

STATEMENT UNDER OATH

OF

DARREL LUCAS

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  
Courthouse, 324 West Main Street,  
Clarksburg, West Virginia, on  
Tuesday, February 21, 2006, at 9:52  
a.m.

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

2

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

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P R O C E E D I N G S

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MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Tim

1 Williams of the --- in the  
2 Solicitor's office and also  
3 Brian Mills and John Collins  
4 with the West Virginia Office  
5 of Miners' Health, Safety &  
6 Training.

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

22 At this time, the



1 accident investigation team  
2 intends to interview a number  
3 of people to discuss anything  
4 that might be relevant to the  
5 cause of the accident. After  
6 the investigation is  
7 completed, MSHA will issue a  
8 written report detailing the  
9 nature and causes of the  
10 accident. MSHA accident  
11 reports are made available to  
12 the public in the hope that  
13 greater awareness about the  
14 causes of accidents can reduce  
15 their occurrence in the  
16 future. The information  
17 obtained through witness  
18 interviews is frequently  
19 included in these reports.  
20 Your statement may also be  
21 used in other enforcement  
22 proceedings.

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

16                  This interview with Mr.  
17                  Darrel Lucas is being  
18                  conducted under Section 103(a)  
19                  of the Federal Mine Health and  
20                  Safety Act of 1977 as part of  
21                  an investigation by the Mine  
22                  Safety and Health

1 Administration and the West  
2 Virginia Office of Miners'  
3 Health, Safety & Training into  
4 the conditions, events and  
5 circumstances surrounding the  
6 fatalities that occurred at  
7 the Sago Mine owned by  
8 International Coal Group in  
9 Buckhannon, West Virginia, on  
10 January 2nd, 2006. This  
11 interview is being conducted  
12 at the U.S. Bankruptcy Court  
13 in Clarksburg, West Virginia  
14 on February 21st, 2006.

15 Questioning will be  
16 conducted by representatives  
17 of MSHA and the Office of  
18 Miners' Health, Safety &  
19 Training. Mr. Lucas, this  
20 interview will begin with my  
21 asking you a series of  
22 questions. If you do not

1           understand a question, please  
2           ask me to rephrase it. Feel  
3           free at any time to clarify  
4           any statements that you make  
5           in response to the questions.  
6           After we have finished asking  
7           questions, you will also have  
8           an opportunity to make a  
9           statement and provide us with  
10          any other information that you  
11          believe may be important. If  
12          at any time after the  
13          interview you recall any  
14          additional information that  
15          you believe may be used in the  
16          investigation, please contact  
17          Richard Gates at the phone  
18          number and e-mail provided to  
19          you. And we have that  
20          information on his business  
21          card. Your statement is  
22          completely voluntary. You may

1           refuse to answer any question  
2           and you may terminate the  
3           interview at any time. If you  
4           need a break at any time, just  
5           please let me know.

6                        The court reporter will  
7           record your interview and will  
8           later produce a written  
9           transcript of the interview.  
10          Please try and respond to all  
11          questions verbally, since the  
12          court reporter cannot record  
13          nonverbal responses. Also,  
14          please try and keep your voice  
15          up. Copies of the written  
16          transcripts will be made  
17          available at a later date.

18                       If any part of your  
19          statement is based not on your  
20          own first-hand knowledge, but  
21          on information that you  
22          learned from someone else,

1           please let us know. Please  
2           answer each question as fully  
3           as you can, including any  
4           information you have learned  
5           from someone else. We may not  
6           ask the right question to  
7           learn the information that you  
8           have, so do not feel limited  
9           by the precise question asked.  
10          If you have information about  
11          a subject area of a question,  
12          please provide that  
13          information to us.

14                         At this time, Mr.  
15                         Collins, do you have anything  
16                         that you would like to add on  
17                         behalf of the Office of  
18                         Miner's Health, Safety &  
19                         Training?

20                                 MR. COLLINS:

21                                 Yes. Mr. Lucas, the  
22                                 West Virginia Office of

1 Miners' Health, Safety &  
2 Training is conducting this  
3 interview session jointly with  
4 MSHA and are in agreement with  
5 the procedures outlined by Mr.  
6 Swentosky for these  
7 interviews. But the Director  
8 reserves the right, if  
9 necessary, to call or subpoena  
10 witnesses or require the  
11 production of any records,  
12 documents, photographs or  
13 other relevant material  
14 necessary to conduct this  
15 investigation. And after the  
16 interview, if you have  
17 additional questions or wish  
18 to provide additional  
19 information, here's a card for  
20 Mr. Brian Mills. Thank you.

21 MR. SWENTOSKY:

22 Mr. Lucas, are you

1           aware that you may have a  
2           personal representative during  
3           this taking of the statement?

4                   MR. LUCAS:

5                   Yes.

6                   MR. SWENTOSKY:

7                   Okay. Do you have a  
8           representative with you here  
9           today?

10                   MR. LUCAS:

11                   Yes.

12                   MR. SWENTOSKY:

13                   And who might that be?

14                   MR. LUCAS:

15                   Joe Yuh as.

16                   MR. SWENTOSKY:

17                   Has anyone suggested  
18           that you use Mr. Yuh as your  
19           representative?

20                   MR. LUCAS:

21                   No.

22                   MR. SWENTOSKY:



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

7                   MR. LUCAS:

8                   Yes.

9                   MR. SWENTOSKY:

10                  Have you been pressured  
11                  in any way to accept Mr. Yuhas  
12                  as your representative?

13                  MR. LUCAS:

14                  No.

15                  MR. SWENTOSKY:

16                  With this  
17                  understanding, do you still  
18                  choose Mr. Yuhas as your  
19                  representative?

20                  MR. LUCAS:

21                  Yes.

22                  MR. SWENTOSKY:

1 Do you have anything  
2 regarding the manner in which  
3 the interview will be  
4 conducted or any questions  
5 before we get started?

6 MR. LUCAS:

7 No.

8 MR. SWENTOSKY:

9 Okay. Could you swear  
10 in Mr. Lucas, please?

11 -----

12 DARREL LUCAS, HAVING FIRST BEEN DULY  
13 SWORN, TESTIFIED AS FOLLOWS:

14 -----

15 BY MR. SWENTOSKY:

16 Q. Could you give us your full  
17 name and spell your last name for us,  
18 please?

19 A. Darrel Franklin Lucas,  
20 L-U-C-A-S.

21 Q. Okay. And could we have your  
22 address and your telephone number,

1 please?

2 A. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Thank you. Are you appearing  
7 here today voluntarily?

8 A. Yes.

9 Q. And how many years of mining  
10 experience do you have?

11 A. Probably around 28.

12 Q. And could you give us a brief  
13 description of your mining history?

14 A. I believe it was in 1967. I  
15 started out as hand-loading for Terry  
16 Eagle. Then I worked for Carol Sago  
17 on the bolt machine for about six  
18 years. And I worked a lot of small  
19 mines. And then I worked for Terry  
20 Eagle for --- they called it Bald  
21 Eagle Coal Company. I worked for it  
22 almost 15 years. And I run bolt

1 machine, buggy and I was out of the  
2 mine six and a half years running a  
3 casket and vault company for a bunch  
4 of funeral homes for six and a half  
5 years. And then I got a job at Sago  
6 and I started there in May of '94.  
7 And I'm still employed.

8 Q. Okay. And what is your  
9 present position at Sago Mine?

10 A. Bolt machine.

11 Q. Roof bolter. And how long  
12 have you been a roof bolter at the  
13 Sago Mine?

14 A. Since I've been there.

15 Q. Since you've been there. In  
16 1994?

17 A. '94. May 17th, '94.

18 ATTORNEY YUHAS:

19 Is that 2004?

20 A. 2004. In that mine since  
21 2004.

22 BY MR. SWENTOSKY:

1 Q. Okay. I was sitting here  
2 trying to figure out ---.

3 A. I know. 2004.

4 Q. All right. And you worked in  
5 that same position, roof bolting  
6 operator, since the time you started?

7 A. Yes.

8 Q. Okay. Do you have any mining  
9 certifications? Like examiner, mine  
10 foreman papers, mine examiner papers?

11 A. No.

12 Q. And who is your immediate  
13 supervisor?

14 A. Which time?

15 Q. Okay. At Sago Mine during the  
16 last time you worked at Sago.

17 A. Bob Williams was our boss.  
18 Lonnie Short was our mine foreman.

19 Q. And were you working at ---  
20 you were working at Sago Mine on the  
21 day of the accident? Not there that  
22 day, but you were employed by them?

1 A. Yes.

2 Q. Okay. And did you ever work  
3 in the old Two Left section? That's  
4 the area inby the seals that were  
5 blown up.

6 A. Yes, I had.

7 Q. Okay. And who was your  
8 supervisor during that period of  
9 time? Do you recall?

10 A. I know Kent Jenkins was our  
11 boss there.

12 Q. Pardon me again?

13 A. Kent, Kenneth Jenkins.

14 Q. Kent Jenkins. Okay. And how  
15 long was he your supervisor there?

16 A. He was there a few months.  
17 But I don't know how long --- I can't  
18 recall how many months --- he might  
19 have been there a year, but ---.

20 Q. Okay.

21 A. I can't recall.

22 Q. Can you describe for me the

1 roof conditions in the old Two Left  
2 area or like what type the immediate  
3 roof was and the consistency, how  
4 hard it was or whatever? Just kind  
5 of describe those conditions for me,  
6 please.

7 A. Most of it was pretty bad top.

8 Q. Okay.

9 A. And at the end of it, there  
10 was so much water and the top was so  
11 bad, we couldn't --- we pulled out of  
12 it.

13 Q. Okay. When you say the top  
14 was bad, can you try to describe a  
15 little bit like what you mean by  
16 that?

17 A. It was falling in everywhere.  
18 We set up rail plates, screen, we  
19 cable bolted the section in a lot of  
20 places, because the six-foot bolts  
21 didn't anchor in for the sand rock,  
22 we just did cable bolts.

1 Q. The immediate roof, that's  
2 right what you were mining under.  
3 Was that a slate-type roof or was  
4 that sand rock or ---?

5 A. I guess sometimes it was sand  
6 rock. But most of it was slate that  
7 fell in.

8 Q. Slate that fell in?

9 A. But some of it, I seen sand  
10 rock fall in, too.

11 Q. Okay. And during the bolting  
12 operations, was it pretty hard ---  
13 and I guess maybe a way to describe  
14 that, did you have to use more than  
15 one bit to drill a hole or ---?

16 A. I had to use as high as three  
17 buckets of bits in a day's time.  
18 Probably 100 bits to a bucket I'd ---  
19 probably 100 bits to a bucket.

20 Q. Okay. So you say to drill one  
21 hole, you sometimes had to use two or  
22 three bits?



1 A. Yeah, or more.

2 Q. Okay. During those  
3 operations, did you have an occasion  
4 to see any roof fossils, ferns or  
5 tree stumps or ---?

6 A. Yes, I have.

7 Q. Okay. And we're still talking  
8 about the old Two Left area. Okay.  
9 And what type of fossils? Can you  
10 describe any of those to me?

11 A. I believe ferns is most I can  
12 recall.

13 Q. Okay. I'm going to show you a  
14 picture. And we'll mark that as  
15 Exhibit One. And that's a picture of  
16 the roof with a streak on it and the  
17 roof bolt that was taken in the old  
18 Two Left at Station 4010. Did you  
19 ever --- have you ever seen anything  
20 such as that on the mine roof?

21 (Lucas Exhibit One  
22 marked for

1 identification.)

2 A. No, I haven't.

3 BY MR. SWENTOSKY:

4 Q. The parallel lines that you  
5 see on there?

6 A. No, I haven't.

7 Q. Okay. Have you ever --- have  
8 you seen anything in Sago Mine that  
9 would look like that? Any other area  
10 of Sago Mine?

11 A. No, I haven't.

12 Q. How about any other mines?

13 A. No, I haven't.

14 Q. Okay. Have you seen any ---  
15 maybe any other type of unusual  
16 conditions on the mine roof that I  
17 haven't mentioned to you?

18 A. No.

19 Q. What type of methane readings  
20 did you get when you would make a  
21 methane test during the operations in  
22 the old Two Left area?

1 A. I don't believe I ever did get  
2 over two tenths of one percent. Most  
3 of the time, they wasn't --- I mean,  
4 we didn't get a reading.

5 Q. Okay. And is that pretty much  
6 the history of the mine, the entire  
7 mine, two tenths?

8 A. I would say.

9 Q. Okay. Do you recall getting  
10 any other --- any higher readings  
11 anywhere else?

12 A. Not as I recall.

13 Q. Were you involved in the  
14 construction of the old Two Left  
15 seals, the ones that were blown out,  
16 at all?

17 A. No. I never have seen the  
18 seals, never was to them.

19 Q. I'm sorry?

20 A. I never was to them and never  
21 did see them.

22 Q. And from that, I would --- or

1       you didn't see anybody building the  
2       seals?

3       A.           No.

4                               MR. SWENTOSKY:

5                               Any, John?

6                               MR. COLLINS:

7                               Yeah.    Just a couple,  
8                               please.

9       BY MR. COLLINS:

10       Q.          Mr. Lucas, you do have a West  
11       Virginia coal miner's certificate?

12       A.          Yes, I do.

13       Q.          Are you a certified  
14       electrician?

15       A.          No.

16       Q.          Foreman?

17       A.          No.

18       Q.          The picture that Mr. Swentosky  
19       showed you, do you have any idea of  
20       how that --- the two marks may have  
21       been made on the roof?   For example,  
22       do you know of any equipment that

1        might have made those marks?

2        A.        We ain't got no equipment that  
3        would make that kind of mark that I  
4        would know of.

5        Q.        And you did work on the old  
6        Two Left sections. Was that  
7        including as that retreated back out  
8        of there mining the bottom seam?

9        A.        Yes. Yes.

10       Q.        Do you know of any electrical  
11       equipment that was left up in there?

12       A.        There was --- far as I know,  
13       there wasn't none.

14       Q.        Sometimes when they move back,  
15       they'd take the scoop and clean up  
16       some mud and trash and stuff and  
17       shove back into an area where the  
18       bottom had already been mined. Did  
19       you ever observe them doing that?

20       A.        No, because I wasn't ---.

21       Q.        And I think you've already  
22       said you didn't work on the seals,

1     you didn't see the seals?

2     A.       No.

3     Q.       Didn't transport any of the  
4     material to the seals. Do you have  
5     any information that you'd like to  
6     offer the group concerning the  
7     explosion?

8     A.       I don't know nothing about the  
9     explosion.

10    Q.       Any idea of what may have  
11    occurred?

12    A.       I don't have any idea what ---  
13    except the lightning.

14    Q.       Once you finished up the old  
15    Two Left, you've been working on the  
16    new Two Left section, that's where  
17    you've been?

18    A.       Yes.

19                         MR. COLLINS:

20                         I don't believe I have  
21                         anything else right now, Mr.  
22                         Lucas. Thank you.

1 BY MR. SWENTOSKY:

2 Q. When was the last day that you  
3 worked prior to the accident?

4 A. I worked on that Saturday.

5 Q. Okay. When was the last  
6 annual retraining class that you  
7 participated in at Sago Mine?

8 A. It was sometime in late  
9 summer. I can't tell you the exact  
10 month or date.

11 Q. That'd be late summer of 2005?

12 A. Yes.

13 Q. And who was the instructor?

14 A. Johnny Stemple and Al.

15 Q. And during these sessions, did  
16 you have occasion to have SCSR  
17 training?

18 A. Yes.

19 Q. And could you describe how  
20 they did that?

21 A. They made us take them apart  
22 and put them on except putting our

1 mouthpiece in.

2 Q. Okay. They showed you how to  
3 do that and then you actually ---

4 A. Yeah.

5 Q. --- did the --- simulated the  
6 donning of the SCSR?

7 A. Yes.

8 Q. Okay. Did you --- do you feel  
9 that the training that you received  
10 was adequate?

11 A. Yes.

12 Q. Is there anything additional  
13 that you think should be part of the  
14 retraining?

15 A. No. Not as I know of.

16 Q. And have you ever been  
17 searched for smoking articles?

18 A. Yes, sir, I have.

19 Q. And can you describe that to  
20 me, what they do and how?

21 A. Frisked us and had us opening  
22 up our dinner buckets.



1 Q. Okay. And how often was that  
2 search performed?

3 A. About every week.

4 Q. Have you ever observed anyone  
5 smoking underground?

6 A. No.

7 Q. And have you ever found any  
8 smoking articles underground?

9 A. No.

10 Q. And --- okay. Has anyone  
11 offered you anything or made any  
12 promise to you in exchange for you  
13 appearing here today?

14 A. No.

15 Q. And do you have anything else  
16 that you would like to add at this  
17 time that may be relevant to the  
18 investigation?

19 A. No.

20 MR. SWENTOSKY:

21 On behalf of MSHA, I  
22 would like to thank you for

1            appearing and answering  
2            questions today. Your  
3            cooperation is very important  
4            to the investigation as we  
5            work to determine the cause of  
6            the accident. We ask that you  
7            not discuss your testimony  
8            with any person who may have  
9            already been interviewed or  
10           who may be interviewed in the  
11           future. This will ensure that  
12           we obtain everyone's  
13           independent recollection of  
14           the events surrounding the  
15           accident. After questioning  
16           other witnesses, we may call  
17           you if we have any follow-up  
18           questions that we feel that we  
19           need to ask you. If at any  
20           time you have additional  
21           information regarding the  
22           accident that you would like

1 to provide to us, please  
2 contact us at the contact  
3 information that was  
4 previously provided to you.  
5 And that's on the business  
6 card we provided to you.

7 The Mine Act provides  
8 certain protections to miners  
9 who provide information to  
10 MSHA and, as a result, are  
11 treated adversely. If at any  
12 time you believe that you have  
13 been treated unfairly because  
14 of your cooperation in this  
15 investigation, you should  
16 immediately notify MSHA. If  
17 you wish, you may now go back  
18 over any answer you have given  
19 during this interview and you  
20 may also make a statement that  
21 you would like to make at this  
22 time. Do you have anything

1           else that you'd like to go  
2           over or anything you would  
3           like to ask us, tell us?

4       A.       I don't have nothing else.

5                           ATTORNEY YUHA:

6                           Anything you want to  
7           say, get off your chest, now's  
8           the time to do it. Don't wait  
9           'til later.

10      A.       I hope they find out what  
11      caused the explosion.

12                           MR. SWENTOSKY:

13                           And we do, too.

14      A.       It could happen or it never  
15      could happen again.

16                           MR. SWENTOSKY:

17                           Okay.

18      A.       That's all I've got to say.

19                           MR. SWENTOSKY:

20                           Okay. And we thank you  
21           for your cooperation in this  
22           matter. Thanks again.

SWORN STATEMENT

\* \* CONCLUDED AT 10:12 A.M. \* \*

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