

STATEMENT UNDER OATH

OF

DARREL LUCAS

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the U.S. Bankruptcy  
Courthouse, 324 West Main Street,  
Clarksburg, West Virginia, on  
Tuesday, February 21, 2006, at 9:52  
a.m.

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

2

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

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P R O C E E D I N G S

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MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Tim Williams of the --- in the Solicitor's office and also Brian Mills and John Collins with the West Virginia Office of Miners' Health, Safety & Training.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 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'

1 Health, Safety & Training to  
2 gather information to  
3 determine the cause of the  
4 accident, and these interviews  
5 are an important part of that  
6 investigation.

7 At this time, the  
8 accident investigation team  
9 intends to interview a number  
10 of people to discuss anything  
11 that might be relevant to the  
12 cause of the accident. After  
13 the investigation is  
14 completed, MSHA will issue a  
15 written report detailing the  
16 nature and causes of the  
17 accident. MSHA accident  
18 reports are made available to  
19 the public in the hope that  
20 greater awareness about the  
21 causes of accidents can reduce  
22 their occurrence in the  
23 future. The information  
24 obtained through witness  
25 interviews is frequently

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

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

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



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

16 Questioning will be  
17 conducted by representatives  
18 of MSHA and the Office of  
19 Miners' Health, Safety &  
20 Training. Mr. Lucas, this  
21 interview will begin with my  
22 asking you a series of  
23 questions. If you do not  
24 understand a question, please  
25 ask me to rephrase it. Feel

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

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

13                  If any part of your  
14                  statement is based not on your  
15                  own first-hand knowledge, but  
16                  on information that you  
17                  learned from someone else,  
18                  please let us know. Please  
19                  answer each question as fully  
20                  as you can, including any  
21                  information you have learned  
22                  from someone else. We may not  
23                  ask the right question to  
24                  learn the information that you  
25                  have, so do not feel limited

1 by the precise question asked.  
2 If you have information about  
3 a subject area of a question,  
4 please provide that  
5 information to us.

6 At this time, Mr.  
7 Collins, do you have anything  
8 that you would like to add on  
9 behalf of the Office of  
10 Miner's Health, Safety &  
11 Training?

12 MR. COLLINS:

13 Yes. Mr. Lucas, the  
14 West Virginia Office of  
15 Miners' Health, Safety &  
16 Training is conducting this  
17 interview session jointly with  
18 MSHA and are in agreement with  
19 the procedures outlined by Mr.  
20 Swentosky for these  
21 interviews. But the Director  
22 reserves the right, if  
23 necessary, to call or subpoena  
24 witnesses or require the  
25 production of any records,

1 documents, photographs or  
2 other relevant material  
3 necessary to conduct this  
4 investigation. And after the  
5 interview, if you have  
6 additional questions or wish  
7 to provide additional  
8 information, here's a card for  
9 Mr. Brian Mills. Thank you.

10 MR. SWENTOSKY:

11 Mr. Lucas, are you  
12 aware that you may have a  
13 personal representative during  
14 this taking of the statement?

15 MR. LUCAS:

16 Yes.

17 MR. SWENTOSKY:

18 Okay. Do you have a  
19 representative with you here  
20 today?

21 MR. LUCAS:

22 Yes.

23 MR. SWENTOSKY:

24 And who might that be?

25 MR. LUCAS:

1 Joe Yuhas .

2 MR. SWENTOSKY:

3 Has anyone suggested  
4 that you use Mr. Yuhas as your  
5 representative?

6 MR. LUCAS:

7 No .

8 MR. SWENTOSKY:

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

15 MR. LUCAS:

16 Yes .

17 MR. SWENTOSKY:

18 Have you been pressured  
19 in any way to accept Mr. Yuhas  
20 as your representative?

21 MR. LUCAS:

22 No .

23 MR. SWENTOSKY:

24 With this  
25 understanding, do you still

1 choose Mr. Yuhas as your  
2 representative?

3 MR. LUCAS:

4 Yes.

5 MR. SWENTOSKY:

6 Do you have anything  
7 regarding the manner in which  
8 the interview will be  
9 conducted or any questions  
10 before we get started?

11 MR. LUCAS:

12 No.

13 MR. SWENTOSKY:

14 Okay. Could you swear  
15 in Mr. Lucas, please?

16 -----  
17 DARREL LUCAS, HAVING FIRST BEEN DULY  
18 SWORN, TESTIFIED AS FOLLOWS:

19 -----  
20 BY MR. SWENTOSKY:

21 Q. Could you give us your full  
22 name and spell your last name for us,  
23 please?

24 A. Darrel Franklin Lucas,  
25 L-U-C-A-S.

1 Q. Okay. And could we have your  
2 address and your telephone number,  
3 please?

4 A. Post Office Box 168, Gilboa,  
5 West Virginia. ZIP Code is 26671.  
6 My phone number is area code  
7 304-872-0030.

8 Q. Thank you. Are you appearing  
9 here today voluntarily?

10 A. Yes.

11 Q. And how many years of mining  
12 experience do you have?

13 A. Probably around 28.

14 Q. And could you give us a brief  
15 description of your mining history?

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



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

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

9 A. Bolt machine.

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

13 A. Since I've been there.

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

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

17 ATTORNEY YUHAS:

18 Is that 2004?

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

21 BY MR. SWENTOSKY:

22 Q. Okay. I was sitting here  
23 trying to figure out ---.

24 A. I know. 2004.

25 Q. All right. And you worked in

1 that same position, roof bolting  
2 operator, since the time you started?

3 A. Yes.

4 Q. Okay. Do you have any mining  
5 certifications? Like examiner, mine  
6 foreman papers, mine examiner papers?

7 A. No.

8 Q. And who is your immediate  
9 supervisor?

10 A. Which time?

11 Q. Okay. At Sago Mine during the  
12 last time you worked at Sago.

13 A. Bob Williams was our boss.  
14 Lonnie Short was our mine foreman.

15 Q. And were you working at ---  
16 you were working at Sago Mine on the  
17 day of the accident? Not there that  
18 day, but you were employed by them?

19 A. Yes.

20 Q. Okay. And did you ever work  
21 in the old Two Left section? That's  
22 the area inby the seals that were  
23 blown up.

24 A. Yes, I had.

25 Q. Okay. And who was your

1 supervisor during that period of  
2 time? Do you recall?

3 A. I know Kent Jenkins was our  
4 boss there.

5 Q. Pardon me again?

6 A. Kent, Kenneth Jenkins.

7 Q. Kent Jenkins. Okay. And how  
8 long was he your supervisor there?

9 A. He was there a few months.  
10 But I don't know how long --- I can't  
11 recall how many months --- he might  
12 have been there a year, but ---.

13 Q. Okay.

14 A. I can't recall.

15 Q. Can you describe for me the  
16 roof conditions in the old Two Left  
17 area or like what type the immediate  
18 roof was and the consistency, how  
19 hard it was or whatever? Just kind  
20 of describe those conditions for me,  
21 please.

22 A. Most of it was pretty bad top.

23 Q. Okay.

24 A. And at the end of it, there  
25 was so much water and the top was so

1 bad, we couldn't --- we pulled out of  
2 it.

3 Q. Okay. When you say the top  
4 was bad, can you try to describe a  
5 little bit like what you mean by  
6 that?

7 A. It was falling in everywhere.  
8 We set up rail plates, screen, we  
9 cable bolted the section in a lot of  
10 places, because the six-foot bolts  
11 didn't anchor in for the sand rock,  
12 we just did cable bolts.

13 Q. The immediate roof, that's  
14 right what you were mining under.  
15 Was that a slate-type roof or was  
16 that sand rock or ---?

17 A. I guess sometimes it was sand  
18 rock. But most of it was slate that  
19 fell in.

20 Q. Slate that fell in?

21 A. But some of it, I seen sand  
22 rock fall in, too.

23 Q. Okay. And during the bolting  
24 operations, was it pretty hard ---  
25 and I guess maybe a way to describe

1 that, did you have to use more than  
2 one bit to drill a hole or ---?

3 A. I had to use as high as three  
4 buckets of bits in a day's time.  
5 Probably 100 bits to a bucket I'd ---  
6 probably 100 bits to a bucket.

7 Q. Okay. So you say to drill one  
8 hole, you sometimes had to use two or  
9 three bits?

10 A. Yeah, or more.

11 Q. Okay. During those  
12 operations, did you have an occasion  
13 to see any roof fossils, ferns or  
14 tree stumps or ---?

15 A. Yes, I have.

16 Q. Okay. And we're still talking  
17 about the old Two Left area. Okay.  
18 And what type of fossils? Can you  
19 describe any of those to me?

20 A. I believe ferns is most I can  
21 recall.

22 Q. Okay. I'm going to show you a  
23 picture. And we'll mark that as  
24 Exhibit One. And that's a picture of  
25 the roof with a streak on it and the

1 roof bolt that was taken in the old  
2 Two Left at Station 4010. Did you  
3 ever --- have you ever seen anything  
4 such as that on the mine roof?

5 (Lucas Exhibit One  
6 marked for  
7 identification.)

8 A. No, I haven't.

9 BY MR. SWENTOSKY:

10 Q. The parallel lines that you  
11 see on there?

12 A. No, I haven't.

13 Q. Okay. Have you ever --- have  
14 you seen anything in Sago Mine that  
15 would look like that? Any other area  
16 of Sago Mine?

17 A. No, I haven't.

18 Q. How about any other mines?

19 A. No, I haven't.

20 Q. Okay. Have you seen any ---  
21 maybe any other type of unusual  
22 conditions on the mine roof that I  
23 haven't mentioned to you?

24 A. No.

25 Q. What type of methane readings

1 did you get when you would make a  
2 methane test during the operations in  
3 the old Two Left area?

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

8 Q. Okay. And is that pretty much  
9 the history of the mine, the entire  
10 mine, two tenths?

11 A. I would say.

12 Q. Okay. Do you recall getting  
13 any other --- any higher readings  
14 anywhere else?

15 A. Not as I recall.

16 Q. Were you involved in the  
17 construction of the old Two Left  
18 seals, the ones that were blown out,  
19 at all?

20 A. No. I never have seen the  
21 seals, never was to them.

22 Q. I'm sorry?

23 A. I never was to them and never  
24 did see them.

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

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

3       A.           No.

4                               MR. SWENTOSKY:

5                               Any, John?

6                               MR. COLLINS:

7                               Yeah.    Just a couple,  
8                               please.

9       BY MR. COLLINS:

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

12       A.          Yes, I do.

13       Q.          Are you a certified  
14       electrician?

15       A.          No.

16       Q.          Foreman?

17       A.          No.

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

24       A.          We ain't got no equipment that  
25       would make that kind of mark that I



1 would know of.

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

6 A. Yes. Yes.

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

9 A. There was --- far as I know,  
10 there wasn't none.

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

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

18 Q. And I think you've already  
19 said you didn't work on the seals,  
20 you didn't see the seals?

21 A. No.

22 Q. Didn't transport any of the  
23 material to the seals. Do you have  
24 any information that you'd like to  
25 offer the group concerning the

1 explosion?

2 A. I don't know nothing about the  
3 explosion.

4 Q. Any idea of what may have  
5 occurred?

6 A. I don't have any idea what ---  
7 except the lightning.

8 Q. Once you finished up the old  
9 Two Left, you've been working on the  
10 new Two Left section, that's where  
11 you've been?

12 A. Yes.

13 MR. COLLINS:

14 I don't believe I have  
15 anything else right now, Mr.  
16 Lucas. Thank you.

17 BY MR. SWENTOSKY:

18 Q. When was the last day that you  
19 worked prior to the accident?

20 A. I worked on that Saturday.

21 Q. Okay. When was the last  
22 annual retraining class that you  
23 participated in at Sago Mine?

24 A. It was sometime in late  
25 summer. I can't tell you the exact

1 month or date.

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

3 A. Yes.

4 Q. And who was the instructor?

5 A. Johnny Stemple and Al.

6 Q. And during these sessions, did  
7 you have occasion to have SCSR  
8 training?

9 A. Yes.

10 Q. And could you describe how  
11 they did that?

12 A. They made us take them apart  
13 and put them on except putting our  
14 mouthpiece in.

15 Q. Okay. They showed you how to  
16 do that and then you actually ---

17 A. Yeah.

18 Q. --- did the --- simulated the  
19 donning of the SCSR?

20 A. Yes.

21 Q. Okay. Did you --- do you feel  
22 that the training that you received  
23 was adequate?

24 A. Yes.

25 Q. Is there anything additional

1 that you think should be part of the  
2 retraining?

3 A. No. Not as I know of.

4 Q. And have you ever been  
5 searched for smoking articles?

6 A. Yes, sir, I have.

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

9 A. Frisked us and had us opening  
10 up our dinner buckets.

11 Q. Okay. And how often was that  
12 search performed?

13 A. About every week.

14 Q. Have you ever observed anyone  
15 smoking underground?

16 A. No.

17 Q. And have you ever found any  
18 smoking articles underground?

19 A. No.

20 Q. And --- okay. Has anyone  
21 offered you anything or made any  
22 promise to you in exchange for you  
23 appearing here today?

24 A. No.

25 Q. And do you have anything else

1 that you would like to add at this  
2 time that may be relevant to the  
3 investigation?

4 A. No.

5 MR. SWENTOSKY:

6 On behalf of MSHA, I  
7 would like to thank you for  
8 appearing and answering  
9 questions today. Your  
10 cooperation is very important  
11 to the investigation as we  
12 work to determine the cause of  
13 the accident. We ask that you  
14 not discuss your testimony  
15 with any person who may have  
16 already been interviewed or  
17 who may be interviewed in the  
18 future. This will ensure that  
19 we obtain everyone's  
20 independent recollection of  
21 the events surrounding the  
22 accident. After questioning  
23 other witnesses, we may call  
24 you if we have any follow-up  
25 questions that we feel that we

1           need to ask you. If at any  
2           time you have additional  
3           information regarding the  
4           accident that you would like  
5           to provide to us, please  
6           contact us at the contact  
7           information that was  
8           previously provided to you.  
9           And that's on the business  
10          card we provided to you.

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

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

5       A.       I don't have nothing else.

6                        ATTORNEY YUHA:

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

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

13                       MR. SWENTOSKY:

14                        And we do, too.

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

17                       MR. SWENTOSKY:

18                        Okay.

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

20                       MR. SWENTOSKY:

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

24                                SWORN STATEMENT

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



T40

