

01 STATEMENT UNDER OATH
02 OF
03 HOY S. KEITH, JR.
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 U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on Monday,
12 January 23rd, 2006, at 3:18 p.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 For Mr. Keith

16
17 MARCO M. RAJKOVICH, JR., ESQUIRE
18 2333 Alumni Park Plaza
19 Suite 310
20 Lexington, KY 40517

21
22
23
24
25

6

01 I N D E X

02

03	INTRODUCTION	8 - 16
04	WITNESS: HOY KEITH	
05	QUESTIONS	
06	By Mr. O'Donnell	16 - 39
07	By Mr. Mills	39 - 41
08	By Mr. O'Donnell	41 - 50
09	By Mr. Mills	50 - 51
10	By Mr. O'Donnell	51 - 54
11	CERTIFICATE	55

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			
05	One	Map of Mine	25
06			
07			
08			
09			
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.

16 I have been assigned to

17 conduct an investigation into
18 the accident that occurred at
19 the Sago Mine on January the
20 2nd, 2006, in which 12 miners
21 died and one was injured. The
22 investigation is being
23 conducted by MSHA and the West
24 Virginia Office of Miners'
25 Health & Safety & Training to

9

01 gather information to
02 determine the cause of the
03 accident, and these interviews
04 are an important part of that
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 the
15 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.

23 Information obtained
24 through witness interviews is
25 frequently included in these

10

01 reports. Your statement may
02 also be used in other
03 enforcement 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 mine 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 Keith 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 Mine
07 owned by International Coal
08 Group in Buckhannon, West
09 Virginia on January 2nd, 2006.

10 This interview is being
11 conducted at the U.S.
12 Bankruptcy Courthouse in
13 Clarksburg, West Virginia on
14 January 23rd, 2006.

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

23 Mr. Keith, 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 asking
08 questions, you will have an
09 opportunity to make a
10 statement and provide us with
11 any information that you
12 believe may be important.

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

21 Your statement is
22 completely voluntary. You may
23 refuse to answer any question
24 and you may terminate your
25 interview at any time. If you

13

01 need a break for any reason,
02 please let us know.

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

15 If any part of your
16 statement is based not on your
17 own firsthand knowledge, but
18 on information that you
19 learned from someone else,
20 please let us know. Please
21 answer each question as fully
22 as you can, including any
23 information you have learned
24 from someone else. We may not
25 ask the right questions to

14

01 learn the information that you
02 have, so do not feel limited
03 by the precise questions that

04 we ask. If you have
05 information about the subject
06 area of a question, please
07 provide us with that
08 information.

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

15 MR. MILLS:

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

15

01 reserves the right, if
02 necessary, to call or subpoena
03 witnesses or require the
04 production of any record,
05 document, photograph or other

06 relevant materials necessary
07 to conduct this investigation.

08 MR. O'DONNELL:

09 Mr. Keith, you're
10 permitted to have a
11 representative with you during
12 this interview. And you may
13 consult with your
14 representative at any time.
15 You may designate any person
16 to be your representative. Do
17 you have a representative with
18 you?

19 MR. KEITH:

20 Yes, sir.

21 MR. O'DONNELL:

22 And who might that be?

23 MR. KEITH:

24 Joe.

25 MR. O'DONNELL:

16

01 Can you please say his
02 full name?

03 MR. KEITH:

04 I don't know his last
05 name. I can't remember.

06 ATTORNEY YUHAS:

07 Joseph Yuhas.

08 MR. O'DONNELL:

09 Do you have any
10 questions regarding the manner
11 in which this interview will
12 be conducted?

13 MR. KEITH:

14 No, sir.

15 MR. O'DONNELL:

16 Will you please swear
17 him in?

18 -----

19 HOY KEITH, HAVING FIRST BEEN DULY
20 SWORN, TESTIFIED AS FOLLOWS:

21 -----

22 BY MR. O'DONNELL:

23 Q. Hoy, did you talk to anyone
24 about your interview statement here
25 today?

17

01 A. No.

02 Q. If you would, please state
03 your full name and spell your last
04 name?

05 A. Hoy S. Keith, Jr., K-E-I-T-H.

06 Q. And your address and telephone
07 number?

08 A. [REDACTED]

09 [REDACTED]

10 Q. Are you appearing here today

11 voluntarily?

12 A. Yes, sir.

13 Q. Okay. How many years of
14 mining experience do you have?

15 A. Approximately 31, 32 years.

16 Q. And have you --- how many
17 mines have you worked at? Tell us a
18 little bit about your employment
19 history.

20 A. Well, I started off hand
21 loading back in '62, and worked for a
22 couple years for Crestfield Coal
23 Company. And I left there, I went to
24 work in some factories, Ford Motor
25 Company, Westinghouse Electric, and

18

01 Columbia Gas System. In, I believe
02 it was '76, I started back in the
03 mines for J&K Coal Company, Orlando
04 Coal. I left there, I went to Kitt
05 Energy in the latter part of '76, I'm
06 pretty sure it was.

07 I went to Kitt, left there,
08 went to Jim Dandy Coal at Weston. I
09 left Jim Dandy Coal, I went to, let's
10 see, Glenn Mining. I left Glenn
11 Mining and went back to Phillipi for
12 Kitt Energy at that time. I left
13 Kitt Energy --- and I've got my

14 places mixed up with that.
15 Q. Well, you got enough of them.
16 A. When I left Kitt, that's when
17 I went to work for Jim Dandy Coal and
18 Land Mining. And then went back to
19 work at Phillipi for Allen Fork
20 Construction. I left there and went
21 to work at Sago. From Sago to Spruce
22 --- I mean, from Spruce and then to
23 Sago.
24 Q. How long have you been at
25 Sago?

19

01 A. Oh, approximately a year.
02 Q. One year?
03 A. Approximately.
04 Q. And what's your --- what do
05 you do there?
06 A. Mechanic, electrician.
07 Q. Have you done that same job
08 since you started there?
09 A. Yep.
10 Q. Okay.
11 A. Yes, sir.
12 Q. Okay. And on January the 2nd,
13 you had the same position; right?
14 A. Same position.
15 Q. What are you as far --- you're

16 the section mechanic in One Left?

17 A. I'm the section mechanic, One
18 Left.

19 Q. And what were your job duties,
20 anything --- were you given any
21 different instructions other than a
22 section mechanic position in One
23 Left?

24 A. No, just take care of the
25 section permissibility and repair all

20

01 the equipment, whatever needs done on
02 the section.

03 Q. Hoy, what kind of mining
04 certificates do you have?

05 A. I got the miners' card,
06 electrician card, and that's about
07 it.

08 Q. Only in West Virginia?

09 A. Yes, sir.

10 Q. Okay. Any other state
11 certification other than West
12 Virginia?

13 A. No.

14 Q. Who's your supervisor?

15 A. On maintenance, Dick Wilfong.

16 And the mine superintendent is Joe

17 --- no, wait a minute. Jeff Toler.

18 Q. And how long has Mr. Wilfong

19 been your supervisor?

20 A. He's been my supervisor for
21 approximately three years.

22 Q. And what time does your shift
23 start?

24 A. Six o'clock.

25 Q. Hoy, starting at the time you

21

01 arrived at the mine, tell us what you
02 did until you left the mine property
03 that day. Include as many details
04 you recall, including any times you
05 might remember. I'm just going to
06 let you go start to finish, and I'm
07 not going to interrupt you, so you
08 can tell your story.

09 A. When I went to the mine site
10 that morning, the first thing I did,
11 I went in and changed into my work
12 clothes. I went back --- when I got
13 done with that I went back and talked
14 to Mr. Wilfong, and spoke to some of
15 the supervisors and stuff, and found
16 out if I had anything down in the
17 section, whatever I had to do. I sat
18 there and had a cup of coffee and
19 talked for a while.

20 About ten minutes 'til 6:00 I

21 left out of there, and went over and
22 picked up my check-in tag. I got my
23 light and talked to the guys a little
24 bit. I started down the hill to the
25 pit mouth. When I got down to the

22

01 pit mouth, we had a mantrip sitting
02 and waiting. This is approximately
03 six o'clock. We got on the mantrip.
04 The mantrip was too small to carry
05 everybody. So our section foreman,
06 Owie Jones, went and switched the
07 mantrip out. Approximately five to
08 ten minutes after 6:00, we started in
09 the mines.

10 And went in to the One Left
11 switch, Roger Perry got off the
12 mantrip to throw the switch to go to
13 the One Left switch. As soon as he
14 got back on the mantrip we were
15 getting ready to take off, and the
16 dust, the wind, everything from the
17 explosion hit us there. It knocked
18 some of the guys' hats off, their
19 glasses. Well, somebody hollered get
20 out of the mantrip, so we all started
21 proceeding to get out of the mantrip,
22 put our rescuers on, and we all
23 started down the track to find fresh

24 air.

25 We went down for approximately

23

01 700 feet, and went past where all the
02 stoppings were blowed out. Went
03 through --- over in the intake area,
04 somebody said we had fresh air. So we
05 went over to the intake, which was
06 still pretty smoky and dusty and
07 everything.

08 We started walking down the
09 intake and went for just a little
10 ways, and we heard a mantrip coming.
11 Well, those couple guys, just a
12 couple blocks ahead of us there. Ron
13 stuck his head through the door and
14 the mantrip stopped. We all went
15 through the door, got on the mantrip.
16 Mr. Wilfong and Vern Hofer took us
17 back outside, and we had Jeff Toler,
18 Al Schoonover and our boss went and
19 stayed in there and tried to get to
20 the men. And we proceeded outside.

21 We got outside. We went
22 upstairs. At that time, some of the
23 ambulance people was there and they
24 started checking us out to make sure
25 we was all right. I went back to the

01 maintenance office back there and
02 Carl Crumrine asked me if I would get
03 on the phone every five minutes, call
04 inside to see if I could get anybody
05 to answer. So I did that until
06 approximately 11:30, 12:00, something
07 like that. And then somebody else
08 had taken over. I don't know who it
09 was.

10 I went and talked to some of
11 the people there outside the mines,
12 and then their detectors was starting
13 to beep and carry on clear up in the
14 office. And about 1:30 they told us
15 we was going to have to leave the
16 mine site. So we all left the mine
17 site then. Some of us gathered up to
18 the tipple, and some of us went home
19 and then sat by their television
20 listening to the news.

21 Q. So let's just go up to the
22 map, and ---.

23 A. What?

24 Q. We're going to go up to the
25 map now. It will be Keith Exhibit

01 One.

02 (Keith Exhibit Number

03 One marked for

04 identification.)

05 A. You want me up there with you?

06 BY MR. O'DONNELL:

07 Q. Yes. I just want you to point

08 how far you got into the mine, just

09 for the record.

10 A. Here's where we started.

11 Q. At the pit mouth?

12 A. We preceded up here to the One

13 Left switch, and right on in here,

14 and that's where the men took over

15 the switch. That's where we started

16 walking back down. We got to where

17 the crosscut was, about right here

18 somewhere, and then we went to the

19 intake, and came down the intake to

20 where we met Mr. Wilfong on the

21 mantrip.

22 Q. So Hoy, where were you sitting

23 in the mantrip?

24 A. I was sitting on the outside

25 on the outby side of the mantrip.

26

01 Q. Facing the ---?

02 A. I was facing away from the

03 intake. I was facing toward the

04 outby.

05 Q. Okay. And when the blast hit,
06 how did it affect you? Did it ---?
07 A. It filled my mouth, my nose
08 and ears clear full of dust, mud,
09 what seemed like mud, and it just ---
10 it disorientated me for a while.
11 Q. Did you have a detector with
12 you by any chance?
13 A. No, I didn't have a detector.
14 I don't carry one, unless I'm going
15 to do some cutting, or ---.
16 Q. Right. So it was pretty quick
17 then that you exited the mantrip?
18 A. Yeah. I would say it was ---
19 I'm just guessing, but I would say it
20 was probably eight to ten seconds,
21 the force hit us from the explosion.
22 Q. Did you hear it?
23 A. I couldn't hear anything. All
24 I could see was --- feel was the dust
25 and stuff like that.

27

01 Q. Did you get hurt at all from
02 it?
03 A. No, just a few little bruised
04 places.
05 Q. What about smell; did you
06 smell anything?
07 A. I couldn't smell nothing. I

08 was too stopped up.

09 Q. Did you --- I understand the
10 visibility was pretty poor, but can
11 you describe how thick it was?

12 A. It was so thick, with your cap
13 light on, you could hold your hand
14 right there and you couldn't see your
15 hand. It was so thick, you couldn't
16 see nothing. That's when he had to
17 feel the ribs and feel the rail.

18 Q. Did you put your --- go ahead.
19 I'm sorry.

20 A. And that's the way we got down
21 to fresh air, just had to hold onto
22 each other and stuff like that.

23 Q. Did you put your SCSR on right
24 there?

25 A. Right there. As soon as I got

28

01 out of the mantrip.

02 Q. Did you have any trouble
03 getting it on?

04 A. No, not really, because a
05 couple of guys there was helping me
06 get it on real quick because they got
07 theirs on faster. I was just a
08 little bit disoriented whenever it
09 happened.

10 Q. Was it much easier to breathe
11 once you got it on?

12 A. I can't say it was, because I
13 had so much of that dust and stuff in
14 my lungs, and stuff like that. You
15 couldn't hardly breathe. When I did
16 get the fresh air, the guy gave me
17 his water jug, and I rinsed my mouth
18 out some. And that helped a lot.

19 Q. Did you keep your SCSR on the
20 whole time?

21 A. I kept it on until we got down
22 to the fresh air and got on the
23 mantrip.

24 Q. Do you think the SCSR
25 functioned as it was intended?

29

01 A. Yes, sir.

02 Q. And how long did you actually
03 have it on?

04 A. That's hard to say. I'd say
05 probably 15, 20 minutes, maybe 30.

06 Q. Is there anything you can add
07 about the stopping that might be ---
08 other than it was blown out?

09 A. Well, some of the stoppings
10 looked to me like they was blown ---
11 well, they didn't look like, but you
12 could feel. It looked like they was

13 blowed all the way out. Some of them

14 just had a few blocks out of them.

15 And there was blocks laying all on

16 the path down to where we had to go.

17 Q. So on the track, when you were

18 trying to get down to the intake, you

19 say there was a lot of debris on the

20 road?

21 A. Yeah. A lot of --- mostly

22 blocks from out of the stoppings.

23 Q. Concrete or Omega, or ---?

24 A. Concrete. They seemed to me

25 like, but I can't tell you for sure.

30

01 Q. So what made you guys head to

02 the left through the crosscut?

03 A. That's the way we was trained.

04 To head for fresh air as soon as you

05 can get to fresh air.

06 Q. Okay. Was the whole crew

07 there?

08 A. Yes. Our whole crew, our boss

09 was just right there with us, too,

10 going down until we got to --- until

11 we got on the mantrip, and then he

12 turned around and went back. He had

13 a brother in there.

14 Q. Do you recall any of the

15 detectors going into alarm that were
16 there?

17 A. No, sir.

18 Q. And the next thing that you
19 did was you traveled out that intake
20 escapeway until you heard ---?

21 A. The mantrip.

22 Q. And who's the guy that poked
23 his head out?

24 A. I believe it was Joe --- I
25 know his last name, but I can't think

31

01 of it. A real skinny guy. I can't
02 remember his name right off hand.

03 Q. Okay. So he got you guys all
04 together to get out on the mantrip
05 then?

06 A. Yep.

07 Q. And you hopped on the mantrip
08 with who?

09 A. Vern Hofer was driving, and
10 Dick Wilfong, the maintenance boss,
11 he was there too. He went back
12 outside with us.

13 Q. Did you ever hear any
14 conversations or any calls on the
15 trolley phone system or the pager
16 phone system at any time while you
17 were underground?

18 A. Yes.

19 Q. What did you hear?

20 A. Mr. Owie Jones, he called out
21 and told them we had an explosion.

22 Q. Where did you hear him make
23 that call?

24 A. Just after we got off the
25 mantrip there, as soon as he got to

32

01 the first phone. He heard the phone
02 --- somebody on the phone and he
03 found it there and he went to it.

04 Q. Where was the first phone, do
05 you recall?

06 A. It was close to the mantrip,
07 but I can't tell you exactly where.
08 I'd say it was right there at the
09 switch.

10 Q. And you heard him call out.
11 Did you hear any response?

12 A. No, I didn't hear no response
13 at all. I just know that I heard him
14 call out.

15 Q. And what was his instructions
16 after he got off the phone?

17 A. From what I understood ---
18 what I could hear, that there was an
19 explosion. He said there was an

20 explosion. And I don't know what
21 else he said, that's all I know. I
22 heard him say there was an explosion.

23 Q. And he directed your
24 evacuation then?

25 A. He told us to get on down the

33

01 track.

02 Q. Okay. And from the time you
03 got on at the mantrip and headed out,
04 what were your observations?

05 A. Like we always did, just
06 looked --- just seen our way out of
07 the mines about as much as we could
08 have until we got out.

09 Q. Was it clear air wherever you
10 hopped on the mantrip?

11 A. It was pretty clear from there
12 on out.

13 Q. So then outside you say
14 ambulances were waiting for you. Did
15 you require any first-aid?

16 A. They wasn't there right when
17 we first got outside, but they were
18 there just a little bit after. I
19 can't tell you how soon or anything
20 like that. When I got to the pit
21 mouth, I sat down out there. And one
22 of the guys I work with, Eric Hess,

23 he went up and got a truck, and I
24 rode up on the back of the truck. I
25 was still pretty disoriented when we

34

01 got out there.

02 Q. Did you require medical

03 attention?

04 A. No.

05 Q. Hoy, did you get sick at all

06 from it, or did you --- did you have

07 to go to the hospital at a later

08 time?

09 A. No, I didn't go to the

10 hospital or anything, but I had

11 trouble breathing for two or three

12 days after that.

13 Q. Did you? So outside, when you

14 got there, was there anyone waiting

15 there to talk to you and ask you what

16 had occurred? Did anybody try to

17 gather any information?

18 A. There was some people out

19 there, but I can't tell you exactly

20 what they said or anything else. I

21 was too busy trying to get my

22 thoughts back together.

23 Q. So how long after you were out

24 there did they give you the

25 assignment to make the calls?

35

01 A. I'd say probably 15 minutes to
02 --- 15 minutes to a half-hour. I
03 done walked back to the maintenance
04 shanty and --- well, it's not the
05 maintenance shanty, it's the
06 maintenance office. Because I went
07 back there --- I'm nosy. I like to
08 find out what's going on. When I
09 went back there and sat down by the
10 phone. Carl came over and he said,
11 Hoy, will you try to call inside
12 every five minutes to get ahold of
13 somebody?

14 Q. Do you think there was any
15 special reason they picked you?

16 A. I was right by the phone, I
17 reckon.

18 Q. Do you ever dispatch, is
19 that ---?

20 A. No.

21 Q. No?

22 A. I don't dispatch. We had
23 dispatchers out in the shanty at the
24 time to listen to communications and
25 call and do stuff, too. He just

36

01 asked me to call every five minutes.

02 Q. Who was the dispatcher that
03 day?

04 A. Flea, Chisolm is his last
05 name. I ain't no good on names
06 today.

07 Q. That's close.

08 A. Flea Chisolm.

09 Q. You say dispatchers; do you
10 mean there was more than one?

11 A. Well, we got a guy out there
12 in the yard, he does yard work and
13 stuff, too. When Flea has to leave
14 the dispatcher shanty, he'll go in
15 there and dispatch while he's out of
16 the dispatcher shanty. They got
17 other jobs to do, too. But we always
18 got one man in there, to phone in at
19 all times.

20 Q. The time that you were calling
21 in every five minutes, what kind of
22 communication were you trying to call
23 on?

24 A. I just called, inside inside,
25 anybody inside?

37

01 Q. On the pager phone?

02 A. On the pager phone.

03 Q. What about the trolley phone?

04 A. No, I never done on it, but I
05 heard Flea call on it a few times,
06 but I don't know how much he called.
07 Sometimes when you call on that pager
08 phone, you can hear on the trolley
09 phone, too.

10 Q. Can you?

11 A. Yeah.

12 Q. Did the whole crew have their
13 SCSRs on?

14 A. As far as I knew they did.

15 Q. Do you know if anybody had any
16 trouble with it functioning properly?

17 A. No, sir, not that I know of.

18 Q. Did you happen to go back in
19 the mine at any time?

20 A. No, sir. I wanted to and they
21 told us no, stay out.

22 Q. Other than working in First
23 Left, have you ever worked in any
24 other area of the mine?

25 A. No, sir. That's the only

38

01 place I ever worked. From right
02 about where the First Left starts
03 into where we are at now.

04 Q. Have you ever been inby that
05 area?

06 A. No, sir, I never have.

07 Q. What about any weekend work?
08 Even on the weekends, have you worked
09 up on Second Left or on the straight?

10 A. I work 14-hour shifts, Monday
11 through Friday.

12 Q. All in One Left?

13 A. All in One Left. And if they
14 needed me, they would call me. I
15 told them if they ever need me call
16 me and I'd come out and work, and
17 they haven't come across that yet.

18 Q. You say you do burning and
19 welding from time to time?

20 A. Yeah, once in a while.

21 Q. Do you do your own gas checks?

22 A. I do or have the boss come and
23 do it.

24 Q. Have you ever detected methane
25 in this mine?

39

01 A. The most I have ever seen in
02 that mine was --- I have seen three-
03 tenths register on the mine a time or
04 two, but it's usually just when he's
05 cutting. It'll just disappear all at
06 once.

07 Q. And that was in the One Left
08 section?

09 A. Yes, in the One Left section.
10 Most of the time if you were wearing
11 a detector, you won't even register
12 any at all.

13 Q. Do you want to add anything
14 that I may have --- that you want to
15 include as far as leaving from the
16 time it happened until you come out
17 or anything?

18 A. Nothing that I know of.

19 MR. O'DONNELL:

20 Okay. Brian, do you
21 have any questions?

22 BY MR. MILLS:

23 Q. Just a couple, Keith. Mr.
24 Keith, the last day you worked, was
25 that ---?

40

01 A. January the 2nd.

02 Q. Before that. Before the
03 weekend.

04 A. This was a holiday weekend. I
05 worked on Thursday morning. I worked
06 out --- approximately 4:30 Thursday
07 evening I got out.

08 Q. Do you have any mine rescue
09 team experience?

10 A. No, sir, I do not.

11 Q. You mentioned while you were

12 outside and making them five-minute
13 calls to the inside, detectors were
14 going off?

15 A. Yeah. That was after a while.
16 I can't tell you exactly what it was.
17 Some of the federal people, I believe
18 it was, that had their detectors, the
19 yellow ones outside. And they was
20 sitting there in the office where I
21 was at and you could hear beep, beep,
22 beep, beep, beep going off. And he
23 said it was getting higher, the
24 concentration.

25 Q. Did he mention any numbers?

41

01 A. No, he didn't mention any
02 numbers.

03 Q. Once this happened, what were
04 you told to do then?

05 A. They told us it was going that
06 we was going have to leave --- first
07 they told us we need to get away from
08 the direct mines, or get away from
09 the direct, there will be a big
10 explosion. And then it was about
11 approximately 1:30 they told us we
12 would have to leave the mine property
13 there.

14 Q. Who told you that?

15 A. It was some of the mine

16 inspectors that was there.

17 Q. Was it somebody from Anker?

18 A. No, Anker didn't tell us. It

19 was some of the mine inspectors that

20 said we would have to leave.

21 MR. MILLS:

22 That's all.

23 BY MR. O'DONNELL:

24 Q. You were on the phone from

25 about what time?

42

01 A. I'd say probably --- just

02 guessing, I'd say probably eight

03 o'clock 'til after 11:00.

04 Q. So you were able to hear any

05 kind of conversations that went on

06 from the underground to the surface

07 in that time. Tell us a little bit

08 about what you heard and what

09 happened.

10 A. Well, the only conversation

11 that I heard on there was Jeff Toler.

12 He called outside and he wanted to

13 speak to somebody outside, and I let

14 one of the inspectors talk to him.

15 And that's the only thing I heard. I

16 never heard the conversation between

17 the two of them.

18 Q. Do you remember the inspector
19 that talked to Toler?

20 A. No, I do not.

21 Q. Was he state or federal?

22 A. I believe he was federal.

23 Q. Do you know any --- what the
24 conversation was about, or ---?

25 A. No, I have no idea of what it

43

01 was about. I know just --- I was
02 calling there and all at once he
03 answered the phone, and he wanted to
04 speak to somebody outside other than
05 me, so I just handed the phone to
06 that inspector.

07 Q. Anything else?

08 A. No, that's all I know, other
09 than that. As long as I was on the
10 phone nobody never did answer me.

11 Q. Did you hear the dispatcher at
12 all have any communications with
13 anyone?

14 A. No, I never heard him have any
15 communications at all.

16 Q. So Flea was pretty much ---
17 you didn't hear from him after that?

18 A. No. I just heard him call on

19 the phone there a few times is all,
20 but never got no response back.

21 Q. Do you know who the designated
22 responsible person is as far as
23 firefighting and evacuation goes?

24 A. Your foreman, I'd say.

25 Q. Let me just ask you a few more

44

01 questions here. Do you recall the
02 last time you had your annual
03 retraining?

04 A. It was sometime last year. I
05 ain't going to say the exact date,
06 because I don't know. I know I had
07 it last year, is all. We had
08 electrical retraining last year, too.

09 Q. Do you know who conducted the
10 training?

11 A. I believe it was Johnny
12 Stemple.

13 Q. Did he do the annual or the
14 electrical?

15 A. He done the annual retraining.
16 And we had another man come in that
17 done the electrical retraining.

18 Q. Do you know who that was?

19 A. I do, but I can't remember his
20 name.

21 MR. O'DONNELL:

22 Let's take a little
23 break. We'll be right back.

24 SHORT BREAK TAKEN

25 BY MR. O'DONNELL:

45

01 Q. Just a few more questions. On
02 the SCSR, let's get into a little bit
03 more about the training. Do you feel
04 --- describe how the SCSR training
05 was done.

06 A. Well, we all got to don our
07 rescue. We got to show how it
08 operates, how you put it on, put your
09 neck straps on, our nose plugs,
10 mouthpiece, activate it. He shows us
11 that in class, and then we got to do
12 it ourselves.

13 Q. You have to do it yourself?

14 A. Yep.

15 Q. Okay. And do they go over
16 when you should first put it on?

17 A. They told us at the first sign
18 of explosion, fire or something like
19 that.

20 Q. It sounds like you did, too?

21 A. Yep.

22 Q. Part of your annual
23 retraining, have they reviewed the

24 evacuation procedures with you,
25 escapeway drills?

46

01 A. Yes, sir.

02 Q. First-aid training?

03 A. First-aid.

04 Q. The mine emergency evacuation
05 and firefighting plan?

06 A. Uh-huh (yes).

07 Q. What about procedures, what to
08 do in case of an explosion?

09 A. Well, that's included in with
10 the training we get outside there.

11 They tell us what to do, where to go
12 barricade if we can't get to fresh
13 air. If we can get to fresh air,
14 head outside.

15 Q. Barricading?

16 A. Barricading was the way out I
17 was taught to do it. We're supposed
18 to get something, like a cement block
19 or something where you could make a
20 solid stopping and seal it to keep
21 any air at all from coming in, and
22 any of the bad gases or anything like
23 that. You're supposed to make it
24 solid. And you're supposed to write
25 out on the outside of it, from what I

47

01 understood, how many men is inside
02 and what time you went in there.

03 Q. Are you qualified to take
04 methane and oxygen tests?

05 A. Yes, sir. I take the test
06 inside the mines.

07 Q. Right.

08 A. Yeah.

09 Q. What kind of detector do you
10 use?

11 A. I can't think of the name of
12 it. I just know how to use it.

13 Q. What color is it?

14 A. It's silver.

15 Q. Okay. And a part of your
16 training, did they discuss with you
17 the hazards related to carbon
18 monoxide?

19 A. Yes, sir, they have.

20 Q. And you already discussed that
21 you are familiar with the primary and
22 secondary escapeways, ---

23 A. Yes, sir.

24 Q. --- and how they're marked?

25 A. Yep.

01 Q. How are they marked?

02 A. Green --- and you got a red

03 flag on the secondary. Green's on
04 the intake.

05 Q. Have you ever walked the
06 escapeway out of the section?

07 A. I've walked it part of the
08 way. I never walked it all the way.
09 We ride the secondary way out every
10 day in and out.

11 Q. Right. So you have
12 participated in escapeway drills?

13 A. Yeah.

14 Q. What about fire drills?

15 A. I have been --- I would say
16 probably two months since we've have
17 fire drill in the section.

18 Q. Two months?

19 A. Approximately.

20 Q. And who usually has those?

21 A. Our section boss.

22 Q. Okay. Does the whole crew
23 participate?

24 A. The whole crew participates.

25 We always got a job to do. We got

49

01 one man that goes to the phone and
02 stays by the phone, like it's the
03 real deal.

04 Q. Okay.

05 A. Just like it's a real fire or

06 something, you got one man that goes
07 to the phone and stays there.

08 Q. When's the last time you had a
09 smoke search?

10 A. I believe it was about two
11 weeks prior to the accident.

12 Q. And do you get those
13 regularly, or ---?

14 A. It's random. You don't know
15 when you're going to get it.
16 Sometimes maybe you go a week,
17 sometimes two weeks, because it's
18 usually --- they'll come out and pat
19 you down and everything for it. Open
20 your dinner bucket sometimes.

21 Q. Okay. And when you have the
22 fire drill, what's your function,
23 what's your job they usually give
24 you?

25 A. Well, mine's is to get the

01 tools and stuff there to break
02 waterlines with and stuff like that.

03 Q. Okay. Have you ever found any
04 smoking articles underground?

05 A. Not at this mine I haven't.

06 Q. Okay.

07 A. And I better never either.

08 BY MR. MILLS:

09 Q. Just one question. During
10 your annual retraining, do you have
11 any hands-on training with methane
12 detectors?

13 A. Yeah. We've got a regular
14 place. We put our detector up and
15 check. We've got to go over and tell
16 the functions of it.

17 Q. Okay. Do you know what time
18 of the day it was when you first felt
19 the explosion, the force of it?

20 A. It was probably, approximately
21 6:30. The reason I'm saying that is
22 because from the time we leave
23 outside, it takes us approximately 30
24 minutes --- 25 to 30 minutes to get
25 to the One Left switch.

51

01 Q. Okay. And Owie Jones is your
02 foreman?

03 A. Yes, sir.

04 Q. As you felt the explosion and
05 you got out of the mantrip, is that
06 when he called the dispatcher?

07 A. As soon as he got out of the
08 mantrip. Or he didn't get out, he
09 got bumped out of the mantrip,
10 because he tried to stand up, and

11 when he did, the wind knocked him off
12 the mantrip. As soon as we all got
13 out of there, he got on the phone as
14 soon as --- well, he heard the phone,
15 somebody talking on it, and he went
16 right straight to the phone.

17 BY MR. O'DONNELL:

18 Q. Has anyone offered you
19 anything or made a promise to you in
20 exchange for you appearing here
21 today?

22 A. No, sir.

23 Q. Hoy, do you have anything that
24 you'd like to add that may be
25 relevant to the investigation?

52

01 A. No, sir, nothing like that.
02 The only thing I'd like to see is get
03 better communication in the mines and
04 more rescuers on the section,
05 something for you to have a little
06 more air.

07 MR. O'DONNELL:

08 On behalf of MSHA, I
09 want to thank you for
10 appearing and answering
11 questions today. Your
12 cooperation is very important

13 to the investigation as we
14 work to determine the cause of
15 the accident.

16 We ask that you not
17 discuss your testimony with
18 any person who may have
19 already been interviewed, or
20 who may be interviewed in the
21 future. This will ensure that
22 we obtain everyone's
23 independent recollection of
24 the events surrounding the
25 accident.

53

01 After questioning other
02 witnesses, we may call you if
03 we have any follow-up
04 questions that we feel we may
05 need to ask you. If at any
06 time you have any additional
07 information regarding the
08 accident that you'd like to
09 provide us, please contact us
10 at the contact information
11 that we gave you earlier.

12 The Mine Act provides
13 certain protections to miners
14 who provide information to
15 MSHA and as a result are

16 treated adversely. If at any
17 time you believe that you've
18 been treated unfairly because
19 of your cooperation in this
20 investigation, you should
21 immediately notify MSHA.

22 If you wish, you may
23 now go back over any answer
24 you may have given during this
25 interview, and you may also

54

01 make a statement that you'd
02 like to make at this time.

03 A. I have nothing else to add
04 that I know of right now. But if you
05 have any other questions, give me a
06 call.

07 MR. O'DONNELL:

08 We'll be glad to.

09 Again, Hoy, thank you for your
10 cooperation. We appreciate
11 you coming forward.

12

13

14 * * * * *

15 SWORN STATEMENT

16 CONCLUDED AT 4:00 P.M.

17 * * * * *

18

19

20

21

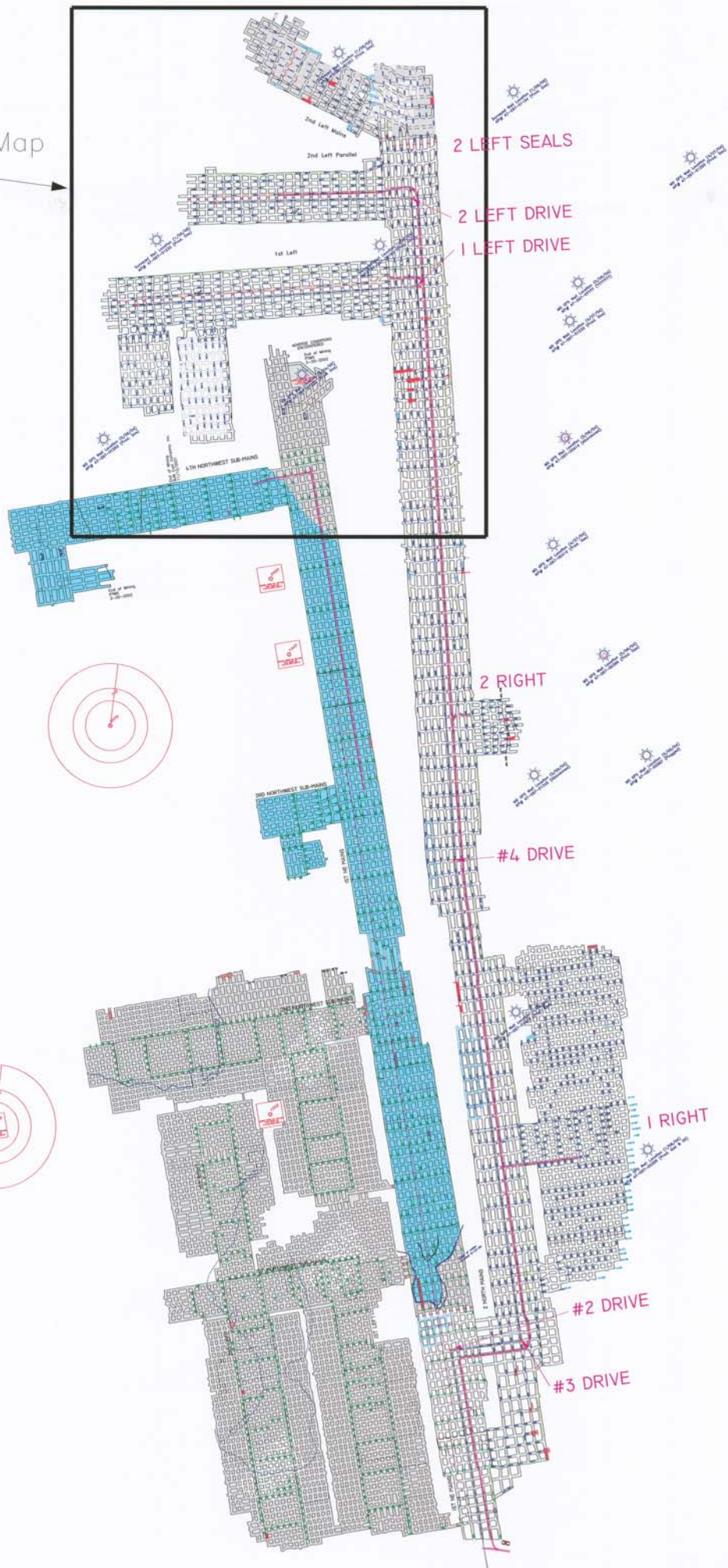
22

23

24

25

Area Shown on Map
Scale: 1"=100'



Scale: 1" = 300'