WEST VIRGINIA MINE HEALTH & SAFETY ADMINISTRATION

IN RE:

THE INVESTIGATION OF THE APRIL 5, 2010, MINE EXPLOSION AT THE UPPER BIG BRANCH MINE

The interview of TERRANCE ADKINS taken upon oral examination, pursuant to notice and pursuant to the Federal Rules of Civil Procedure, before Nichelle N. Drake, Professional Reporter and Notary Public in and for the State of West Virginia, Thursday, February 10, 2010, at the National Mine Health & Safety Academy, 1301 Airport Road, Beaver, West Virginia.

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MR. KOERBER: My name is Barry Koerber. I'm the assistant attorney general. I'm assigned to the West Virginia Office of Miners Health Safety & Training's UBB accident investigation team. Today is February the 10th, 2011. I would ask that the people sitting beside me here at the table who are members of the accident investigation teams identify themselves and who they're with.

MR. TUCKER: Bill Tucker with the Office of Miners Health Safety & Training.

MR. MAGGARD: I'm Jasey Maggard with MSHA.

MR. CRIPPS: Dean Cripps with MSHA.

MS. HAMPTON: Pollyana Hampton with the Solicitor's Office for the Department of Labor.

MR. BECK: Jim Beck the Governor's Independent Team.

MR. KOERBER: And at the present time, there are no people in the back.

Mr. Adkins, the court reporter will be taking down what's said here today. I would ask that you speak verbally yeses and nos as opposed to uh-huhs or uh-uhs so that the court reporter can understand and make the record cleaner. I would

also that ask that you allow the question to be asked before you begin to answer and I'll ask that the interviewers let you finish your answer before they begin the next question so we don't have people talking over each other.

The court reporter is with a court reporter firm by the name of Johnny Jackson & Associates. They're in Charleston, West Virginia. I'm sure your attorney knows where their office is. They're operating under a three day turnaround as far as doing the transcripts, which means being today is Thursday, three business days from now puts us through Tuesday. So that come Wednesday morning, if you desire, you and/or you and your attorney can call Johnny Jackson & Associates and schedule a time where you go in to Johnny Jackson's office in Charleston. They put you in a conference room, the two of you or you by yourself, however you choose to do it, where you have an opportunity to review your transcript; and you'll also be given an errata sheet where you can make any changes that you believe were errors taken in the transcript. Wednesday is the earliest you can call. You do not have to call on Wednesday, but please try to call

within a couple of weeks of Wednesday if you desire to read your transcript so that it can be done in an orderly and reasonably expedient manner.

MR. SEARS: Can I ask a question?

MR. KOERBER: Yes.

MR. SEARS: Now, this system had not been established at the time his first interview was taken and he has not had the opportunity to review that transcript. In reviewing it today, we were not given an errata sheet to work with for purposes of making corrections. He would still like to have that opportunity.

MR. KOERBER: I believe that opportunity will be provided at a later time.

MS. HAMPTON: I think that a letter was sent out maybe in August or September about the process for that. I can -- I can look into it. We can talk about it off the record.

MR. SEARS: All right. I just want to make it clear that he has not reviewed the transcript for the purpose of making corrections and he would still like to do that.

MR. KOERBER: I understand.

I'm going to give you that at the end of

my little statement. If for any reason whatsoever you want to take a break, just say so and we'll take a break. Okay?

I would ask that you not discuss your answers at the interview after the interview is over with anybody other than your attorney for purposes of protecting the integrity of the investigation.

Polly, is there something you would like to add at this time?

MS. HAMPTON: Yes. We met before we went on the record, and I'd just like to confirm that I handed you a letter that was from the MSHA accident investigation team; and did you get a chance to review that letter?

THE WITNESS: Briefly.

MS. HAMPTON: Did you have any questions for me before we go forward?

THE WITNESS: No.

MS. HAMPTON: Okay. And as your attorney knows, Norm Page is the team leader for the MSHA accident investigation team. If you leave here today and you have additional information you would like to share with us, anything else that you

forget or you think that is relevant, please feel free to, you know, have your attorney contact us with that information or if you would like to talk to Norm, you can do that. He is open to that information.

MR. KOERBER: Okay. Would you administer the oath.

TERRANCE ADKINS, DEPONENT, SWORN

MR. KOERBER: Sir, would you please state your full name for the record and spell your last.

THE WITNESS: Terrance Mitchell Reed Adkins, A-D-K-I-N-S.

MR. KOERBER: And what's your address and telephone number?

THE WITNESS: (b) (7)(C) ;
(b) (7)(C)

MR. KOERBER: You have an attorney with you here today?

THE WITNESS: Yes.

MR. KOERBER: And would you please state your name and the name of the firm you're with.

MR. SEARS: Chris Sears, Shuman, McCuskey & Slicer.

MR. KOERBER: And is Mr. Adkins your

client?

MR. SEARS: Yes.

MR. KOERBER: Mr. Adkins, are you appearing here today as a result of receiving a subpoena.

THE WITNESS: Speak up.

MR. KOERBER: Oh, I'm sorry. Are you appearing here today as a result of receiving a subpoena?

THE WITNESS: Yes.

MR. KOERBER: Okay. This is a copy of that subpoena, which I'm going to have marked as Exhibit 1. This is a copy of the acceptance of service that Mr. McCuskey of Mr. Sears' firm accepted on your behalf on February 4th.

(Exhibit Nos. 1 and 2 marked for identification.)

There are two other things I want to give you before I turn it over to Bill Tucker to start asking questions. One is a memorandum. You may have gotten this before, but I'm going to give it to you again. This is a memorandum containing the address of the West Virginia Board of Appeals. In the West Virginia Code 22A-1-22 provides

discrimination protection to coal miners for participating in interviews such as this. If you find that you've been discriminated against by participating in this interview, this is the entity that you file your complaint with. I'm sure your attorney can help you with that. Also I would like to caution you that you only have 30 days under the statute from the time of the discriminatory action to file your claim.

I'm also going to give you Johnny Jackson's business card, which is the court reporter's firm that you call if you choose to review your transcript come next Wednesday or later; and I'm also going to give you the business card of Mr. Bill Tucker, the lead accident investigator for the West Virginia Office of Miners Health Safety & Training, in the event something occurs to you after the interview is over that you believe would be helpful in trying to determine the cause of the explosion you can call Mr. Tucker.

And at this time, I would like to turn the interview over to Mr. Tucker to begin the interview.

EXAMINATION

BY MR. TUCKER:

Q. Terrance, we do appreciate you coming in today. What was the last shift you worked at UBB prior to the explosion?

A. Saturday day shift.

Q. What was your job title at that time?

A. Tail gate shear operator.

Q. Where are you currently working?

A. Independence Coal.

Q. Which mine?

A. Revolution.

Q. When did you -- when did you go to Revolution?

A. Two weeks after the explosion.

Q. Okay. Have you been back underground at UBB since the explosion?

A. No.

Q. On -- on that Saturday on your last shift there that you worked, did you notice anything unusual at all?

A. No.

Q. Okay. How was the cutting along the face there? What kind of problems were you having?

A. The cutting was fine until you got to the

tail. There was a lot of rock on the tail.

Q. What problems does that create, the amount of rock you were cutting?

A. Where you hit tail, takes more bits, takes longer to mine coal.

Q. Say from maybe the last 15, 20 feet of cutting there at the tail, how long would you estimate it'd take you to cut out and do the shuffle and head back toward the head?

A. To do the shuffle, I would say 45 minutes to do a complete shuffle.

MR. SEARS: Is that including the cut out time?

THE WITNESS: Yes.

Q. Can you remember how many times you cut out on the tail on that Saturday?

A. Maybe four times maybe.

Q. Okay. Once you started when you got down and the cutting got hard, could you cut all the way out and do the shuffle on the bits that were in the shear?

A. Most of them I had to change the bits before I finished my first cut out.

Q. So you would start and they would just get

so bad you would have to stop, set bits before you could finish cutting?

A. Yes.

Q. At what point would you -- I mean, what indicators would you have where you need to stop and change bits?

A. I could just tell by the way the shear was acting. If it was a stalling on it, I would know that my bits are rudded out so I would stop and check them.

Q. When you'd set the bits, would you do anything else?

A. I would look over my sprays and make sure they wasn't clogged up.

Q. Okay. Can you recall that Saturday if you had to do much work on your sprays?

A. I don't remember doing much work on them, no.

Q. Do you recall if you had to replace any?

A. I think I replaced one.

Q. When you -- when you finished on your last shift, do you recall if there were any sprays missing?

A. No, I do not.

Q. When you were cutting out there at the tail, did -- did you ever notice anybody going over into the tail entry and doing anything?

A. I can remember the foreman going in the tail entry, but I'm not sure what he done out there at that time.

Q. Do you recall if that was like the beginning of the shift or toward the end or the middle or how long?

A. They went out there at the beginning. I want to say around maybe mid-shift, maybe end shift. I can't -- It's been so long I can't remember very well.

Q. Right. Do you know what he was doing or did you see him take any -- do anything? Was there any work that you know of that he would need to do in the tail end?

A. I believe they had a lot of coal in the stoppings. For whatever reason, I'm not sure.

Q. Okay. You mentioned in your last interview there you had filled in as boss a couple of days.

A. Yes.

Q. Did you have any reason to go into the

tail entry when you were filling in as boss?

A. I'd just go out there to take a gas check.

Q. When would you do that? Do you recall?

A. I did it before we started a run, and I did it at about mid-shift and I would do it on my pre-shift.

Q. Did you take any air readings or anything like that out there?

A. Not on the tail.

Q. Where would you normally take your air readings?

A. I would take it at the last open break. I think No. 9 shield and 160.

Q. Okay. You mentioned on that last Saturday that you didn't have much problems with your sprays; so normally, just looking back in general, did you have to work on sprays very often?

A. No. Sprays normally did pretty good.

MR. TUCKER: Okay. All right. I'll pass it onto you, Jasey.

MR. MAGGARD: I'll let Dean go first.

EXAMINATION

BY MR. CRIPPS:

Q. Terrance, thanks again for coming in.

Since your first interview, Jasey and myself, we've been down on the longwall many times and we observed a few things and have a few questions for you.

If you don't mind, I'd like to start though, just describe for me a normal shift, perhaps just the last few shifts prior to the explosion what your normal routine is when you arrive on the section and you get off the man trip. Just walk me through what you did.

A. Get off the man trip, have a safety talk, the foreman normally had a safety talk. From there we'd go to the mule train, get our back line, get the tool cars, put our lunch boxes down and then I went up on the line.

Q. And when you went up on the line, what did you do then?

A. Normally the foreman hollered at us and tells us to start it up after he went across the face.

Q. Is there a difference between second shift and day shift?

A. No.

Q. All right. Where would the shear normally

be when you went in on day shift?

A. Normally the head.

Q. Would it be operating?

A. No.

Q. Okay. What about where would the shear be when you went in on second shift?

A. Depends on where they was at at the time -- at the time they was mining. I mean, it could be anywhere.

Q. So it would be operating --

A. Yeah.

Q. -- when you arrived on second shift?

A. Yeah.

Q. How about describing -- When you make a cut from say from the head going towards the tail, just describe to me the process, the location of the shear of each individual drum, the location of the operator, the shield men?

A. The shear operators, we stood up by the head drum. I really don't understand what you're wanting to know about the shear.

Q. The tail gate drum, when you're going from the cutting towards the tail, where is the tail gate drum in relation to the coal seam?

A. At the top.

Q. So it's cutting the top?

A. Yes.

Q. What about the head gate drum?

A. Cutting the bottom.

Q. As you're tramming towards the tail, where would the shield -- I'm sorry. I think you refer to them as a jack setter?

A. Yeah.

Q. Where would the jack setter be located?

A. Be behind the head end drum.

Q. What would he be doing?

A. Setting jacks.

Q. Okay. And did he push the pan in also?

A. Push the pan in?

Q. Advance the pan. Pardon my lingo. I'm from the midwest.

A. He pulled the jacks in and called his push.

Q. Okay. Called his push. When he called his push, that's what I say, push the pan.

A. Okay.

Q. When he called the push, does the conveyor move against the face?

A. Yeah.

Q. And we're talking about the same thing just saying it a little different?

Okay. How about when you cut from the tail towards the head gate?

A. Same thing, shear operator is at the head drum. The jack setter wouldn't be past the tail drum. We'd have to mine, stop and let him catch up.

Q. Is the tail gate drum against the roof also?

A. No, it's against the bottom.

Q. Okay. How about the head gate drum?

A. It's against the top.

Q. So it's cutting the top as you're going towards the head?

A. Yeah.

Q. Okay. You said it took about 45 minutes or had been taking 45 minutes to do the shuffle on the tail. Is that normal or is that just due to the conditions you're in?

A. Due to the conditions we was in.

Q. Describe to me what you have to go through to do the shuffle at the tail gate prior to the

explosion.

A. I'd cut -- I'd start at the head. We'd have new bits. I'd cut to the tail. I'd get to 170 shield. I'd have to back up, set bits and then finish my cut out and then cut back through the snag at the line push and cut back out, set bits again, go to the head.

Q. When you cut out the first time into the tail gate entry, would you then sump the tail gate drum down into the bottoms?

A. Yes.

Q. And then what would you do? Would you flip the cowl over?

A. I would flip the cowl over, back up four or five shields, then go back out cutting bottom again, flip the cowl back and then head towards the head.

Q. Would you have to cut the top more than once?

A. Yeah.

Q. Was that normal or was that just because of the sandstone?

A. Just because of the sandstone.

Q. What about cutting the bottom, would you

have to cut it more than once?

A. Yeah, because of sandstone bottom.

Q. What about -- you say you're wearing the bits down and sandstone. Are you seeing any sparks off the bits?

A. Yeah.

Q. Did it seem to make any difference if it was new bits or old bits?

A. No, it still sparked. It didn't matter.

Q. Okay. The shear has a E-stop button on the side of it. Are you familiar with that?

A. Yeah.

Q. To your knowledge, did it function?

A. Yeah.

Q. Okay. Have you ever known it not to function?

A. No, not that I know of.

Q. Have you ever used it?

A. Yeah.

Q. And what instance would you use it?

A. When I set bits, I'd hit the E-stop and have them pull the power on the shear. That's really about the only time I'd ever use it.

Q. You would hit the E-stop, and did you say

you'd have them pull power on the shear?

A. Yeah.

Q. Okay. What do you mean by that?

A. I'd have them pull the disconnects. That way the shear was not energized when I was setting bits.

Q. Who would pull the disconnects?

A. The head gate operator.

Q. So the disconnects you're talking about are the shear disconnects that's at the head gate?

A. Yeah.

Q. When you set bits on the shear, where did you normally do it in relation to what shield would the shear be under?

A. Head or tail.

Q. So if you was at the head, the head gate drum would be out in the belt entry?

A. No. The head gate drum would be about No. 12 shield, and tail gate shield would be nine shields past that.

Q. Okay. Is there a particular reason why you did it there?

A. No. Just where we always ended up most of the time.

Q. If you were setting bits on the tail, would the tail gate drum be extended out into the tail gate entry?

A. No. It would be 160 I'm thinking.

Q. Okay. Have you ever set bits with the tail gate drum out in that tail gate entry?

A. No.

Q. Okay. When the -- when you're operating the shear and you want the water to shut off, do you have to call the head gate operator to shut off the water to the shear?

A. Yeah.

Q. Is there any instances where the head gate operator shuts the water off without you calling him?

A. No.

Q. What if the belt goes off outby?

A. He ain't going to shut the water off until he turns the line off.

Q. And when the line goes off, what happens then?

A. Then we shut the shear off and he shuts the water off.

Q. Okay. Do you call him to shut the water

off?

A. No.

Q. So in that instance, he would go ahead and shut the water off?

A. That's the only time.

Q. Pardon me?

A. That's the only time, if we wasn't going to be running.

Q. Okay. The -- I may have asked you this but I forgot. The E-stop switch on the shear that we talked about, have you ever known it not to operate?

A. No.

Q. The junction box on the front of the shear, are you familiar with that?

A. Yeah.

Q. That's the box where your turning cable goes into. Have you ever seen anybody open that box?

A. Just if they had to do work on the shear cable right there.

Q. But you have seen somebody?

A. Yes.

Q. Who would go into that box?

A. The electrician.

Q. Okay. Who was that on your shift?

A. Luke Ford.

Q. Okay.

MR. SEARS: Just for clarification are you saying that you saw Luke Ford go into the junction box or that's who was the electrician?

THE WITNESS: I've seen him work it. I've seen him go into the box to work on it.

Q. Have you -- In your experience of operating the shear, you said you seen sparks at the tail. Have you ever noticed any, a better word, pop-offs or fire balls come off either of the drums?

A. No.

Q. Okay. How long have you operated the shear?

A. Probably operated it two years probably.

Q. Okay. Are you familiar with the fire suppression system on it?

A. Yeah, or somewhat.

Q. Do you know how the fire suppression system operates?

A. Not -- I mean, yes and no. I couldn't

really explain it, but I mean I know what it's there for and how it works.

Q. Well, if you had to activate the fire suppression, do you know how?

A. Yeah, I know how.

Q. How would you do that?

A. You pull the pin and hit the button.

Q. Do you know where that was located on the shear?

A. Yeah, but I really can't remember. It's been so long since I've seen that shear.

Q. We already talked to some people about a 30 minute call out, every 30 minutes information has to be called out. Are you familiar with that?

A. Yes.

Q. Who does that call out?

A. The head gate operator.

Q. Do you know what information he calls out?

A. Yeah. He calls out how much coal you've mined, what down time you've had and if you're still running.

Q. How does he obtain that information?

A. From the foreman.

Q. And so the foreman calls him every 30

minutes and tells him what to call out?

A. Yeah.

Q. So in that case, is the foreman on the face with you most of the shift?

A. Yeah.

Q. Okay. Do you know who the head gate guy talks to when he calls outside?

A. Dispatcher.

Q. Do you know what the dispatcher does when he gets that information?

A. Yeah. He sends it out on the paging system, writes it on the computer and sends it to upper management.

Q. Okay. Upper management at that mine or away from the mine?

A. Away from the mine.

Q. Do you know is that 30 minute call out, is that done every shift?

A. Yeah.

Q. Including weekend shifts?

A. Yeah. The only shift that you don't have to do that is third shift.

Q. Okay. Why is that?

A. We're not mining coal on third shift.

Q. Is that a maintenance shift?

A. Huh?

Q. Is third shift a maintenance shift?

A. Yes.

Q. Do you know -- Is a record kept of all of those call outs to your knowledge?

A. Yeah, they normally keep a file. Well, I know they do at Revolution. I don't know about there.

Q. Okay. I've heard a little bit about the crews taking a wedge cut. Do you know what I'm talking about, a wedge cut?

A. Yes.

Q. Describe that to me, please.

A. Okay. Say -- say you want to take an extra cut off the tail, you would go up to mid-face. There's a bow in the line. That's where you would drop it off. And then you go up above it, step it back in and go back towards the tail. Just turning the shear around.

Q. What's the purpose of the wedge cuts?

A. Depending -- I mean you may need to make the line walk towards the tail or towards the head or cut a bow out.

Q. Okay. If you was operating on the -- Let me back up here. If you would, look at this drawing here for me. I understand you have not been on the longwall face since the explosion.

A. No, not there.

Q. Okay. Let me just give you a little information. This is the location of the shear. Do you understand the drawing looking at it?

A. Yes.

Q. This is showing the shear at the tail gate end of the face, and the tail gate drum is actually cut out of the tail gate entry. Have you seen the pictures on Massey's website or anything?

A. No.

Q. Okay. With the shear at that location, in your opinion, at three o'clock in the afternoon or right around three o'clock in the afternoon, would that crew be leaving --

A. No.

Q. -- to go home?

A. No.

Q. Why is that?

A. They don't leave until we get there.

Q. Because -- let me -- This was day shift

crew, and the second shift crew would be coming in and you would be hot seating; is that correct?

A. Yes.

Q. And does that mean that the day shift crew would not be replaced until the second shift crew arrived on the section?

A. Yeah.

MR. SEARS: If I can interrupt for a second, I guess I have an objection just to the extent that you're asking for his opinion testimony. He's here as a fact witness. He has not been called as an expert on anything; and to the extent that the form of your question asks for an opinion, I would prefer to see them asked as far as what he knows as a fact. And we haven't discussed him giving opinion testimony; and if you're going to be asking him for his opinion, I would like some more time with him but go ahead.

MR. MAGGARD: How much time do you need?

MS. HAMPTON: Let me just say, as you know, we're not at a deposition now. We are here to gather information, and I don't think he is asking him these questions in the context of treating him as an expert. He is trying to ask him

what does he feel is normal given his experience in working at this mine.

MR. SEARS: And maybe it's just a matter of how the questions are worded; but just as a -- to kind of head off the issue, I mean, if you are going to be getting into opinion testimony, then that's something I would want to consult with my client about. I don't understand that to be the purpose of what these are about.

MS. HAMPTON: Yeah. I think we're trying to gather facts and trying to figure out what happened; and part of that is speculating based on the behaviors that he witnessed while working in similar situations, what are the possibilities of what could happen. I think that's all that this is. He is definitely not treating him as an expert.

MR. SEARS: I understand. Let me have a moment with him.

MR. KOERBER: Let's go off the record.

(Off the record.)

BY MR. CRIPPS:

Q. Okay. Terrance, I think before we stopped I was asking about the shear. I'll ask you this

way. Since you've been operating the shear -- Let me rephrase that. When you was operating the shear at UBB at three o'clock in the afternoon on day shift, did you guys ever leave the face, leave the shear at the tail gate?

A. No, not unless we was called out.

Q. When you was operating -- When you were working second shift when you arrived on the face, do you recall the shear ever being at the tail end and the crew being outside, the day shift crew being outside?

A. No, not unless they had trouble with fans but I don't remember that ever happening there.

Q. Okay. Do you carry a methane detector?

A. Yes.

Q. Do you know what kind it is?

A. Solaris.

Q. Do you take it home with you?

A. No.

Q. What do you do with it at the end of your shift?

A. Put it in my locker on charge.

Q. You have a charger in your locker?

A. Yeah.

Q. Okay. How often do you have to calibrate it?

A. I calibrate it once a month and test it every other day.

Q. Where do you calibrate it?

A. At the mines.

Q. Where at at the mines?

A. Are we talking about now or --

Q. At UBB prior to the explosion.

A. Prior to the explosion, the calibration units was in the fire boss room.

Q. Okay. Let me just clarify. When I asked you if you carried a spotter, I'm referring to when you operated the shear at UBB. Is that the way that you understood the question?

A. Not at that time but, yes, I did carry a spotter at that time also.

MR. CRIPPS: Okay. That's all I have for right now.

EXAMINATION

BY MR. BECK:

Q. When you say you made a pass or two passes or three passes on the longwall, what does that mean?

A. From the head to the tail and shuffle, that's one pass.

Q. One pass or from the tail back up at the head.

A. Yeah.

Q. And while you were in this rock that you had on the tail gate, what would the average number of passes that you would make, you and your other operator in a shift, just an average number?

A. When I run the rock?

Q. Yes.

A. I would say no more than five.

Q. And did you ever operate the shear when there wasn't any rock present, there was just coal from head to tail?

A. Yeah.

Q. And what would the average number of passes be there?

A. Seven or eight.

Q. So the rock definitely slowed you down?

A. Yeah.

Q. Did you ever notice that while you were in this rock that any of the other crews kind of shyed away from the rock area, they wouldn't cut out all

the time on the tail, maybe go down a certain area and come back or everybody went from head to tail or tail to head?

A. Just depending on the condition of the line, whether you went -- what you done, whether there was bows in it or whether it needed a walk.

Q. Okay.

A. Just depends.

Q. And you mentioned about changing out bits on the shear. How long would it take to change out a bit?

A. One bit or a drum of bits?

Q. Just one bit.

A. I could change one out in 30 seconds maybe.

Q. Did you ever have any that you had difficulty getting out and would that take longer?

A. It would take longer. I don't really remember having difficulty getting any out.

Q. And how about water sprays? How long would it take to change out a plugged up water sprayer, a missing spray?

A. Maybe a minute.

Q. And how would those secure to the drum,

the water sprays?

A. Well, we had some that would screw in there. I don't know if that shear had that in it, but most of them would have staples to hold them in.

Q. Did you ever have any occasion to see any of the upper mine management from Massey, say Chris Blanchard or Jason Whitehead on the longwall face?

A. Rephrase your question.

Q. Did you ever see Chris Blanchard or Jason Whitehead on the longwall face at Upper Big Branch while you were working?

A. I don't know about Jason, but I seen Chris.

Q. Do you know what the purpose of his visit was?

A. Not really. I don't know what his visit was.

MR. BECK: That's all I have right now.

EXAMINATION

BY MR. MAGGARD:

Q. I've got a few questions. The fire suppression system on the shear, was that a dry chemical system?

A. I -- I?

Q. Do you know what it was?

A. I don't know what it was.

Q. I thought you said that there was some screw in water sprays on the drum. Am I understanding you right? Are there screw in some of them, some of them staple? Tell me what they are. I don't know.

A. I ran shear at Revolution and there's -- I don't know which one. Some of them you can take a little Allen wrench and you just screw them into the drum. And some of them have a staple that goes to the drum to hold them in.

Q. Okay. And do you know how many sprays was on a drum?

A. Fifty-some.

Q. Okay. How many days did you have to fill in as the boss on the longwall?

A. I can't really remember. Maybe -- I think I've only done it like four times there, two, four times.

Q. How did you like that?

A. It wasn't bad.

Q. Wasn't bad?

A. Considering I do it every day now.

Q. Do you? So you're a boss at what mine now?

A. Revolution.

Q. Revolution. As far as UBB went, when you was the boss, how did you take your air readings? What did you use? Just go through that process. What type of anemometer did you use if that helps? Where did you take your reading at and how did you do it?

A. I don't know what the brand name was. The round one, Davis maybe. Take it at the last open. I'd measure, do all my figuring. Take my air reading for one minute; run top, bottom and when I go to the face, I didn't have to take no measurements, just top and bottom for one minute.

Q. So when you was on the face, you took a measurement at certain shields for one minute; is that correct?

A. Uh-huh.

Q. What kind of measurements was you getting? Do you recall what -- how many -- What was you looking for on your examination?

A. I can't remember what the plan called for,

but it seems like maybe on the head I had 900 maybe, guessing somewhere in that area.

Q. Was that 900 -- You did it for a minute. Is that -- What kind of units are we talking about here?

A. LFM.

Q. Huh?

A. LFM.

Q. Liters?

A. Linear feet.

Q. Oh, so you took linear feet measurement for a minute?

A. Yeah.

Q. So would it change during that minute or how did that --

A. No it didn't really.

Q. I mean, from -- Let me get -- what shields did you take it at?

A. Now I'm just assuming. I can't really remember what shield I was supposed to take it at up there, but I think it was nine shield and 160 shield.

Q. Was there a difference between nine shield and 160 shield?

A. Yeah.

Q. Now, what kind of difference do you recall?

A. I'm going to say if you had 900 on the head you probably had 700 on the tail.

Q. Did you take it in a particular spot at those locations or did you move it around or what -- I mean, how did you do that?

A. I moved it around. I went from the bottom to the top of the shield over to the pan line.

Q. Okay. Where did you take -- You said you took a reading over in the last open break. Was that one entry?

A. One entry, yeah.

Q. What entry was it at UBB? Do you recall how close was it? I mean we've got a map here. If you was looking at this map right here and here's the face --

A. Right here at -- If this is the face, here's your curtain. Right here is where you take your air reading.

MR. MAGGARD: Maybe we can mark this as an exhibit?

MS. HAMPTON: Yeah. I think we should do

that. Do you want to have him mark in --

MR. MAGGARD: Sure.

MS. HAMPTON: -- use a blue marker. I'm going to mark this as Exhibit No. 3.

(Exhibit No. 3 marked for identification.)

A. Just put a mark on it.

Q. Yeah. And just draw an arrow. Might make a bigger mark than that.

A. Okay.

Q. And just draw an arrow to it and say last open break air reading or something. If you wouldn't care, initial it and date it.

A. Is today the 10th?

Q. Yeah. I appreciate that.

When was your first day at UBB? When did you start roughly?

A. July, June, July.

Q. Okay. And was that -- had you worked at other mines for the company or for Massey or was that your first day new on the job?

A. No, I worked at Revolution.

Q. Okay. How long had you worked at Revolution?

A. Three and a half years.

Q. So you was working on the wall at Revolution or --

A. Yes.

Q. So when you came in July, what was -- what was your purpose? What was you doing at that time?

A. Just come over there to run the shear.

Q. Okay. So when -- I know we got a gap, I guess the walls actually -- the first day of production was roughly September I recall; is that correct?

A. Yes.

Q. So from July to September, what did you do?

A. Hauled parts in for the setup of the wall.

Q. Did you haul parts in the first day of work?

A. No.

Q. Tell me about the first day. Can you remember?

A. The first day -- Maybe the first week I was outside. They had a tent set up for rebuilding shields. That's what I did.

Q. How long did you do that?

A. Maybe two weeks at the longest.

Q. And as far as your first day underground, was that a week or two weeks after you worked on the shield starting to take supplies underground?

A. Yeah.

Q. Tell me who gave you training when you arrived at UBB. Do you remember?

A. No, I can't really remember.

Q. Okay. Had you been at UBB prior to July or strictly been at Revolution?

A. Strictly at Revolution before that.

Q. When was your last annual refresher?

A. I just had one -- Gosh, I can't remember. September maybe. I can't -- I think it was September of last year.

Q. What kind of certifications do you have from the state or MSHA?

A. I have my dust card, my mine foreman certification, of course, my black hat.

Q. Okay. Do you have an electrical card or anything else?

A. No.

MR. MAGGARD: Okay. That's all I've got.

EXAMINATION

BY MR. TUCKER:

Q. I've got just a couple more. Going back to the tail on Saturday on your last shift, you said you were cutting a lot of rock. It was hard cutting naturally because you had to change bits while you were there. So could you describe what you seen as far as the sparks. We talked a little bit about sparks coming off the shear. What did that look like?

A. I don't know. It just looked like sparks. I don't know how to explain it.

Q. I mean was it like a fire ball?

A. No.

Q. Just sparks shooting or just one big spark?

A. Just sparks shooting.

Q. So cutting that much rock I'm sure you were creating some dust. So right there at the tail --

MR. SEARS: I'm sorry. There was a question I didn't hear a response to. Did you respond to that first question?

THE WITNESS: Yeah.

MR. SEARS: Okay. I didn't hear it. What was your response?

THE WITNESS: Shooting sparks.

MR. SEARS: No. No. About the creating dust.

MR. KOERBER: Did that create a lot of dust?

Q. Cutting rock, does that create dust?

A. I'm sure it does.

Q. Okay. I thought that it would.

So right there at the shear, the dust that's coming off the shear, which way is it going?

A. The dust would go out in the tail entry.

Q. Once it got in the tail entry, could you tell which direction it was going?

A. I can't really remember. I think it may have went down a break and then over and then shot up behind us. I can't really remember too well. I didn't pay a whole lot of attention. I was more focused on what I was cutting.

Q. Did it seem to be a strong pull? I mean, was it -- you were right there at the tail. Did it seem like it was pulling away quickly or was it lingering or how would you describe it?

A. It pulled away quickly. It didn't linger very much at all.

Q. Okay. And then once it's in the tail, you can't remember like if it went inby or outby?

A. I think it went outby from a break. I can't remember very well.

Q. All right. What's the most methane you've ever saw on a monitor?

A. I don't remember seeing any methane at UBB.

Q. Okay. And the gas test that you took with your hand held, you don't recall --

A. No.

Q. -- picking anything up?

A. No.

Q. Just one more question about the bits. If you could just -- Like for that Saturday, the last Saturday you worked, could you just describe -- Once you realized you had to replace bits, just describe what you did. Just walk us through what you did when you decided you were going to have to set bits.

A. Well, I would back the shear up. I'd start cleaning me out a spot to set bits. After my

spot was cleaned up, I would shut the shear off. I would holler at the foreman, tell him I had to set bits, then holler at the head gate man, tell him I was setting bits. He would shut the line off, the water off, hit the E-stop on the shear, pull the line back. I would spot in two jacks overtop of my drum, and then I would start changing bits.

Q. What did you use to knock the bits out?

A. I had a bit wrench and a hammer.

MR. TUCKER: That's all I have. I appreciate it.

EXAMINATION

BY MR. CRIPPS:

Q. I've just got a couple more questions for you. The spotter that I asked about earlier, the Solaris, did you carry that in a pouch on your belt?

A. I believe I did.

Q. Okay. I want to clarify something I asked a while ago. We discussed when the shear is cutting and the shear is cutting from the tail towards the head you're operating the tail -- the tail drum and the shear; that's correct?

A. Correct.

Q. Where would you be located in relation to the shear when it's cutting towards the head?

A. I'd be inby the head drum, past the head drum.

Q. By -- You mean you would be towards the tail gate end of the shear?

A. I would be towards the head gate end of the shear.

Q. So you would be -- You're inby is my outby, so I just want to get it cleared up. So you would be between the actual head gate of the face and the longwall and the head gate drum on the shear?

A. Yeah.

Q. What about the other shear operator? Where would he be?

A. Same spot.

Q. What about the shield operator or the jack setter?

A. If he was running his primes and he was up there, if he wasn't running his primes, he would stand up there until we cut so far and then we would stop mining and he'd go back there and pull shield --

Q. And what do you mean by running his primes?

A. It's an advance prime. You could put an advance prime in when you go up through there past the shear, 20 shields, 10 shields something, hit a button and then they pull in.

Q. And is that what he normally did?

A. I wouldn't say normally. They didn't mark off the top.

Q. Did he ever do it?

A. Yeah.

Q. Okay. So the advance prime did work on this face?

A. Occasionally.

Q. How often is occasionally?

A. I can't remember.

Q. Let me ask. Has it ever worked on this face?

A. Yeah, I've seen him use it.

Q. The advance prime you've seen him use it on this face at UBB?

A. Pretty certain. I don't know how well it worked, but he used it I guess to tell the hoot owl what problems he had with it or whatever.

Q. Now, the advance prime and push prime, are those the same functions or two different functions?

A. Two different functions.

Q. The shear, did it have what I call a horizon control or memory cut on it?

A. No, we never used it if we did.

Q. Okay. When you're cutting towards the head, and you're outby the head gate drum, how did you control the depth of that head gate you were cutting at the bottom?

A. I'm just that good, bud. I just know what I'm doing pretty much.

Q. That's pretty good. Did you ever have any problems with not being able to see that drum?

A. If I had a bunch of rock behind me maybe.

Q. So would you normally just sump that tail drum all the way down as far as it would go?

A. No.

Q. How come?

A. Because I didn't want to turn the line over. I could tell by the way the shear is setting if I've got my drum sumped into the bottom because it will bow your shear up.

Q. So you could actually cut into the bottoms too deep with the drum?

A. Yeah.

Q. What about if you didn't have the drum down low enough? Did that create a problem?

A. It'd tear the line up.

Q. And that would create problems for you?

A. Yeah.

Q. So cutting the bottoms at the proper depth was pretty important?

A. Yeah.

Q. And so just the way you cut the bottoms because you were such a good operator --

A. I was just experienced. I could pretty much tell how the shear was setting and how much pressure I would need to put on the tail end drum to cut the bottom.

MR. CRIPPS: Okay. That's all I've got.

THE WITNESS: I just like to play around a little bit sometimes. Make myself feel good.

EXAMINATION

BY MR. BECK:

Q. You said you started UBB in June or July. I missed the year that was.

A. That was in 2009.

Q. And is advance prime, is that the same as batch push?

A. Yeah.

Q. And were any of the shields on that longwall face equipment sprays, water sprays?

A. Yeah.

Q. Did they work?

A. Yes.

Q. Were they used?

A. Yeah, I used them.

Q. Okay. How many shields had them? Do you recall?

A. I don't recall how many had them.

MR. BECK: That's all I have.

MR. KOERBER: Mr. Adkins, at this time, if there's anything you would like to clarify, anything you would like to state, anything you would like to add, anything that you would think we need to know that wasn't asked of you or any question that you might have, feel free to ask or state it at this time.

THE WITNESS: Yeah, I do have a question. I heard that they found nails stuck in the sprays;

is that true? Because I don't know how that's even possible to do, but that's what rumor has been.

MR. MAGGARD: There's always new stories and stories and stories. Stuff like that -- we're investigating everything but --

THE WITNESS: I was just wanting someone to show me how that would be done. That's all. I don't know. I tried it. Not on that shear, but I found a sprayer a couple days ago and seen if I could put a nail in it and it's impossible to put a nail in it.

MR. MAGGARD: Okay.

MR. KOERBER: Anything else though?

THE WITNESS: No.

MR. KOERBER: On behalf of the Office of Miners Health Safety & Training, I would like to thank you for coming here today and we're going off the record.

(The interview of TERRANCE ADKINS was concluded.)

STATE OF WEST VIRGINIA, To-wit:

I, Nichelle N. Drake, a Notary Public and Professional Reporter within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the interview of TERRANCE ADKINS was duly taken by me and before me at the time and place specified in the caption hereof.

I do further certify that said proceedings were correctly taken by me in stenotype notes, that the same were accurately transcribed out in full and true record of the testimony given by said witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which these proceedings were had, and further I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

My commission expires the 19th day of July, 2019.

Given under my hand and seal this 14th day of February 2011.

_____

Nichelle N. Drake
Professional Reporter
Notary Public