

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   BILLY JOE MAYNARD  
04  
05  
06    Taken pursuant to Notice by Autumn D.  
07    Furby-Pritt, a Court Reporter and  
08    Notary Public in and for the State of  
09    West Virginia, at Department of  
10    Environmental Protection, 1101 George  
11    Kostas Drive, Logan, West Virginia,  
12    on Wednesday, April 12, 2006, at 8:17  
13    a.m.

14

15

16

17

18

19

20

21

22

23    Any reproduction of this transcript  
24    is prohibited without authorization  
25                   by the certifying agency.

01                   A P P E A R A N C E S

02

03 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of Miners'

06 Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 KENNETH A. MURRAY

11 U.S. Department of Labor

12 Mine Safety and Health Administration

13 Coal Mine Safety and Health

14 District 6

15 100 Fae Ramsey Lane

16 Pikeville, KY 41501

17

18 KEITH E. BELL, ESQUIRE

19 U.S. Department of Labor

20 Office of the Regional Solicitor

21 1100 Wilson Boulevard

22 Arlington, VA 22209-2296

23

24

25

3

01 A P P E A R A N C E S (continued)

02

03 RONALD W. STAHLHUT

04 Mine Safety & Health Division

05 District Eight  
06 Electrical Group Supervisor  
07 2300 Willow Street  
08 Suite 200  
09 Vincennes, IN 47591-6112

10

11 ALSO PRESENT:

12 DENNIS BIETER

13 ANTHONY WEBB

14 DERRICK TJERNLUND

15 WILLIAM FRANCAERT

16 ANTHONY BURKE

17 C.A. PHILLIPS

18 EUGENE WHITE

19 BETH SPENCE

20 CHARLES POGUE

21

22

23

24

25

4

01 I N D E X

02

03 INTRODUCTION 6 - 16

04 WITNESS: BILLY JOE MAYNARD

05 QUESTIONS

06 By Mr. Beiter 16 - 18

07 CERTIFICATE 19

08

09

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

5

01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04

05 NONE OFFERED

06

07

08

09

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

02 -----

03 MR. BEITER:

04 Good morning, Mr.  
05 Maynard. My name is Dennis  
06 Beiter. I represent the Mine,  
07 Safety and Health  
08 Administration, which is an  
09 agency of the U.S. Department  
10 of Labor. I'm a member of  
11 MSHA's accident investigation

12 team that's assigned the task  
13 of investigating the accident  
14 that occurred with the Aracoma  
15 Coal Company, Incorporated,  
16 Aracoma Alma Mine Number One  
17 on January 19th, 2006.

18 This is a joint  
19 investigation that MSHA's  
20 conducting with the State of  
21 West Virginia. I'll be asking  
22 the questions for MSHA in  
23 today's interview. With me  
24 here today are other members  
25 of MSHA's team and the State's

7

01 team.

02 MSHA's team includes  
03 various specialists and  
04 members of the Solicitor's  
05 Office. At this time, I would  
06 like to ask each of the  
07 members of MSHA's team to  
08 identify themselves for the  
09 record.

10 MR. BELL:

11 Good morning, Billy.  
12 I'm Keith Bell from the  
13 Solicitor's Office in  
14 Arlington, Virginia.

15 MR. WEBB:  
16 I'm Anthony Webb from  
17 MSHA in Pikeville, Kentucky.

18 MR. STAHLHUT:  
19 Ronald Stahlhut, MSHA,  
20 Vincennes, Indiana.

21 MR. POGUE:  
22 Charlie Pogue, MSHA.  
23 I'm from Pennsylvania.

24 MR. MURRAY:  
25 Kenny Murray, MSHA,

8

01 Pikeville, Kentucky.

02 MR. TJERNLUND:  
03 Derrick Tjernlund,  
04 MSHA, Tech Support,  
05 Triadelphia.

06 MR. FRANCCART:  
07 Bill Francart,  
08 Pittsburgh, Pennsylvania.

09 MR. BURKE:  
10 Tony Burke with MSHA,  
11 Whitesburg, Kentucky.

12 MR. BEITER:  
13 I work for Tech Support  
14 out of Triadelphia, West  
15 Virginia, Bill.

16 MR. BEITER:

17           Here with us today  
18       representing the State of West  
19       Virginia is Mr. Bill Tucker.  
20       Mr. Tucker will be asking the  
21       questions for the State. At  
22       this time, Mr. Tucker has a  
23       statement and would like to  
24       introduce the members of his  
25       team.

9

01                       MR. TUCKER:  
02           I appreciate you coming  
03       in this morning, Bill. The  
04       West Virginia Office of  
05       Miners' Health, Safety and  
06       Training is conducting this  
07       interview session jointly with  
08       MSHA and we are in agreement  
09       with the procedures outlined  
10       by Mr. Beiter. However, let  
11       me be clear that the Director  
12       reserves the right, if  
13       necessary to call or subpoena  
14       witnesses or require the  
15       production of any record,  
16       document, photograph or other  
17       relevant materials necessary  
18       to conduct this investigation.  
19           My name is Bill Tucker.

20 I'm with Miners' Health,  
21 Safety and Training. I work  
22 out of the Oak Hill office.

23 MR. PHILLIPS:

24 Good morning, Billy.  
25 My name is C.A. Phillips. I'm

10

01 the Deputy Director of the  
02 Miners' Health, Safety and  
03 Training in Charleston, West  
04 Virginia.

05 MR. WHITE:

06 Eugene White, I'm  
07 district inspector of Region  
08 Three in Danville.

09 MS. SPENCE:

10 I'm Beth Spence with  
11 the Governor's office.

12 MR. BIETER:

13 This investigation is  
14 being conducted by the State  
15 of West Virginia and MSHA to  
16 gather information to  
17 determine the cause of the  
18 accident and to help prevent  
19 this from happening in the  
20 future. These interviews are  
21 an important part of the

22 investigation. After the  
23 investigation is completed,  
24 MSHA will issue a written  
25 report detailing the nature

11

01 and causes of the accident.  
02 MSHA accident reports are made  
03 available to the public in the  
04 hope that greater awareness  
05 about the cause of the  
06 accidents can reduce their  
07 occurrence in the future. The  
08 information obtained through  
09 witness interviews is often  
10 used in these reports. Your  
11 statement may also be used in  
12 other enforcement proceedings.

13 I would like to thank  
14 you in advance for appearing  
15 here today. We appreciate  
16 your assistance in this  
17 investigation. The  
18 willingness of miners and mine  
19 operators to work with us is  
20 very critical to our success  
21 in making our mines safer.

22 This interview with Mr.  
23 Billy Maynard is being  
24 conducted under Section 103(a)

25 of the Federal Mine Safety and

12

01 Health Act of 1977, as part of  
02 the investigation by the Mine,  
03 Safety & Health Administration  
04 into the conditions, events  
05 and circumstances surrounding  
06 the fatalities that occurred  
07 at the Aracoma Alma Mine  
08 Number One located on Route 17  
09 North, Bandmill Hollow Road,  
10 Stollings, West Virginia  
11 25646.

12 This interview is being  
13 conducted at the State of West  
14 Virginia Department of  
15 Environmental Protection  
16 Division of Mining Reclamation  
17 at 1101 George Kostas Drive,  
18 Logan, West Virginia, 25601 on  
19 April 12th, 2006.

20 Mr. Maynard, the  
21 interview will begin by asking  
22 you a series of questions.  
23 Please feel free at any time  
24 to clarify any statements that  
25 you make in response to those

13

01 questions. After we finish  
02 asking questions, you will  
03 also have an opportunity to  
04 make a statement of your own  
05 and provide us with any other  
06 information that you believe  
07 may be important.

08       You are permitted to  
09 have a representative with you  
10 during this interview, and you  
11 may consult with your  
12 representative at any time.

13 You may designate any person  
14 to be your representative.

15       Your statement is  
16 completely voluntary. You may  
17 refuse to answer any question,  
18 and you may end your interview  
19 at any time. If you don't  
20 understand the question,  
21 please let us know and we'll  
22 rephrase it. If you need a  
23 break for any reason, just say  
24 so and we'll take a break.

25       You may withhold ---

01 you may request the  
02 opportunity to make a  
03 confidential statement, which

04 we will withhold from the  
05 public to the extent allowed  
06 by law. Should you desire to  
07 give a confidential statement,  
08 you should advise me before we  
09 begin your interview so that I  
10 can reschedule your interview  
11 in order to properly consider  
12 your request. Do you want to  
13 have a confidential interview?

14 MR. MAYNARD:

15 No.

16 MR. BIETER:

17 The court reporter will  
18 record your interview and will  
19 later produce a written  
20 transcript of the interview.  
21 I ask that you state all your  
22 answers verbally because the  
23 court reporter cannot record  
24 gestures like shaking or  
25 nodding of your head. Neither

15

01 the transcript of this  
02 interview nor the content of  
03 this interview will be  
04 released to the public or the  
05 media until MSHA's final

06 accident investigation report  
07 is issued, or until required  
08 by Court Order, or until a  
09 public hearing takes place.

10 If any part of your  
11 statement is based not on your  
12 own firsthand knowledge, but  
13 on information that you  
14 learned from someone else,  
15 please let us know that.

16 Please answer each question as  
17 fully as you can, including  
18 any information that you  
19 learned from someone else.

20 We may not ask the  
21 right questions to learn the  
22 information that you have, so  
23 please don't feel limited by  
24 the precise wording of the  
25 question. If you have

16

01 information about the subject  
02 area of a question, please  
03 provide us with that  
04 information.

05 Mr. Maynard, do you  
06 have any questions about how  
07 this interview will be  
08 conducted?

09 MR. MAYNARD:

10 No.

11 MR. BIETER:

12 Will you please swear

13 or affirm the witness?

14 -----

15 BILLY JOE MAYNARD, HAVING FIRST BEEN

16 DULY SWORN, TESTIFIED AS FOLLOWS:

17 -----

18 BY MR. BEITER:

19 Q. Please state your full name,

20 address.

[REDACTED]

06 Q. Thank you. Are you appearing

07 voluntarily at this interview?

08 A. I guess. You all called me, I

09 come down.

10 Q. Are you here of your own free

11 will?

12 A. No. I just come down because  
13 you all called me.

14 Q. Do you understand that this is  
15 a voluntary interview?

16 A. No.

17 Q. This interview is voluntary.  
18 If you don't wish to participate in  
19 this interview, that is your option.

20 A. I'll participate. If I don't  
21 know it, I won't answer it. If I do,  
22 I will. That's all I can say.

23 Q. I understand that. I'm not  
24 saying that. It's a different issue.  
25 Your rights are to participate in

18

01 this interview voluntarily. If you  
02 don't --- if you desire not to be  
03 interviewed, ---

04 A. Well, I agree.

05 Q. --- you don't have to be.

06 A. Well, I don't.

07 Q. Okay.

08 A. No offense to you all, but I  
09 just come down because you all  
10 called.

11 Q. Well, we appreciate that and  
12 we will respect your decision not to.

13 A. Okay.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BIETER:

Okay. Thank you.

\* \* \* \* \*

EXAMINATION CONCLUDED AT 8:24 A.M.

\* \* \* \* \*