

01 STATEMENT UNDER OATH
02 OF
03 MARTY RAY CONRAD

04
05

06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at the U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Tuesday, January 24, 2006, at 2:57
13 p.m.

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01

I N D E X

02

03 I N T R O D U C T I O N 8 - 16

04 W I T N E S S : M A R T Y R A Y C O N R A D

05 Q U E S T I O N S

06 By Mr. O' Donnell 16 - 43

07 By Mr. Mills 43 - 45

08 By Mr. O' Donnell 45 - 52

09 By Mr. Mills 52 - 55

10 By Mr. O' Donnell 55 - 66

11 By Mr. Mills 66 - 67

12 By Mr. O' Donnell 67 - 72

13 C E R T I F I C A T E 73

14

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01 0124Conrad-MSHA-Sago-me. txt
EXHIBIT PAGE

02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	One	Map of seal sites	21
05	Two	Map of mine	57

06

07

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01 P R O C E E D I N G S

02 -----

03 MR. O' DONNELL:

04 My name is Joe

05 O' Donnell. I'm an accident

06 investigator with the Mine

07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Bob
11 Wilson, from the Solicitor's
12 Office, and Brian Mills, with
13 the West Virginia Office of
14 Miners' Health, Safety &
15 Training.

16 I've been assigned to
17 conduct an investigation into
18 the accident that occurred at
19 the Sago Mine on January the
20 2nd, 2006, in which 12 miners
21 died and one was injured.

22 The investigation is
23 being conducted by MSHA and
24 the West Virginia Office of
25 Miners' Health, Safety &

9

01 Training to gather information
02 to determine the cause of the
03 accident, and these interviews
04 are an important part of this
05 investigation.

06 At this time, the
07 accident investigation team
08 intends to interview a number
09 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After

12 the investigation is
13 completed, MSHA will issue a
14 written report, detailing the
15 nature and causes of the
16 accident.
17 MSHA accident reports
18 are made available to the
19 public in the hope that
20 greater awareness about the
21 causes of accidents can reduce
22 their occurrence in the
23 future. Information obtained
24 through witness interviews is
25 frequently included in these

10

01 reports. Your statement may
02 also be used in other
03 enforcement proceedings.
04 I'd like to thank you
05 in advance for your appearance
06 here. We appreciate your
07 assistance in this
08 investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 critical to our goal of making
12 the nation's mines safer.

13 We understand the
14 difficulty for you in
15 discussing the events that
16 took place, and we greatly
17 appreciate your efforts to

18 help us understand what
19 happened.

20 This interview with Mr.
21 Conrad is being conducted
22 under Section 103(a) of the
23 Federal Mine Safety & Health
24 Act of 1977 as part of an
25 investigation by the Mine

11

01 Safety & Health Administration
02 and the West Virginia Office
03 of Miners' Health, Safety &
04 Training into the conditions,
05 events and circumstances
06 surrounding the fatalities
07 that occurred at the Sago
08 Mine, owned by International
09 Coal Group in Buckhannon, West
10 Virginia, on January the 2nd,
11 2006.

12 This interview is being
13 conducted at the U.S.
14 Bankruptcy Courthouse in
15 Clarksburg, West Virginia,
16 January 24th, 2006.

17 Questioning will be
18 conducted by representatives
19 of MSHA and the Office of
20 Miners' Health, Safety &
21 Training. This is not an
22 adversarial proceeding,

23 therefore cross examination

24 will not be permitted.

25 Mr. Conrad, the

12

01 interview will begin by my
02 asking you a series of
03 questions. If you do not
04 understand a question, please
05 ask me to rephrase it. Feel
06 free at any time to clarify
07 any statements that you make
08 in response to the questions.

09 After we have finished
10 asking questions, you will
11 have an opportunity to make a
12 statement and provide us with
13 any other information that you
14 believe may be important. If
15 at any time after the
16 interview you recall any
17 additional information that
18 you believe may be useful in
19 this investigation, please
20 contact Mr. Richard Gates at
21 the phone number or e-mail
22 address provided to you. And
23 the State also has a contact
24 card for you.

25 Your statement is

13

01 completely voluntary. You may
02 refuse to answer any question,

03 and you may terminate your
04 interview at any time. If you
05 need a break for any reason,
06 please let us know. A court
07 reporter will record your
08 interview and will later
09 produce a written transcript
10 of the interview. Please try
11 and respond to all the
12 questions verbally since the
13 court reporter cannot record
14 nonverbal responses. Also,
15 please try to keep your voice
16 up. Copies of the written
17 transcript will be available
18 at a later time.

19 If any part of your
20 statement is based not on your
21 own first-hand knowledge but
22 on the information that you
23 learned from someone else,
24 please let us know. Please
25 answer each question as fully

14

01 as you can, including any
02 information you have learned
03 from someone else.

04 We may not ask the
05 right questions to learn the
06 information you have, so do
07 not feel limited by the

08 precise question asked. If you
09 have information about the
10 subject area of a question,
11 please provide us with that
12 information.

13 At this time, Mr.
14 Mills, do you have anything
15 you'd like to add on behalf of
16 the Office of Miners' Health,
17 Safety & Training?

18 MR. MILLS:

19 Marty, the West
20 Virginia Office of Miners'
21 Health, Safety & Training is
22 conducting this interview
23 session jointly with MSHA and
24 are in agreement with the
25 procedures outlined by Mr.

15

01 O'Donnell for these interviews
02 that will be conducted here
03 today. But the Director
04 reserves the right, if
05 necessary, to call or subpoena
06 witnesses or require the
07 production of any record,
08 document, photograph or other
09 relevant materials necessary
10 to conduct this investigation.

11 MR. O'DONNELL:

12 Mr. Conrad, you are
13 permitted to have a

14 representative with you during
15 this interview, and you may
16 consult with your
17 representative at any time.
18 You may designate any person
19 to be your representative. Do
20 you have a representative with
21 you?

22 MR. CONRAD:

23 Marco.

24 MR. O' DONNELL:

25 Could you give us his

16

01 full name?

02 ATTORNEY RAJKOVICH:

03 Marco Rajkovich.

04 MR. O' DONNELL:

05 Thank you. Do you have
06 any questions regarding the
07 matter of this interview or
08 how it will be conducted?

09 MR. CONRAD:

10 No.

11 MR. O' DONNELL:

12 Okay. Please swear in
13 the witness.

14 -----

15 MARTY RAY CONRAD, HAVING FIRST BEEN
16 DULY SWORN, TESTIFIED AS FOLLOWS:

17 -----

18 BY MR. O' DONNELL:

0124Conrad-MSHA-Sago-me.txt
19 Q. Please state your full name
20 and spell your last name?
21 A. Marty Ray Conrad, C-O-N-R-A-D.
22 Q. And could you give us your
23 name and address and telephone
24 number?
25 A. Marty Conrad, HC 58, Box 86A,

17

01 Millcreek, West Virginia 26280,
02 (304)338-6416.
03 Q. Are you appearing here
04 voluntarily today?
05 A. Yes.
06 Q. Okay. Marty, about how many
07 years of mining experience do you
08 have?
09 A. About 19.
10 Q. And could you give us a brief
11 description of your mining employment
12 history?
13 A. Approximately 12 years for
14 Carter-Roag Coal Company, three years
15 for Anker, five years for Whittail,
16 then ICG.
17 Q. And how much time have you
18 spent at Sago Mine?
19 A. Approximately three months.
20 Q. Three months. And what's your
21 present position at the Sago Mine?
22 A. Underground foreman.
23 Q. And have you been a foreman
24 since you began at Sago?

25 A. Yes.

18

01 Q. Okay. When is the last day
02 you worked at Sago?

03 A. The day after Christmas.

04 Q. Were you scheduled to work the
05 day of the accident?

06 A. No.

07 Q. Okay. Do you have any mining
08 certificates?

09 A. Yeah.

10 Q. And what are they?

11 A. Foreman's paper, EMT card,
12 electrical card.

13 Q. And are they all from the
14 State of West Virginia?

15 A. Yes.

16 Q. Any other certifications from
17 any other state?

18 A. No.

19 Q. And who is your immediate
20 supervisor?

21 A. Jeff Toler.

22 Q. And he is the --- what's his
23 position?

24 A. Superintendent at Sago.

25 Q. Has he been your supervisor

19

01 the whole time you've been there?

02 A. At Sago, yes.

03 Q. What shift do you work?

0124Conrad-MSHA-Sago-me. txt

04 A. Day shi ft.

05 Q. Steady day shi ft?

06 A. Steady day shi ft.

07 Q. And what' s your starti ng time?

08 A. Seven o' cl ock.

09 Q. And do you work an ei ght-hour

10 shi ft or a ni ne-hour shi ft?

11 A. Ei ght-hour shi ft.

12 Q. At the Sago Mi ne, do you make

13 any exami nati ons as a certi fi ed

14 person?

15 A. No, not unless somebody is

16 off. Rare. On a day-to-day basi s,

17 no.

18 Q. So you pri mari ly supervi se

19 outby ---?

20 A. Yes.

21 Q. The areas that you work in is

22 usual ly al ready pre-shi fted?

23 A. Yes.

24 Q. Marty, how fami liar are you

25 wi th the Two Left mai n seal s?

20

01 A. I' m fami liar wi th them.

02 Q. Have you done any work on

03 them?

04 A. Yes.

05 Q. Do you know when they were

06 bui lt?

07 A. Started or completed?

08 Q. Both.

09 A. Started, sometime

10 mid-November. Completed,
11 mid-December.

12 Q. Tell us what your
13 responsibilities were in the
14 construction of the seals?

15 A. Just to help to build them,
16 some of them.

17 Q. How many days did you work on
18 them?

19 A. I couldn't tell you.

20 Q. Two, five?

21 A. I couldn't tell you. I'd just
22 drop in and out at my own leisure.

23 Q. Okay. Do you recall what
24 seals you worked on?

25 A. A couple of them, yeah.

21

01 Q. Do you know what numbers they
02 are?

03 A. They're Number One, Number
04 Five or Six, Number Eight or Nine.

05 Q. We have a drawing of the seal
06 area. We're going to take a walk
07 over there, and if you would, could
08 you just mark the number of the seal
09 that you worked on and if that's the
10 location familiar to you.

11 MR. O'DONNELL:

12 This would be Exhibit
13 One.

14 (Conrad Exhibit Number

15 One marked for
16 identification.)
17 A. Number One.
18 BY MR. O' DONNELL:
19 Q. Here, if you would just ---.
20 A. This one, this one, this one,
21 and this one.
22 Q. And that's all you were
23 involved with?
24 A. Yeah.
25 Q. All right.

22

01 MR. O' DONNELL:
02 The witness indicated
03 that he marked Number One,
04 Number Five, Number Six and
05 Number Nine seal.
06 BY MR. O' DONNELL:
07 Q. Now, Marty, how big is the
08 crew that you supervise?
09 A. Three.
10 Q. And who are those people?
11 A. John Jackson, Mike Triplett,
12 Harmon Jordan.
13 Q. And is that your regular crew?
14 A. Yes.
15 Q. And you say that you worked at
16 the seal area intermittently. I
17 mean, did you go there for full days
18 or ---?
19 A. Partial days, when we had free
20 time.

21 Q. Okay.
22 A. Because there was another crew
23 assigned to them seals.
24 Q. And what crew was that?
25 A. Jeff Snyder.

23

01 Q. And how big is his crew? Do
02 you know his ---?
03 A. Two to three men.
04 Q. Have you built --- what were
05 the seals built out of?
06 A. Omega blocks.
07 Q. Have you built Omega block
08 seals before?
09 A. No.
10 Q. Did anybody talk to you about
11 how the construction is to be done?
12 A. Yes.
13 Q. And who would that be?
14 A. Jeff Toler.
15 Q. And where did he give you the
16 instructions?
17 A. At the seals.
18 Q. At the seals?
19 A. Uh-huh (yes).
20 Q. Was it a written or did he
21 give you ---?
22 A. Verbal.
23 Q. He verbalized. About how long
24 did he take to give you these
25 instructions?

01 A. I don't know.
02 Q. What did he say?
03 A. Just explained how to build
04 them.
05 Q. Okay. Were all ten seals
06 Omega seals?
07 A. Yes.
08 Q. And were all the seals built
09 the same way?
10 A. Yes.
11 Q. Were you involved with any of
12 the site preparation for the seals?
13 A. Yes.
14 Q. Explain how you prepared a
15 seal area?
16 A. We got the scoop and we
17 scooped the bottom, down to firm
18 bottom. Then if you still had some
19 debris, you shoveled it up and then
20 took that concrete mix, poured it
21 down for a base.
22 Q. What about the rib and roof?
23 A. Scaled them if needed, the
24 ribs if it looked bad, if the roof
25 looked bad.

01 Q. How far of an area did you
02 clean out on each side of where the
03 seal would be going?
04 A. Fifteen (15) feet.
05 Q. On both sides?

06 A. Yes.
07 Q. What was the condition of the
08 bottom of the area?
09 A. Muddy.
10 Q. And did you lay the seal on
11 the mud or ---?
12 A. No. I said we cleaned it up,
13 shoveled up and put a concrete base
14 down.
15 Q. Okay. Well, what kind of
16 material do you use for the concrete
17 base?
18 A. The mortar mix.
19 Q. And what kind of mix was that?
20 A. Seal mix.
21 Q. And could you describe what
22 kind of bag it came in?
23 A. Blue bag.
24 Q. And did you pour this --- I
25 mean, was it a wet pour and you let

01 it firm up or ---?
02 A. No. It was a dry pour.
03 Q. You mean, you didn't use any
04 water with it?
05 A. Not for the initial base, no.
06 Q. Okay. So how many bags of the
07 material would you use on the bottom?
08 A. It depends if you had firm
09 bottom or to fill in the voids.
10 Q. And so what you did was ---

26

11 that's what you leveled up with?
12 A. Right.
13 Q. Why did you put it down dry?
14 A. Because it would absorb the
15 moisture out of the bottom and firm
16 up.
17 Q. Okay. And what was the
18 thickness --- how did you --- what
19 was the --- how did you lay the
20 block?
21 A. What do you mean?
22 Q. Length-wise, width-wise?
23 A. Length-wise, one row sideways,
24 on its side, the next row
25 length-wise, side-to-side.

27

01 Q. And on that bottom course,
02 when did you start using cement mixed
03 with water?
04 A. On the bottom course, after
05 the first course was laid.
06 Q. After the first course was
07 ---?
08 A. You laid the first course
09 down.
10 Q. Dry?
11 A. Dry. Poured the mortar mix on
12 top and smeared it in.
13 Q. How did you get the material
14 between the joints?
15 A. Well, the first row wasn't
16 level, so you had wide joints.

17 Q. Okay.
18 A. It filled in itself.
19 Q. And about how thick was that
20 layer of cement that you put on?
21 A. I don't know.
22 Q. Roughly?
23 A. The first layer, I don't know.
24 We'd dump it out of the bucket and it
25 smeared anywhere from up to a half

28

01 inch in places. Some places more.
02 Q. And then as you built this ---
03 what about the roof? Now, I
04 understand there was some roof
05 material, roof mats that were on the
06 roof. Did you cut away those?
07 A. Screen, yes.
08 Q. Yeah, in any areas?
09 A. Number Five and Number Six
10 seal, track heading.
11 Q. Were those the only two where
12 you removed the ---?
13 A. That's the only two I removed
14 it from, yes.
15 Q. Did any of the other ones have
16 it in them?
17 A. One more.
18 Q. And which one would that be?
19 A. The intake escapeway.
20 Q. And you didn't --- you don't
21 ---?

0124Conrad-MSHA-Sago-me.txt
22 A. No. I didn't fool with that
23 one.
24 Q. Okay. So how far --- how much
25 of it was removed?

29

01 A. Approximately four feet.
02 Q. Okay. And how did you remove
03 it?
04 A. With bolt cutters.
05 Q. Is it hard to remove?
06 A. No.
07 Q. Okay. And how is it secured
08 to the roof?
09 A. With roof bolts.
10 Q. Did you cut around the roof
11 bolts, also?
12 A. Yes.
13 Q. Okay. So now you're going to
14 continue to stack block. Do you
15 alternate the joints?
16 A. Yes.
17 Q. And how do you size the block?
18 How do you cut it?
19 A. With a bow saw.
20 Q. Do you ever use an axe to cut
21 block?
22 A. Not Omega blocks, no.
23 Q. The distance that you have
24 between the rib and the Omega block,
25 ---

30

01 A. Uh-huh (yes).

02 Q. --- how did you tighten that
03 up?
04 A. Whenever. We just filled it
05 full of mortar.
06 Q. And you always did that?
07 A. Always did that.
08 Q. And then you continue that
09 until you get to the top?
10 A. Uh-huh (yes).
11 Q. And tell me about how wide the
12 void would be between the top Omega
13 block and the roof.
14 A. Well, it depends on the
15 height.
16 Q. Okay.
17 A. If we would have to cut a
18 block and put a fly board on top of
19 it to cap it.
20 Q. Did you always use a fly board
21 on top?
22 A. Used three fly boards.
23 Q. Three of them. And how did
24 you tighten the fly boards?
25 A. Wedges.

31

01 Q. And how wide were the wedges
02 apart? How far apart?
03 A. I don't know. I don't know.
04 Q. Whatever your honest answer
05 is. If you don't know, you don't
06 know. And the spaces between the

07 wedges, how did you fill the void?
 08 A. With mortar.
 09 Q. Okay. Did you always use the
 10 same mortar?
 11 A. Yes.
 12 Q. And was this cement material
 13 applied to both sides of the wall?
 14 A. Both sides.
 15 Q. And how did you do it on the
 16 inby side?
 17 A. Before we laid our first ---
 18 last couple blocks up, we put enough
 19 mortar through to do the back side
 20 and stayed over and finished it.
 21 Q. Okay. Did any of them have a
 22 pilaster or a pier built?
 23 A. No.
 24 Q. And you say that you used the
 25 same type of material on all of them?

32

01 A. Yes.
 02 Q. The bottom row that you
 03 discussed, is that typically the way
 04 that you do all of them?
 05 A. Yes.
 06 Q. The mortar that you applied to
 07 the joints and to the faces, do you
 08 use a trowel?
 09 A. No.
 10 Q. What kind of tool do you use?
 11 A. Your hand.
 12 Q. Your hand, okay. With a glove

13 on or ---?

14 A. Rubber glove, yes.

15 Q. Okay. About how much water do
16 you apply to the mortar mix; do you
17 recall?

18 A. No.

19 Q. And what type consistency do
20 you try to get?

21 A. No, I don't remember how much
22 water. We mix it in a wheelbarrow.

23 Q. Okay.

24 A. The consistency, just where it
25 was patable.

33

01 Q. Like pudding or ---?

02 A. No --- pudding, a little
03 thicker, yeah.

04 Q. Okay. Did you make any
05 methane checks there?

06 A. I had my spotter with me.

07 Q. Did it ever go into alarm?

08 A. No.

09 Q. And did you ever --- what's
10 the highest amount of methane you've
11 detected there?

12 A. I've never detected any.

13 Q. None. What about oxygen and
14 CO?

15 A. Normal.

16 Q. Have you ever heard of anybody
17 detecting methane in that area?

18 A. No.
19 Q. Now, you talked about building
20 --- did you say that you worked on
21 Number One?
22 A. Number One, yes.
23 Q. Was there anything unique
24 about Number One?
25 A. Water traps.

34

01 Q. And what was that
02 construction?
03 A. Explain.
04 Q. What was the trap made out of?
05 A. Six-inch PVC pipe and also a
06 three-inch PVC pipe. It had two
07 water traps.
08 Q. Two? And were they
09 side-by-side or ---?
10 A. Approximately 12 inches apart.
11 Q. Okay. Why two?
12 A. I don't know. That's just
13 what Jeff wanted to stick it.
14 Q. Did you have to cut block or
15 fit it in specially?
16 A. Yes.
17 Q. What kind of special
18 construction did you use on that?
19 A. It wasn't no special
20 construction. You just did your
21 block and put your pipe down in it
22 and mortared over it.
23 Q. And you mortared solid?

24 A. Mortared solid, yes.
25 Q. Did you happen to work on the

35

01 gas sampling tube that was located in
02 Number Ten?

03 A. No.

04 Q. Did any of the other seals
05 have anything in them that was ---
06 other than the water traps over in
07 Number One?

08 A. No.

09 Q. So they were just all regular
10 flat seals?

11 A. Regular flat seals.

12 Q. Okay. What were the roof
13 conditions in the area; do you
14 recall?

15 A. Good.

16 Q. Do you remember if there were
17 any kinds of conductors, pipe, rail,
18 ---

19 A. No.

20 Q. --- anything that passed
21 through the seals?

22 A. Nothing.

23 Q. They were clean?

24 A. Clean.

25 Q. Okay. Marty, what about roof

36

01 support? Was there any roof support
02 installed?

03 A. Yes.
04 Q. And what was that?
05 A. Crib blocks.
06 Q. And how many cribs were built?
07 A. Two on each of the seals, inby
08 and outby.
09 Q. Were these wooden cribs?
10 A. Wooden treated cribs.
11 Q. Do you know any other
12 employees that were involved in the
13 construction of the seals, other than
14 the guys that you've already told us
15 about?
16 A. Skip.
17 Q. Do you know Skip's name?
18 A. No, I don't. It's just Skip.
19 Q. Skip is a mystery man; you
20 know that? Skip. And what's Skip's
21 position?
22 A. He was a contractor, a
23 foreman.
24 Q. Okay. Do you know what
25 company he was working for?

37

01 A. GMS.
02 Q. GMS. And did he have a crew?
03 A. He had Jeff Snyder's crew.
04 Q. So all the people --- Jeff
05 took over for Skip?
06 A. No. Skip took over for Jeff.
07 Q. Okay. And do you recall who
08 was in Skip's crew?

09 A. George and Casey.
10 Q. Do you know their last names?
11 A. George Brooks, Casey Short.
12 Q. Anybody else?
13 A. No.
14 Q. Now, the guys that you have in
15 your crew, you were given training by
16 Jeff, told you how the seals were
17 supposed to be built according to the
18 plan; right?
19 A. Yes.
20 Q. And did you give special
21 training to your guys, telling them
22 exact ---?
23 A. No.
24 Q. You did not?
25 A. No.

38

01 Q. Didn't you instruct them how
02 to build the seals, what you
03 required?
04 A. They're seals. If you can
05 build one, you can build them all.
06 Q. Okay.
07 A. They're built the same, wet
08 laid.
09 Q. Did they ever build seals
10 before?
11 A. Yes.
12 Q. Did they ever build Omega
13 seals before?

14 A. No.
15 Q. But they're all the same?
16 A. They're all the same.
17 Q. So these guys knew how to
18 build Omega seals?
19 A. Yes.
20 Q. What other kind of seals did
21 they build that they knew how to
22 build Omega seals?
23 A. Solid seals, solid block
24 seals.
25 Q. And where did they build those

01 at?
02 A. At other places they worked.
03 Q. What about the site location?
04 Did you have anything to do with
05 picking the site location?
06 A. No.
07 Q. How did you know where to
08 build them then?
09 A. Jeff showed us on a map. He
10 come up and showed us.
11 Q. Were they marked on the rib or
12 anything?
13 A. Yes.
14 Q. What, were they painted or
15 chalked?
16 A. Painted.
17 Q. So you knew exactly where they
18 wanted them?
19 A. Yeah.

39

20 Q. Okay. So somebody else
21 decided where they go?

22 A. Right.

23 Q. Okay. Did you happen to cut
24 any trenches into the rib or floor
25 before any of the seals were built?

40

01 A. No.

02 Q. And you said that the --- were
03 the seals the same thickness?

04 A. Yes, as far as I know. The
05 ones we built was, yes.

06 Q. Just the ones you built?

07 A. Yes.

08 Q. And that was one length-wise,
09 one long-wise?

10 A. Right.

11 Q. And then ---?

12 A. And then the next row was ---.

13 Q. Reversed?

14 A. Right.

15 Q. Were these all new block,
16 Marty?

17 A. Yes.

18 Q. Did you use any kind of other
19 mix when you ran out of the blue
20 bags?

21 A. No, we had to wait. One time
22 we waited two or three days for the
23 mix.

24 Q. And no one would build it

25 without that mix; is that right?

41

01 A. No.

02 Q. Okay. How did the blue bags
03 come? Was it ---?

04 A. On a pallet, covered up with
05 plastic, Saran wrap.

06 Q. How many pound bags?

07 A. Eighty (80) pound.

08 Q. Is that the only way that you
09 got it?

10 A. Yes.

11 Q. Never in a bucket or ---

12 A. No.

13 Q. --- pre-mix deal? So all the
14 mortar that you applied to all the
15 vertical joints and other joints was
16 done by hand?

17 A. By hand.

18 Q. The full face coating that you
19 put on, did you do more than one coat
20 or just one coat?

21 A. More than one coat.

22 Q. And how many coats did you do?

23 A. I don't know.

24 Q. Did you wait for it to dry to
25 do that or ---?

42

01 A. Yeah, sometimes.

02 Q. About how long?

03 A. I don't know. I mean,

04 sometimes you'd mortar in the morning

05 and then you may go start on another
06 one or clean the mess up and go back
07 and mortar it later.
08 Q. But you'd let several hours go
09 before you did it?
10 A. Sometimes, yeah.
11 Q. Okay. The fly boards that you
12 put on the top of the seal, what was
13 the thickness and how wide were they
14 and how long were they?
15 A. The thickness of the fly
16 boards?
17 Q. Yes.
18 A. About an inch by eight inches,
19 16 feet.
20 Q. Sixteen (16) feet. Did you
21 put them in one piece or did you cut
22 them in pieces?
23 A. It was generally one piece.
24 Q. Okay. Were there times when
25 you put more than one in or ---?

43

01 A. One seal we had to cut the
02 board, yeah.
03 Q. And why did you cut them?
04 A. Because the top was un-
05 uniform.
06 Q. Did you cut them because you
07 couldn't fit them in or because you
08 needed them longer?
09 A. I needed them longer.

10 Q. Okay. And how far did they
 11 extend? Rib to rib?
 12 A. Pretty much, yeah.
 13 Q. How wide were the stoppings
 14 --- or the seals?
 15 A. Forty (40) inches.
 16 Q. No, no. I mean, 20 feet ---?
 17 A. I don't know. Eighteen (18)
 18 to 20 feet.
 19 Q. And this board would extend
 20 across the entire top?
 21 A. Pretty much, yes.
 22 Q. Okay.
 23 BY MR. MILLS:
 24 Q. I have just a couple, Marty.
 25 You said there was screen in the

44

01 intake heading also?
 02 A. Yeah.
 03 Q. What number seal would that
 04 have been?
 05 A. Number Seven or Number Eight.
 06 Number Seven, I believe.
 07 Q. Was there a screen in the
 08 Number One entry, where the Number
 09 One seal went up?
 10 A. No.
 11 Q. Do you know which seal was
 12 finished last?
 13 A. No.
 14 Q. You mentioned the water trap,
 15 that it was a six-inch PVC, with a

16 three-inch PVC also.

17 A. Yes.

18 Q. After all the seals were
19 completed, did you get a chance to go
20 up there and look at all of them?

21 A. Yeah. I ventilated them.

22 Q. Okay. Tell me a little bit
23 about what the sample Nine and Ten
24 looked like outside the seal.

25 A. I never ventilated that one.

45

01 The foreman did.

02 Q. So you never saw Ten seal?

03 A. I never saw Ten seal, no.

04 BY MR. O'DONNELL:

05 Q. You said about examinations at
06 Sago Mine. Did you say you face
07 bossed once in a while?

08 A. No. I would fire boss a belt.

09 Q. Okay. I misunderstood you.

10 A. Yes.

11 Q. So you did a pre-shift of the
12 belt line?

13 A. On occasion, yes.

14 Q. Would that be before the men
15 entered the mine?

16 A. Before second shift.

17 Q. Okay. Do you have anything to
18 do with the planning or submitting of
19 any of the plans?

20 A. No.

21 Q. Have you ever been --- now, I
22 know you said you only worked three
23 months. Have you always done
24 construction-type work? Were you
25 ever up in the area behind the Two

46

01 Left seals?

02 A. Only construction-type work,
03 yes.

04 Q. And what kind of work was that
05 up there?

06 A. Just construction work
07 throughout the mines. You know, you
08 might have to set a post here and
09 there, have to change a pump, splice
10 a belt.

11 Q. Did you ever make any methane
12 checks in that area?

13 A. Yes.

14 Q. And did you ever find methane
15 up there?

16 A. No. What are we talking
17 about? You're on a different subject
18 than what you asked before.

19 Q. Behind the seals.

20 A. I was up there once.

21 Q. Okay.

22 A. Yes, never no methane. No.

23 Q. And do you have any idea why
24 mining was stopped in that area?

25 A. Yes.

47

01 Q. And what was that reason?
02 A. Too much water coming out of
03 the roof.
04 Q. Do you know if they left any
05 equipment in by the seals?
06 A. No.
07 Q. Did you ever hear of anybody
08 talking about cutting into boreholes
09 or wells ---
10 A. No.
11 Q. --- in that area?
12 A. Uh-uh (no).
13 MR. O' DONNELL:
14 Okay. We're going to
15 take a short break.
16 SHORT BREAK TAKEN
17 MR. O' DONNELL:
18 Back on the record.
19 ATTORNEY RAJKOVICH:
20 Could we make one
21 clarification?
22 MR. O' DONNELL:
23 Sure.
24 ATTORNEY RAJKOVICH:
25 And it goes to when we

48

01 had the discussion about the
02 crew and the instructions that
03 were given to them on building
04 the Omega seals. Go ahead.
05 A. Now, these was experienced

06 miners. They had built seals before,
07 you know. You don't have to show an
08 experienced miner how to build a
09 seal, but I did show them how Jeff
10 wanted them built.

11 BY MR. O'DONNELL:

12 Q. Okay.

13 A. You know, I mean, I didn't
14 want you to say, no, I didn't give
15 them no training. Yes, they was
16 trained. And I also showed them how
17 Jeff wanted them built.

18 Q. And they were specific
19 instructions unique to, say, other
20 seals or ---?

21 A. All seals is the standard,
22 except for the hitching and the rib
23 part. You know, we done the
24 pilaster. You know, you wet lay a
25 block, you know. And yes, they

49

01 knowed how to do it.

02 Q. Did you see any written
03 instructions on ---?

04 A. Yes, I saw written
05 instructions.

06 Q. Oh, okay. Because I thought
07 you said that he just told you ---.

08 A. He did.

09 Q. But he did show you ---?

10 A. But I did see them later, yes.

11 Q. And those were the same as the
Page 40

12 solid stoppings, too, or ---?
13 A. Yes. You wet lay them. I
14 mean, ---. Except for when you get
15 to the top, the top is different.
16 Q. Okay. Did you happen to wet
17 those before you laid them or did you
18 lay them dry and put the wet cement
19 onto the block?
20 A. Laid them dry and put wet
21 cement on them.
22 Q. Okay. Okay. When you put the
23 material down on the floor to level
24 it up, did you wait a period of time
25 for the moisture to soak up in it?

50

01 A. No.
02 Q. Did you put any wet stuff over
03 the top of that stuff?
04 A. No.
05 Q. Okay. In the area, after you
06 were done with all the --- what did
07 you guys do with all the extra
08 supplies, the fly boards, the extra
09 block and that? Was it removed?
10 A. Removed, yes.
11 Q. So the area was pretty clean
12 then?
13 A. Yes.
14 Q. And what about rock dusting in
15 the area, inby and outby, do you
16 remember ---?

17 A. It was rock dusted.
18 Q. Lightly, thick?
19 A. Heavy.
20 Q. About how thick?
21 A. I couldn't tell you.
22 Q. Did you make footprints in it?
23 A. I couldn't tell you. I don't
24 remember.
25 Q. Okay. You said that you

51

01 worked on the Number One seal. Was
02 anyone working on the Number Ten seal
03 ---
04 A. No.
05 Q. --- while you were working on
06 the One seal?
07 A. No.
08 Q. Did you complete the Number
09 One seal?
10 A. No.
11 Q. How much of it was completed?
12 A. All but three-quarters.
13 Q. And was it stopped?
14 A. Yes.
15 Q. For what reason?
16 A. Had to get them inspected.
17 Q. You had to get them --- by
18 who?
19 A. Approval from the state.
20 Q. Well, I'm not familiar with
21 that.
22 MR. MILLS:

23 Normally before we
24 completely seal them, if we
25 can we'll go take a look at

52

01 them.

02 MR. O' DONNELL:

03 I wasn't familiar with
04 that.

05 BY MR. MILLS:

06 Q. Just to clarify a thing or two
07 for me, Marty.

08 A. Okay.

09 Q. When Jeff talked to you about
10 putting these seals in, did he show
11 you a map where they needed to go?

12 A. He showed us a map, yes, but
13 they was also painted on the rib.

14 Q. Was there a map at the work
15 site that you ---?

16 A. No.

17 Q. Did ---

18 A. Jeff Snyder had a map.

19 Q. --- Jeff Snyder have a map?

20 A. Yeah.

21 Q. And what's the other guy's
22 name?

23 A. Skip.

24 Q. Skip, did he have a map?

25 A. Yeah, he had a map.

53

01 Q. And it showed the exact

02 locations where these were going to
03 be, give and take, on the rib line?
04 A. Right. See, that's when he
05 showed us that map because Jeff Toler
06 had him tear one out and rebuild it
07 because it was too close to the rib
08 line, Number Eight or Number Nine. I
09 don't remember which one. It was one
10 on the right side.
11 Q. You've built seals before.
12 Typically, how do you do the gas
13 sample pipe?
14 A. We sit about three cribs in a
15 line on the back side, plus your two
16 additional cribs, and run your pipe
17 elevated and leave about a foot stick
18 out for your sample tube.
19 Q. Is there a pipe inside a pipe?
20 A. A two-inch steel pipe with a
21 copper pipe inside of it, yes.
22 Q. Does the steel pipe and the
23 copper pipe both extend outby the
24 seal?
25 A. Outby the seal, yeah.

54

01 Q. Both do?
02 A. Uh-huh (yes).
03 Q. Do you know if there's a plug
04 that ---?
05 A. No, no plug. Well, the inby
06 side of the seals was open. The
07 outby side of the seals we hadn't

08 finished yet. I mean, we was waiting
09 on the plug.
10 Q. So the copper smaller line
11 would have went through a plug into
12 the two-inch line or whatever it
13 would be?
14 A. Yes.
15 Q. So that the air in the
16 two-inch line couldn't come outby?
17 A. Right.
18 Q. That's typical of how you ---?
19 A. That's typical, yeah, because
20 me and Vern Hofer made that up out of
21 a two-inch reducer.
22 Q. And that was going to be used
23 in Number Ten?
24 A. Yes, if the other one didn't
25 come in. We had an order that hadn't

55

01 came yet, so we made one up. And I
02 don't know if that was the one that
03 was used or not.
04 MR. MILLS:
05 That's all, Joe.
06 BY MR. O'DONNELL:
07 Q. The written instructions that
08 Toler gave you, were they part of a
09 plan?
10 A. He didn't give them to me. He
11 went over it with me. I seen them.
12 Yeah, they was part of a plan.

13 Q. Was it the ventilation plan?
14 A. It was a seal plan.
15 Q. Okay. Are you involved with
16 any of the submittal of plans or
17 ordering any of the material or ---?
18 A. No.
19 Q. You said that all seals are
20 the same.
21 A. Basically, yeah.
22 Q. Whenever you do the regular
23 solid seals, do you start them the
24 same way that you started this one?
25 A. Yes.

56

01 Q. Okay. And that's ---?
02 A. Get a good foundation.
03 Q. Are you familiar with the shop
04 area that was up there?
05 A. Yes.
06 Q. And can you tell us anything
07 about that, about the electrical
08 equipment that was in that area?
09 A. There was a mantrip charger
10 sitting at the track. And the week
11 before I went off on vacation, there
12 was a welder and tanks tied up there.
13 Q. Did they build walls yet in
14 there or was it just coal wall?
15 A. Coal walls.
16 Q. Okay. And was there anything
17 --- were they using it as a shop?
18 A. No, because we was cleaning

19 the mud out of it.
20 Q. Okay. By hand, by ---?
21 A. By hand.
22 Q. Could you show us on the map
23 exactly where that's at?
24 MR. O' DONNELL:
25 This would be Exhibit

57

01 Two, the map on the left.
02 (Conrad Exhibit Number
03 Two marked for
04 identification.)
05 BY MR. O' DONNELL:
06 Q. Right here being the crosscut
07 --- 59 crosscut between Six and
08 Seven. Is there a wall there also?
09 A. Yeah.
10 Q. And could you mark that in?
11 Q. And was there anything in the
12 inby straight?
13 A. A wall, a door.
14 Q. Did the track extend into that
15 area?
16 A. No. The track went right here
17 before you got to the wall.
18 Q. Okay. So right about at the
19 serving station. And was it vented?
20 A. The?
21 Q. The shop area?
22 A. We had half a block out where
23 we shoveled mud through, yes.

24 Q. Which way was the air going?
25 A. The air was going into the

58

01 track.
02 Q. Into the track from the intake
03 to the track side?
04 A. Right.
05 Q. Okay.
06 A. We put the block back in and
07 never plastered it, though, so ---.
08 Q. So when you left there, you
09 closed it off; is that right?
10 A. Yes. I put the block in and
11 never plastered it.
12 Q. Okay.

13 OFF RECORD DISCUSSION

14 BY MR. O' DONNELL:

15 Q. Marty, when was the last time
16 you had annual re-training?
17 A. Sometime mid-summer.
18 Q. And where was the training at?
19 A. At the hotel in Buckhannon.
20 Q. And who gave you that
21 training?
22 A. Dick Curry.
23 Q. Curry?
24 A. Uh-huh (yes).
25 Q. And how long did the training

59

01 last?
02 A. Eight hours, a full day.
03 Q. Could you tell me a little bit

04 of what kind of training you did get?
05 A. Annual re-training, you go
06 over your ventilation, your roof,
07 first-aid, watch a few films. The
08 same old boring stuff.
09 Q. What about any hands-on SCSR
10 training?
11 A. SCSR, yes.
12 Q. Did you physically put it on?
13 A. Not physically put it on.
14 Went through the motions.
15 Q. Go over that a little bit with
16 us, how you did it.
17 A. I mean, you just take it and
18 open it up. You don't actually put
19 it in your mouth.
20 Q. Right. But you go through the
21 procedure ---
22 A. Yes.
23 Q. --- of opening it, putting the
24 clips on and all that?
25 A. Didn't put no nose clips on,

60

01 no.
02 Q. Okay. But did you put it
03 around your neck?
04 A. Put it around my neck, yes.
05 Q. Do you feel that that was
06 pretty good training and ---?
07 A. Yes.
08 Q. Did you happen to go over the

09 mine emergency and evacuation

10 program?

11 A. Maybe. I don't know.

12 Q. Do you know who the

13 responsible person is in case of an

14 emergency at a coal mine --- at Sago

15 Mine?

16 A. I assume Jeff Toler.

17 Q. Jeff. He's the

18 superintendent; right?

19 A. Superintendent.

20 Q. And that's the responsible

21 person. So do you know where the

22 location of the emergency materials

23 are in that mine?

24 A. As far as what?

25 Q. A thousand board feet of

61

01 brattice board.

02 A. Yes.

03 Q. And where are those located

04 at?

05 A. Forty-four (44) block, Number

06 Four belt.

07 Q. Did they explain the

08 procedures, the evacuation procedures

09 that you would follow in case of an

10 explosion?

11 A. Explain.

12 Q. During your annual

13 re-training.

14 A. I don't remember.

15 Q. Did they talk about
16 barricading?
17 A. They always talk about
18 barricading.
19 Q. Do you feel that they covered
20 it well enough?
21 A. Apparently so, Mister, because
22 you had 12 people barricaded.
23 Q. Could you explain those
24 procedures?
25 A. Could I? I probably could.

62

01 Q. Would you, please?
02 A. No. Because I'll never do it.
03 Q. When you got your first aid
04 training, did you do any CPR or
05 mouth-to-mouth training?
06 A. CPR.
07 Q. Are you qualified to take
08 methane and oxygen tests?
09 A. Yes.
10 Q. And where and when did you get
11 that qualification?
12 A. You re-do it every year.
13 Q. And who do you do it for? I
14 mean, is there --- what person?
15 A. Designated by the mine.
16 Q. Not a federal inspector?
17 A. No.
18 Q. Have you ever had an escapeway
19 drill?

20 A. Yes.
21 Q. And who conducted that
22 escapeway drill?
23 A. I have before.
24 Q. Were you physically --- have
25 you ever gone out the escapeways at

63

01 Sago Mine?
02 A. Not in its entirety, no.
03 Q. And tell me how you --- what
04 part of it you did and why.
05 A. You just walk the escapeway
06 where you're working at. If you're
07 working outby construction, if we're
08 in an escapeway, well, that's most
09 generally where we're working anyway.
10 Q. So you really didn't actually
11 do a drill, you went to your work
12 area?
13 A. You walked some of it, yes.
14 Q. Did you take any of the
15 workers, your men, with you?
16 A. That's where we were working
17 at, yes.
18 Q. And did you document that
19 escapeway drill?
20 A. No.
21 Q. What about fire drills, have
22 you held fire drills with your men?
23 A. I don't know.
24 Q. Have you ever had a fire
25 drill?

01 A. I'm sure, probably. I don't
02 know.
03 Q. Do you know what a fire drill
04 is?
05 A. Yes, I know what a fire drill
06 is.
07 Q. Well, do you recall ever
08 conducting a fire drill with your
09 men?
10 A. No, I don't recall.
11 Q. Has anyone given you a fire
12 drill at the Sago Mine?
13 A. I don't know.
14 Q. Have you ever traveled the
15 secondary escapeway?
16 A. Yes.
17 Q. Do you know where the
18 secondary escapeway is?
19 A. It's on the track.
20 Q. Do you recall who traveled
21 with you?
22 A. I traveled every day with
23 everybody.
24 Q. Do you know how long it takes
25 to travel the escapeway from the

01 section to the surface?
02 A. Primary or secondary?
03 Q. Both.
04 A. Approximately 40 minutes for

05 the secondary. Probably two hours
 06 for the primary.
 07 Q. The escapeway drills that you
 08 had, how often have you had them?
 09 A. I don't know.
 10 Q. And you don't remember ever
 11 having a fire drill?
 12 A. No.
 13 Q. Have you ever conducted a
 14 smoke search on your crew?
 15 A. Yes.
 16 Q. And tell me how you do that?
 17 A. Visual.
 18 Q. Do you ask them if they have
 19 smoking articles or you just ---?
 20 A. Observe them while they're
 21 getting dressed.
 22 Q. And do you document that?
 23 A. I don't know if I have or not.
 24 Q. Has anyone checked you for
 25 smoking articles?

66

01 A. No, not physically.
 02 Q. Since you were at Sago Mine?
 03 A. No, not physically. Visually,
 04 maybe. I don't know.
 05 Q. Have they asked you?
 06 A. Yes.
 07 Q. And that's just the extent of
 08 it?
 09 A. Yes.
 10 Q. Could you tell us a little bit

11 about some of the other jobs that you
12 perform at Sago Mine?

13 A. As far as what?

14 Q. Is it just typically
15 construction?

16 A. Yes.

17 Q. Okay.

18 MR. O' DONNELL:

19 Do you have any
20 questions?

21 MR. MILLS:

22 One question.

23 BY MR. MILLS:

24 Q. Annual re-training with
25 detectors, do you get some hands on

67

01 ---

02 A. Yes.

03 Q. --- go in the boxes, is that
04 part of it?

05 A. Part of it, yes.

06 MR. MILLS:

07 That's it, Joe.

08 MR. O' DONNELL:

09 Okay. I'm just going
10 to take about a two-minute
11 break, and we'll be right back
12 to you and we'll wrap this up.

13 SHORT BREAK TAKEN

14 MR. O' DONNELL:

15 Back on.

16 BY MR. O' DONNELL:

17 Q. Do you have any clari fyi ng
18 questi ons?

19 ATTORNEY RAJKOVI CH:

20 Do you want to clari fy
21 that?

22 A. About the fi re dri lls?

23 ATTORNEY RAJKOVI CH:

24 Yes.

25 BY MR. O' DONNELL:

68

01 Q. Okay.

02 A. I have done fi re dri lls at
03 other mi nes wi th other crews, but not
04 thi s parti cul ar crew.

05 Q. And not thi s mi ne?

06 A. Not thi s mi ne.

07 Q. Okay.

08 A. We start at 7:00. Everybody
09 el se starts at 6:00.

10 Q. Okay. Let me j ust go back
11 when you started at the Sago Mi ne.
12 Now, you were a new mi ner at Sago
13 Mi ne; i s that ri ght?

14 A. Ri ght.

15 Q. And di d anybody gi ve you any
16 speci al i zed i nstructi on or any
17 trai ni ng?

18 A. Experi enced mi ner trai ni ng,
19 yes.

20 Q. And who gave that to you?

21 A. Al .

22 Q. AI ?
23 A. Schoonover.
24 Q. Schoonover. And just what
25 were some of the things that he went

69

01 over at that time?
02 A. Escapeway maps, secondary,
03 primary, stuff like that.
04 Q. And did he sign a training
05 form for you?
06 A. Yes.
07 Q. And did you sign it also?
08 A. Yes.
09 Q. Back at the charging station,
10 when you put the block in, did they
11 remove the power from the charger
12 then and no longer were using it or
13 did they continue to use it?
14 A. That charger station wasn't
15 there. It was sitting outby.
16 Q. Oh, okay.
17 A. It wasn't in that crosscut,
18 no.
19 Q. You know what, could you just
20 show us exactly where the charger
21 was?
22 A. Mantrip charger.
23 Q. Is that what it was?
24 A. A mantrip charger, yes. It's
25 sitting right here.

70

01 Q. It was right on the track?
02 A. Right beside the track, yes.
03 Q. Right beside the track here,
04 okay. So we'll put charger. That
05 will be on Exhibit Two. Okay. And
06 this was a solid wall and this was a
07 solid wall?
08 A. Right.
09 Q. Okay. Has anyone offered you
10 anything or made any promise to you
11 in exchange for your appearance here
12 today?
13 A. No.
14 Q. Do you have anything that you
15 would like to add that may be
16 relevant to this investigation?
17 A. No.
18 ATTORNEY RAJKOVICH:
19 Nothing.
20 MR. O'DONNELL:
21 On behalf of MSHA, I
22 want to thank you for
23 appearing and answering
24 questions today. Your
25 cooperation is very important

71

01 to the investigation as we
02 work to determine the cause of
03 the accident.
04 We ask that you not
05 discuss your testimony with
06 any person who may have

07 already been interviewed or
08 who may be interviewed in the
09 future. This will ensure that
10 we obtain everyone's
11 independent recollection of
12 the events surrounding the
13 accident.

14 After questioning other
15 witnesses, we may call you if
16 we have any follow-up
17 questions that we feel that we
18 may need to ask you. If at
19 any time you have additional
20 information regarding the
21 accident that you would like
22 to provide us, please contact
23 us at the contact information
24 that was given to you. Those
25 are those cards.

72

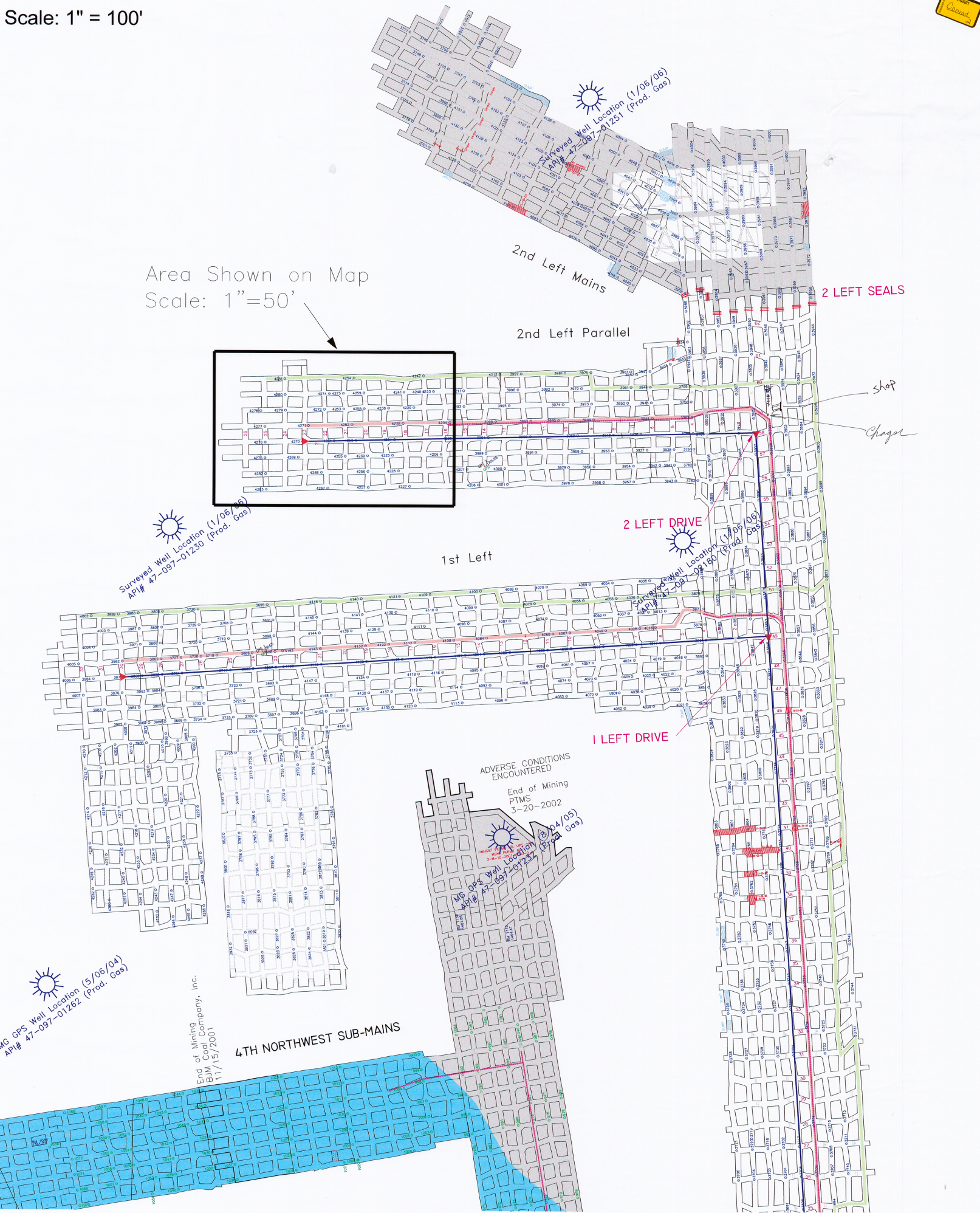
01 The Mine Act provides
02 certain protections to miners
03 who provide information to
04 MSHA, and as a result, are
05 treated adversely. If at any
06 time you believe that you've
07 been treated unfairly because
08 of your cooperation in this
09 investigation, you should
10 immediately notify us.

11 If you wish, you may

0124Conrad-MSHA-Sago-me. txt
12 now go back over any answer
13 you have given during thi s
14 i nterview and also any
15 statement that you would l ike
16 to make at thi s time.
17 A. No.
18 MR. O' DONNELL:
19 Again, I want to thank
20 you for your cooperation i n
21 thi s matter.
22 * * * * *
23 SWORN STATEMENT
24 CONCLUDED AT 4: 08 P. M.
25 * * * * *



Scale: 1" = 100'



Area Shown on Map
Scale: 1"=50'

2nd Left Mains

2nd Left Parallel

2 LEFT SEALS

shop

Chapel

2 LEFT DRIVE

1st Left

I LEFT DRIVE

ADVERSE CONDITIONS ENCOUNTERED

End of Mining
PTMS
3-20-2002

4TH NORTHWEST SUB-MAINS

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

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

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

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

Surveyed Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)