

STATEMENT UNDER OATH

OF

ALTON RAY WAMSLEY

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the U.S. Bankruptcy  
Court, 324 West Main Street,  
Clarksburg, West Virginia, on  
Tuesday, February 14, 2006, at 1:52  
p.m.

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

## 1                   A P P E A R A N C E S

2

3       JAMES BROOKS CRAWFORD, ESQUIRE

4       Senior Trial Attorney

5       Mine Safety and Health Division

6       U.S. Department of Labor

7       Office of the Solicitor

8       1100 Wilson Boulevard

9       Suite 2231

10      Arlington, VA 22209-2296

11

12      JOSEPH R. O'DONNELL, JR.

13      Supervisory Coal Mine S&amp;H Inspector

14      U.S. Department of Labor

15      Mine Safety &amp; Health Administration

16      District 11

17      3867 Pine Lane, Suite 205

18      Bessemer, AL 35022

19

20      JOHN COLLINS

21      West Virginia

22      Miners' Health, Safety &amp; Training

1 One South Tenney Drive

2 Buckhannon, WV 26201

3

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

5

6 DAVE STUART

7 1507 Stonehenge Road

8 Charleston, WV 25214

9

10 JOSEPH YUHAS, ESQUIRE

11 P.O. Box 1025

12 Northern Cambria, PA 15714

13

14

15

16

17

18

19

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

INTRODUCTION 6 - 17

WITNESS: ALTON RAY WAMSLEY

QUESTIONS

By Mr. O'Donnell 17 - 64

By Mr. Collins 65 - 68

By Mr. O'Donnell 68 - 86

CERTIFICATE 87

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

EXHIBIT PAGE

PAGE

| <u>NUMBER</u> | <u>DESCRIPTION</u> | <u>IDENTIFIED</u> |
|---------------|--------------------|-------------------|
| One           | Map of mine        | 48                |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

P R O C E E D I N G S

-----

MR. O'DONNELL:

My name is Joe

O'Donnell. I'm an accident  
investigator with the Mine  
Safety & Health  
Administration, an agency of  
the United States Department  
of Labor. With me is James B.

1 Crawford from the Solicitor's  
2 office, John Collins and David  
3 Stuart with the West Virginia  
4 Office of Mine Safety Health  
5 and Safety Training (sic).

6 I've been assigned to  
7 conduct an investigation into  
8 the accident that occurred at  
9 the Sago Mine on January the  
10 2nd, 2006, in which 12 miners  
11 died and one was injured. The  
12 investigation is being  
13 conducted by MSHA and the West  
14 Virginia Office of Miners'  
15 Health, Safety & Training to  
16 gather information to  
17 determine the cause of the  
18 accident, and these interviews  
19 are an important part of the  
20 investigation.

21 At this time, the  
22 accident investigation team



1           intends to interview a number  
2           of people to discuss anything  
3           that may be relevant to the  
4           cause of the accident. After  
5           the investigation is  
6           completed, MSHA will issue a  
7           written report detailing the  
8           nature and causes of the  
9           accident.

10                         MSHA accident reports  
11           are made available to the  
12           public in the hope that  
13           greater awareness about the  
14           causes of accidents can reduce  
15           their occurrence in the  
16           future. Information obtained  
17           through witness interviews is  
18           frequently included in these  
19           reports. Your statement may  
20           also be used in other  
21           enforcement proceedings.

22                         I would like to thank

1           you in advance for your  
2           appearance here. We  
3           appreciate your assistance in  
4           this investigation. The  
5           willingness of miners and mine  
6           operators to work with us is  
7           critical to our goal of making  
8           the nation's mines safer. We  
9           understand the difficulty for  
10          you in discussing the events  
11          that took place, and we  
12          greatly appreciate your  
13          efforts to help us understand  
14          what happened.

15                        This interview with Mr.  
16          Wamsley is being conducted  
17          under Section 103(a) of the  
18          Federal Mine Safety & Health  
19          Act of 1977 as part of an  
20          investigation by the Mine  
21          Safety & Health Administration  
22          and the West Virginia Office

1 of Miners' Health, Safety &  
2 Training into the conditions,  
3 events and circumstances  
4 surrounding the fatalities  
5 that occurred at the Sago  
6 Mine, owned by International  
7 Coal Group in Buckhannon, West  
8 Virginia, on January the 2nd,  
9 2006. This interview is being  
10 conducted at the U.S.  
11 Bankruptcy Court in  
12 Clarksburg, West Virginia on  
13 February 14th, 2006.

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

22 Mr. Wamsley, the

1 interview will begin by my  
2 asking you a series of  
3 questions. If you do not  
4 understand a question, please  
5 ask me to rephrase it. Feel  
6 free at any time to clarify  
7 any statements that you make  
8 in response to the questions.

9 After we have finished  
10 asking questions, you will  
11 also have an opportunity to  
12 make a statement of and  
13 provide us with any other  
14 information that you believe  
15 may be important.

16 If at any time after  
17 the interview you recall any  
18 additional information that  
19 you believe may be useful in  
20 the investigation, please  
21 contact Mr. Richard Gates at  
22 the phone number or e-mail

1 address provided to you.

2 Your statement is  
3 completely voluntary. You may  
4 refuse to answer any question  
5 and you may end the interview  
6 at any time. If you need a  
7 break for any reason, please  
8 let me know.

9 A court reporter will  
10 record your interview and will  
11 later produce a written  
12 transcript of the interview.  
13 Please try and respond to all  
14 questions verbally, since the  
15 court reporter cannot record  
16 nonverbal responses. And  
17 also, please try to keep your  
18 voice up. Copies of the  
19 written transcripts will be  
20 made available at a later  
21 time.

22 If any part of your

1 statement is based not on your  
2 own first-hand knowledge but  
3 on information that you  
4 learned from someone else,  
5 please let us know. Please  
6 answer each question as fully  
7 as you can, including any  
8 information that you have  
9 learned from someone else.

10 We may not ask the  
11 right question to learn the  
12 information that you have, so  
13 don't feel limited by the  
14 precise question asked. If  
15 you have information about the  
16 subject area of a question,  
17 please provide us with that  
18 information.

19 At this time, Mr.  
20 Collins, do you have anything  
21 that you'd like to add on  
22 behalf of the State of West

1 Virginia?

2 MR. COLLINS:

3 Yes. Mr. Wamsley, the  
4 West Virginia Office of  
5 Miners' Health, Safety &  
6 Training is conducting this  
7 interview session jointly with  
8 MSHA and is in agreement with  
9 the procedures outlined by Mr.  
10 O'Donnell for these interviews  
11 that will be conducted here  
12 today.

13 But the Director  
14 reserves the right, if  
15 necessary, to call or subpoena  
16 witnesses or require the  
17 production of any records,  
18 documents, photographs or  
19 other relevant material  
20 necessary to conduct this  
21 investigation. And here also  
22 is a number if you have

1 additional information or  
2 questions.

3 MR. O'DONNELL:

4 Mr. Wamsley, are you  
5 aware that you may have a  
6 personal representative  
7 present during the taking of  
8 this statement?

9 MR. WAMSLEY:

10 Yeah.

11 MR. O'DONNELL:

12 And do you have a  
13 representative present with  
14 you here today?

15 MR. WAMSLEY:

16 Yes, Joe.

17 MR. O'DONNELL:

18 Okay. Has anyone  
19 suggested to you that you use  
20 this representative?

21 MR. WAMSLEY:

22 No.



1                   MR. O'DONNELL:

2                   Are you aware that your  
3                   representative may have a  
4                   conflict of interest in  
5                   representing you while being  
6                   provided by someone else?

7                   MR. WAMSLEY:

8                   I don't understand that  
9                   one.

10                  MR. O'DONNELL:

11                  Do you know that the  
12                  representative you have, there  
13                  may be a conflict of interest  
14                  in representing you, being  
15                  paid by somebody else, ---

16                  MR. WAMSLEY:

17                  No.

18                  MR. O'DONNELL:

19                  --- such as the  
20                  company? With this  
21                  understanding, do you still  
22                  want this person as your

1                   representative?

2                   MR. WAMSLEY:

3                   Yes.

4                   MR. O'DONNELL:

5                   Okay.

6                   MR. STUART:

7                   May I ask a couple  
8                   clarifying questions?

9                   MR. O'DONNELL:

10                  Okay.

11                  MR. STUART:

12                  Sir, is it your  
13                  understanding that Mr. Yuhas  
14                  represents you here today?

15                  MR. WAMSLEY:

16                  Yes.

17                  MR. STUART:

18                  Is it your  
19                  understanding that he does not  
20                  represent the interests of  
21                  your employer?

22                  MR. WAMSLEY:

1                   Yeah.

2                   MR. STUART:

3                   Is it your  
4                   understanding that he does not  
5                   represent the interests of  
6                   some other entity who may have  
7                   an interest in these  
8                   proceedings, such as, for  
9                   example, United Mine Workers?

10                  MR. WAMSLEY:

11                  Yeah.

12                  MR. STUART:

13                  Okay. That's all I  
14                  have.

15                  MR. CRAWFORD:

16                  And I might ask for the  
17                  record, does Mr. Yuhas agree  
18                  with that representation?

19                  ATTORNEY YUHAS:

20                  Do I agree to represent  
21                  ---?

22                  MR. CRAWFORD:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

The representation as indicated by Mr. --- his questions that were just ---?

ATTORNEY YUHAS:

Yes. I don't represent the interests of the company or any other organization other than the individual.

MR. CRAWFORD:

Thank you.

MR. O'DONNELL:

Have you been pressured in any way to accept this person as your representative?

MR. WAMSLEY:

No.

MR. O'DONNELL:

Okay. Thank you.

Would you like to swear in the witness?

-----  
ALTON RAY WAMSLEY, HAVING FIRST BEEN

1 DULY SWORN, TESTIFIED AS FOLLOWS:

2 -----

3 BY MR. O'DONNELL:

4 Q. Could you please state your  
5 full name and spell your last name?

6 A. Alton Ray Wamsley,  
7 W-A-M-S-L-E-Y.

8 Q. And your address and telephone  
9 number, please?

10 A. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 Q. Okay. Thanks. Are you  
15 appearing here voluntarily today?

16 A. Yes.

17 Q. How many years of mining  
18 experience do you have?

19 A. Since 1981.

20 Q. And what have you done since  
21 you worked in the mine? I mean, just  
22 a brief description, a couple

1 companies you've been with.

2 A. First started out helping on  
3 the miner for Continental Coal. And  
4 then for Bass Energy I ran buggy,  
5 bolter, worked belts. Do you need  
6 more?

7 Q. How long have you worked for  
8 Sago?

9 A. Two years.

10 Q. Two years. And what have you  
11 done at Sago since you've been there?

12 A. Roof bolter.

13 Q. Okay. And you were a roof  
14 bolter on January the 2nd?

15 A. Yes.

16 Q. Okay. Have you always worked  
17 in the One Left section or ---?

18 A. No.

19 Q. Where else have you worked in  
20 the mine?

21 A. I started out, whenever they  
22 changed us around, on the Two Left

1 for about three days, and then got  
2 transferred to the One Left.

3 Q. Okay. So you've been a roof  
4 bolter your whole time at Sago?

5 A. Yes.

6 Q. And what kind of mining  
7 certificates do you have?

8 A. EMT, mine foreman, and that's  
9 about it.

10 Q. From West Virginia or ---?

11 A. Yes.

12 Q. Any other states?

13 A. No.

14 Q. And who's your supervisor?

15 A. Owen Jones.

16 Q. Owen Jones. How long has he  
17 been your supervisor?

18 A. Pretty close to two years.

19 Q. And were you working the day  
20 of the accident?

21 A. Yes.

22 Q. Okay. Just tell me, you got

1 to the mine, got dressed in the  
2 bathhouse, and from there until the  
3 time you left the property.

4 A. Well, we went in --- we always  
5 go in and get a cup of coffee in the  
6 mornings. And I noticed it was five  
7 'til 6:00 and there was four of us  
8 standing there. And I said, well, we  
9 better go because everybody else is  
10 gone. When we got down there to get  
11 on the mantrip, Owen got one too  
12 small for all the men that he had to  
13 haul. So he had --- everybody had to  
14 unload. He had to go back and get  
15 another one. And the other crew was  
16 already gone by the time we got down  
17 there.

18 And from there to One Left,  
19 you know, it was just riding in.  
20 Roger Perry got out to throw the  
21 switch to go into One Left, and Owen  
22 told him to get that ladder that was



1        laying there so we could take it with  
2        us.    And just as soon as he got back  
3        in and we got ready to go, that's  
4        when it happened.

5                    And as soon as it, the debris  
6        and stuff, the wind quit blowing, we  
7        all got out and felt our way along to  
8        --- the only one I can remember I was  
9        with was Eric Hess.    How I got with  
10       him I don't have any idea, because he  
11       was in the other end of the mantrip.  
12       And we went through the first door,  
13       and I told him, I said, it's too hot  
14       in here.    I said, we got to go back.  
15       And we got back over there and run  
16       into Joe and Doc Anderson.    We  
17       already had our rescuers on at that  
18       time.    And they looked to me like  
19       they was in shock.    And I helped them  
20       get theirs on, me and Eric did.

21                    And we heard people yelling,  
22        there's a phone down here.    Couldn't

1 see anything. And we all went to the  
2 phone. And from there, we went into  
3 the intake. And me, Owen, --- these  
4 names is hard to remember now. Hoy  
5 Keith, Gary Carpenter, Randy Helmick  
6 and Gary Rowan was in a group  
7 talking. And where the rest of them  
8 was, I don't have any idea. I know  
9 we all went in there. But as soon as  
10 we got in there, they all took off.

11 And Owen was saying that he  
12 had to go back after his brother, and  
13 we was trying to get him to come with  
14 us. And I got two of the other guys  
15 to put their rescuers on there. And  
16 we told Owen if he was going to stay,  
17 stay at the phone, where he could  
18 stay in contact with the outside.  
19 But he wouldn't come with us. And we  
20 was having trouble with Hoy Keith.  
21 He was having some breathing  
22 problems, and he was sick that

1 morning. So the four of us stayed  
2 with him.

3 He kept wanting to sit down  
4 and told us to go ahead and leave  
5 him, and we wouldn't do it. And I  
6 was getting a little concerned  
7 because he kept more and more wanting  
8 to sit down. And I told him, I said,  
9 let me go ahead and stop the rest of  
10 the guys in case we have to carry  
11 Hoy. Because Hoy is pretty big.  
12 He's bigger than I am. There was no  
13 way four of us could carry him from  
14 there outside.

15 And I caught up with the rest  
16 of them, and we heard a mantrip  
17 coming in. And we went through the  
18 door at the stopping, over to the  
19 track and stopped them and got on it  
20 and went outside. And we picked up  
21 two guys along the way that got way  
22 ahead of us, I'd say 20 blocks ahead

1 of us. They came through. They  
2 heard the mantrip and they came  
3 through and got on and we went out.

4 And I guess around 7:24 is  
5 when we got out, because I looked at  
6 my watch when I first seen the  
7 outside. And after --- you said  
8 until I left the property?

9 Q. Uh-huh (yes).

10 A. Well, I helped them set up  
11 tables for the mine rescue team. And  
12 they wanted somebody to go out there  
13 and stop reporters and anybody that  
14 didn't have any business coming  
15 through the gate, so I volunteered  
16 for that. And I stayed out there  
17 until they told us to leave.

18 Well, I brought Jerry Groves'  
19 wife in. She came up to the gate and  
20 I brought her in. And I stayed out  
21 there until they told us to leave.

22 Q. When was that, about what

1 time?

2 A. That, I don't have any idea.  
3 There's only two times I can remember  
4 that morning.

5 Q. Let's go back to when you  
6 started that day. So you say you got  
7 to the mine at what time?

8 A. Around 5:30, 5:35.

9 Q. Okay. And after you got  
10 dressed and got yourself together for  
11 the shift and all that, did you  
12 happen to go into the dispatcher's  
13 office?

14 A. Yeah, to get a spotter.

15 Q. And who was the dispatcher  
16 that day?

17 A. We call him Flea, Chisolm. I  
18 don't really know his real name.  
19 That's all I know him by.

20 Q. Do you remember if the belts  
21 were running. I know he has a screen  
22 there.

1 A. No, I don't remember.

2 Q. And what about any CO alarms  
3 or anything unusual?

4 A. Uh-uh (no). Don't remember  
5 nothing like that. I just went in,  
6 got my methane detector, checked it  
7 and ---.

8 Q. What kind of methane detector  
9 do you have?

10 A. I carry a 102LD.

11 Q. That's the one with the ---  
12 how do you check for gas with that?  
13 It's not a continuous readout; right?

14 A. No. You just got to press the  
15 test button.

16 Q. Okay.

17 A. Put it in a probe and ---.

18 Q. So nothing unusual that day,  
19 go down over the hill?

20 A. Other than the lightning. I  
21 noticed the lightning. And when I  
22 walked out of my house to go to work

1        --- see, we just moved closer to the  
2        mines. When I walked out, I thought  
3        I could hear the fan running, and  
4        that was unusual. You know, the wind  
5        was, I guess, blowing from that  
6        direction. It seemed like I could  
7        hear the fan running at the mines  
8        five miles away. And I noticed  
9        lightning when I left my house.

10       Q.        So then you go down over the  
11       hill, right, hop on the mantrip?

12       A.        Yeah.

13       Q.        Switch --- go ahead, tell me  
14       what happened.

15       A.        We switched mantrips. We was  
16       all kind of grumbling. I mean, you  
17       get down there, you're ready to go,  
18       you want to go.

19       Q.        Now, you say the other crew  
20       was ahead of you?

21       A.        Yeah. They wasn't even there.  
22       They're usually sitting there when

1 both crews load up, but they had  
2 already took off.

3 Q. And you have a trolley phone.  
4 Do you ever just yak back and forth  
5 with them on them while you're going  
6 in?

7 A. No.

8 Q. No? Okay. So you head into  
9 the section. Did you have any extra  
10 people on that day?

11 A. Yeah.

12 Q. And did you make any stops on  
13 the way in?

14 A. Yes. We made two.

15 Q. And who were those extra  
16 people?

17 A. John Boni and Pat Boni. I'm  
18 pretty sure we let John Boni off at  
19 One Right switch. And Pat, he gets  
20 off the same place every day, and I  
21 don't know where it is. He gets off  
22 at one of the belt heads.



1 Q. So at the switch you say that  
2 Mr. Perry got a ladder?

3 A. Yeah.

4 Q. A stepladder, a ---?

5 A. Yes, a stepladder.

6 Q. And did he put it on the  
7 mantrip or what did he do with it?

8 A. As far as I knew he did. I  
9 didn't see him put it on there. Owen  
10 just told him to get it.

11 Q. Oh, okay.

12 A. Now, whether he did or not, I  
13 don't know.

14 Q. And he got back in the  
15 mantrip, and that's ---?

16 A. Yeah. Because that was all  
17 happening on the other end. I was  
18 facing outby. They was all on the  
19 inby end.

20 Q. You were facing outby?

21 A. Yeah.

22 Q. And then the explosion

1 occurred?

2 A. Yeah.

3 Q. You say you felt heat?

4 A. Yes. I started sweating.

5 Q. What kind of heat?

6 A. It just got real hot.

7 Q. Did you hear anything?

8 A. It just sounded like an air  
9 change for just a second, and then it  
10 just --- stuff seemed like it was  
11 spewing down over us.

12 Q. How long did it last?

13 A. It seemed like forever.

14 Probably about ten seconds. Eight to  
15 ten seconds.

16 Q. Did it stay the same  
17 intensity?

18 A. It started out real slow and  
19 then got more and more violent until  
20 it quit. Then it was just like real  
21 unbreathable smoke. And I heard  
22 somebody holler, yell, put your

1 shirts up over your mouth until you  
2 can get your rescuers on.

3 Q. Who was that; do you know?

4 A. I believe it was Owen.

5 Q. And did you notice any of the  
6 detectors going off?

7 A. No.

8 Q. No alarms?

9 A. No.

10 Q. Anybody's other than your own,  
11 because you had to press your button,  
12 then it would be a continuous ---?

13 A. Well, Owen's the only one that  
14 carries one that alarms.

15 Q. Okay. So you said you didn't  
16 hear anything at all, huh?

17 A. No.

18 Q. What about seeing anything  
19 other than ---?

20 A. I didn't see anything, no.

21 Q. What was the smoke like?

22 A. Like I said, it was real

1       unbreathable.    It seemed like it was  
2       a yellowish-brown, from what I could  
3       tell.

4       Q.            What did it smell like?

5       A.            I never smelled anything like  
6       it before.

7       Q.            Did it smell like --- you know  
8       what coal smells like burning.

9       A.            No, it didn't smell like coal.  
10      What was on our clothes was like an  
11      oil, gas smell, from a gas well.

12     Q.            You mean the stuff that  
13     natural gas smells like?

14     A.            Yeah.

15     Q.            That odorizing agent, is that  
16     what you mean?

17     A.            Yeah.

18     Q.            That smell?

19     A.            That's what was on our clothes  
20     and stuff.    But the smoke was really  
21     --- it was really unbreathable.    I  
22     just tried to take short breaths

1       until I got my rescuer on. As far as  
2       I can remember, I'm the first one  
3       that put my rescuer on.

4       Q.       Did you put it on inside the  
5       mantrip or outside of the mantrip?

6       A.       Outside. As soon as me and  
7       Eric went in that one door, the first  
8       man door we came to, we went into the  
9       intake and I told him, I said, it's  
10      too hot in here, I said, but I'm  
11      going to put my rescuer on here. And  
12      I helped him get his on.

13      Q.       So you had to get out of the  
14      mantrip and then travel a break or  
15      two?

16      A.       Yeah.

17      Q.       Before you put your rescuer  
18      on?

19      A.       Uh-huh (yes).

20      Q.       Okay. And did you have any  
21      trouble getting it on?

22      A.       No.

1 Q. How did you start it?

2 A. Just by pulling down on the  
3 thing like you're trained to do.

4 Q. Okay. Yeah. Because there's  
5 two ways to start it. I just wanted  
6 to know which one ---.

7 A. Yeah.

8 Q. And you had no problem blowing  
9 it up and ---

10 A. No.

11 Q. --- getting her going?

12 A. No. It activated right now.

13 Q. But you say it was real hot.  
14 Did it stay the same --- did the heat  
15 feel the same from when the explosion  
16 occurred? Did it stay that kind of  
17 temperature or was it like hotter  
18 than and then cooled off, but it  
19 still was still pretty warm?

20 A. It seemed like it was that  
21 hot.

22 Q. Did it?

1 A. Yeah. And then like I said,  
2 when we went through that stopping,  
3 that man door, it was a lot hotter in  
4 there than what it was over on the  
5 track.

6 Q. So it was hotter over on the  
7 return side?

8 A. On the intake side.

9 Q. Or on the intake side?

10 A. Yeah.

11 Q. I'm sorry. Hotter on the  
12 intake side?

13 A. Yeah.

14 Q. Like a humid heat?

15 A. Yeah. You could just feel the  
16 heat. And I told Eric, I said, we  
17 got to get out of here. We can't go  
18 down this way.

19 Q. So how far did you --- what  
20 did you do? You hopped in that door.  
21 You said it was hot, so you stayed on  
22 the track?

1 A. Yeah, we went back over to the  
2 track. And that's when I --- like I  
3 said, just like Joe and --- Joe Ryan  
4 and Doc Anderson walked out of a  
5 cloud of smoke. I mean, here they  
6 appeared to us. And it looked like  
7 they was both in shock. They didn't  
8 know what to do, where to go or  
9 anything. That's the way they looked  
10 to me.

11 Q. Is there some reason why you  
12 didn't take the mantrip?

13 A. No.

14 Q. I mean, I'm just asking.

15 A. Everybody was just bailing  
16 out. They wanted to get out.

17 Q. Did you notice anything on the  
18 track as you were walking out?

19 A. Yeah. There was blocks, oil  
20 cans ---.

21 Q. I know it was hard to see.

22 A. I was tripping over them.



1 Q. How far do you think you got  
2 out before you could get into the  
3 intake?

4 A. I would say the next man door.  
5 I have no idea. I mean, ---.

6 Q. But you got through a man  
7 door?

8 A. Yeah.

9 Q. And then on to the other side?  
10 How did you guys know that everybody  
11 was there?

12 A. Well, ---.

13 Q. I mean, did you take a head  
14 count? Was somebody in charge?

15 A. I don't know.

16 Q. Okay.

17 A. Because whenever I went  
18 through the door, some of them had  
19 already took off. I could hear  
20 somebody down in front of us  
21 hollering, come this way.

22 Q. So you said you helped a

1 couple of the guys get their SCSRs  
2 on?

3 A. Yeah.

4 Q. Did they have any trouble with  
5 theirs?

6 A. No. Just one. Hoy Keith's  
7 didn't activate.

8 Q. It didn't activate?

9 A. No. We tried and tried and  
10 tried, and it wouldn't.

11 Q. You pulled the bottom on  
12 it ---

13 A. Yeah.

14 Q. --- and it did not activate?

15 A. Wouldn't come on, no.

16 Q. So how did you get it going?

17 A. We didn't. We was in fresh  
18 air by that time, pretty fresh air.  
19 You could still see a lot of smoke  
20 and dust, I guess is what it was.

21 Q. So Hoy never really had the  
22 advantage of the SCSR?

1 A. No.

2 Q. Ah, okay. Was that the only  
3 one you know of that didn't work?

4 A. That I know of, yes. I was  
5 told other ones didn't, but that's  
6 the only one that I know of.

7 Q. Well, I mean, you personally  
8 know of.

9 A. Yeah.

10 Q. You pulled it yourself and it  
11 didn't activate; is that right?

12 A. I helped him get it on, around  
13 his neck, nose clips on, everything.  
14 I pulled the thing and it didn't  
15 activate.

16 Q. Did he try blowing into it to  
17 get it going?

18 A. No. I don't even know if he  
19 had enough wind to do that.

20 Q. Okay. So then you made it ---  
21 you continued down the intake until  
22 what point did you try to get out

1 onto the track?

2 A. Well, there was a scoop  
3 charger there. I'm thinking it was  
4 24 blocks is what I'm thinking in my  
5 head.

6 Q. So did the whole group --- was  
7 the air clear down there?

8 A. Pretty much, yeah.

9 Q. Did you guys keep your  
10 self-rescuers on or did you take them  
11 off?

12 A. On. Until I got almost  
13 outside, I kept mine on.

14 Q. You says you met a mantrip?

15 A. Yeah.

16 Q. Was that as soon as you got  
17 out of the intake?

18 A. No. We heard him coming.  
19 Somebody went over to the door and  
20 yelled at them to stop, flagged them  
21 or whatever.

22 Q. Who was on that trip?

1       A.       The maintenance foreman, a  
2       mechanic, safety director and the  
3       superintendent.

4       Q.       And when your crew loaded up,  
5       did all four of you go out with ---  
6       did those four people go out with you  
7       or did somebody stay in the mine?

8       A.       The safety director and the  
9       superintendent stayed.

10      Q.       And who went out with you  
11      then?

12      A.       The maintenance foreman and  
13      mechanic.

14      Q.       That would be who?

15      A.       Dick Wilfong and Vern Hofer.

16      Q.       Okay. Did you pick anybody  
17      else up along the way?

18      A.       Ron Grall and Paul Avington.  
19      That's the two that got way ahead of  
20      us.

21      Q.       So they were already down the  
22      track?

1 A. Yeah. They was probably 10 or  
2 20 blocks ahead of us.

3 Q. Okay.

4 A. I'm thinking we picked them up  
5 like at 10 block and we was at 24.

6 Q. Were you hurt in any way? Did  
7 you have any injuries?

8 A. No.

9 Q. Or did you ever get sick from  
10 it?

11 A. No.

12 Q. Did you get any treatment when  
13 you got outside?

14 A. No.

15 Q. Did you walk up the hill or  
16 what did you ---?

17 A. Yeah, at a pretty fast pace.

18 Q. Was it still raining out?

19 A. It wasn't raining yet.

20 Q. No?

21 A. Uh-uh (no). Or I couldn't  
22 tell if it was raining.

1 Q. Did you see anybody else  
2 outside other than the crew that you  
3 evacuated the mine with?

4 A. You're asking me names, and I  
5 don't know the names of some of these  
6 guys.

7 Q. No. I mean, did you see any  
8 people out there in the pit mouth  
9 when you got outside?

10 A. No.

11 Q. So you went up over the hill,  
12 though. Did you get --- did anybody  
13 talk to you and ask you what  
14 happened?

15 A. Flea. And we told him, you  
16 know, and it was pretty much chaotic  
17 after that. You know, it's just a  
18 blur after that.

19 Q. So you got out. Did the EMTs  
20 check you out or anything at that  
21 time?

22 A. No.

1 Q. Were they outside there yet?

2 A. Not yet. They was on their  
3 way. He had told us that --- Flea  
4 told us that they was on their way.  
5 They had already been contacted.

6 Q. So after that, what happened  
7 then? You got --- did you take a  
8 shower?

9 A. No, not until that evening.

10 Q. Did you observe any of the  
11 officials that got there, the command  
12 center, the mine rescue team  
13 arrivals, any of that, were you there  
14 when all that happened?

15 A. Yeah. The state inspectors I  
16 can remember coming in was John, Jeff  
17 Bennett and Berry Fletcher. There  
18 was one federal inspector there that  
19 I knew, that was Pat Vanover. The  
20 rest of them, you know, I don't know.

21 Q. Did you have any involvement  
22 in any of that mine activity, the



1 rescue and recovery or anything like  
2 that, ---

3 A. No.

4 Q. --- other than going to the  
5 gate and taking care of the entrance?

6 A. No.

7 Q. Okay.

8 A. No. I'd go over there every  
9 once in a while, back and forth to  
10 get a cup of coffee or something.  
11 But there was somebody else there,  
12 helping me to keep people out.

13 MR. O'DONNELL:

14 John, do you have any  
15 questions up 'til now?

16 MR. COLLINS:

17 No, not up 'til now.

18 MR. O'DONNELL:

19 Okay.

20 BY MR. O'DONNELL:

21 Q. When you were inside, do you  
22 remember any --- if there was any

1 conversation over the mine pager  
2 phone system or --- well, let's just  
3 start on that one. Do you know of  
4 any calls that were made or received  
5 or heard any squawking on the phone?

6 A. You mean the mantrip phone or  
7 the mine phone?

8 Q. The mine phone, the pager  
9 phone.

10 A. Somebody was hollering inside,  
11 inside, inside. That's how we knew  
12 there was a phone close by to where  
13 we was, and we started walking.

14 Q. Okay. So you couldn't see it?

15 A. No.

16 Q. And everybody was trying to  
17 --- how did you know where to go?  
18 How did you ---?

19 A. I just felt my way along the  
20 rib. I mean, ---

21 Q. Okay.

22 A. --- somebody said, here's the

1 rib, and you just felt your way until  
2 you could see a little bit.

3 Q. And someone was calling  
4 inside?

5 A. Yeah.

6 Q. Do you know who it was?

7 A. No.

8 Q. And who answered the phone?

9 A. As far as I know, Owen did.

10 Q. And did you hear any of the  
11 conversation?

12 A. No.

13 Q. Not at all, none of it?

14 A. No. All of us kind of went on  
15 by and went over and got in the  
16 intake.

17 Q. Let's go back to the trolley  
18 phone on the mantrip. Do you recall  
19 any kind of conversations that you  
20 heard over that?

21 A. No.

22 Q. Any paging or ---?

1 A. No.

2 Q. No one?

3 A. Uh-uh (no).

4 Q. Okay. How about  
5 walkie-talkies? Did anybody have a  
6 walkie-talkie?

7 A. Paul Avington did.

8 Q. Okay.

9 A. You mean the two-way radios  
10 that we carry?

11 Q. Yeah. Yeah. Yeah, the  
12 section walkies.

13 A. Yeah. As far as I know, he's  
14 the only one that had one.

15 Q. Do you know if he used it at  
16 all?

17 A. No, I don't, no.

18 Q. Okay. Did it ever cool off at  
19 all? I mean, I know it did as you  
20 got out further. But up in the  
21 section, you know, where you were at  
22 at the switch and the intake and all

1       that, did it stay pretty warm?

2       A.       As long as we was there.    But  
3       we started moving ---.

4       Q.       That's what I mean.    It seemed  
5       like it was dead air or was it  
6       moving?

7       A.       Yeah.    Well, it was just kind  
8       of like smoke rolling over us.

9       Q.       Uh-huh (yes).    Like when you  
10      got your initial blast and then it  
11      just --- it rolled?

12     A.       Yeah, just like smoke rolling.  
13     You can see when somebody is burning  
14     a trash pile outside, how it  
15     will ---.

16     Q.       Billows like?

17     A.       Yeah.

18     Q.       Yeah?    And you don't recall  
19     any detectors going off or any  
20     readings or anything like that?

21     A.       No.

22     Q.       When did you leave the office

1     like upstairs --- up on top of the  
2     hill? How long did you stay there  
3     and then move to the gate?

4     A.       Probably about an hour.

5     Q.       Okay.

6     A.       Like I said, I went over and  
7     helped them get the tables set up for  
8     the mine rescue teams.

9                   MR. O'DONNELL:

10                   John, do you have  
11                   anything up 'til now?

12                   MR. COLLINS:

13                   Not up 'til now. Thank  
14                   you.

15                   MR. O'DONNELL:

16                   Okay.

17     BY MR. O'DONNELL:

18     Q.       Are you familiar with the old  
19     Two Left seals in any way, the seals  
20     that blew out?

21     A.       No. I was just up there one  
22     day. I worked an extra shift and

1       helped finish one and start another  
2       one.

3       Q.       Okay.  What about the area  
4       behind the seals, did you ever work  
5       up there?

6       A.       Yes.

7       Q.       You did.  You were a roof  
8       bolter up there?

9       A.       In the mains.

10      Q.       Yeah.  Let's go over to the  
11      map, just so we're both on the same  
12      page here.  We're at Exhibit One.  
13      Here's the seals that were up in the  
14      Two Left area, okay.  But did you  
15      ever work in this area here at all?

16                               MR. CRAWFORD:

17                               For the record, what do  
18                               you mean by here?

19                               MR. O'DONNELL:

20                               The Second Left mains.

21      A.       Sometimes when I'd work an  
22      extra day, yeah.  I was working up in

1 here when they started bottom mining,  
2 the day they started bottom mining.

3 BY MR. O'DONNELL:

4 Q. Did you work at any time  
5 during the development of that?

6 A. For three days.

7 Q. Where was the section at when  
8 you went up there?

9 A. Right here. We was just  
10 starting.

11 Q. So right in this area of, say,  
12 spad number 4010?

13 A. No, not that far. We was just  
14 starting, just starting these out  
15 this way.

16 Q. Okay. Let's talk about the  
17 roof conditions there. Did you  
18 notice anything unusual in the roof?

19 A. No.

20 Q. I mean, was it harder  
21 drilling, softer drilling? Water?

22 A. It was soft right there to



1 begin with.

2 Q. Where the section --- where it  
3 necked off?

4 A. Yeah. I mean, there wasn't  
5 any sand ---. It was not real soft.  
6 But soft to us is no sandstone.

7 Q. That's what you usually drill  
8 through, sandstone?

9 A. Yeah.

10 Q. And that area was softer?

11 A. Yeah.

12 Q. Was it broken roof?

13 A. No.

14 Q. Just soft?

15 A. Yeah.

16 Q. Soft like mud slip soft or  
17 just ---?

18 A. Shale, just regular, normal  
19 roof.

20 Q. Did that roof there look any  
21 differently than other roof ---

22 A. No.

1 Q. --- in the mine?

2 A. No.

3 Q. Like sometimes you might see  
4 fossil streaks hear and there?

5 A. No.

6 Q. Nothing. Nothing unusual or  
7 abnormal?

8 A. No.

9 Q. Do you know of anybody else  
10 that roof bolted in that area, too?

11 A. Well, Joe Ryan. I mean, he's  
12 been with me ever since I've been  
13 over there. We bolted together.

14 Q. Was Joe your buddy?

15 A. Yeah.

16 Q. You said you just filled in in  
17 that section; right?

18 A. If I'd work an extra day.

19 Q. Yeah. But who are the regular  
20 guys up there; do you know?

21 A. Through the week or the  
22 weekend?

1 Q. Yeah, both.

2 A. I always worked with the  
3 weekend crew if I went up there for  
4 an extra day.

5 Q. Yeah.

6 A. Jesse Jones.

7 Q. Now, that can't be his real  
8 name, is it?

9 A. That was one of them that  
10 didn't ---.

11 Q. Oh, I'm sorry. Oh, okay. I'm  
12 sorry. I apologize.

13 A. David Lewis, Jerry Groves.

14 Q. Any of the miners that --- I'm  
15 talking about regular --- the guys  
16 that are still here, still with us?

17 A. Oh, Randal McCloy.

18 Q. Okay. Who else?

19 A. Daryl Lucas.

20 Q. Okay. Because we need to talk  
21 to those guys about that roof. I'm  
22 sorry about Jones. I just --- the

1 name slipped me. So you said that  
2 you worked back at the seal area also  
3 for a day?

4 A. Just one day, yeah.

5 Q. And what was your role in the  
6 construction of the seals?

7 A. Mixing the mud.

8 Q. You were the poor guy that had  
9 to do the mixing. Is that all you  
10 did on the seals?

11 A. Pretty much, yeah. They kept  
12 me busy.

13 Q. And what kind of material did  
14 you use? What was the type of  
15 mortar?

16 A. It was B-Bond that was in a  
17 blue bag.

18 Q. All the material was in the  
19 same kind of bag?

20 A. Yeah.

21 Q. And how did you mix the stuff?

22 A. Just with water and a hoe. I

1 mean, you didn't add nothing to it.

2 Q. Yeah, I know that. But I  
3 mean, how much water per bag?

4 A. They didn't say. They just  
5 wanted it to where, you know, they  
6 thought it was right.

7 Q. What would be right?

8 A. Real kind of thick stuff, not  
9 too runny.

10 Q. Did you ever apply any of the  
11 material yourself to the wall?

12 A. No.

13 Q. They made you carry it,  
14 though; didn't they?

15 A. No, I didn't go up there. I  
16 was right there, and they just dipped  
17 right out of it.

18 Q. Okay. So that was just one  
19 day?

20 A. One day.

21 Q. And do you know what seal you  
22 worked on?

1       A.       It was one of the first ones,  
2       so I would say it was --- what would  
3       be Number Seven we finished, is my  
4       guess, and Number Six we started, the  
5       Number Six heading.

6       Q.       What can you tell me about the  
7       construction of it? Did you watch  
8       them build them?

9       A.       Yeah.

10      Q.       And did you see them start it?

11      A.       Yeah.

12      Q.       What did they put on the  
13      bottom?

14      A.       Mortar, mud, the B-Bond stuff.

15      Q.       Was it mixed or was it dry or  
16      how did they apply it?

17      A.       I don't really remember that.

18      Q.       The first row, have to level  
19      it up to get it started and  
20      everything?

21      A.       Yeah. I think they used the  
22      mixed stuff because I was complaining

1 to Jeff he was using too much.

2 Q. If the bottom wasn't even,  
3 okay, ---

4 A. Yeah.

5 Q. --- how did they make it even?

6 A. Well, he used what I'd mixed,  
7 and he put it a little dry where he  
8 needed it to make it level.

9 Q. Did you ever use any of the  
10 --- let's say that there was a big  
11 gap. Did he ever fill it in with any  
12 other like, say, some of the pieces  
13 of block or whatever to level up?

14 A. Not that I know of, no.

15 Q. Any wood or ---?

16 A. No.

17 Q. So sometimes he put cement and  
18 then he leveled it up with the dry  
19 stuff?

20 A. Uh-huh (yes).

21 Q. And then put that first row  
22 down?

1 A. Yeah.

2 Q. And how wide was it, how  
3 thick?

4 A. It was two Omega blocks thick.

5 Q. Which was about how many  
6 inches; do you have any idea?

7 A. No, I don't know the size of  
8 them.

9 Q. Did they do any hitching into  
10 the rib?

11 A. No. They said that they  
12 wasn't required to.

13 Q. And what about the roof?  
14 There was some --- was there  
15 screening in that area?

16 A. I don't think there was right  
17 there where we was at.

18 Q. Do you remember if there was  
19 any kind of --- any conductors that  
20 could have passed through that seal  
21 that weren't severed?

22 A. No.



1 Q. How much of the seal did they  
2 build the day that you were there?

3 A. Like I said, we finished one,  
4 probably about half of one, and got  
5 half of another one finished.

6 Q. Okay. Do you remember how  
7 they tightened the walls up on the  
8 sides?

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

10 Q. Okay. How did they tighten it  
11 against the roof?

12 A. They said one wedge is what  
13 they was allowed to use, and I think  
14 that's what they used.

15 Q. Were there any long boards?

16 A. Yeah.

17 Q. And how many of those did they  
18 put in; do you know?

19 A. Two.

20 Q. Two?

21 A. Yeah.

22 Q. One in the front and one in

1 the back?

2 A. Yeah.

3 Q. And those fly boards that they  
4 put in there, how did they tighten  
5 them to the roof?

6 A. With wedges.

7 Q. And how far apart do you know  
8 if the wedges were?

9 A. That I don't know.

10 Q. Okay. But that's how they did  
11 it, they went back in there ---?

12 A. Yeah.

13 Q. Did they tighten from the back  
14 of the seal?

15 A. Both sides.

16 Q. Okay.

17 A. Because the one guy had to  
18 walk around --- because we didn't  
19 have the other ones build, and he  
20 walked around to get around to where  
21 we was.

22 Q. Do you know if there was any

1 cribs built on either side or ---?

2 A. He had to build cribs on the  
3 back side.

4 Q. And behind the cribs, was  
5 there any stoppings or anything back  
6 there, too?

7 A. Not that I know of. I wasn't  
8 back there.

9 Q. Okay. What about rock dusting  
10 in the area, did you ever look behind  
11 the seals and see if ---?

12 A. Not really. No, I didn't pay  
13 any attention to that.

14 Q. What about in the front?

15 A. No. We still had material  
16 there.

17 Q. Okay.

18 A. They wouldn't have rock dusted  
19 until after all that was gathered up.

20 Q. Do you know if any paper was  
21 used to fill in the cracks along the  
22 sides or around the tops?

1 A. No, there wasn't.

2 Q. Okay. What about --- now, you  
3 put your first fly board in on the  
4 back, which would be the back of the  
5 seal. How was that area filled in?

6 A. With mortar.

7 Q. They threw it up on top?

8 A. No. There was a guy back  
9 there still doing that.

10 Q. Oh, okay. You know what I  
11 mean, a space between the top of the  
12 seal and the roof?

13 A. Yeah. We just handed him  
14 through three or four buckets of the  
15 plaster, the B-Bond.

16 Q. And he pushed it forward to  
17 you; is that right? Is that how you  
18 did it?

19 A. As far as I know, yeah.

20 Q. And then you did the same  
21 thing on this side?

22 A. Yeah.

1 Q. Did you plaster both sides,  
2 front and back?

3 A. Yeah.

4 Q. Okay. About how thick was it?

5 A. Probably less than a quarter  
6 of an inch, an eighth of an inch  
7 maybe. I don't --- I don't know  
8 exactly.

9 Q. Okay. When they got the  
10 cement from the wheelbarrow, did they  
11 dump it up on top and smear it in?

12 A. Most of the time, yeah.

13 Q. Or did they --- were the  
14 blocks already --- did they dry stack  
15 them and then put the mud on top or  
16 did they ---?

17 A. No. They laid them up wet as  
18 they went.

19 Q. How did they do that?

20 A. Dumped the mud there and  
21 smeared it around with their hands.

22 Q. Okay. And then put another

1        --- ?

2        A.            Another block on and just keep  
3        --- put it on the sides.

4        Q.            Before they put the block up,  
5        okay, did they wet the block at all?

6        A.            No.

7        Q.            Or did they put cement on the  
8        sides?

9        A.            Yes.

10       Q.            They mudded up the ends ---

11       A.            Yeah.

12       Q.            --- and then put them in?

13       A.            Yeah.

14       Q.            They put them in and then they  
15       dump the stuff on the top, smear it  
16       in, ---

17       A.            Uh-huh (yes).

18       Q.            --- and do that all the way  
19       up?

20       A.            Yep.

21       Q.            Okay. Did anybody give you  
22       any kind of instructions or give you

1 any kind of training on how to build  
2 those seals?

3 A. No.

4 Q. Who was your boss there?

5 A. Jeff Snyder.

6 Q. And did you build these kind  
7 --- did you build these Omega seals  
8 before?

9 A. That's the first ones I've  
10 ever seen.

11 Q. Okay. Did you build other  
12 seals before?

13 A. Yeah.

14 Q. And what was your --- what  
15 kind of seals did you build?

16 A. Out of the eight-inch solid  
17 blocks.

18 Q. Standard ---?

19 A. Yeah, where you had to notch  
20 into the ribs and ---.

21 Q. Yes. Where did you build  
22 those at?

1 A. Bass Energy.

2 Q. So these were a different type  
3 seal. Who told you they didn't need  
4 to be hitched into the rib?

5 A. Jeff.

6 Q. Okay. So he did talk about  
7 how they were supposed to be built?

8 A. Yeah. Well, if I asked him  
9 questions.

10 Q. Yes, that's what I mean.

11 A. Yeah.

12 Q. So was he there the whole time  
13 and he gave you --- was he giving you  
14 instruction as you built it or ---?

15 A. Well, he was there and had to  
16 go someplace else and then came back.  
17 And he was running back and forth,  
18 but he was there most of the day with  
19 us.

20 Q. With us? Who were the other  
21 guys?

22 A. Jeremy Toler, and I don't



1 remember the other guy's name.

2 Q. Was there a red hat with you?

3 A. Yeah. But he don't work there  
4 no more.

5 Q. Did he work there very long?

6 A. Two or three months.

7 Q. Do you know his name?

8 A. No.

9 Q. And you don't remember the  
10 other guys' names?

11 A. Jeremy Toler.

12 Q. Okay. And he's the only one?

13 A. Yeah.

14 Q. And Snyder?

15 A. Yeah. And Eric Hess was  
16 supposed to be with us, but he run  
17 the scoop, and we didn't see much of  
18 him all day.

19 MR. O'DONNELL:

20 John?

21 MR. COLLINS:

22 No, I don't have

1 anything. Thank you.

2 MR. O'DONNELL:

3 Do you want to take a  
4 five-minute break?

5 A. Okay.

6 MR. O'DONNELL:

7 Sounds good.

8 SHORT BREAK TAKEN

9 MR. O'DONNELL:

10 John, do you have any  
11 questions?

12 MR. COLLINS:

13 I have just a couple  
14 follow-up, please, Mr.  
15 Wamsley.

16 BY MR. COLLINS:

17 Q. When you were discussing about  
18 Hoy Keith's rescuer not operating, I  
19 think you stated that you pulled the  
20 string?

21 A. Yeah, the little deflector  
22 that comes down.

1 Q. And it did nothing?

2 A. No.

3 Q. And do you know what the  
4 procedure is that you do if that  
5 doesn't start?

6 A. You're supposed to blow into  
7 it a couple times.

8 Q. Did Hoy know that?

9 A. I don't know.

10 Q. And but you guys never did try  
11 that?

12 A. No.

13 Q. Hoy never did pass out or  
14 become unconscious or ---?

15 A. No. No. He just kept wanting  
16 to sit down, and we'd make him get  
17 up. And he told us to leave him, and  
18 we'd make him get up and come with  
19 us.

20 Q. And you've worked with Hoy a  
21 lot?

22 A. Since July.

1 Q. He's an older gentleman?

2 A. Yeah.

3 Q. And how would you explain his  
4 physical condition, if you care to?

5 Is he very energetic?

6 A. No. Hoy's got a lot of  
7 medical problems.

8 Q. So at this time, that was  
9 still different, though; correct?

10 A. Yeah.

11 Q. And you said you're a  
12 certified West Virginia foreman?

13 A. Yeah.

14 Q. When did you get that?

15 A. Two weeks ago this Friday.

16 Q. So on January the 2nd you were  
17 in a foreman trainee class then?

18 A. Yeah.

19 Q. And had you had training on  
20 self-rescuers down at that foreman  
21 class?

22 A. No.

1 Q. Mine gasses?

2 A. He went over it with us. We  
3 didn't test on them.

4 Q. But you studied them some?

5 A. Yeah.

6 Q. Would you say you had a  
7 renewed knowledge of carbon monoxide?

8 A. Oh, yeah.

9 Q. So it probably helped on this  
10 day. Alton, when you worked on the  
11 old Two Left section, did you do any  
12 pumping of water?

13 A. No.

14 Q. Did you move any pump cables?

15 A. No.

16 Q. There's a pump cable that runs  
17 from the old face --- or has ran from  
18 the old face of Two Left down to the  
19 mouth of Two Left that was there  
20 until they just about completed  
21 mining the bottom. Do you have any  
22 knowledge of that cable?

1 A. No.

2 MR. COLLINS:

3 I think that's all I  
4 have. Thank you.

5 BY MR. O'DONNELL:

6 Q. When you worked that area, did  
7 you notice any methane during your  
8 examinations as a roof bolter, any  
9 increased levels, or how much did you  
10 measure?

11 A. I don't know where we was at.  
12 See, we drove all that up.

13 Q. You drove the straight, too?

14 A. Yeah. Yeah. It was a super  
15 section going up through there to  
16 begin with, until they got up to  
17 where they could break a panel off,  
18 then they split us up. But one  
19 evening on evening shift, when we was  
20 working the evening shift, we went in  
21 and one place had 3.8 percent methane  
22 in it. And we shut our power off and

1 ventilated.

2 Q. How far into the development  
3 of the mains was that?

4 A. I don't know where it was.

5 Q. Was it in by the seal area?

6 A. No, no, because that was  
7 toward the end. This is --- this is  
8 way before the end. It was probably  
9 like last April.

10 Q. Oh, okay. That was even  
11 before you turned Second Left off?

12 A. Yeah.

13 Q. Okay. I thought you meant on  
14 the straight, where it ended.

15 A. No. No. This is way back  
16 there, probably before we even turned  
17 One Left off.

18 Q. But in that area, did you pick  
19 any methane up?

20 A. No.

21 Q. No, meaning zero, or no,  
22 meaning tenths?

1 A. Maybe one, two tenths  
2 sometime.

3 Q. Okay. You're a roof bolter.  
4 And did you ever, any time you were  
5 working here in the two years, have  
6 any problems with your ventilation  
7 where you had accumulations of  
8 methane?

9 A. No, just that one ---

10 Q. Just the one ---?

11 A. --- time. Yeah. It was just  
12 at the change of the shift was the  
13 only time.

14 Q. But you did have methane?

15 A. Yeah.

16 Q. Okay. It wasn't like ---  
17 people recognized the fact that it  
18 was there and you took care of it?

19 A. Uh-huh (yes).

20 Q. Okay. Going back to those  
21 seals, you were mixing all the mud  
22 up. How hard was it for that



1 material to stick to those dry --- I  
2 mean, how did they get it to stick?

3 A. You mean to the sides?

4 Q. Yes.

5 A. I just --- it stuck on there.

6 Q. It did?

7 A. Yeah. Jeff would tell me how  
8 he wanted it mixed to where it would  
9 spread. And he knew what he was  
10 doing spreading it on there.

11 Q. Well, that was pretty messy;  
12 wasn't it?

13 A. Yeah, for them guys. I just  
14 had to mix it.

15 Q. Now, was there any specific  
16 amount of water that you had to mix  
17 with the --- was there any  
18 instructions that said that you had  
19 to mix this amount of water with this  
20 much ---

21 A. No.

22 Q. --- BlocBond?

1 A. Uh-uh (no).

2 Q. So you just poured --- about  
3 how many gallons of water do you  
4 think you put into a bag? Was it one  
5 bag or how many bags did you mix up?

6 A. Probably two or three. That  
7 day?

8 Q. When you mixed up a load into  
9 the wheelbarrow, how many bags ---?

10 A. Yeah, I put three or four in  
11 there, and maybe almost a five-gallon  
12 bucket of water.

13 Q. For how many bags?

14 A. About four.

15 Q. And that's all the water you  
16 used?

17 A. Yeah. I would use --- mix as  
18 much as I could, you know, at one  
19 time.

20 Q. What was the consistency of  
21 it, of what, so I have an idea of ---  
22 was it soup-like? Was it ---?

1 A. No. It was a little thicker  
2 than that. I don't know how to  
3 explain it. A little thinner than  
4 bread dough, maybe.

5 Q. Okay. Yes. I guess, since  
6 you just got your papers, you never  
7 did any kind of preshifts or  
8 on-shifts or any of that stuff;  
9 right?

10 A. No, just --- I fire bossed the  
11 belts. I have a belt examiner's  
12 card.

13 Q. Oh, you do?

14 A. Yeah.

15 Q. Oh, okay. So you did ---?

16 A. That was another mines,  
17 though.

18 Q. Did you do any kind of mine  
19 examiner work at Sago?

20 A. No.

21 Q. None at all?

22 A. No.

1 Q. Do you know if the belts were  
2 running that day when you guys went  
3 in?

4 A. I don't remember, no.

5 Q. Okay. You said there was a  
6 storm; right?

7 A. Yeah.

8 Q. Did the power kick at all from  
9 the time that you got at the mine  
10 until the time you went in the mine?

11 A. No.

12 Q. You don't know if it ever went  
13 off?

14 A. It never went off, no.

15 Q. Okay.

16 A. And even as we was going down  
17 the hill, we left the lamp house and  
18 started down the hill, I could see  
19 lightning over toward the tipple,  
20 over in that area there was  
21 lightning.

22 Q. This might sound like a dumb

1 question, but how do you know the  
2 power was on or not? How do you know  
3 if it was on or off?

4 A. You mean in the mines?

5 Q. Yes.

6 A. Well, I don't. I just ---  
7 just the lights outside was burning.

8 Q. Okay. Okay. What about the  
9 fan now? If the fan goes down, how  
10 do you know if the fan's down?

11 A. Outside there's an alarm.

12 Q. Okay. And you didn't hear  
13 that?

14 A. No.

15 Q. Okay. When was the last time  
16 you had annual retraining?

17 A. Last February.

18 Q. And who gave you the training?

19 A. Al Schoonover.

20 Q. And during that training, did  
21 you go over the mine emergency and  
22 evacuation firefighting plan?

1 A. Yeah.

2 Q. Do you know who the  
3 responsible person is for each shift?  
4 The responsible person, I mean when  
5 an emergency occurs, who takes over?  
6 Who directs?

7 A. The section boss.

8 Q. Okay. So he would take ---  
9 and Owen did it, Owen took charge  
10 inside; right?

11 A. Yeah. And if he's not there  
12 or not able to do it, it's supposed  
13 to go to the mechanic.

14 Q. Okay. Did you have any ---  
15 let me see what question he threw at  
16 me here. Did anybody at any time  
17 order the evacuation of the mine?

18 A. I don't think we needed to.  
19 We just knew to get out. Everybody  
20 was in pretty much the same mind  
21 frame. Get to the outside.

22 Q. Because someone called in and

1       they said, inside, inside, inside?

2       A.       Yeah.

3       Q.       And then Owen gets on the  
4       phone?

5       A.       I guess they wanted --- I  
6       didn't hear the conversation because,  
7       like I said, we went on by him. But  
8       I guess they wanted to know what  
9       happened.

10      Q.       So they knew something  
11      happened ---

12      A.       Yeah.

13      Q.       --- before Owen made the call  
14      out?

15      A.       Yeah.

16      Q.       I wonder how they knew that?

17      A.       Well, some of them guys  
18      outside said that they felt the  
19      ground shake outside.

20      Q.       Oh, man. They felt the ground  
21      shake?

22      A.       Yeah. They said the bathhouse

1       shook.

2       Q.           Was it because of there was  
3       lightning and thunder or did it  
4       happen when this --- something gave  
5       them cause to say that something  
6       happened underground?

7       A.           They said the lightning ---  
8       they seen a flash of lightning and I  
9       guess then they felt the bathhouse  
10      shake.   And I guess all at the same  
11      time, from what they've told me, that  
12      everything started going haywire  
13      outside.

14     Q.           Haywire ---?

15     A.           The CO monitors, everything  
16     was going off.   You know, all the  
17     alarms was going --- except the fan.  
18     But the other alarms was going off.  
19     The fan, as far as I know, didn't  
20     stop at any time.

21     Q.           And that happened just --- I  
22     mean, from --- when did you hear the



1       inside, inside, inside, how quickly  
2       from the time that the explosion  
3       happened until you heard somebody on  
4       that phone?

5       A.       Probably 15 minutes.

6       Q.       Oh, that long?

7       A.       Yeah.

8       Q.       Okay.

9       A.       The first time I looked at my  
10      watch was 6:42.

11      Q.       And where were you at at 6:42?

12      A.       That's when we was walking  
13      down the track.

14      Q.       Okay.

15      A.       I don't know how far that  
16      phone was from where we was, where we  
17      caught the explosion.

18      Q.       So you're saying that it  
19      didn't happen like immediately, boom,  
20      and then you start getting out of the  
21      mantrip, getting oriented and you  
22      hear the phone, it was like 15-minute

1 lag time?

2 A. Yeah. By the time everybody  
3 got ---

4 Q. Okay.

5 A. --- together and all that.

6 Q. So that's when things started  
7 going on with the CO alarm and all  
8 that?

9 A. As far as I know, yeah.

10 Q. Okay. You said they. Who  
11 were they when you said they said the  
12 building shook?

13 A. It was two red hats. I can't  
14 remember their names. They worked  
15 with Skip.

16 Q. Skip's red hats?

17 A. Yeah.

18 Q. Anybody else say that they  
19 felt the building shake?

20 A. No. Them's the only two that  
21 told me that. Well, Skip told me  
22 that.

1 Q. So did you ever hear Flea at  
2 all through --- when it said inside,  
3 inside, inside, do you think it was  
4 Flea that was calling in or you don't  
5 know?

6 A. I don't know.

7 Q. If you don't know, you don't  
8 know. That's all. Somebody must  
9 have told you that the CO readings  
10 and all that were going haywire when  
11 you ---.

12 A. Yeah.

13 Q. Who was that and what ---? I  
14 mean, is that just through  
15 conversation outside?

16 A. Yeah, through conversation.  
17 Them red hats and Skip said  
18 everything started going off at the  
19 time that the bathhouse shook.

20 Q. When did you have that  
21 conversation?

22 A. Probably a half hour after we

1 got outside.

2 Q. Oh, okay, so it was right then  
3 they said ---?

4 A. Yeah.

5 Q. You said your annual  
6 retraining was last ---?

7 A. February.

8 Q. Last February, okay. And you  
9 didn't have it this year yet?

10 A. No.

11 Q. During your annual retraining,  
12 did you go through your SCSR donning  
13 procedures?

14 A. Yeah.

15 Q. And did that involve a  
16 complete ---?

17 A. Each one of us had to put it  
18 on, go through putting it on.

19 Q. What about evacuation  
20 procedures? Did you go through that?

21 A. Yeah.

22 Q. How about, have you ever

1 participated in an escapeway drill?

2 A. No.

3 Q. They never walked you out of  
4 the mines?

5 A. No.

6 Q. Do you know if the boss did it  
7 to anybody?

8 A. Yeah. He did Joe Ryan and I'm  
9 thinking Heath Bolten one evening.

10 Q. Do you know how often they do  
11 that?

12 A. It's supposed to be done every  
13 90 days.

14 Q. Good. That's a good one.  
15 What about fire drills?

16 A. We had them, yeah.

17 Q. On the section?

18 A. Yeah. He would just tell us,  
19 we have a fire at the miner and go  
20 through all that, and we regularly  
21 went over what each person's job was  
22 supposed to be in case of a fire.

1 Q. Good. What about smoke  
2 searches?

3 A. Yeah.

4 Q. Did you ever get smoke  
5 searched?

6 A. Yeah.

7 Q. How often?

8 A. Usually once a week he'd come  
9 around and pat our pockets and check  
10 us.

11 Q. Owen?

12 A. Yeah.

13 Q. Okay. Did you ever see  
14 anybody smoking in a coal mine?

15 A. No.

16 Q. And have you ever found any  
17 smoking articles in a coal mine?

18 A. You mean since I've been  
19 working, or Sago?

20 Q. No, Sago.

21 A. No.

22 Q. Whenever you had your SCSR

1 training, okay, they talk about a lot  
2 of different things, activation, the  
3 whole bit. When did they tell you  
4 you had to put --- you should put it  
5 on?

6 A. Immediately.

7 Q. Okay. Immediately when?

8 A. At the first sign of smoke or  
9 fire.

10 Q. Okay. Did they talk about if  
11 an explosion occurred?

12 A. Yeah.

13 Q. What did they say in that  
14 case?

15 A. That was one of the things,  
16 fire, explosion or smoke.

17 MR. O'DONNELL:

18 Okay. Mr. Collins, do  
19 you have any follow-up  
20 questions.

21 MR. COLLINS:

22 No, I have nothing

1           else.

2   BY MR. O'DONNELL:

3   Q.       Has anyone offered you  
4   anything or made a promise to you in  
5   exchange for you appearing here  
6   today?

7   A.       No.

8   Q.       Would you like to add anything  
9   relevant to our investigation? Can  
10   you think of anything that we didn't  
11   ask you that you might want to add?

12   A.       No. We pretty much covered  
13   everything.

14                   MR. O'DONNELL:

15                   Okay. On behalf of  
16                   MSHA, I'd like to thank you  
17                   for appearing and answering  
18                   questions today. Your  
19                   cooperation is very important  
20                   to the investigation as we  
21                   work to determine the cause of  
22                   the accident.



1                   We ask that you not  
2                   discuss your testimony with  
3                   any person who may have  
4                   already been interviewed or  
5                   who may be interviewed in the  
6                   future. This will ensure that  
7                   we obtain everyone's  
8                   independent recollection of  
9                   the events surrounding the  
10                  accident. After questioning  
11                  other witnesses, we may call  
12                  you if we have any follow-up  
13                  questions that we feel we may  
14                  need to ask you.

15                  If at any time you have  
16                  additional information  
17                  regarding the accident that  
18                  you'd like to provide to us,  
19                  please contact us at the  
20                  contact information that we  
21                  provided to you.

22                  The Mine Act provides

1           for certain protections to  
2           miners who provide information  
3           to MSHA and, as a result, are  
4           treated adversely. If at any  
5           time you believe that you've  
6           been treated unfairly because  
7           of your cooperation in this  
8           investigation, you should  
9           immediately notify us.

10                        If you wish, you may  
11           now go back over any answer  
12           that you've given during this  
13           interview and you may also  
14           make any statement that you  
15           would like to make at this  
16           time.

17    A.           No.

18                        MR. O'DONNELL:

19                        Okay. Again, I'd like  
20           to thank you for your  
21           cooperation. We appreciate  
22           you coming in.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

\* \* \* \* \*

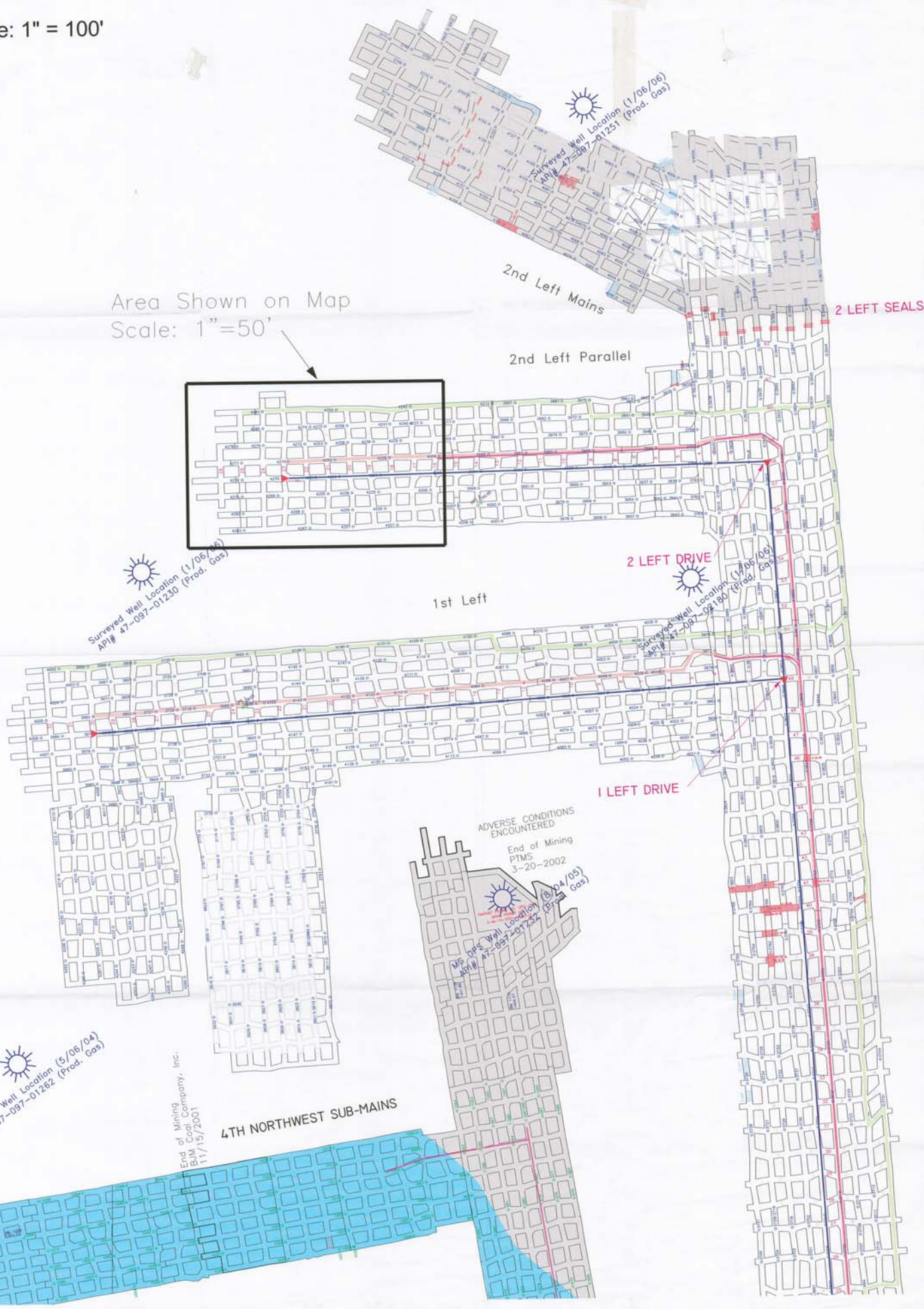
SWORN STATEMENT

CONCLUDED AT 3:07 P.M.

\* \* \* \* \*

Scale: 1" = 100'

Area Shown on Map  
Scale: 1" = 50'



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

Surveyed Well Location (1/06/16)  
API# 47-097-01230 (Prod. Gas)

Surveyed Well Location (1/05/05)  
API# 47-097-02180 (Prod. Gas)

ADVERSE CONDITIONS  
ENCOUNTERED  
End of Mining  
PTMS  
3-20-2002

MG Ops Well Location (8/20/05)  
API# 47-097-02122 (Prod. Gas)

MG Ops Well Location (5/06/04)  
API# 47-097-01252 (Prod. Gas)

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

4TH NORTHWEST SUB-MAINS