

STATEMENT UNDER OATH

OF

ALTON RAY WAMSLEY

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

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

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P R O C E E D I N G S

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MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is James B. Crawford from the Solicitor's office, John Collins and David Stuart with the West Virginia Office of Mine Safety Health and Safety Training (sic).

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to  
2 determine the cause of the  
3 accident, and these interviews  
4 are an important part of the  
5 investigation.

6 At this time, the  
7 accident investigation team  
8 intends to interview a number  
9 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

1 reports. Your statement may  
2 also be used in other  
3 enforcement proceedings.

4 I would like to thank  
5 you in advance for your  
6 appearance here. We  
7 appreciate your assistance in  
8 this investigation. The  
9 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. We  
13 understand the difficulty for  
14 you in discussing the events  
15 that took place, and we  
16 greatly appreciate your  
17 efforts to help us understand  
18 what happened.

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

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

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

23 Mr. Wamsley, the  
24 interview will begin by my  
25 asking you a series of

1            questions.  If you do not  
2            understand a question, please  
3            ask me to rephrase it.  Feel  
4            free at any time to clarify  
5            any statements that you make  
6            in response to the questions.

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

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

22                           Your statement is  
23           completely voluntary.  You may  
24           refuse to answer any question  
25           and you may end the interview

1 at any time. If you need a  
2 break for any reason, please  
3 let me know.

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

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

1 learned from someone else.

2 We may not ask the  
3 right question to learn the  
4 information that you have, so  
5 don't feel limited by the  
6 precise question asked. If  
7 you have information about the  
8 subject area of a question,  
9 please provide us with that  
10 information.

11 At this time, Mr.  
12 Collins, do you have anything  
13 that you'd like to add on  
14 behalf of the State of West  
15 Virginia?

16 MR. COLLINS:

17 Yes. Mr. Wamsley, the  
18 West Virginia Office of  
19 Miners' Health, Safety &  
20 Training is conducting this  
21 interview session jointly with  
22 MSHA and is in agreement with  
23 the procedures outlined by Mr.  
24 O'Donnell for these interviews  
25 that will be conducted here

1           today.

2                         But the Director  
3 reserves the right, if  
4 necessary, to call or subpoena  
5 witnesses or require the  
6 production of any records,  
7 documents, photographs or  
8 other relevant material  
9 necessary to conduct this  
10 investigation. And here also  
11 is a number if you have  
12 additional information or  
13 questions.

14                         MR. O'DONNELL:

15                         Mr. Wamsley, are you  
16 aware that you may have a  
17 personal representative  
18 present during the taking of  
19 this statement?

20                         MR. WAMSLEY:

21                         Yeah.

22                         MR. O'DONNELL:

23                         And do you have a  
24 representative present with  
25 you here today?

1                   MR. WAMSLEY:

2                   Yes, Joe.

3                   MR. O'DONNELL:

4                   Okay. Has anyone  
5 suggested to you that you use  
6 this representative?

7                   MR. WAMSLEY:

8                   No.

9                   MR. O'DONNELL:

10                  Are you aware that your  
11 representative may have a  
12 conflict of interest in  
13 representing you while being  
14 provided by someone else?

15                  MR. WAMSLEY:

16                  I don't understand that  
17 one.

18                  MR. O'DONNELL:

19                  Do you know that the  
20 representative you have, there  
21 may be a conflict of interest  
22 in representing you, being  
23 paid by somebody else, ---

24                  MR. WAMSLEY:

25                  No.

1                   MR. O'DONNELL:

2                   - - - such as the  
3                   company? With this  
4                   understanding, do you still  
5                   want this person as your  
6                   representative?

7                   MR. WAMSLEY:

8                   Yes.

9                   MR. O'DONNELL:

10                  Okay.

11                  MR. STUART:

12                  May I ask a couple  
13                  clarifying questions?

14                  MR. O'DONNELL:

15                  Okay.

16                  MR. STUART:

17                  Sir, is it your  
18                  understanding that Mr. Yuhas  
19                  represents you here today?

20                  MR. WAMSLEY:

21                  Yes.

22                  MR. STUART:

23                  Is it your  
24                  understanding that he does not  
25                  represent the interests of

1                   your employer?

2                   MR. WAMSLEY:

3                   Yeah.

4                   MR. STUART:

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

12                  MR. WAMSLEY:

13                  Yeah.

14                  MR. STUART:

15                  Okay. That's all I  
16                  have.

17                  MR. CRAWFORD:

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

21                  ATTORNEY YUHAS:

22                  Do I agree to represent  
23                  ---?

24                  MR. CRAWFORD:

25                  The representation as

1 indicated by Mr. --- his  
2 questions that were just ---?

3 ATTORNEY YUHAS:

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

8 MR. CRAWFORD:

9 Thank you.

10 MR. O'DONNELL:

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

14 MR. WAMSLEY:

15 No.

16 MR. O'DONNELL:

17 Okay. Thank you.

18 Would you like to swear in the  
19 witness?

20 -----

21 ALTON RAY WAMSLEY, HAVING FIRST BEEN  
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----

24 BY MR. O'DONNELL:

25 Q. Could you please state your

1 full name and spell your last name?

2 A. Alton Ray Wamsley,

3 W-A-M-S-L-E-Y.

4 Q. And your address and telephone  
5 number, please?

6 A. It's Post Office Box 142,  
7 French Creek. I'm not sure about the  
8 ZIP. But the phone number is (304)  
9 473-1095.

10 Q. Okay. Thanks. Are you  
11 appearing here voluntarily today?

12 A. Yes.

13 Q. How many years of mining  
14 experience do you have?

15 A. Since 1981.

16 Q. And what have you done since  
17 you worked in the mine? I mean, just  
18 a brief description, a couple  
19 companies you've been with.

20 A. First started out helping on  
21 the miner for Continental Coal. And  
22 then for Bass Energy I ran buggy,  
23 bolter, worked belts. Do you need  
24 more?

25 Q. How long have you worked for

1 Sago?

2 A. Two years.

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

5 A. Roof bolter.

6 Q. Okay. And you were a roof  
7 bolter on January the 2nd?

8 A. Yes.

9 Q. Okay. Have you always worked  
10 in the One Left section or ---?

11 A. No.

12 Q. Where else have you worked in  
13 the mine?

14 A. I started out, whenever they  
15 changed us around, on the Two Left  
16 for about three days, and then got  
17 transferred to the One Left.

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

20 A. Yes.

21 Q. And what kind of mining  
22 certificates do you have?

23 A. EMT, mine foreman, and that's  
24 about it.

25 Q. From West Virginia or ---?

1 A. Yes.

2 Q. Any other states?

3 A. No.

4 Q. And who's your supervisor?

5 A. Owen Jones.

6 Q. Owen Jones. How long has he  
7 been your supervisor?

8 A. Pretty close to two years.

9 Q. And were you working the day  
10 of the accident?

11 A. Yes.

12 Q. Okay. Just tell me, you got  
13 to the mine, got dressed in the  
14 bathhouse, and from there until the  
15 time you left the property.

16 A. Well, we went in --- we always  
17 go in and get a cup of coffee in the  
18 mornings. And I noticed it was five  
19 'til 6:00 and there was four of us  
20 standing there. And I said, well, we  
21 better go because everybody else is  
22 gone. When we got down there to get  
23 on the mantrip, Owen got one too  
24 small for all the men that he had to  
25 haul. So he had --- everybody had to

1 unload. He had to go back and get  
2 another one. And the other crew was  
3 already gone by the time we got down  
4 there.

5 And from there to One Left,  
6 you know, it was just riding in.  
7 Roger Perry got out to throw the  
8 switch to go into One Left, and Owen  
9 told him to get that ladder that was  
10 laying there so we could take it with  
11 us. And just as soon as he got back  
12 in and we got ready to go, that's  
13 when it happened.

14 And as soon as it, the debris  
15 and stuff, the wind quit blowing, we  
16 all got out and felt our way along to  
17 --- the only one I can remember I was  
18 with was Eric Hess. How I got with  
19 him I don't have any idea, because he  
20 was in the other end of the mantrip.  
21 And we went through the first door,  
22 and I told him, I said, it's too hot  
23 in here. I said, we got to go back.  
24 And we got back over there and run  
25 into Joe and Doc Anderson. We

1 already had our rescuers on at that  
2 time. And they looked to me like  
3 they was in shock. And I helped them  
4 get theirs on, me and Eric did.

5 And we heard people yelling,  
6 there's a phone down here. Couldn't  
7 see anything. And we all went to the  
8 phone. And from there, we went into  
9 the intake. And me, Owen, --- these  
10 names is hard to remember now. Hoy  
11 Keith, Gary Carpenter, Randy Helmick  
12 and Gary Rowan was in a group  
13 talking. And where the rest of them  
14 was, I don't have any idea. I know  
15 we all went in there. But as soon as  
16 we got in there, they all took off.

17 And Owen was saying that he  
18 had to go back after his brother, and  
19 we was trying to get him to come with  
20 us. And I got two of the other guys  
21 to put their rescuers on there. And  
22 we told Owen if he was going to stay,  
23 stay at the phone, where he could  
24 stay in contact with the outside.  
25 But he wouldn't come with us. And we

1 was having trouble with Hoy Keith.  
2 He was having some breathing  
3 problems, and he was sick that  
4 morning. So the four of us stayed  
5 with him.

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

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

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

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

9 Q. Uh-huh (yes).

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

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

22 Q. When was that, about what  
23 time?

24 A. That, I don't have any idea.  
25 There's only two times I can remember

1 that morning.

2 Q. Let's go back to when you  
3 started that day. So you say you got  
4 to the mine at what time?

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

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

11 A. Yeah, to get a spotter.

12 Q. And who was the dispatcher  
13 that day?

14 A. We call him Flea, Chisolm. I  
15 don't really know his real name.  
16 That's all I know him by.

17 Q. Do you remember if the belts  
18 were running. I know he has a screen  
19 there.

20 A. No, I don't remember.

21 Q. And what about any CO alarms  
22 or anything unusual?

23 A. Uh-uh (no). Don't remember  
24 nothing like that. I just went in,  
25 got my methane detector, checked it

1 and - - - .

2 Q. What kind of methane detector  
3 do you have?

4 A. I carry a 102LD.

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

8 A. No. You just got to press the  
9 test button.

10 Q. Okay.

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

12 Q. So nothing unusual that day,  
13 go down over the hill?

14 A. Other than the lightning. I  
15 noticed the lightning. And when I  
16 walked out of my house to go to work  
17 - - - see, we just moved closer to the  
18 mines. When I walked out, I thought  
19 I could hear the fan running, and  
20 that was unusual. You know, the wind  
21 was, I guess, blowing from that  
22 direction. It seemed like I could  
23 hear the fan running at the mines  
24 five miles away. And I noticed  
25 lightning when I left my house.

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

3 A. Yeah.

4 Q. Switch --- go ahead, tell me  
5 what happened.

6 A. We switched mantrips. We was  
7 all kind of grumbling. I mean, you  
8 get down there, you're ready to go,  
9 you want to go.

10 Q. Now, you say the other crew  
11 was ahead of you?

12 A. Yeah. They wasn't even there.  
13 They're usually sitting there when  
14 both crews load up, but they had  
15 already took off.

16 Q. And you have a trolley phone.  
17 Do you ever just yak back and forth  
18 with them on them while you're going  
19 in?

20 A. No.

21 Q. No? Okay. So you head into  
22 the section. Did you have any extra  
23 people on that day?

24 A. Yeah.

25 Q. And did you make any stops on

1 the way in?

2 A. Yes. We made two.

3 Q. And who were those extra  
4 people?

5 A. John Boni and Pat Boni. I'm  
6 pretty sure we let John Boni off at  
7 One Right switch. And Pat, he gets  
8 off the same place every day, and I  
9 don't know where it is. He gets off  
10 at one of the belt heads.

11 Q. So at the switch you say that  
12 Mr. Perry got a ladder?

13 A. Yeah.

14 Q. A stepladder, a ---?

15 A. Yes, a stepladder.

16 Q. And did he put it on the  
17 mantrip or what did he do with it?

18 A. As far as I knew he did. I  
19 didn't see him put it on there. Owen  
20 just told him to get it.

21 Q. Oh, okay.

22 A. Now, whether he did or not, I  
23 don't know.

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

1 A. Yeah. Because that was all  
2 happening on the other end. I was  
3 facing outby. They was all on the  
4 inby end.

5 Q. You were facing outby?

6 A. Yeah.

7 Q. And then the explosion  
8 occurred?

9 A. Yeah.

10 Q. You say you felt heat?

11 A. Yes. I started sweating.

12 Q. What kind of heat?

13 A. It just got real hot.

14 Q. Did you hear anything?

15 A. It just sounded like an air  
16 change for just a second, and then it  
17 just --- stuff seemed like it was  
18 spewing down over us.

19 Q. How long did it last?

20 A. It seemed like forever.  
21 Probably about ten seconds. Eight to  
22 ten seconds.

23 Q. Did it stay the same  
24 intensity?

25 A. It started out real slow and

1       then got more and more violent until  
2       it quit. Then it was just like real  
3       unbreathable smoke. And I heard  
4       somebody holler, yell, put your  
5       shirts up over your mouth until you  
6       can get your rescuers on.

7       Q.       Who was that; do you know?

8       A.       I believe it was Owen.

9       Q.       And did you notice any of the  
10       detectors going off?

11       A.       No.

12       Q.       No alarms?

13       A.       No.

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

17       A.       Well, Owen's the only one that  
18       carries one that alarms.

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

21       A.       No.

22       Q.       What about seeing anything  
23       other than ---?

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

25       Q.       What was the smoke like?

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

5 Q. What did it smell like?

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

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

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

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

15 A. Yeah.

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

18 A. Yeah.

19 Q. That smell?

20 A. That's what was on our clothes  
21 and stuff. But the smoke was really  
22 --- it was really unbreathable. I  
23 just tried to take short breaths  
24 until I got my rescuer on. As far as  
25 I can remember, I'm the first one

1 that put my rescuer on.

2 Q. Did you put it on inside the  
3 mantrip or outside of the mantrip?

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

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

14 A. Yeah.

15 Q. Before you put your rescuer  
16 on?

17 A. Uh-huh (yes).

18 Q. Okay. And did you have any  
19 trouble getting it on?

20 A. No.

21 Q. How did you start it?

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

24 Q. Okay. Yeah. Because there's  
25 two ways to start it. I just wanted

1 to know which one - - - .

2 A. Yeah.

3 Q. And you had no problem blowing  
4 it up and - - -

5 A. No.

6 Q. - - - getting her going?

7 A. No. It activated right now.

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

15 A. It seemed like it was that  
16 hot.

17 Q. Did it?

18 A. Yeah. And then like I said,  
19 when we went through that stopping,  
20 that man door, it was a lot hotter in  
21 there than what it was over on the  
22 track.

23 Q. So it was hotter over on the  
24 return side?

25 A. On the intake side.

1 Q. Or on the intake side?

2 A. Yeah.

3 Q. I'm sorry. Hotter on the  
4 intake side?

5 A. Yeah.

6 Q. Like a humid heat?

7 A. Yeah. You could just feel the  
8 heat. And I told Eric, I said, we  
9 got to get out of here. We can't go  
10 down this way.

11 Q. So how far did you --- what  
12 did you do? You hopped in that door.  
13 You said it was hot, so you stayed on  
14 the track?

15 A. Yeah, we went back over to the  
16 track. And that's when I --- like I  
17 said, just like Joe and --- Joe Ryan  
18 and Doc Anderson walked out of a  
19 cloud of smoke. I mean, here they  
20 appeared to us. And it looked like  
21 they was both in shock. They didn't  
22 know what to do, where to go or  
23 anything. That's the way they looked  
24 to me.

25 Q. Is there some reason why you

1 didn't take the mantrip?

2 A. No.

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

4 A. Everybody was just bailing  
5 out. They wanted to get out.

6 Q. Did you notice anything on the  
7 track as you were walking out?

8 A. Yeah. There was blocks, oil  
9 cans - - - .

10 Q. I know it was hard to see.

11 A. I was tripping over them.

12 Q. How far do you think you got  
13 out before you could get into the  
14 intake?

15 A. I would say the next man door.  
16 I have no idea. I mean, - - - .

17 Q. But you got through a man  
18 door?

19 A. Yeah.

20 Q. And then on to the other side?  
21 How did you guys know that everybody  
22 was there?

23 A. Well, - - - .

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

1 A. I don't know.

2 Q. Okay.

3 A. Because whenever I went  
4 through the door, some of them had  
5 already took off. I could hear  
6 somebody down in front of us  
7 hollering, come this way.

8 Q. So you said you helped a  
9 couple of the guys get their SCSRs  
10 on?

11 A. Yeah.

12 Q. Did they have any trouble with  
13 theirs?

14 A. No. Just one. Hoy Keith's  
15 didn't activate.

16 Q. It didn't activate?

17 A. No. We tried and tried and  
18 tried, and it wouldn't.

19 Q. You pulled the bottom on  
20 it ---

21 A. Yeah.

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

23 A. Wouldn't come on, no.

24 Q. So how did you get it going?

25 A. We didn't. We was in fresh

1 air by that time, pretty fresh air.  
2 You could still see a lot of smoke  
3 and dust, I guess is what it was.

4 Q. So Hoy never really had the  
5 advantage of the SCSR?

6 A. No.

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

9 A. That I know of, yes. I was  
10 told other ones didn't, but that's  
11 the only one that I know of.

12 Q. Well, I mean, you personally  
13 know of.

14 A. Yeah.

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

17 A. I helped him get it on, around  
18 his neck, nose clips on, everything.  
19 I pulled the thing and it didn't  
20 activate.

21 Q. Did he try blowing into it to  
22 get it going?

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

25 Q. Okay. So then you made it ---

1 you continued down the intake until  
2 what point did you try to get out  
3 onto the track?

4 A. Well, there was a scoop  
5 charger there. I'm thinking it was  
6 24 blocks is what I'm thinking in my  
7 head.

8 Q. So did the whole group --- was  
9 the air clear down there?

10 A. Pretty much, yeah.

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

14 A. On. Until I got almost  
15 outside, I kept mine on.

16 Q. You says you met a mantrip?

17 A. Yeah.

18 Q. Was that as soon as you got  
19 out of the intake?

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

24 Q. Who was on that trip?

25 A. The maintenance foreman, a

1       mechanic, safety director and the  
2       superintendent.

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

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

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

11     A.       The maintenance foreman and  
12     mechanic.

13     Q.       That would be who?

14     A.       Dick Wilfong and Vern Hofer.

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

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

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

22     A.       Yeah. They was probably 10 or  
23     20 blocks ahead of us.

24     Q.       Okay.

25     A.       I'm thinking we picked them up

1       like at 10 block and we was at 24.

2       Q.       Were you hurt in any way? Did  
3       you have any injuries?

4       A.       No.

5       Q.       Or did you ever get sick from  
6       it?

7       A.       No.

8       Q.       Did you get any treatment when  
9       you got outside?

10      A.       No.

11      Q.       Did you walk up the hill or  
12      what did you ---?

13      A.       Yeah, at a pretty fast pace.

14      Q.       Was it still raining out?

15      A.       It wasn't raining yet.

16      Q.       No?

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

19      Q.       Did you see anybody else  
20      outside other than the crew that you  
21      evacuated the mine with?

22      A.       You're asking me names, and I  
23      don't know the names of some of these  
24      guys.

25      Q.       No. I mean, did you see any

1 people out there in the pit mouth  
2 when you got outside?

3 A. No.

4 Q. So you went up over the hill,  
5 though. Did you get --- did anybody  
6 talk to you and ask you what  
7 happened?

8 A. Flea. And we told him, you  
9 know, and it was pretty much chaotic  
10 after that. You know, it's just a  
11 blur after that.

12 Q. So you got out. Did the EMTs  
13 check you out or anything at that  
14 time?

15 A. No.

16 Q. Were they outside there yet?

17 A. Not yet. They was on their  
18 way. He had told us that --- Flea  
19 told us that they was on their way.  
20 They had already been contacted.

21 Q. So after that, what happened  
22 then? You got --- did you take a  
23 shower?

24 A. No, not until that evening.

25 Q. Did you observe any of the

1 officials that got there, the command  
2 center, the mine rescue team  
3 arrivals, any of that, were you there  
4 when all that happened?

5 A. Yeah. The state inspectors I  
6 can remember coming in was John, Jeff  
7 Bennett and Berry Fletcher. There  
8 was one federal inspector there that  
9 I knew, that was Pat Vanover. The  
10 rest of them, you know, I don't know.

11 Q. Did you have any involvement  
12 in any of that mine activity, the  
13 rescue and recovery or anything like  
14 that, ---

15 A. No.

16 Q. --- other than going to the  
17 gate and taking care of the entrance?

18 A. No.

19 Q. Okay.

20 A. No. I'd go over there every  
21 once in a while, back and forth to  
22 get a cup of coffee or something.  
23 But there was somebody else there,  
24 helping me to keep people out.

25 MR. O'DONNELL:

1                   John, do you have any  
2                   questions up 'til now?

3                   MR. COLLINS:

4                   No, not up 'til now.

5                   MR. O'DONNELL:

6                   Okay.

7                   BY MR. O'DONNELL:

8                   Q.           When you were inside, do you  
9                   remember any --- if there was any  
10                  conversation over the mine pager  
11                  phone system or --- well, let's just  
12                  start on that one. Do you know of  
13                  any calls that were made or received  
14                  or heard any squawking on the phone?

15                  A.           You mean the mantrip phone or  
16                  the mine phone?

17                  Q.           The mine phone, the pager  
18                  phone.

19                  A.           Somebody was hollering inside,  
20                  inside, inside. That's how we knew  
21                  there was a phone close by to where  
22                  we was, and we started walking.

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

24                  A.           No.

25                  Q.           And everybody was trying to

1        --- how did you know where to go?

2        How did you ---?

3        A.        I just felt my way along the  
4        rib.    I mean, ---

5        Q.        Okay.

6        A.        --- somebody said, here's the  
7        rib, and you just felt your way until  
8        you could see a little bit.

9        Q.        And someone was calling  
10       inside?

11       A.        Yeah.

12       Q.        Do you know who it was?

13       A.        No.

14       Q.        And who answered the phone?

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

16       Q.        And did you hear any of the  
17       conversation?

18       A.        No.

19       Q.        Not at all, none of it?

20       A.        No.    All of us kind of went on  
21       by and went over and got in the  
22       intake.

23       Q.        Let's go back to the trolley  
24       phone on the mantrip.    Do you recall  
25       any kind of conversations that you

1 heard over that?

2 A. No.

3 Q. Any paging or ---?

4 A. No.

5 Q. No one?

6 A. Uh-uh (no).

7 Q. Okay. How about  
8 walkie-talkies? Did anybody have a  
9 walkie-talkie?

10 A. Paul Avington did.

11 Q. Okay.

12 A. You mean the two-way radios  
13 that we carry?

14 Q. Yeah. Yeah. Yeah, the  
15 section walkies.

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

18 Q. Do you know if he used it at  
19 all?

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

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

1 that, did it stay pretty warm?

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

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

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

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

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

16 Q. Billows like?

17 A. Yeah.

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

21 A. No.

22 Q. When did you leave the office  
23 like upstairs --- up on top of the  
24 hill? How long did you stay there  
25 and then move to the gate?

1 A. Probably about an hour.

2 Q. Okay.

3 A. Like I said, I went over and  
4 helped them get the tables set up for  
5 the mine rescue teams.

6 MR. O'DONNELL:

7 John, do you have  
8 anything up 'til now?

9 MR. COLLINS:

10 Not up 'til now. Thank  
11 you.

12 MR. O'DONNELL:

13 Okay.

14 BY MR. O'DONNELL:

15 Q. Are you familiar with the old  
16 Two Left seals in any way, the seals  
17 that blew out?

18 A. No. I was just up there one  
19 day. I worked an extra shift and  
20 helped finish one and start another  
21 one.

22 Q. Okay. What about the area  
23 behind the seals, did you ever work  
24 up there?

25 A. Yes.

1 Q. You did. You were a roof  
2 bolter up there?

3 A. In the mains.

4 Q. Yeah. Let's go over to the  
5 map, just so we're both on the same  
6 page here. We're at Exhibit One.  
7 Here's the seals that were up in the  
8 Two Left area, okay. But did you  
9 ever work in this area here at all?

10 MR. CRAWFORD:

11 For the record, what do  
12 you mean by here?

13 MR. O'DONNELL:

14 The Second Left mains.

15 A. Sometimes when I'd work an  
16 extra day, yeah. I was working up in  
17 here when they started bottom mining,  
18 the day they started bottom mining.

19 BY MR. O'DONNELL:

20 Q. Did you work at any time  
21 during the development of that?

22 A. For three days.

23 Q. Where was the section at when  
24 you went up there?

25 A. Right here. We was just

1 starting.

2 Q. So right in this area of, say,  
3 spad number 4010?

4 A. No, not that far. We was just  
5 starting, just starting these out  
6 this way.

7 Q. Okay. Let's talk about the  
8 roof conditions there. Did you  
9 notice anything unusual in the roof?

10 A. No.

11 Q. I mean, was it harder  
12 drilling, softer drilling? Water?

13 A. It was soft right there to  
14 begin with.

15 Q. Where the section --- where it  
16 necked off?

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

20 Q. That's what you usually drill  
21 through, sandstone?

22 A. Yeah.

23 Q. And that area was softer?

24 A. Yeah.

25 Q. Was it broken roof?

1 A. No.

2 Q. Just soft?

3 A. Yeah.

4 Q. Soft like mud slip soft or  
5 just ---?

6 A. Shale, just regular, normal  
7 roof.

8 Q. Did that roof there look any  
9 differently than other roof ---

10 A. No.

11 Q. --- in the mine?

12 A. No.

13 Q. Like sometimes you might see  
14 fossil streaks hear and there?

15 A. No.

16 Q. Nothing. Nothing unusual or  
17 abnormal?

18 A. No.

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

21 A. Well, Joe Ryan. I mean, he's  
22 been with me ever since I've been  
23 over there. We bolted together.

24 Q. Was Joe your buddy?

25 A. Yeah.

1 Q. You said you just filled in in  
2 that section; right?

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

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

6 A. Through the week or the  
7 weekend?

8 Q. Yeah, both.

9 A. I always worked with the  
10 weekend crew if I went up there for  
11 an extra day.

12 Q. Yeah.

13 A. Jesse Jones.

14 Q. Now, that can't be his real  
15 name, is it?

16 A. That was one of them that  
17 didn't ---.

18 Q. Oh, I'm sorry. Oh, okay. I'm  
19 sorry. I apologize.

20 A. David Lewis, Jerry Groves.

21 Q. Any of the miners that --- I'm  
22 talking about regular --- the guys  
23 that are still here, still with us?

24 A. Oh, Randal McCloy.

25 Q. Okay. Who else?

1 A. Daryl Lucas.

2 Q. Okay. Because we need to talk  
3 to those guys about that roof. I'm  
4 sorry about Jones. I just --- the  
5 name slipped me. So you said that  
6 you worked back at the seal area also  
7 for a day?

8 A. Just one day, yeah.

9 Q. And what was your role in the  
10 construction of the seals?

11 A. Mixing the mud.

12 Q. You were the poor guy that had  
13 to do the mixing. Is that all you  
14 did on the seals?

15 A. Pretty much, yeah. They kept  
16 me busy.

17 Q. And what kind of material did  
18 you use? What was the type of  
19 mortar?

20 A. It was B-Bond that was in a  
21 blue bag.

22 Q. All the material was in the  
23 same kind of bag?

24 A. Yeah.

25 Q. And how did you mix the stuff?

1 A. Just with water and a hoe. I  
2 mean, you didn't add nothing to it.

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

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

8 Q. What would be right?

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

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

13 A. No.

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

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

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

21 A. One day.

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

24 A. It was one of the first ones,  
25 so I would say it was --- what would

1       be Number Seven we finished, is my  
2       guess, and Number Six we started, the  
3       Number Six heading.

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

7       A.        Yeah.

8       Q.        And did you see them start it?

9       A.        Yeah.

10      Q.        What did they put on the  
11      bottom?

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

13      Q.        Was it mixed or was it dry or  
14      how did they apply it?

15      A.        I don't really remember that.

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

19      A.        Yeah. I think they used the  
20      mixed stuff because I was complaining  
21      to Jeff he was using too much.

22      Q.        If the bottom wasn't even,  
23      okay, ---

24      A.        Yeah.

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

1 A. Well, he used what I'd mixed,  
2 and he put it a little dry where he  
3 needed it to make it level.

4 Q. Did you ever use any of the  
5 --- let's say that there was a big  
6 gap. Did he ever fill it in with any  
7 other like, say, some of the pieces  
8 of block or whatever to level up?

9 A. Not that I know of, no.

10 Q. Any wood or ---?

11 A. No.

12 Q. So sometimes he put cement and  
13 then he leveled it up with the dry  
14 stuff?

15 A. Uh-huh (yes).

16 Q. And then put that first row  
17 down?

18 A. Yeah.

19 Q. And how wide was it, how  
20 thick?

21 A. It was two Omega blocks thick.

22 Q. Which was about how many  
23 inches; do you have any idea?

24 A. No, I don't know the size of  
25 them.

1 Q. Did they do any hitching into  
2 the rib?

3 A. No. They said that they  
4 wasn't required to.

5 Q. And what about the roof?  
6 There was some --- was there  
7 screening in that area?

8 A. I don't think there was right  
9 there where we was at.

10 Q. Do you remember if there was  
11 any kind of --- any conductors that  
12 could have passed through that seal  
13 that weren't severed?

14 A. No.

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

17 A. Like I said, we finished one,  
18 probably about half of one, and got  
19 half of another one finished.

20 Q. Okay. Do you remember how  
21 they tightened the walls up on the  
22 sides?

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

24 Q. Okay. How did they tighten it  
25 against the roof?

1 A. They said one wedge is what  
2 they was allowed to use, and I think  
3 that's what they used.

4 Q. Were there any long boards?

5 A. Yeah.

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

8 A. Two.

9 Q. Two?

10 A. Yeah.

11 Q. One in the front and one in  
12 the back?

13 A. Yeah.

14 Q. And those fly boards that they  
15 put in there, how did they tighten  
16 them to the roof?

17 A. With wedges.

18 Q. And how far apart do you know  
19 if the wedges were?

20 A. That I don't know.

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

23 A. Yeah.

24 Q. Did they tighten from the back  
25 of the seal?

1 A. Both sides.

2 Q. Okay.

3 A. Because the one guy had to  
4 walk around --- because we didn't  
5 have the other ones build, and he  
6 walked around to get around to where  
7 we was.

8 Q. Do you know if there was any  
9 cribs built on either side or ---?

10 A. He had to build cribs on the  
11 back side.

12 Q. And behind the cribs, was  
13 there any stoppings or anything back  
14 there, too?

15 A. Not that I know of. I wasn't  
16 back there.

17 Q. Okay. What about rock dusting  
18 in the area, did you ever look behind  
19 the seals and see if ---?

20 A. Not really. No, I didn't pay  
21 any attention to that.

22 Q. What about in the front?

23 A. No. We still had material  
24 there.

25 Q. Okay.

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

3 Q. Do you know if any paper was  
4 used to fill in the cracks along the  
5 sides or around the tops?

6 A. No, there wasn't.

7 Q. Okay. What about --- now, you  
8 put your first fly board in on the  
9 back, which would be the back of the  
10 seal. How was that area filled in?

11 A. With mortar.

12 Q. They threw it up on top?

13 A. No. There was a guy back  
14 there still doing that.

15 Q. Oh, okay. You know what I  
16 mean, a space between the top of the  
17 seal and the roof?

18 A. Yeah. We just handed him  
19 through three or four buckets of the  
20 plaster, the B-Bond.

21 Q. And he pushed it forward to  
22 you; is that right? Is that how you  
23 did it?

24 A. As far as I know, yeah.

25 Q. And then you did the same

1 thing on this side?

2 A. Yeah.

3 Q. Did you plaster both sides,  
4 front and back?

5 A. Yeah.

6 Q. Okay. About how thick was it?

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

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

14 A. Most of the time, yeah.

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

19 A. No. They laid them up wet as  
20 they went.

21 Q. How did they do that?

22 A. Dumped the mud there and  
23 smeared it around with their hands.

24 Q. Okay. And then put another  
25 ---?

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

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

5 A. No.

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

8 A. Yes.

9 Q. They mudded up the ends ---

10 A. Yeah.

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

12 A. Yeah.

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

16 A. Uh-huh (yes).

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

19 A. Yep.

20 Q. Okay. Did anybody give you  
21 any kind of instructions or give you  
22 any kind of training on how to build  
23 those seals?

24 A. No.

25 Q. Who was your boss there?

1 A. Jeff Snyder.

2 Q. And did you build these kind  
3 --- did you build these Omega seals  
4 before?

5 A. That's the first ones I've  
6 ever seen.

7 Q. Okay. Did you build other  
8 seals before?

9 A. Yeah.

10 Q. And what was your --- what  
11 kind of seals did you build?

12 A. Out of the eight-inch solid  
13 blocks.

14 Q. Standard ---?

15 A. Yeah, where you had to notch  
16 into the ribs and ---.

17 Q. Yes. Where did you build  
18 those at?

19 A. Bass Energy.

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

23 A. Jeff.

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

1 A. Yeah. Well, if I asked him  
2 questions.

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

4 A. Yeah.

5 Q. So was he there the whole time  
6 and he gave you --- was he giving you  
7 instruction as you built it or ---?

8 A. Well, he was there and had to  
9 go someplace else and then came back.  
10 And he was running back and forth,  
11 but he was there most of the day with  
12 us.

13 Q. With us? Who were the other  
14 guys?

15 A. Jeremy Toler, and I don't  
16 remember the other guy's name.

17 Q. Was there a red hat with you?

18 A. Yeah. But he don't work there  
19 no more.

20 Q. Did he work there very long?

21 A. Two or three months.

22 Q. Do you know his name?

23 A. No.

24 Q. And you don't remember the  
25 other guys' names?

1 A. Jeremy Toler.

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

3 A. Yeah.

4 Q. And Snyder?

5 A. Yeah. And Eric Hess was  
6 supposed to be with us, but he run  
7 the scoop, and we didn't see much of  
8 him all day.

9 MR. O'DONNELL:

10 John?

11 MR. COLLINS:

12 No, I don't have  
13 anything. Thank you.

14 MR. O'DONNELL:

15 Do you want to take a  
16 five-minute break?

17 A. Okay.

18 MR. O'DONNELL:

19 Sounds good.

20 SHORT BREAK TAKEN

21 MR. O'DONNELL:

22 John, do you have any  
23 questions?

24 MR. COLLINS:

25 I have just a couple

1 follow-up, please, Mr.  
2 Wamsley.

3 BY MR. COLLINS:

4 Q. When you were discussing about  
5 Hoy Keith's rescuer not operating, I  
6 think you stated that you pulled the  
7 string?

8 A. Yeah, the little deflector  
9 that comes down.

10 Q. And it did nothing?

11 A. No.

12 Q. And do you know what the  
13 procedure is that you do if that  
14 doesn't start?

15 A. You're supposed to blow into  
16 it a couple times.

17 Q. Did Hoy know that?

18 A. I don't know.

19 Q. And but you guys never did try  
20 that?

21 A. No.

22 Q. Hoy never did pass out or  
23 become unconscious or ---?

24 A. No. No. He just kept wanting  
25 to sit down, and we'd make him get

1 up. And he told us to leave him, and  
2 we'd make him get up and come with  
3 us.

4 Q. And you've worked with Hoy a  
5 lot?

6 A. Since July.

7 Q. He's an older gentleman?

8 A. Yeah.

9 Q. And how would you explain his  
10 physical condition, if you care to?  
11 Is he very energetic?

12 A. No. Hoy's got a lot of  
13 medical problems.

14 Q. So at this time, that was  
15 still different, though; correct?

16 A. Yeah.

17 Q. And you said you're a  
18 certified West Virginia foreman?

19 A. Yeah.

20 Q. When did you get that?

21 A. Two weeks ago this Friday.

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

24 A. Yeah.

25 Q. And had you had training on

1 self-rescuers down at that foreman  
2 class?

3 A. No.

4 Q. Mine gasses?

5 A. He went over it with us. We  
6 didn't test on them.

7 Q. But you studied them some?

8 A. Yeah.

9 Q. Would you say you had a  
10 renewed knowledge of carbon monoxide?

11 A. Oh, yeah.

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

16 A. No.

17 Q. Did you move any pump cables?

18 A. No.

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

1 A. No.

2 MR. COLLINS:

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

5 BY MR. O'DONNELL:

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

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

13 Q. You drove the straight, too?

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

24 Q. How far into the development  
25 of the mains was that?

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

2 Q. Was it in by the seal area?

3 A. No, no, because that was  
4 toward the end. This is --- this is  
5 way before the end. It was probably  
6 like last April.

7 Q. Oh, okay. That was even  
8 before you turned Second Left off?

9 A. Yeah.

10 Q. Okay. I thought you meant on  
11 the straight, where it ended.

12 A. No. No. This is way back  
13 there, probably before we even turned  
14 One Left off.

15 Q. But in that area, did you pick  
16 any methane up?

17 A. No.

18 Q. No, meaning zero, or no,  
19 meaning tenths?

20 A. Maybe one, two tenths  
21 sometime.

22 Q. Okay. You're a roof bolter.  
23 And did you ever, any time you were  
24 working here in the two years, have  
25 any problems with your ventilation

1 where you had accumulations of  
2 methane?

3 A. No, just that one ---

4 Q. Just the one ---?

5 A. --- time. Yeah. It was just  
6 at the change of the shift was the  
7 only time.

8 Q. But you did have methane?

9 A. Yeah.

10 Q. Okay. It wasn't like ---  
11 people recognized the fact that it  
12 was there and you took care of it?

13 A. Uh-huh (yes).

14 Q. Okay. Going back to those  
15 seals, you were mixing all the mud  
16 up. How hard was it for that  
17 material to stick to those dry --- I  
18 mean, how did they get it to stick?

19 A. You mean to the sides?

20 Q. Yes.

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

22 Q. It did?

23 A. Yeah. Jeff would tell me how  
24 he wanted it mixed to where it would  
25 spread. And he knew what he was

1       doing spreading it on there.

2       Q.       Well, that was pretty messy;  
3       wasn't it?

4       A.       Yeah, for them guys. I just  
5       had to mix it.

6       Q.       Now, was there any specific  
7       amount of water that you had to mix  
8       with the --- was there any  
9       instructions that said that you had  
10      to mix this amount of water with this  
11      much ---

12      A.       No.

13      Q.       --- BlocBond?

14      A.       Uh-uh (no).

15      Q.       So you just poured --- about  
16      how many gallons of water do you  
17      think you put into a bag? Was it one  
18      bag or how many bags did you mix up?

19      A.       Probably two or three. That  
20      day?

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

23      A.       Yeah, I put three or four in  
24      there, and maybe almost a five-gallon  
25      bucket of water.

1 Q. For how many bags?

2 A. About four.

3 Q. And that's all the water you  
4 used?

5 A. Yeah. I would use --- mix as  
6 much as I could, you know, at one  
7 time.

8 Q. What was the consistency of  
9 it, of what, so I have an idea of ---  
10 was it soup-like? Was it ---?

11 A. No. It was a little thicker  
12 than that. I don't know how to  
13 explain it. A little thinner than  
14 bread dough, maybe.

15 Q. Okay. Yes. I guess, since  
16 you just got your papers, you never  
17 did any kind of preshifts or  
18 on-shifts or any of that stuff;  
19 right?

20 A. No, just --- I fire bossed the  
21 belts. I have a belt examiner's  
22 card.

23 Q. Oh, you do?

24 A. Yeah.

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

1 A. That was another mines,  
2 though.

3 Q. Did you do any kind of mine  
4 examiner work at Sago?

5 A. No.

6 Q. None at all?

7 A. No.

8 Q. Do you know if the belts were  
9 running that day when you guys went  
10 in?

11 A. I don't remember, no.

12 Q. Okay. You said there was a  
13 storm; right?

14 A. Yeah.

15 Q. Did the power kick at all from  
16 the time that you got at the mine  
17 until the time you went in the mine?

18 A. No.

19 Q. You don't know if it ever went  
20 off?

21 A. It never went off, no.

22 Q. Okay.

23 A. And even as we was going down  
24 the hill, we left the lamp house and  
25 started down the hill, I could see

1 lightning over toward the tippie,  
2 over in that area there was  
3 lightning.

4 Q. This might sound like a dumb  
5 question, but how do you know the  
6 power was on or not? How do you know  
7 if it was on or off?

8 A. You mean in the mines?

9 Q. Yes.

10 A. Well, I don't. I just ---  
11 just the lights outside was burning.

12 Q. Okay. Okay. What about the  
13 fan now? If the fan goes down, how  
14 do you know if the fan's down?

15 A. Outside there's an alarm.

16 Q. Okay. And you didn't hear  
17 that?

18 A. No.

19 Q. Okay. When was the last time  
20 you had annual retraining?

21 A. Last February.

22 Q. And who gave you the training?

23 A. Al Schoonover.

24 Q. And during that training, did  
25 you go over the mine emergency and

1 evacuation firefighting plan?

2 A. Yeah.

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

8 A. The section boss.

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

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

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

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

23 Q. Because someone called in and  
24 they said, inside, inside, inside?

25 A. Yeah.

1 Q. And then Owen gets on the  
2 phone?

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

8 Q. So they knew something  
9 happened ---

10 A. Yeah.

11 Q. --- before Owen made the call  
12 out?

13 A. Yeah.

14 Q. I wonder how they knew that?

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

18 Q. Oh, man. They felt the ground  
19 shake?

20 A. Yeah. They said the bathhouse  
21 shook.

22 Q. Was it because of there was  
23 lightning and thunder or did it  
24 happen when this --- something gave  
25 them cause to say that something

1       happened underground?

2       A.       They said the lightning ---  
3       they seen a flash of lightning and I  
4       guess then they felt the bathhouse  
5       shake. And I guess all at the same  
6       time, from what they've told me, that  
7       everything started going haywire  
8       outside.

9       Q.       Haywire ---?

10      A.       The CO monitors, everything  
11      was going off. You know, all the  
12      alarms was going --- except the fan.  
13      But the other alarms was going off.  
14      The fan, as far as I know, didn't  
15      stop at any time.

16      Q.       And that happened just --- I  
17      mean, from --- when did you hear the  
18      inside, inside, inside, how quickly  
19      from the time that the explosion  
20      happened until you heard somebody on  
21      that phone?

22      A.       Probably 15 minutes.

23      Q.       Oh, that long?

24      A.       Yeah.

25      Q.       Okay.

1 A. The first time I looked at my  
2 watch was 6:42.

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

4 A. That's when we was walking  
5 down the track.

6 Q. Okay.

7 A. I don't know how far that  
8 phone was from where we was, where we  
9 caught the explosion.

10 Q. So you're saying that it  
11 didn't happen like immediately, boom,  
12 and then you start getting out of the  
13 mantrip, getting oriented and you  
14 hear the phone, it was like 15-minute  
15 lag time?

16 A. Yeah. By the time everybody  
17 got ---

18 Q. Okay.

19 A. --- together and all that.

20 Q. So that's when things started  
21 going on with the CO alarm and all  
22 that?

23 A. As far as I know, yeah.

24 Q. Okay. You said they. Who  
25 were they when you said they said the

1 building shook?

2 A. It was two red hats. I can't  
3 remember their names. They worked  
4 with Skip.

5 Q. Skip's red hats?

6 A. Yeah.

7 Q. Anybody else say that they  
8 felt the building shake?

9 A. No. Them's the only two that  
10 told me that. Well, Skip told me  
11 that.

12 Q. So did you ever hear Flea at  
13 all through --- when it said inside,  
14 inside, inside, do you think it was  
15 Flea that was calling in or you don't  
16 know?

17 A. I don't know.

18 Q. If you don't know, you don't  
19 know. That's all. Somebody must  
20 have told you that the CO readings  
21 and all that were going haywire when  
22 you ---.

23 A. Yeah.

24 Q. Who was that and what ---? I  
25 mean, is that just through

1 conversation outside?

2 A. Yeah, through conversation.  
3 Then red hats and Skip said  
4 everything started going off at the  
5 time that the bathhouse shook.

6 Q. When did you have that  
7 conversation?

8 A. Probably a half hour after we  
9 got outside.

10 Q. Oh, okay, so it was right then  
11 they said ---?

12 A. Yeah.

13 Q. You said your annual  
14 retraining was last ---?

15 A. February.

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

18 A. No.

19 Q. During your annual retraining,  
20 did you go through your SCSR donning  
21 procedures?

22 A. Yeah.

23 Q. And did that involve a  
24 complete ---?

25 A. Each one of us had to put it

1 on, go through putting it on.

2 Q. What about evacuation  
3 procedures? Did you go through that?

4 A. Yeah.

5 Q. How about, have you ever  
6 participated in an escapeway drill?

7 A. No.

8 Q. They never walked you out of  
9 the mines?

10 A. No.

11 Q. Do you know if the boss did it  
12 to anybody?

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

15 Q. Do you know how often they do  
16 that?

17 A. It's supposed to be done every  
18 90 days.

19 Q. Good. That's a good one.  
20 What about fire drills?

21 A. We had them, yeah.

22 Q. On the section?

23 A. Yeah. He would just tell us,  
24 we have a fire at the miner and go  
25 through all that, and we regularly

1       went over what each person's job was  
2       supposed to be in case of a fire.

3       Q.       Good.  What about smoke  
4       searches?

5       A.       Yeah.

6       Q.       Did you ever get smoke  
7       searched?

8       A.       Yeah.

9       Q.       How often?

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

13      Q.       Owen?

14      A.       Yeah.

15      Q.       Okay.  Did you ever see  
16      anybody smoking in a coal mine?

17      A.       No.

18      Q.       And have you ever found any  
19      smoking articles in a coal mine?

20      A.       You mean since I've been  
21      working, or Sago?

22      Q.       No, Sago.

23      A.       No.

24      Q.       Whenever you had your SCSR  
25      training, okay, they talk about a lot

1 of different things, activation, the  
2 whole bit. When did they tell you  
3 you had to put --- you should put it  
4 on?

5 A. Immediately.

6 Q. Okay. Immediately when?

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

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

11 A. Yeah.

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

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

16 MR. O'DONNELL:

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

20 MR. COLLINS:

21 No, I have nothing  
22 else.

23 BY MR. O'DONNELL:

24 Q. Has anyone offered you  
25 anything or made a promise to you in

1 exchange for you appearing here  
2 today?

3 A. No.

4 Q. Would you like to add anything  
5 relevant to our investigation? Can  
6 you think of anything that we didn't  
7 ask you that you might want to add?

8 A. No. We pretty much covered  
9 everything.

10 MR. O'DONNELL:

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

19 We ask that you not  
20 discuss your testimony with  
21 any person who may have  
22 already been interviewed or  
23 who may be interviewed in the  
24 future. This will ensure that  
25 we obtain everyone's

1 independent recollection of  
2 the events surrounding the  
3 accident. After questioning  
4 other witnesses, we may call  
5 you if we have any follow-up  
6 questions that we feel we may  
7 need to ask you.

8 If at any time you have  
9 additional information  
10 regarding the accident that  
11 you'd like to provide to us,  
12 please contact us at the  
13 contact information that we  
14 provided to you.

15 The Mine Act provides  
16 for certain protections to  
17 miners who provide information  
18 to MSHA and, as a result, are  
19 treated adversely. If at any  
20 time you believe that you've  
21 been treated unfairly because  
22 of your cooperation in this  
23 investigation, you should  
24 immediately notify us.

25 If you wish, you may

1 now go back over any answer  
2 that you've given during this  
3 interview and you may also  
4 make any statement that you  
5 would like to make at this  
6 time.

7 A. No.

8 MR. O'DONNELL:

9 Okay. Again, I'd like  
10 to thank you for your  
11 cooperation. We appreciate  
12 you coming in.

13  
14 \* \* \* \* \*

15 SWORN STATEMENT

16 CONCLUDED AT 3:07 P.M.

17 \* \* \* \* \*

18  
19  
20  
21  
22  
23  
24  
25

Scale: 1" = 100'

Area Shown on Map  
Scale: 1" = 50'

MG GPS Well Location (5/06/04)  
AP# 47-097-01262 (Prod. Gas)

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

4TH NORTHWEST SUB-MAINS



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

1 LEFT DRIVE

2 LEFT DRIVE

1st Left

2nd Left Parallel

2nd Left Mains

2 LEFT SEALS

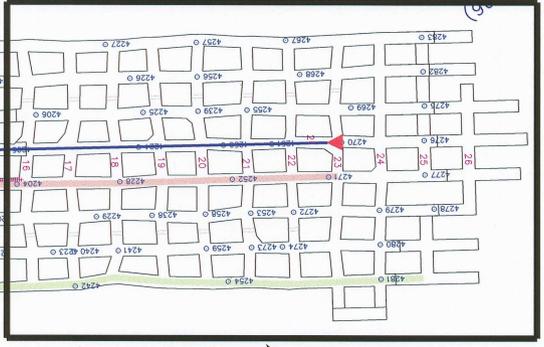


Surveyed Well Location (1/06/06)  
AP# 47-097-01251 (Prod. Gas)

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

MG GPS Well Location  
AP# 47-097-01262 (Prod. Gas)

Surveyed Well Location (1/06/06)  
AP# 47-097-01250 (Prod. Gas)



Scale: 1" = 100'

Area Shown on Map  
Scale: 1" = 50'



M/S GPS Well Location (5/06/04)  
AP# 47-097-01262 (Prod. Gas)



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

ADVERSE CONDITIONS  
ENCOUNTERED  
3-20-2002  
M/S GPS Well Location (5/06/04)  
AP# 47-097-01262 (Prod. Gas)



SURVEYED WELL LOCATION (1/06/06)  
AP# 47-097-01250 (Prod. Gas)



SURVEYED WELL LOCATION (1/06/06)  
AP# 47-097-01251 (Prod. Gas)

