power circuit breakers (monthly)

Underground Shop.

Chop Saw No Dangerous Conditions

Grinder

"

House Machine

"

12-8-05

Page 2

Pt 1/2  
Pete Calpaldo



# EXAMINATION OF ELECTRICAL EQUIPMENT

Power centers and transformers prior to movement

Date	Location	Equipment examined and/or tested	Dangerous conditions	Action taken	Examiner
6-17-05	Surface	Office		None Observed	
		Shower House		" "	
		Panels Chaler		Tracks cleaned	
		Stacker Belt		None Observed	
		#1 Discharge		" "	
		#1 Drive		" "	
		Jump Pump		" "	
		#2 Mtr. charger		Put around clamp Back on	
		#3 Mtr. charger		Went Back to Spruce Mine	
		Jan		None Observed	
					D. J. O.

Examinations of low- medium-voltage power circuit breakers (monthly)

6-17-05	Underground Shop				
		Bank Grinder		None Observed	
		Chop Saw		" "	
		Flare Machine		" "	
					D. J. O.

Page 3



2004-02-19 Examination Electrical Equipment - Outside.pdf

page 41

need to identify the electrician

Monthly Surface Electrical Exam Book

# EXAMINATION OF ELECTRICAL EQUIPMENT

Examination of electrical equipment (weekly)

Date	Location	Equipment examined and/or tested	Dangerous conditions	Action taken	Examiner
1/6/05		1- 120v Circular Saw	None	None	<i>[Signature]</i>
1/6/05		1- 120v Generator	None	None	<i>[Signature]</i>
1/6/05		1- 120v Power washer	None	None	<i>[Signature]</i>
1/6/05		1- 120v Angle Drill	None	None	<i>[Signature]</i>

Page 4

## Weekly tests of grounding devices (diodes)

1-16-05

#1 Bath house

NONE

*E. Huffman*

#2 " "

" "

" "

office trail

" "

" "

Supply trail

" "

" "

Disposal office

" "

" "

Stall

" "

" "

Farm House

" "

" "

#1 Belt Drive

" "

" "

hose machine

" "

" "

Chop Saw

" "

" "

## Monthly examinations of methane monitors

Page 4 guess

*E. Huffman*

2004-02-19 Examination Electrical Equipment - Outside.pdf  
page 26

need to identify both electricians

Monthly Surface Electrical Exam Book

don't touch  
switches



# EXAMINATION OF ELECTRICAL EQUIPMENT

Power centers and transformers prior to movement

Date	Location	Equipment examined and/or tested	Dangerous conditions	Action taken	Examiner
10-19-05		Surface Sub Station instantaneous OK Ground Monitor OK Ground Fault OK Overcurrent OK	10-19-05		D. Wilfong
11-18-05		Surface Sub Station instantaneous OK Ground Monitor OK Ground Fault OK Overcurrent OK	11-18-05		D. Wilfong

Examinations of low- medium-voltage power circuit breakers (monthly)

12-19-05		Surface Sub Station instantaneous OK Ground Monitor OK Ground Fault OK Overcurrent OK	12-19-05		D. Wilfong
Page 5 Dick Wilfong					





John Smith 129  
WV 4547  
2-22-05

# EXAMINATION OF ELECTRICAL EQUIPMENT

Examination of electrical equipment (weekly)

Date	Location	Equipment examined and/or tested	Dangerous conditions	Action taken	Examiner
1-28-05	Surface	Instantaneous	None	None	D. Phil
		Ground Monitor	None	None	
		Ground Fault	None	None	
		Over Current	None	None	

## Weekly tests of grounding devices (diodes)

2-27-05	Surface	Instantaneous	OK	D. Phil
		Ground Fault	OK	
		Ground Monitor	OK	
		Over Current	OK	

3-24-05	Surface	Instantaneous	OK	D. Phil
		Ground Fault	OK	
		Ground Monitor	OK	
		Over Current	OK	

Page 6

## Monthly examinations of methane monitors

4-22-05	Surface	Instantaneous	OK	W. Wilfong
		Ground Monitor	OK	
		Ground Fault	OK	
		Overcurrent	OK	

High Voltage.pdf

page 2

need to know electrician's name.

Monthly High Voltage Exam

11/28/05

#41 Bolter

Light Broken on off side

Bulb on oper. side Tires bad on offside rear

Replaced Laminations

Fall Power Center

Recp. not mark

NO High Voltage Signs

Marked Put signs up Ronnie Yon

#2 Scoop

Battery Lids

Light

Not Sealed

Calcut

separated

→

Put BOLTS IN BATT LIDS

Reconnected Cord. 7

George Sigler

#7 Scoop

OK

OK

11-28-05

#3 Scoop Churner

OK

OK

11-28-05

Sho photo  
Sho photo

Page 7. —



2005-10-12 Equipment Tested or Examined.pdf

page 4

need to identify last electrician

Weekly Underground Electrical Exam Book

DATE:	EQUIPMENT EXAMINED	DANGEROUS CONDITIONS	ACTION TAKEN	EXAMINER
	#41 BOLTER			
11/28/05	#16 SCOOP	Panic Brain Bad	Replaced	GC
	#4 SCOOP CHARGER	None		GC
	#7 SCOOP CHARGER	None		GC
	#9 SHUTTLE CAR	Not in Service		GC
11-18-05	#42 BOLTER	Used in Use		SW
"	#3 SCOOP	Now Fixed	Now	SW
"	#7 SCOOP	Now Fixed	Now	SW
"	#5 SCOOP CHARGER	Now Fixed	Now	SW
"	#17 SCOOP CHARGER	Now Fixed	Now	SW
"	OUTBY FEEDER	Used in Use		SW
"	Rack dust	Now Fixed	Now	SW
11-28-05				
RB	#1 miner	abrasion in miner cable	repaired	
RB	#41 bolter	abrasion in cable	repaired	
RB	#2 scoop	none observed		
IB	#4 scoop	none found	none	
IB	#7 scoop	none found	none	
RB	#2 scoop charger	no dust	put 5 bags	
IB	#3 scoop charger	none found	none	
#31	#42 Baller	None Found	None	SW
11-31	#5 Scoop	light out	replaced	SW
11-31	#7 Scoop	None Found	None	SW
11-31	#5 Scoop charger	Red Circuit Breaker	Repl.	SW
11-31	#17 Scoop charger	none found	none	SW
11-31	outby feeder	Not in Use		SW
11-31	Rack dust	None found	None	SW

2005-10-12 Equipment Tested or Examined.pdf  
page 3

need to identify electricians RB, SW, GC, IB  
Weekly Underground Electrical Exam Book



1-23-05

Equipment  
#7 Belt Transferred

11-26-05

Power Center No 911  
Block  
#7 Belt

Dangerous Conditions  
H.V. Cable & extruded rods  
hanging

H.V. Cable Need Ground

Action

Grounded

Examiner  
George D. Smith

Thompsonville 4042

2005-10-31 Equipment Examined or Tested.pdf  
page 6

need to identify last electrical examiner

Monthly Circuit Breaker Exam

Examiner	Equip. Examined or tested	Dangerous Conditions	Action Taken	Date
<i>Handwritten</i>	001 Miner	Bad cut in cable	Repaired	11/26/05
EMW	001 Miner Fire Suppression Remote	OK		11-29-05
EMW	001 Miner "E" Stop Breaker Trip Remote	OK		11-29-05
EMW	002 Miner	NONE AT TIME EXAMINED		11-29-05
EMW	002 Miner Fire Suppression Remote	OK		11-29-05
EMW	002 Miner "E" Stop Breaker Trip Remote	OK		11-29-05
RB	R. Bennett #3 Scoop	Light bracket broke	welded	12-2-05
RW	R. Bennett #3 Scoop Charger	OK		11-29-05
RW	R. Bennett #6 S/C	light wiring offside	Repaired	11-29-05
RB	R. Bennett #1 Feeder	none observed	none	12-2-05
RW	T. Haddix #3 Bolter	NONE	NONE	11-29-05
T.H	T. Haddix #2 Scoop	None found	None	11-30-05
T.H	T. Haddix #2 Scoop Charger	None found	None	11-30-05
T.H	T. Haddix #3 S/C	light out	Replaced bulb	11-30-05
J. Weaver	J. Weaver 002 Miner Water Pressure Pump	Key off cathead.	Replaced Key	12-2-05
RW	J. Weaver #1 Bolter	light out venters side front	Repaired	11-29-05
J. Weaver	J. Weaver #2 S/C	None found		12-2-05
J. Weaver	J. Weaver Section Welder	Abnormal in cable	Repaired cable	12-2-05
J. Weaver	J. Weaver Microwave	None found		12-2-05
R. Tinney	002 Power Center (Weekly)	NONE OBSERVED	NONE	12/1/05
RW	Midnight #5 S/C	Damaged light conduit & wires	Repaired	11-29-05
EMW	Weekly Examination of Methane Monitors:			
	#1 Miner	Tested with 290 known gas	OK	11-29-05
	#2 Miner	Tested with 290 known gas	OK	11-29-05

2005-11-01 Equipment Examined or Tested.pdf  
page

need to find out who is RW

Weekly Underground Electrical Exam



Examiner	Equip. Examined or tested	Dangerous Conditions	Action Taken	Date
Emw	001 Miner	None		11-1-05
Emw	001 Miner Fire Suppression Remote	OK		11-1-05
Emw	001 Miner "E" Stop Breaker Trip Remote	OK		11-1-05
Emw	002 Miner	None		11-1-05
Emw	002 Miner Fire Suppression Remote	OK		11-1-05
Emw	002 Miner "E" Stop Breaker Trip Remote	OK		11-1-05
R Bennett	T. Harris #1 Scoop	conduit not secured on entrance gland on light secured		11-11-05
R Bennett	T. Harris #3 Scoop Charger	none observed	none	11-11-05
R Bennett	T. Harris #6 S/C	abrasion in cable	repaired	11-11-05
R Bennett	T. Harris #1 Feeder	none observed	none	11-11-05
T. Haddix	T. Haddix #3 Bolter	light out	changed bulb	11-10-05
T. Haddix	T. Haddix #2 Scoop	none found	none	11-10-05
T. Haddix	T. Haddix #2 Scoop Charger	none found	none	11-10-05
T. Haddix	T. Haddix #3 S/C	snatched cable	spliced cable	11-10-05
J Weaver	J. Weaver 002 Miner Water Pressure Pump	No fire ext. or rock dust	replaced both	11-10-05
J Weaver	J. Weaver #1 Bolter	bad place in cable	repaired cable	11-10-05
J Weaver	J. Weaver #2 S/C	Light out.	changed bulb	11-10-05
J Weaver	J. Weaver Section Welder	None	None	11-10-05
J Weaver	J. Weaver Microwave	120V Cord not ID	ID Cord	11-10-05
R. Tinney	002 Power Center (Weekly)	NONE OBSERVED	NONE	11/8/05
Midnight	#5 S/C	None	None	11-8-05
Emw	Weekly Examination of Methane Monitors:			
Emw	#1 Miner	Tested with 2% methane gas	OK	11-1-05
Emw	#2 Miner	" " " "	OK	11-1-05



2005-11-01 Equipment Examined or tested.pdf  
page 1

need to know electrician's name at bottom left margin.

Weekly Underground Electrical Exam