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 TRAVIS NELSON 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.

JOHNNY JACKSON & ASSOCIATES, INC.
606 Virginia Street, East
Charleston, WV 25301
(304) 346-8340

APPEARANCES

WEST VIRGINIA OFFICE OF MINERS' HEALTH SAFETY & TRAINING
Barry L. Koerber, Assistant Attorney General
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

WEST VIRGINIA OFFICE OF MINERS' HEALTH SAFETY & TRAINING
Bill Tucker
891 Stewart Street
Welch, WV 24801
(304) 436-8421

MINE SAFETY & HEALTH ADMINISTRATION
Dean Cripps
302 West Main Street
Benton, IL 62812
(618) 439-4355

MINE SAFETY & HEALTH ADMINISTRATION
Jasey Maggard
3837 South U.S. Highway 25 East
Barbourville, KY 40906
(606) 546-5123

U.S. DEPARTMENT OF LABOR
Office of the Solicitor
Pollyana Hampton, Esquire
1100 Wilson Boulevard, East
22nd Floor
Arlington, VA 22209
(202) 693-9359

GOVERNOR'S INDEPENDENT INVESTIGATION PANEL
J. Davitt McAteer
Jim Beck

EXAMINATION INDEX

EXHIBIT INDEX

MR. KOERBER: My name is Barry Koerber. I'm the assistant attorney general assigned to the West Virginia Office of Miners Health, Safety & Training UBB accident investigation team. Today is February 10, 2011.

I'm going to ask that the other people sitting at the table who are members of the various teams, accident investigation teams, state their name and who they're with for the record.

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

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

MR. CRIPPS: Dean Cripps with MSHA.

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

MR. McATEER: Davitt McAteer with the Governor's Independent Investigation.

MR. KOERBER: And we have one person in the back. I would ask that he identify himself and who he's with.

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

MR. KOERBER: May I call you Travis?

THE WITNESS: Yes.

MR. KOERBER: Travis, we have a court reporter here taking down everything that's said like when you were here before. Just for reference, please say yes and no and not uh-huh or uh-uh. Please allow the interviewer to finish the question before you begin to answer and I'm going to ask all the interview people to please allow you to finish your answer before the next question is asked so we don't have two people talking over one another.

The court reporter is with Johnny Jackson & Associates. Johnny Jackson & Associates is a court reporter firm in downtown Charleston. They're operating under a three day turnaround as far as typing up the transcripts and putting them on paper. With this being Thursday, three business days would be Tuesday night. So come Wednesday morning the transcript would be available. If you would like to review your transcript, you will have that opportunity come Wednesday morning or after. When you -- If you choose to review your transcript, you'll be given an errata sheet as

well, which is a separate sheet of paper that you can write the corrections on that you find while reading the transcript. If you would like to read your transcript, review your transcript and do an errata sheet if you find any mistakes, I'm going to give you their business card, which contains their address and their telephone number. Any time after -- any time Wednesday or after, you can call up there and arrange a time that's convenient for you and them; and they will put you in a conference room where you will have privacy and you can read the transcript. That is something you certainly can do if you choose. It is not something you have to do. It is your choice entirely.

If for any reason whatsoever you need to take a break, just say so and we'll take a break. Okay. We request that you not discuss your testimony with other people after you leave to protect the integrity of the investigation. I believe Polly may have something that she would like to say here at this point in time and I'm going to give her an opportunity.

MS. HAMPTON: Yeah. I would just like to mention on the record that before we began here I

handed you a letter on behalf of MSHA's accident investigation team. And did you get a chance to review that letter?

THE WITNESS: Yes.

MS. HAMPTON: And do you have any questions for me about the content of that letter?

THE WITNESS: No.

MS. HAMPTON: And I would like to point out that in that letter is contact information for Norman Page. He is the leader of the accident investigation team for MSHA. If you have any additional information you'd like to share with the team after you leave here today or anything else you think that's relevant that we should know, please feel free to contact them with the information that you think is important.

MR. KOERBER: Okay. Would you swear in the witness.

TRAVIS NELSON, DEPONENT, SWORN

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

THE WITNESS: Travis Allen Nelson, N-E-L-S-O-N.

MR. KOERBER: And would you please state

your address and telephone number?

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

(b) (7)(C) ; and the phone is

(b) (7)(C)

MR. KOERBER: Are you expecting an attorney or some other personal representative to be here with you today?

THE WITNESS: No.

MR. KOERBER: Are you appearing here today as a result of receiving a subpoena?

THE WITNESS: Yes.

MR. KOERBER: I'm going to show you a copy of that subpoena, and we'll have that marked as Exhibit 1. It's to you for 10:30 today. Does that look like a copy?

THE WITNESS: Yes.

(Exhibit No. 1 marked for identification.)

MR. KOERBER: This you probably have not seen. This is the affidavit of service filled out by the processor service showing that on the 4th day of February there was served to you a subpoena at this address.

THE WITNESS: Yeah.

MR. KOERBER: I'll ask that this be marked as Exhibit 2.

(Exhibit No. 2 marked for identification.)

MR. KOERBER: Not only am I going to give you the Johnny Jackson business card, but I'm also going to give you a memorandum which contains the address for the West Virginia Board of Appeals. The West Virginia Board of Appeals is an administrative tribunal that is charged with hearing among other things coal miner discrimination cases. West Virginia Code Section 22A-1-22 protects coal miners who participate in interviews such as this from being discriminated against in their employment. If you believe that you have been discriminated against for participating in this interview or in the last interview, this is the agency to which you file your complaint. Your complaint does not have to be anything elaborate. It can simply be a handwritten letter explaining what you saw happen to you. I'm going to give you the address. I would caution you though under the statute you only have 30 days from the day that the discriminatory action occurs to

file your complaint with the board. I'm also going to give you Bill Tucker, who is our lead investigator for the UBB accident, I'm going to give you his business card. In the event anything occurs to you after the interview that you think would be helpful for us to know, please contact Mr. Tucker.

And with that, I'm going to turn it over to Dean to start the interview.

EXAMINATION

BY MR. CRIPPS:

Q. Okay. Travis, thanks for coming in today and letting us ask you a few questions. Since you were here for your last interview, we've had a chance to go underground. We've been on the longwall many times and consequently we've got several more questions we would like to ask.

Have you been underground at UBB since the explosion?

A. No.

Q. So you have not been back up on the longwall?

A. No.

Q. Let me just -- I understand that you are

the jack setter; is that your title?

A. Not now.

Q. Okay. Let me clarify. Prior to the explosion, was you a jack setter on the longwall?

A. Yes.

Q. And you were on A crew?

A. Yes.

Q. And Mike Webb was your boss on the day of the explosion?

A. Yes.

Q. And the last shift you worked, was it Saturday day shift?

A. I believe, yeah. Yeah, I believe that would be right.

Q. And that information I'm getting is from your previous interview that you did.

A. Yes.

Q. Let's start off, if you would and the question I'm going to ask you is going to refer back to your time at UBB prior to the explosion. Tell me about what a normal shift would be for you, what you would do on your shift starting with the ride on the man trip on the section.

A. We usually get off and we have, you

know -- we have our just -- we usually took about a 10 minute safety meeting there at the man trip and then just go -- I'd just go straight up to the face and, you know, as soon as they started running, just back and forth all day with the shear.

Q. Okay. When you went up to the face, let's say for instance on day shift --

A. Uh-huh.

Q. -- what would condition or what would be going on on the face when you arrived on the face?

A. Usually they'd be finishing up whatever they were doing on hoot owl. They just did routine maintenance and stuff like that, so they would usually be finishing that up; and our boss would make a quick run across the face and check the air and everything like that before we'd fire up.

Q. Would power normally already be on the face?

A. It just all depended. Like I said, you know, when they were doing maintenance sometimes they would have it on and sometimes they wouldn't. It all depended on what day you came in.

Q. Okay. What about when you was on second shift and you arrived on the section?

A. Well, we were hot seating at the time; so, you know, everything would be up and running already anyhow, so --

Q. So would you relieve out the day shift crew on the face?

A. What they had us doing for one reason or another, we had been sweeping blade -- they -- We weren't allowed up on the face until the other crew came off, so they would just, you know -- They -- Everything would still be on. They would just power down the shear and come off the face and we'd switch out there at the head.

Q. At the head end of the longwall face?

A. Yes.

Q. And then would the shear be in any certain place when you did that?

A. No, just wherever they -- wherever they stopped. They had the phone system across the face, and they would just holler up and let them know we were there; and they'd just stop wherever they were at and walk off and we would switch out.

Q. So then you'd travel directly to the location of the shear?

A. Yes.

Q. And then what would happen?

A. That's -- We'd just pick up from wherever they were at and just continue -- continue mining like that.

Q. Okay. So you would start up and just start producing coal?

A. Yes.

Q. Did -- Would the operators or anyone do any checks on the shear, look at the bits or anything prior to starting up?

A. Yeah. We'd always start because we'd keep -- we generally kept, especially at that time as much rock as we had been cutting, we would keep bits on the -- you know, right there along the longwall face, you know, different points, that way if they got too bad at any point we would change them out. And we were having to several times a pass at that point.

Q. Change bits out you mean?

A. Yes.

Q. Why was that?

A. Just as much rock as we had been cutting, they dulled real fast.

Q. Okay. You was cutting a lot of rock on

the face?

A. Yes, down towards the tail especially.

Q. Okay. When you went on the face, would the electricians go to the shear with you?

A. It just all depended. Usually they wouldn't. They'd be getting all their stuff ready, getting all their tools out of the box and everything when we made up to the shear.

Q. Okay. When you arrived on day shift and you arrived on the section, would the -- would the bits generally be set already in the shear? Would you have to set bits?

A. It just -- That's another one of those things that just all depended on what day you came in because hoot owl was -- they were supposed to have it ready, bits set and everything; but if it was too far down through there, they didn't drag no bits down there to change them so we ended up having to do it.

Q. So the shear wasn't always left at the head gate?

A. No, not always. We would try to do it when we could, but -- but just sometimes wouldn't be able to.

Q. Okay. When -- when the guys would be -- Let me back up. Did you help set the bits on the shear?

A. Yes.

Q. When you and the operators were setting, did you ever do any checks on the water sprays?

A. Yeah, we would -- I mean you could tell pretty much just by looking at them up there, getting clogged or anything like that. We'd check them as we would roll the head and change them out if we had too.

Q. By looking at them, you mean just visual inspection of the spray itself?

A. Yeah. I mean, you know, you could look at them and tell which ones have been like, you know, working and which ones haven't. They're -- I mean it's real evident which ones haven't been working.

Q. How is it evident?

A. That's -- You can -- I mean if it ain't been working, it's going to be clogged completely with dirt and everything from where it's been cutting.

Q. What if it had been working, what would you see?

A. It'd just be -- you'd have a pretty clear hole through it, through the spray itself. Usually be fairly clean.

Q. Okay. And so when you would spin the drum around to set bits, you was busy looking at your sprays also then?

A. Yes.

Q. And did you normally turn the water on to check the sprays?

A. Well, it's -- they'd be on as we were shutting -- After we shut it down, as the drum was going around, you know, as -- you know, slowing down after we shut the power off, you could see them spraying. We'd let them stop before we'd have them turn the water off.

Q. Okay.

A. So, you know, we could see -- You could pretty much see which ones weren't. If you had any clogged or anything like that as it was stopping.

Q. Okay. As you were doing your visual exams, did you ever notice any missing sprays in the drums?

A. Not too often. You'd have one missing every now and then, but we would clear it out and

put a new one back in.

Q. Did you generally have sprays to put in if you had one missing?

A. Yeah, we always kept a bag. There would be little holes there in the top of the shield. We'd usually keep a bag of sprays up in one of those holes there just to have handy if we needed it.

Q. Do you know which shield that would be in?

A. I'd say probably generally anywhere between seven to ten.

Q. That's a shield near the head gate?

A. Yes.

Q. Okay. What if you needed to replace sprays down near the tail gate?

A. If we ended up needing to replace them, we'd have to holler. We'd generally holler at the electrician and have him run them up.

Q. Okay. Do you recall what's the most number of sprays you've seen missing at one time?

A. I just -- It wouldn't have been probably just two or three at the most.

Q. Okay. Do you recall ever seeing anyone check the water pressure on the shear?

A. Yeah. Our electrician was Luke Ford. He generally kept on top of it pretty good.

Q. Okay. How did he do that?

A. He had a -- I'm wanting to say he had a little gauge that he would take a spray out and plug it in to where it would spray. I think that's how he did it.

Q. Okay. Do you recall how many -- how often you seen him do that?

A. It seems to me generally about every other day or so I think. I wouldn't swear to it. It might have been more than that, but he generally kept on top of that pretty good.

Q. Okay. Okay. Let's talk more about your job as a jack setter or shield man. If I say something that you're not familiar with, let me know because I'm from out in Illinois and some of the stuff we call on the longwall out there is different from what you guys do, so sometimes that can get complicated.

When the shear is cutting towards the tail gate --

A. Uh-huh.

Q. -- tell me what you were doing during that

process?

A. As they're going down towards the tail, I'd be able to just pull the jacks non-stop down through there on the way down. You know as the shear would go by, I was generally about -- I'd stay about five or six shields behind them. That way in case they needed to back up and cut any bottom or anything I wouldn't be right on them. And as they'd go through there, I'd just go through and I'd pull each jack in and set it back and call my push about every 10 shields or so.

Q. Okay. You said you pulled each shield in?

A. Uh-huh.

Q. Did you have to pull every shield individually?

A. Yes. You could -- they have programs to pull in as many as you want to, but I didn't necessarily trust it too much.

Q. Okay. And so -- but to push the pan, you could batch, push the pan?

A. Yes.

Q. What you said, call for the push.

A. Yes.

Q. Explain that to me.

A. Well, it's -- you put your prime in there at the head; and about every 10, 15 shields, you call it and it would push all the way up to about two shields from you. And it -- it -- Like I said, it -- you could call it from wherever, and it'd push all the way up to you.

Q. Okay. Okay. But as you're going to the tail and you're pulling the shields, tell me that process of how you would actually advance a shield.

A. Now, what we'd have to do on the way back to the tail is they'd be cutting and they'd have to stop -- they'd stop every 15, 20 shields and let me go back and catch them up so it wasn't back there feeding all that dust.

Q. The shear was going to the tail --

A. I mean to the head. Sorry.

Q. But going to the tail, you would be okay, right?

A. Yeah.

Q. You would be out by --

A. Yeah.

Q. -- the shear?

A. I'd be out by that and they'd just keep

going the whole length and not have to stop.

Q. But is the shield advance, is that just a one button function?

A. No. It's -- you'd have to hit a button for each function. You'd have to drop it from the top, pull it in and set it back.

Q. Are these shields capable of the one button?

A. They're capable of it, but every now and again you'd have one that stayed back or something like that or wouldn't want to drop from the top; so I didn't -- wouldn't never really use that. I just didn't trust it to do it.

Q. Was it -- was it tough keeping up keeping the shields pulled?

A. No, it wasn't bad.

Q. So you could keep up by yourself?

A. Yeah.

Q. Okay. When the shear is at the tail and cutting back to the head --

A. Uh-huh.

Q. -- describe that process to me.

A. Well, it's -- Like I said, they'd cut about 15, 20 shields down through there and they'd

stop and I'd go back and catch up real quick. Just like the same as I would coming from the head, I'd just call the push every 10, 15 shields just to keep it up close.

Q. Okay. Where's the shear operators when they're cutting each direction?

A. They're -- They would stay up there with me there in front of the shear there to keep -- keep themselves out of the drum.

Q. Upwind of the drum you mean?

A. Yeah.

Q. Did that happen every pass?

A. Do what now?

Q. Did that happen every pass?

A. Yes.

Q. Every time. Is that what your vent plan required --

A. Yes.

Q. -- you to be there?

Have you run the shear before?

A. I did a little bit. Not much at UBB but when I was -- after the explosion, I was transferred to Revolution and that's what I did down there was run the shear.

Q. You run the tail end or the head end?

A. The tail end.

Q. Okay. I read some transcripts and heard -- and talked to people about wedge cutting.

A. Uh-huh.

Q. What is a wedge cut?

A. It's like if you have to take -- if you're -- if like the head or the tail end is getting too far ahead or not cutting out far enough, you can start say -- say you need to take an extra cut off the head you bring it to -- like to get it -- walk forward a little bit more, start there. And as the shear would be cutting back, say they'd want to turn around at about 80 shield. I'd take it and pull it in so -- pull the coal so far down there and just step them off little bits at a time. And then whenever they'd turn around, I'd just do the exact opposite. I would take it from not being pulled at all and stepping them in a little bit at a time to where I was in a full pull. And, you know, that way, it would just kind of gradually ease back in and out of the coal and they wouldn't be just coming into a full sump right there.

Q. Why would they need the wedge cuts?

A. Like I said, it's -- your head may be too far -- sitting too far back or you may -- you may need to walk it in because you may be cutting out too far or not enough, but that's generally why you have to do it. Where the coal -- like the entries there on the head gauge, they would come in and go out so much, sometimes you'd be going down through there and you'd be punching out so far you'd be about cut into the block across from you and sometimes you'd not be punching out at all.

Q. Okay. Okay. When the shear cuts into the head gate or the tail gate --

A. Uh-huh.

Q. -- you do what's been referred to here as the shuffle --

A. Uh-huh.

Q. -- what is that? Describe that to me.

A. Well, you punch out and, you know, you'd have to step them off so the shear could kind of just ease back in. It's the same concept of wedging just at a smaller scale. You just step a few off so that the shear could take a turn back into the coal. And then where you'd be turning

back in, you'd have to back up and cut back out again to get that full cut of coal across the face.

Q. Okay. When you say step them off, can you be -- give me a little bit --

A. Yeah.

Q. What does that mean?

A. It's just you would be at a full pull coming down to the head and then you take and you just -- you know, you'd pull this one in like three quarters of the way and then pull one in halfway, then a quarter of the way until you're out of a pull entirely; and that way, it just takes the pan line and turns it back into the coal and lets the shear come back, like kind of ease its way back in.

Q. If you was at the head gate, or the shear was at the head gate, where would you do this?

A. I generally started mine at about twenty and stepped it off in like five shields to about 15.

Q. Okay. And so when the shear would turn around and go towards the head gate, it would basically start cutting back into the face at about fifteen?

A. Yeah, it'd be back -- fully back in at about twenty.

Q. Okay. And then how far would the shear have to tram towards the tail gate before you turn around and go back?

A. By the time I got mine, because you would start back at a full -- you'd be at a full pull at the head and then starting about 14 is where you'd have to start stepping them back out coming back; and all I needed was for them to get to about 21 and they could turn back around. They'd usually make it to about 25 or so by the time I got my shields lined back up though.

Q. Okay. You say it got to 25. What part of the shear --

A. It would be the head end.

Q. Head of 25. So the tail drum would be down the face several shields?

A. Yeah. I believe it's about -- I'm wanting to say it's about 10 or 11 shields long, so it'd be about 35, 36.

Q. Okay. Down at the tail gate, where would you do your stepping off at the tail gate?

A. I generally started mine at about -- Let's

see. I think 160 is where I started mine at the tail, did about the same there, five shields in and then stepped about five shields back out on the way back out.

Q. Okay. Had you been at the tail the last day that you worked? Had you seen them cutting down at the tail end of the longwall face?

A. If I remember right, we had ran pretty good that day. We had been down there several times.

Q. Okay. As they was cutting down there, did you notice anything, any sparking on the shears it was cutting?

A. Well, yeah, that's -- We were cutting -- I don't think we had too much of any coal at the tail. It was mostly rock that we were cutting and it -- it'd, you know, be throwing -- throwing sparks pretty bad.

Q. Okay. Down there at the tail, let's just talk about the last few shifts you worked. When they cut out the tail and did their shuffle --

A. Uh-huh.

Q. -- did they have to do anything different than they normally did do to the rock?

A. Yeah, we had been having to set bits. There was a point we were having to cut out, back up, set bits, finish the shuffle, set more bits and then go back to the head.

Q. Okay. And that was due to the amount of rock --

A. Yes.

Q. -- that they was cutting?

A. Yes.

Q. When you set the bits, what determined if a bit needed to be replaced?

A. If -- just the wear of the carbon tip to it. If it was, you know, in bad shape, we'd generally replace them even if it looked like the carbon was about to -- about to go at all. And as much rock as we were cutting, it would be pretty evident, you know. I mean, bits would start grinding down real bad, so we'd have to -- like I said, we had to change them real regular down at the tail end.

Q. Okay. Have you ever seen -- When the shear was running, have you ever see any fire balls or pop-offs, they've been described as ignitions?

A. I've never seen them myself no, but I mean

I've -- of course, I've heard about them happening.

Q. Okay. Do you know who you heard about it from?

A. Oh, it's, you know, just different people. Like I hadn't heard about it at -- happening any time recently or anything like that. It's just, you know, stories people had told about it happening and stuff like that a long time back.

Q. Okay. Do you carry any type of a gas detector or methane spotter?

A. I didn't but our tail end shear operator did, I believe was the one that carried it.

Q. Who would that be?

A. Terrance Adkins was his name.

Q. Do you -- While you're on the face, if something happens, the conveyor is running, are you able to shut the conveyor off on the face?

A. Yeah. The phone system that they have set up has a kill switch on it, and there's one every I want to say about 10 shields.

Q. Is that the Comtrol system that I've heard about?

A. Yes, that's what it is.

Q. To your knowledge, the last shift you

worked was that system functioning?

A. Yes. If there's any kind of a break in the line or anything, then it won't let the face run.

Q. Have you ever known of the Comtrol switches not shutting the face off?

A. Not that I've ever known. Every time I've ever, you know, needed to shut it off, it's always worked.

Q. Have you actually shut the conveyor off yourself?

A. Yes, there's been plenty of times.

Q. What would be the reason you needed to shut it off?

A. If I had a hose to bust on a shield, couldn't get it pulled in or something, I'd shut it off so they wouldn't get too far down, you know -- down ahead of me or anything like that. And that's the -- Sometimes the head might -- you know, it might get a real bad gob out down at the head, might get all kinds of rock piling up on the face chain. You have to stop it to get it, to get the rock working around there and stuff.

Q. You said you've helped set bits on the

shear?

A. Uh-huh.

Q. Where normally on the face do you set the bits?

A. Normally when it's not under the condition that we were in at the tail, we would generally just set them there right at the head as we were cutting back out on the shuffle. You, you know -- You'd clean up, cut the -- cut all -- cut the bottom up a little bit more so you could, you know, have enough room to get in there and turn the drum.

Q. So would the -- would the head drum be actually sitting out in the belt entry?

A. No. We generally back up to where -- about six or seven shield so that way we get the shield pulled in overtop of us to keep, you know -- to keep the roof covered there.

Q. Okay. What about down at the tail? Have you ever set bits with the tail gate drum actually out in the tail gate entry?

A. No. We'd always do about the same with it. We'd pull back this -- right there at your head and tail motors, those gate shields are set back a little bit further and they won't actually

come out and cover the roof enough to set it out that way.

Q. Okay. The -- Those tail gate shields, are they normally kept pulled in all the way?

A. No. I mean they push out and I generally let -- when we were going up, let them cut out and once they got that top cut, I'd go ahead and pull them on in, you know, just to try to keep a little bit of that weight held up off the roof.

Q. Okay. So on the shuffle, it was at the tail gate after they would cut back into the face. Then you would push the tail gate drive over --

A. Yes.

Q. -- against the face and then they would turn around and come back again?

A. Yes.

Q. When -- when they was doing the shuffle and the shear had sunk back into the face and turned around, was it pretty obvious that they were doing the shuffle -- I mean just from a visual exam of the face?

A. Yeah. You could generally tell, you know. I mean if you were just someone walking up that way, you could generally tell what they were

doing because they had to back up and wouldn't be in the coal at all during the shuffle.

Q. When they was going back to the tail you mean?

A. Yeah. When they getting ready head -- whenever they were getting ready to cut back out, you know, after the shuffle, they wouldn't be in the coal at all. They -- not until you get them sump, you know --

Q. Okay.

A. -- sump back in.

Q. After he sump back into the face, say he's at the tail gate, and he sumps back in going towards the head and you push the tail over, then the shear would turn around and go back towards the tail --

A. Yeah.

Q. -- is that correct?

A. Yeah.

Q. Would there be like a step or something in the face where the shear would turn around to go back towards the tail?

A. Yeah. Whenever they'd turn around, it would just, you know -- there would just be the --

like the -- they would come out of a full sump and go back.

Q. Okay.

A. And they wouldn't be cutting anything until they got back to that sump where they turned around at.

Q. So that full sump you're talking about would be pretty obvious in the face --

A. Yes.

Q. -- is that correct?

A. Yes.

Q. Okay. Is there a valve on the shear to turn the water on and off?

A. I believe that there is, yeah.

Q. So when the -- when the conveyor went off and the shear wasn't running, would the water continue to run or did somebody shut it off?

A. No. They had -- they would shut it off at the head gate. The head gate operator, he -- we'd generally holler at him and have him shut it off.

Q. Okay. And then when you got ready to run again?

A. You would have to holler at him and tell him to turn it back on.

Q. Okay. Do you know who Jack Roles is?

A. Yes.

Q. Do you ever see him on the face?

A. He would come across every now and again, but I don't know. Maybe once a week or so is --

Q. Okay.

A. -- when I would generally see him.

Q. Did he ever give you any instructions or directions about anything to do on the face?

A. No, not really I don't suppose.

Q. Okay. I mean, if he thought they needed a wedge cut would he tell you to set up a wedge cut?

A. No, he generally -- you know, he generally left that up to whatever foreman was up there.

Q. Okay. So if a -- Say a wedge cut needed to be taken or was going to be made, who made that call? Was it you?

A. There have been times that I would make the call, but generally it's made by, you know, the -- whatever foreman is there at the time. But I mean if it's getting -- you know, if it's getting real bad and they hadn't said nothing, then I would just go ahead and do it myself if it needed it. But nine times out of ten, it'd be the foreman

making the call.

Q. Okay. Have you ever had a situation where the shield electrics on the face quit working or didn't work?

A. There had been times, yeah, it had happened.

Q. Have you ever operated the shields using just the valve banks on board the shield?

A. Not when the electric stopped working because, you know, I'm not going to climb in every shield and, you know, get it in like that. I mean there have been times I've had to do it on like a single shield or something.

Q. But just to continue production, you didn't do that?

A. No, that's too much work for me.

Q. Okay. Did -- did you wear an air stream helmet?

A. I did at Logan's Fork, but they gave us the option to wear respirators at UBB and I chose to wear a respirator instead.

Q. Do you know did anybody in your crew wear an air stream helmet?

A. No, we all wore respirators on our crew,

but I believe the crew that was in during the explosion I think most of them wore air stream helmets.

Q. Had you seen them wearing the air stream helmets?

A. I -- Yeah, I'd seen them coming off the line with them on.

Q. Okay. And the reason I ask is we've been on the face and we'd found some parts to the air stream helmets. That's the reason I'm asking that.

MR. CRIPPS: Okay. That's all I've got for right now. Bill?

EXAMINATION

BY MR. TUCKER:

Q. I've just got a couple follow-up.

When you're going to the tail and you're running well, you're in good condition, did you have any trouble keeping up then?

A. I didn't myself, no, but I know that some of the -- one of the other jack setters was fairly new, and I believe he had some trouble; but as for myself, I didn't.

Q. How close could you usually stay?

A. I generally stayed about five or six shields off of them, you know, in case they needed to turn around or cut any bottom or anything.

Q. Talking about sprays, occasionally you would see some missing. You mentioned you had to set bits maybe a couple times cutting out on the tail. Would it be -- How often would you see sprays missing under those conditions?

A. We didn't normally have too many problems with them especially cutting all that rock. We had tried to keep them, you know -- you know, keep a real close eye on them so it didn't just overwhelm us with dust.

Q. Have you ever seen anybody maybe take a spray out and then not put it back in for some reason?

A. No.

Q. When you're down next to the tail, did you ever notice anybody going out into the tail entry?

A. It had been a long time since I had seen it, but I had seen it happen before.

Q. It wasn't a common thing --

A. No.

Q. -- to see somebody go into the tail

entry --

A. No, not at all.

Q. When your boss would come down, he usually -- if you were on the tail, he'd just go right there at the tail or did he stay back there with you when he was coming and checking on things?

A. He would generally, you know, go out there towards the -- like out towards the last shield. And I'm wanting to say that there's a fire boss that made a run up the tail. I'm not 100 percent sure though.

MR. TUCKER: That's all I have.

EXAMINATION

BY MR. McATEER:

Q. Mr. Nelson, just a couple of questions. Thanks for coming by the way.

Did you see Jack Roles on Saturday, that last Saturday you worked before the explosion at the mine?

A. Not underground I don't believe unless he had came and just not came across the face.

Q. Okay. But did you see him at the -- up on the surface?

A. I believe he had been there.

Q. And did you hear of any ventilation change over the Easter weekend?

A. Not until after -- after the fact.

Q. What did you hear?

A. I didn't hear any specifics. I just had heard they had done some, you know, just done something with it. I never did hear exactly what.

Q. And do you remember who you heard that from?

A. Not right off I don't. It's -- I believe it may have been -- it might have been Kenny Woodrum that told me about it. I'm not for sure it was him for sure.

Q. And the methane, did you ever observe the methane detectors on the wall itself? Did you ever pay attention to those?

A. Yes, they're pretty obvious. They just kind of stick out.

Q. So you -- so your eye would go to them if you were walking by?

A. Yeah.

Q. Did you ever notice any read on those that was anything --

A. We generally -- About the most I believe I

had ever seen while we were running was maybe a 0.1, 0.2 percent.

Q. And what was the period of time you worked on this longwall as a jack setter?

A. It started -- Let's see. I would have started setting jacks probably around October, November of 2008.

Q. When did the wall come back from Logan's Fork?

A. Let's see. It would have been maybe around June, July --

Q. Okay.

A. -- of '09 that we'd started moving it.

Q. So you would have been on the wall from the time it came back?

A. Yeah.

Q. Was there ever any time that you got into water or water came onto the wall?

A. Yeah. There was a point we had a very bad problem with water. It'd be -- we had to keep pumps constantly running so it didn't roof out.

Q. And do you recall roughly when that was?

A. It would have been maybe two, three weeks or so before the explosion, I think.

Q. Uh-huh. Were you working in the water itself?

A. Yeah.

Q. Okay. And who set the jacks? Who set the pumps up?

A. There was, you know, several times we'd have to shut down and just grab one up and it would just be the whole crew trying to get it up and running. It just all depended on who was up there because we had to replace several of them.

Q. Where were they set up?

A. I'm wanting to say it would have been right around maybe 90 shield, somewhere between 90 and 100 shield.

Q. Were any of them set up back in the gob?

A. No.

Q. You never saw anybody set any of the pumps up back there?

A. No, I never did see anybody.

Q. Did you ever have any sense that they were back there?

A. No.

Q. And did the water affect the wall operation at all?

A. There were several times we'd have to shut down and wait on a pump, and it just made things kind of hard all around. It made it real slow.

Q. Did it have any impact at all on the electrical system?

A. I'm sure it did because we had several problems at the time.

Q. And did it have any impact on any of the jacks or anything that you were doing?

A. We'd have pins that would break that connect the jack to the pan line, and it would be a several hour job trying to dig all the mud out from around it and get down under the water and replace it.

Q. Okay. And did there come a time when anybody, not yourself, but did anybody mention that there was a high read on the methane or some read on the methane?

A. Not that I'd ever heard anybody mention.

Q. And did the cable -- any time the cable break or have some malfunction?

A. Yeah, we had several problems with the cable pulling in two.

Q. That was during the water time?

A. I don't think we had too much problem with it during the same period of the water, but I think it was right before that we had problems with the cable.

Q. Were you down a lot with the period of time that the water was coming on? Was there a little down time?

A. Yes, we'd be down, you know, having to pump the water, fix, you know -- fix those pins that were broke on the shield right there. We were having problems.

Q. Did the infusion of the water and the fact that the water was there, was there any interruption to your knowledge in the ventilation system, change anything?

A. That's -- you know, when it got to where it was roofing out, that's -- you know, it would cut the air off on the tail side of it, but that's why we'd, you know, we'd have to stop to, you know, to get it pumped back down.

Q. Uh-huh. So it would roof out and then you'd have to stop and get the pump and make sure the pumps were operating?

A. Yeah.

Q. Did that happen more than once in your recollection?

A. Yeah, it had happened a couple times on our crew we'd have to stop like that.

Q. And this was -- this was two or three weeks before the explosion?

A. It should have been somewhere close to that, yeah.

Q. Okay. How did the problem get resolved?

A. We had finally been -- I think they had just been able to kind of turn -- you know, turn it up hill a little bit and try to leave that water behind us.

Q. Okay. But the water itself was still back -- the water had not been eliminated. You just were out of it at that point. You'd come out of the swag?

A. Yes.

Q. Okay. Were the -- Just one question about the sprays. If a spray was missing, what usually would be the cause of that?

A. I would assume that it would just be, you know, kind of a wear and tear kind of thing. It'd just eventually, all that beating on all that rock

kind of jarred out.

Q. So it's your experience that -- that if you're working more in rock than you were in coal, there would be more likelihood to lose a spray?

A. I would say so. Like I said, the only thing I could figure would be, you know, all that beating on that rock kind of jar it loose.

MR. CRIPPS: Sure. That's all the questions I have at this time.

EXAMINATION

BY MR. MAGGARD:

Q. Travis, I'm kind of confused. When did you first start working at UBB?

A. At UBB, I came whenever the wall came back from Logan's Fork.

Q. Would that have been May, June?

A. I believe we started -- we started moving in June if I'm not mistaken.

Q. So what did they have you do when you first started? Were you outside for a while?

A. When we first moved over there, I was outside working on the shields. We re-hosed them all and everything and replaced most of the jack legs on them, but I was out there for a little

while and then went under. You know, while they were hauling them in, I would take them and set them with the shield hauler.

Q. When did you start hauling shields in?

A. It might have been somewhere around late July maybe, something like that.

Q. So when was your first day underground? Was that July?

A. Yeah, it would have been probably late July. I'd say mid to late July.

Q. So on your first day, was that -- was that your task to take the shields in when you went underground?

A. No, I don't think they started hauling them quite yet when I went under. We were still getting the pan line and everything put together and all the cable and everything ran.

Q. Did you get any training when you went to UBB from Logan's Fork, any additional training of any kind?

A. Outside of just, you know, getting trained as far as working on the shields and everything, no, I hadn't really had nothing else special done.

Q. Okay. But your first trip underground

was -- was to set up the pan line, right? Is that what -- or was it the shields? I'm still confused. I get confused real easy.

A. The -- Let's see. I believe that's what we did the first day was go down there and set that up. They took us and kind of showed us around for a little while then and I guess gave us the mine tour.

Q. Who did that?

A. Let's see. It would have been Shannon Dickens who did it for me because I went on the hoot owl.

Q. Okay. Okay. So how long was you on hoot howl?

A. I was on hoot owl for probably three weeks or so before I went back to swing shift.

Q. Okay. Had you ever seen any welding down the face during your production shift?

A. Not during production, no. Now I have seen stuff done, having to shut the wall down.

Q. And when they shut the wall down, would that be -- what kind of instance was it? Do you remember?

A. Well, it had happened at Logan's Fork, but

they had to shut -- we were down for a pretty good while because they had a crack in the frame of a shear and had to weld a big piece of metal down to the bottom of it.

Q. Okay. Did they take any special precautions when they were doing welding?

A. I believe, but I wasn't up on the face with them. I had been -- they had much outby work that needed to be done and that's what I went to do.

Q. Try to remember back to April 3rd. Did you detect anything unusual up on the section when you were working, the last day you were working?

A. No. That's -- It seemed like it had been, you know, a fairly regular day.

Q. Did you detect any unusual smells when you were working around the shields?

A. I didn't, but I heard our -- our head gate man had complained about a headache. He said he kept smelling gas and said it was giving him a pretty bad headache, and I heard the same story. I forget. It was some fire boss that said, it was right around that same time, said that he had been smelling gas.

Q. Okay. But -- but as far as you know --

A. As far as me, I never did.

Q. Okay. Did you have any shield problems, any of them wasn't working right when you were working that day? Do you recall any CIUs that were giving you trouble?

A. I don't believe so because it seemed like we had gotten everything working fairly decent as far as I could recall.

Q. You said you seen a -- you never seen anybody take a spray out and then run the shear; is that what you said earlier?

A. Not that I had ever seen.

Q. Okay. Had you ever -- But you never seen somebody take one out and then have to go get spare parts and put it in later or anything like that?

A. Not that I'd ever seen because, like I said, we kept the sprays right there on the line in case we ended up needing it.

Q. You said that the sprays were kept in the shield tips down around seven, seven shield; is that --

A. That's generally where we kept them.

Q. If you needed sprays and you were at the

tail, would you normally go back to the head and put the sprays in or have you had --

A. We would usually holler at the electrician and have him run some up.

Q. And was he pretty easy to get ahold of?

A. Yeah. We wasn't to -- we had him and then we had another guy, he had just got his electrician papers; so, you know, generally you'd get ahold of one of them pretty easy.

Q. Had you ever had -- Was the wall ever shut down because you lost water pressure?

A. Yeah, there had been a couple times you had the pumps kick off or something like that. You would lose pressure and shut down.

Q. How long would you be down normally?

A. Normally you could get them just to go down there and start the pumps right back up, but there had been some instances we'd just, you know, we'd either lose it from outside and, you know, that's just a matter of how long it would take to fix the water line and something like that.

Q. Do you know why they were losing it outside?

A. It could just be anything. That's like,

you know, a break in the line somewhere, something like that could cause it.

Q. Let me ask you about the shield tips.

A. Uh-huh.

Q. Were there some of those that were spraying down the face?

A. Yeah, I want to say it might have been -- maybe every 10 shields had those tip sprays.

Q. Could you manually turn those on and off?

A. Yeah, you could get in there and turn them on and off. They had a valve on towards the back of the shield somewhere.

Q. How many would you try to keep on at a time down the face?

A. I think they generally kept most of them up and running, if I remember right, especially -- I think they even might have added some more towards the tail. I wouldn't swear to it, but I think they had added a couple more down that way.

Q. Do you recall whether they replaced the fire valves down the face on the shield?

A. The ones to connect the main hoses, like the big hose to?

Q. (Nods head.)

A. I want to say there was one at the head, somewhere right around the head. There's one at the 50 I think maybe and 100. They kept them at 50 shield intervals sometimes.

Q. So would it be like a head, 50, 100. Was there one at 150?

A. Yeah, I believe that's what -- that's how they had them.

Q. Did they keep any hose for those or just --

A. They kept those --

Q. -- over at the head --

A. I think they kept it all right there at the head drive.

Q. Okay. I know you're running the shear now at, where, Revolution?

A. No, I'm not there anymore. I had been for about a month and a half or so after the explosion.

Q. So you've got a little experience with the shear too. Have you ever done a fire suppression test on the shear?

A. I think they generally did that on the hoot owl if I'm not mistaken.

Q. Do you know how to operate the fire

suppression?

A. Yes.

Q. Explain that. How does that work?

A. They had -- the manual starter was the pull pin and a button. You'd pull the pin and hit the button to get it to go I believe was how it was.

Q. Was that -- had you ever seen anybody operate it at UBB?

A. No, not that I had seen.

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

EXAMINATION

BY MR. CRIPPS:

Q. Travis, you said you could pretty well keep up pulling the shields --

A. Yes.

Q. -- by yourself. I guess the day of the accident, the shear operators and the shields weren't located right at the shear where they were found. They were some distance away. The longwall utility guy was also with it. Do you have any knowledge or know why he would be on the face?

A. He may have been up there maybe trying to learn to run the shields or something like that at

the time.

Q. Had you talked to him or any guys on that crew as far as maybe he was training to do that?

A. Now, at one point, Adam Morgan, he had been up there and they had me training him to learn to run them.

Q. Okay. But that was -- I think it was -- Chris Bell was the utility man on the B crew.

A. Yeah.

Q. Had you ever trained him or talked to him?

A. He had came up there for just like maybe a week at that red hat meeting teaching him so --

Q. Teaching him to pull shields?

A. Yes.

Q. Okay. Have you -- have you seen any of the pictures of the shear or the face or anything --

A. No.

Q. -- since you've been gone. I've got a picture here. I'll describe it to you, what it is. That's the tail gate drum on the shear, and that picture was actually taken from out in the tail gate entry; and right here is actually the rib of the coal block. And so the condition of the

shear right now that you can kind of tell it from this map we've got here, the shear right there was sitting all the way on the tail end of the drum as it punched out through the coal block. When you look at this picture here, do you see anything unusual here? I tell you when this picture was taken. We put water on the shears and that's when we took the picture.

A. It looks like there's about three sprays missing, three or four sprays missing.

Q. Have you seen something like this before?

A. Yeah, like I said, I mean, you know you might have a couple sprays beat out or something like that. As you can see here, it's pretty obvious when they're out.

Q. When the drums are turning, cutting coal, is it still obvious?

A. Yeah, it's still pretty obvious. You can see that big old stream of water kind of flinging as it's going around.

Q. If there's several streams flinging, coming out when it's going around, does it diminish the spray pattern coming out of the rest of the sprays?

A. I believe -- I believe it kind of makes the rest of the sprays weak, a little bit weaker.

Q. Okay. Now, in this case here we actually had seven sprays missing. We tested that. Does that surprise you?

A. Yes. I mean that's a pretty good bit of them out. I had never myself seen that many out at a time.

Q. If you had -- if you had sprays come out or you seen a stream like this when you were cutting or your crew was cutting, what would be the normal procedure?

A. If you had a bunch of it out like that and we weren't anywhere, you know, close to shutting down to set bits, we would go ahead and shut down and back up and put a few in.

Q. What if you had, say, two missing?

A. If we had two missing, you know, like I said, it'd just all depend on how close we were to having to shut down for bits. If, you know, you notice that you just got -- and, you know, we're about through with the shuffle, they'd go ahead and just finish up.

MS. HAMPTON: I'm actually going to mark

this photograph as Exhibit No. 3, so later on when we're reviewing the transcript we'll know what you're talking about.

(Exhibit No. 3 marked for identification.)

Q. If you're on the face and working and there's a problem of some kind. Let's say it's a -- Well, any kind of a problem, you need to get off the face quick, which way would you go out, the head gate or out the tail gate? If you're -- Let's say the shear and you are located down at the tail. Which way would you go off the face?

A. It'd just all depend on which -- what I was trying to get away from.

Q. Okay.

A. If it was something with the shear and it was setting there at the tail, then I would take off towards the head.

Q. Why would you do that?

A. I mean, if it's something right there with the shear itself, you know, it would be blocking the tail gate off anyway. Wouldn't be able to really get around it to get away from it.

Q. Okay. What if there was some kind of

problem up towards the head gate?

A. Then, you know, the tail is supposed to be your escapeway if there's something towards the head.

Q. Okay. The -- the shear with the location of where it's sitting that you know of right now at about three o'clock in the afternoon on day shift, do you think the crew would normally have stopped right there to leave the face to go home?

A. There's a good possibility of it, yeah. They may have went ahead and shut down to -- to go ahead and leave.

Q. Had you ever done that when you was on day shift if the other crew wasn't underground yet?

A. Not generally. That's -- We would generally keep running the whole time through until they got up there and hollered at us.

Q. Okay.

A. But there have been several times, you know, we come up on day shift and the crew'd be -- be waiting on us. They just didn't start another pass, you know, after they punched out on the tail.

Q. And they left the shear at the tail gate?

A. Yeah, there have been several instances.

It wasn't uncommon; but, you know, it's not something that our crew typically done. There would be times we'd come in on evening shift and we'd run for about an hour on the hoot owl shift, but that's just how our boss was.

Q. Was that just to get more coal?

A. Yes.

Q. Okay. Do you have any reason to know or ever have occasion to call the head gate and tell them to open the disconnect switch for the shear cable?

A. Just if like when we were having trouble with the cable pulling in half, pulling in two some, you know, I think they generally only have -- you know, go ahead and pull it out there and have the electrician on his way with his lock.

Q. Okay. Other than a problem with the shear cable, can you think of any other reason that the knives would be open?

A. We had them pulled when we were setting bits and stuff like that.

Q. Okay. Which I mean that's another condition that we found on the longwall was the knife or the shear.

A. I heard of that.

Q. But the -- to your knowledge, would the shear sitting where it's at right there, would they have been getting ready to set bits right there?

A. No, I wouldn't imagine anyhow. Like I said, that's -- we'd always pull back to where -- on the tail, we'd be back at probably about 168, somewhere like that is where we generally set them -- and get back away from the tail gate shields plenty enough to where we'd have enough covered.

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

MR. McATEER: That's all I have.

MR. KOERBER: Travis, on behalf of everybody here, we're going to give you an opportunity to make any statement, make any comment, make any verifying statement, ask any question, anything you want to say, anything you want to ask, the floor is yours.

THE WITNESS: I believe I'm fine.

MR. KOERBER: Okay. We want to thank you for coming, and we'll go off the record.

(The interview of TRAVIS NELSON 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 TRAVIS NELSON 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