

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   BILL J. GILLENWATER  
04  
05  
06  
07    Taken pursuant to Notice by Autumn D.  
08    Furby-Pritt, a Court Reporter and  
09    Notary Public in and for the State of  
10    West Virginia, at Department of  
11    Environmental Protection, 1101 George  
12    Kostas Drive, Logan, West Virginia on  
13    Friday, March 31, 2006, at 3:17 p.m.

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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  
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12 U.S. Department of Labor  
13 Mine Safety and Health Administration  
14 Coal Mine Safety and Health  
15 District 6  
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18  
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22 1100 Wilson Boulevard  
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25

3

01 A P P E A R A N C E S (cont.)  
02  
03 ALSO PRESENT:  
04 DERRICK TJERNLUND

05 CHARLES W. POGUE

06 BETH SPENCE

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01 I N D E X

02

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

02                    -----

03                    MR. MURRAY:

04                    Good afternoon, Mr.

05                    Gillenwater.

06                    MR. GILLENWATER:

07                    And good afternoon to

08                    you, sir.

09                    MR. MURRAY:

10                    And we appreciate you

11                    coming up here.

12 MR. GILLENWATER:

13 And I appreciate it.

14 MR. MURRAY:

15 My name is Kenny  
16 Murray. I represent MSHA,  
17 which, as you know, is an  
18 agency of the United States  
19 Department of Labor. I'm a  
20 member of MSHA's accident  
21 investigation team that's  
22 charged with investigating the  
23 accident that occurred at  
24 Aracoma Coal Company,  
25 Incorporated Aracoma Alma Mine

7

01 Number One on January 19th,  
02 2006. This is a joint  
03 investigation that MSHA is  
04 conducting with the State of  
05 West Virginia. I'll be asking  
06 the questions today for MSHA.

07 With me here today are  
08 other members of MSHA's team  
09 as well as the State's team.  
10 MSHA's team includes various  
11 subject matter experts from  
12 throughout the United States,  
13 along with members of the  
14 Solicitor's Office from

15 Arlington, Virginia. At this  
16 time, I'd ask that each of the  
17 team members from MSHA's  
18 accident investigation team to  
19 identify themselves for you.

20 ATTORNEY BARISH:

21 Hello, Bill. As you  
22 know, my name is Dan Barish.  
23 I'm an attorney in the  
24 Arlington Regional Solicitor's  
25 Office. And I represent MSHA.

8

01 MR. POGUE:

02 My name's Charlie  
03 Pogue. I'm with MSHA out of  
04 Hunker, Pennsylvania.

05 MR. TJERNLUND:

06 Derrick Tjernlund, MSHA  
07 Tech Support, Triadelphia.

08 MR. MURRAY:

09 And I'm from Pikeville,  
10 Kentucky. As I said, here  
11 also with us today are --- is  
12 a representative from the  
13 State of West Virginia. And  
14 his name is Mr. Bill Tucker.  
15 And he has a brief statement  
16 from the State.

17 MR. TUCKER:  
18 Appreciate you coming  
19 in today.

20 MR. GILLENWATER:  
21 Okay, Bill.

22 MR. TUCKER:  
23 The West Virginia  
24 Office of Miners' Health,  
25 Safety & Training is

9

01 conducting this interview  
02 session jointly with MSHA, and  
03 we are in agreement with the  
04 procedures outlined by Mr.  
05 Murray. However, let me make  
06 it clear that the Director  
07 reserves the right, if  
08 necessary, to call or subpoena  
09 witnesses or require the  
10 production of any record,  
11 document, photograph or other  
12 relevant materials necessary  
13 to conduct this investigation.

14 Again, my name is Bill  
15 Tucker. I'm with Miners'  
16 Health, Safety & Training. I  
17 work out of the Oak Hill  
18 office.

19 MS. SPENCE:

20           Beth Spence with the  
21   Governor's Office.

22           MR. MURRAY:

23           Thanks, Bill. This  
24   investigation is being  
25   conducted by MSHA and the

10

01   State of West Virginia to  
02   gather information to  
03   determine the cause of the  
04   accident and to help prevent  
05   this from happening in the  
06   future. These interviews are  
07   an important part of the  
08   investigation. After the  
09   investigation is completed,  
10   MSHA will issue a written  
11   report detailing the nature  
12   and causes of the accident.  
13   MSHA accident reports are made  
14   available to the public in the  
15   hope that greater awareness  
16   about the causes of accidents  
17   can reduce their future --- or  
18   their occurrence in the  
19   future. Information obtained  
20   through witness interviews is  
21   frequently included in these

22 reports. Your statement may  
23 also be used in other  
24 enforcement proceedings.

25 Again, Bill, I'd like

11

01 to thank you for coming over  
02 here today. We appreciate  
03 your assistance in the  
04 investigation. The  
05 willingness of miners and mine  
06 operators, in your case, the  
07 cooperation from the  
08 enforcement agencies, is  
09 critical to our success to  
10 making the nation's mines  
11 safer.

12 This interview with Mr.  
13 William (sic) Gillenwater is  
14 being conducted under Section  
15 103(a) of the Federal Mine  
16 Safety & Health Act of 1977 as  
17 part of an investigation by  
18 the Mine Safety and Health  
19 Administration into the  
20 conditions, events and  
21 circumstances surrounding the  
22 fatalities that occurred at  
23 the Aracoma Alma Mine Number  
24 One, located on Route 17

25 North, Bandmill Hollow Road in

12

01 Stollings, West Virginia

02 25646.

03 This interview is being  
04 conducted at the State of West  
05 Virginia Department of  
06 Environmental Protection,  
07 Division of Mining and  
08 Reclamation, at 1101 George  
09 Kostas Drive in Logan, West  
10 Virginia 25601 on March 31st,  
11 2006. And the current time is  
12 approximately 3:21 p.m.,  
13 Eastern Standard Time.

14 Mr. Gillenwater, may I  
15 call you Bill?

16 MR. GILLENWATER:

17 You certainly may.

18 That's my name.

19 MR. MURRAY:

20 Appreciate that, Bill.

21 The interview will begin by  
22 asking you a series of  
23 questions. Feel free at any  
24 time to clarify any statements  
25 that you make in response to

13

01 these questions.

02 After we have finished  
03 asking the questions, we'll  
04 give you an opportunity to  
05 make a statement of your own  
06 or provide us with any  
07 additional information that  
08 you believe may be important.

09 You're permitted to  
10 have a representative with you  
11 today during the interview.

12 And you may consult with your  
13 representative at any time.

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

16 And following the questions by  
17 MSHA and the State, your  
18 representative would be given  
19 an opportunity to ask  
20 questions for the purpose of  
21 clarification on areas already  
22 discussed.

23 Your statement is  
24 completely voluntary. You may  
25 refuse to answer any question,

14

01 and you may end your interview  
02 at any time. If you don't  
03 understand a question, tell me

04 and I'll rephrase it. And if  
05 you need a break, let me know  
06 and we'll take one.

07 You also may request  
08 the opportunity to make a  
09 confidential statement, which  
10 we would withhold from the  
11 public to the extent allowed  
12 by law. Should you desire to  
13 give a confidential statement,  
14 you should advise me before I  
15 begin so that I can reschedule  
16 your interview in order to  
17 properly consider your  
18 request. Do you wish a  
19 confidential interview?

20 MR. GILLENWATER:

21 I do not, sir.

22 MR. MURRAY:

23 Thank you. We also  
24 have a court reporter that  
25 will transcribe your interview

15

01 and later produce a written  
02 transcript. I'd ask that you  
03 state all your answers  
04 verbally, because she can't  
05 understand any gestures, like

06 nodding your head.

07 MR. GILLENWATER:

08 Okay.

09 MR. MURRAY:

10 Neither the transcript  
11 of this interview nor the  
12 content of this interview will  
13 be released to the public or  
14 the media until MSHA's final  
15 accident investigation report  
16 is issued or until required by  
17 court order or until a public  
18 hearing takes place.

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

16

01 as you can, including any  
02 information that you learned  
03 from someone else. We may not  
04 ask the right questions to  
05 learn the information that you  
06 have, so don't feel limited to  
07 the precise question that we  
08 ask.

09 MR. GILLENWATER:

10 Okay.

11 MR. MURRAY:

12 If you have information  
13 about the subject area of a  
14 question, please provide us  
15 with that information. I know  
16 that was a lot of information,  
17 but do you have any questions  
18 about the manner in which the  
19 interview will be conducted?

20 MR. GILLENWATER:

21 I have none.

22 MR. MURRAY:

23 Okay. Bill, thanks.  
24 Would you please swear in the  
25 witness?

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01 -----

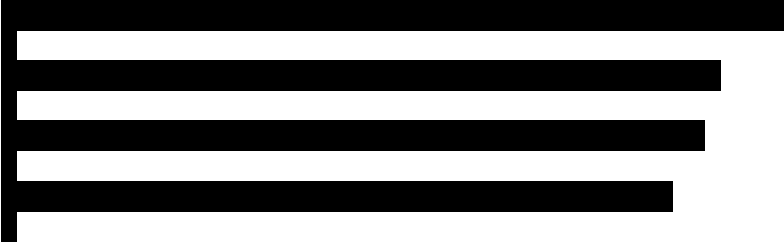
02 BILL J. GILLENWATER, HAVING FIRST  
03 BEEN DULY SWORN, TESTIFIED AS  
04 FOLLOWS:

05 -----

06 BY MR. MURRAY:

07 Q. Bill, please state your full  
08 name, address and telephone number  
09 for the record.

10 A. [REDACTED]



15 Q. Would you spell your last name  
16 for the record, please?

17 A. G-I-L-L-E-N-W-A-T-E-R.

18 Q. Thanks, Bill. Are you  
19 appearing here voluntarily today?

20 A. I am.

21 Q. Has anyone made any promises  
22 to you for giving this statement or  
23 offered you any rewards in exchange  
24 for making your statement?

25 A. None.

18

01 Q. Has anyone threatened you or  
02 warned you not to provide this  
03 statement?

04 A. No.

05 Q. You understand that you may  
06 refuse to answer any question or  
07 terminate this interview at any time?

08 A. I do.

09 Q. Do you have a representative  
10 with you today?

11 A. No.

12 Q. Do you understand that you're  
13 able to have one?

14 A. Yes, I am.

15 Q. And you're okay with moving  
16 forward without one?

17 A. I'm okay.

18 Q. Thank you. How long have you  
19 worked for MSHA?

20 A. Since October 1978.

21 Q. And what's your current duty  
22 station?

23 A. Logan, West Virginia Field  
24 Office.

25 Q. And your current job title?

19

01 A. Supervisory coal mine safety  
02 and health inspector.

03 Q. How long have you held that  
04 position?

05 A. Since 1989.

06 Q. And what other jobs have you  
07 held with MSHA?

08 A. I was with the Special  
09 Investigations unit in Arlington for  
10 four and a half years as a technical  
11 compliance specialist. I worked as a  
12 coal mine inspector when I started  
13 out with Mount Carbon Field Office,  
14 District Four. I then worked as a  
15 special investigator for MSHA in the

16 Madison Field Office after that. I  
17 was in the special investigations  
18 program approximately ten years. And  
19 then I got accepted into the  
20 supervisory pool program in '89 and  
21 went through a two-year program and  
22 then was assigned to Arlington after  
23 that, then where I'm at now. When I  
24 left Arlington, I came to Logan.

25 Q. Okay. With the exception of

20

01 headquarters in District Four, have  
02 you worked in any other districts?

03 A. I have been in several  
04 districts while working in Arlington.  
05 But in District Four, no.

06 Q. Okay. How many total years of  
07 mining experience do you have?

08 A. Nine. Nine years.

09 Q. Nine. Prior to ---?

10 A. Prior to coming into the  
11 agency.

12 Q. So nine plus your MSHA?

13 A. That's correct.

14 Q. Okay. Who did you work for in  
15 the industry?

16 A. Cedar Coal Company, a company  
17 that no longer is in business.

18 Q. Uh-huh (yes).

19 A. Operated, run by Texas oil  
20 people.

21 Q. Uh-huh (yes).

22 A. It was a small company and  
23 paid well and took care of their  
24 employees' benefits, those kind of  
25 things. I was --- began a few years

21

01 in engineering, did surveying. Set  
02 spads, then I transferred into a  
03 supervisory training program. Got  
04 into that and began a foreman  
05 position for a year or two and then I  
06 took a mine foreman position for  
07 about a year or so before I came with  
08 MSHA.

09 Q. Was that in West Virginia?

10 A. That was.

11 Q. So your mine foreman  
12 certificate is from the State of West  
13 Virginia?

14 A. Yes, it is. It's an assistant  
15 mine foreman position. There's an  
16 assistant foreman certification then  
17 you go into foreman certification.  
18 And I was an assistant mine foreman  
19 certified by the State.

20 Q. Okay. Bill, these next series

21 of questions, we'll be talking about  
22 the day of the accident, January  
23 19th, 2006, in case I fail to preface  
24 that.

25 A. Okay.

22

01 Q. Where were you working on that  
02 day, on January 19th?

03 A. I was at the Logan Field  
04 Office. We had a staff meeting that  
05 day.

06 Q. And so you worked your normal  
07 shift?

08 A. Normal shift.

09 Q. Okay. And did you have any  
10 occasion to speak with anybody from  
11 Massey during that day?

12 A. No, sir.

13 Q. And that would include  
14 Aracoma?

15 A. That would include Aracoma,  
16 yeah.

17 Q. Okay. And what time did you  
18 leave the office that day?

19 A. I usually get out of there  
20 about an hour after the office hours  
21 close at 4:30. It was --- 8:00 to  
22 4:30 is office time during that  
23 period.

24 Q. Uh-huh (yes).

25 A. And I usually get out of there

23

01 within an hour after that.

02 Q. Okay. Nothing unusual, then?

03 A. No.

04 Q. And then, what time did you

05 receive the call about the fire?

06 A. I was at home. Just finished

07 eating. Sitting on the couch

08 watching TV. My wife is a nurse and

09 she was at the hospital working. And

10 the phone rang and it was Luther.

11 Luther Marrs. He said, Bill, we've

12 got a mine fire at Alma. We've got

13 two unaccounted for. You need to go

14 to the mine. Well, it really hit me

15 off at that moment, because I was

16 thinking maybe he was testing me or

17 something, you know. Seeing if I

18 would get to the office at a certain

19 --- you know, to expedite things.

20 And I told him I would. And as soon

21 as I hung up, I tried to call my

22 accident investigator, Vicki Mullins,

23 and couldn't get ahold of her. I

24 tried to call Dennis Holbrook. He's

25 another investigator in our office.

01 I couldn't get ahold of him. I did  
02 get ahold of one of my inspectors,  
03 Curtiss Vance, Junior, and told him  
04 to meet me at the office in Logan.  
05 So I left home a little after 9:00  
06 and met Curtiss at the office.

07 Q. Do you know what time you  
08 received the call?

09 A. At home?

10 Q. Yes.

11 A. It was right at 8:30.

12 Q. And your first stop was at the  
13 field office?

14 A. It was.

15 Q. Okay.

16 A. I drove straight to the field  
17 office.

18 Q. How far from the field office  
19 is your home?

20 A. It's a 50 to 55-minute drive.

21 Q. Uh-huh (yes).

22 A. And I drove it in about 30  
23 minutes. Nobody heard that, did  
24 they? But I had my blinkers on.

25 Q. I understand. Did you take

01 any notes of this phone call?

02 A. No.

03 Q. Okay. So what you're telling  
04 me today is from memory?

05 A. Is from memory.

06 Q. Okay. And did you recently  
07 change your residence?

08 A. I did.

09 Q. Okay.

10 A. I was renting a house in  
11 Madison. West Madison, actually was  
12 the location. And I just purchased  
13 the farm just a few months before  
14 this. And we had moved to the farm.  
15 And we were there a couple of months  
16 before this event took place.

17 Q. Okay. Is that distance from  
18 your home now increased?

19 A. Increased, yes.

20 Q. And did your phone number  
21 change from ---?

22 A. Yes, it did.

23 Q. Okay. And you said that was  
24 about two months?

25 A. Approximately two months.

26

01 Q. Do you know --- could you  
02 describe for me what message is on  
03 the answering machine at the Logan  
04 Field Office when the system's put

05 onto night service at the end of the  
06 day?

07 A. We've been having phone  
08 problems consistently with that new  
09 system. It's a new phone system that  
10 we have in our office. And it's  
11 never worked right from the time it's  
12 been in there. And we've had  
13 numerous meetings. Also, we had a  
14 conversation with Arlington people  
15 about the phone system. And we're  
16 still having problems today. Now,  
17 was far as the message is concerned,  
18 I don't recall that right now. I  
19 don't recall the message or if there  
20 was one on there.

21 Q. I see. Would your new phone  
22 number have been on that message? I  
23 guess what I'm asking, had it been  
24 updated within those two months ---  
25 that two-month period?

27

01 A. Well, if it hadn't, it should  
02 have been. I can't remember. But I  
03 gave that information and my address  
04 change to the secretary, and she  
05 keeps the system.

06 Q. Okay. Do you know if your new  
07 phone number's on there now?

08 A. I haven't checked.

09 Q. Okay.

10 A. I will when I get back to the  
11 office.

12 Q. Okay. The two-month period  
13 that we talked about moving into your  
14 new residence, was that two months  
15 from today or was that two months  
16 before January 19th?

17 A. Before January 19th.

18 Q. Okay. So that now has  
19 doubled?

20 A. Yeah.

21 Q. Okay. When Luther called you,  
22 did he expand at all on --- give you  
23 any information on the degree of the  
24 fire or the location of the fire or  
25 the ---?

28

01 A. No, sir.

02 Q. Okay.

03 A. Luther merely informed me of  
04 the emergency by identifying it as  
05 Alma mine. When I heard that, I was  
06 automatically thinking Mingo Logan  
07 Alma Mine. Because that's Alma A  
08 Mine.

09 Q. Oh.

10 A. So all the way to Logan, I was  
11 thinking Mingo Logan, Mingo Logan.  
12 And when I got there and I said  
13 Curtiss, we've got to go to  
14 Mingo-Logan. And he started  
15 thinking, looking. Now, wait a  
16 minute. Wait a minute. Alma Mine.  
17 We've got Alma Number One Mine. Oh,  
18 that's right. It's Aracoma. That's  
19 when we figured out that we were  
20 getting ready to go to the wrong  
21 mine. But fortunately, we got that  
22 straightened out before we left.

23 Q. Yeah.

24 A. So that's how specific it was.  
25 It had me thinking somewhere else.

29

01 Q. I see. Did anyone ever offer  
02 you a time as to when they thought  
03 the fire started, whether it be  
04 Luther or anybody else?

05 A. No.

06 Q. Okay. So after Luther's  
07 conversation, you called Mr. Vance?

08 A. Uh-huh (yes).

09 Q. Did you call anybody else?

10 A. Tried to call Vicki, no  
11 answer, and Dennis Holbrook, no  
12 answer.

13 Q. Uh-huh (yes). And that was  
14 from your home, you tried those ---?

15 A. Yes, sir.

16 Q. Okay. When you got to the  
17 field office, tell me what happened  
18 then.

19 A. I met Curtiss and we got our  
20 equipment, pens, notebooks and boots  
21 and caps and, you know, the things to  
22 get ready and go down. It's only a  
23 15-minute drive to the mine, to the  
24 box cut. We --- let me think. I'm  
25 trying to remember. I think we

30

01 called, tried to get ahold of some  
02 more people to come out. I remember  
03 that. But I can't remember the  
04 names. We were just trying to call  
05 everybody we could think of. And  
06 when we finished that we got into his  
07 vehicle and went to the mine.

08 Q. When you say his, that would  
09 be ---?

10 A. His government vehicle.

11 Q. That would be who?

12 A. Curtiss Vance.

13 Q. Curtiss Vance?

14 A. Uh-huh (yes). He and I

15 traveled together.

16 Q. Okay. When you arrived at the  
17 mine, who did you find to be there  
18 from MSHA?

19 A. Okay. I walked in, went  
20 upstairs to the room. And there was  
21 a lot of people standing in hallways,  
22 a lot of confusion, really. And I  
23 went into the control room. There I  
24 saw Vickie, I saw Tim Justice and I  
25 saw Trent, David Trent, Cass Trent.

31

01 Those three. That's the only three I  
02 recognized or remembered seeing,  
03 other than myself and Curtiss.

04 Q. And when you say control room,  
05 would that be ---?

06 A. Command center.

07 Q. Okay. And who was the senior  
08 MSHA representative at that point in  
09 time?

10 A. I believe it would have been  
11 --- at that time when I got there, it  
12 would have been Vicki. She was the  
13 accident investigator. And I'm --- I  
14 didn't get a chance to find out what  
15 was going on 'til I talked to her  
16 about what she was doing there and  
17 how she got word about it and

18 everything. And then after we got  
19 together and talked a little bit  
20 about what everybody was doing, what  
21 they knew was going on, I went ahead  
22 and made some assignments and talked  
23 with Eugene White, who is also there.  
24 He and Mr. Boggs, the state inspector  
25 ---.

32

01 Q. Would that be Boggess?

02 A. Richard Boggess.

03 Q. Boggess?

04 A. Yes.

05 Q. Uh-huh (yes).

06 A. And those two were there and I  
07 believe Frank Foster and the CEO,  
08 Chris Adkins was there.

09 Q. Uh-huh (yes). Okay.

10 A. And there's probably some  
11 others, but I don't --- that's what I  
12 remember.

13 Q. Okay.

14 A. Really an uptight situation at  
15 that time.

16 Q. Okay. These assignments that  
17 you talked about, could you break it  
18 down to what each ---?

19 A. Yes. I learned that Vicki

20 identified that the miners that were  
21 in the mine at the time of the  
22 accident had come outside and they  
23 were outside at the mine site. And I  
24 asked her if she had met with them,  
25 and she said no, but she'd like to be

33

01 able to do that. And so I told her  
02 to go talk to the miners about the  
03 accident, get what information she  
04 could and document it. Cass Trent  
05 and Curtiss, they were assigned, I  
06 believe to ---. Let's see. Curtiss  
07 was assigned the fan, the bleeder  
08 fan. Mecca --- not Mecca, but the  
09 other one.

10 Q. Melville?

11 A. Melville, no, it's not  
12 Melville. It's ---.

13 Q. That's the blowing ---.

14 A. It's the one up on the gob end  
15 there. Right there it is on the end.  
16 It's the one on the right there of  
17 the panel, the Number Three panel.

18 Q. Ethyl?

19 A. Ethyl fan, yeah. That's where  
20 he went. And Tim, I believe Tim went  
21 with Trent to the borehole. The  
22 borehole was out --- at that time, I

23 believe, while we were on the map,  
24 was up around Nine headgate entries,  
25 up on the top end.

34

01 Q. Uh-huh (yes).

02 A. I asked for a briefing from  
03 the people there, and they filled me  
04 in on what they were doing. There  
05 was two mine rescue teams  
06 underground. Both Massey mine rescue  
07 teams. And that they had high CO  
08 coming out of the borehole. And at  
09 the fan, the --- near the fan. So I  
10 knew we had to monitor the fans and  
11 the borehole. And so I sent them to  
12 those locations.

13 Q. What time did you arrive at  
14 the mine?

15 A. I'm thinking it was something  
16 like 9:30, something 'til 10:00  
17 maybe.

18 Q. Had the (k) Order already been  
19 issued at the time?

20 A. I understood it had. Vicki  
21 had issued the (k) Order.

22 Q. Okay. At that point in time,  
23 did she make you aware of anybody  
24 that was still underground?

25 A. Other than the mine rescue

35

01 teams?

02 Q. Yeah.

03 A. She indicated that there was  
04 management personnel that went in the  
05 mine to --- I believe to explore the  
06 mine for the missing miners. I'm not  
07 sure if that's why they went in  
08 there. But I think that's what we  
09 thought was going on at that time.

10 Q. As the miners that were  
11 underground at the time of the fire,  
12 were evacuated and arriving on the  
13 surface, did you participate in any  
14 of those briefings?

15 A. No, sir. After talking with  
16 Vicki, and she informed me about  
17 that, I asked her if she got  
18 documentation on that effect and did  
19 she put it in her notes. And she had  
20 --- she said she had everything. And  
21 I said, well, shortly, we expect the  
22 DM and the ADM to arrive. You can  
23 discuss it with them when they get  
24 here. So I think that's what we  
25 decided at that point.

36

01 Q. Do you know Mike Plumley

02 personally, or would you recognize  
03 Mike Plumley?

04 A. I know the name and I believe  
05 I've met him at the mine. I assume  
06 he's a Massey employee or an Aracoma  
07 employee?

08 Q. Yes, he is. Yes.

09 A. Okay. I've met him during  
10 inspections. But to say to point him  
11 out, I couldn't.

12 Q. Okay. So did you have  
13 occasion to talk to Mr. Plumley that  
14 evening?

15 A. I probably spoke with whoever  
16 was there, talked with several people  
17 at that time.

18 Q. You don't remember any  
19 specific conversation?

20 A. Not a specific conversation.

21 Q. He was the section foreman of  
22 the Two Section on the evening of the  
23 fire.

24 A. Okay. No. I didn't talk with  
25 him. I think Vicki did. In that

01 moment of time, we were concentrating  
02 on the problems of rescuing miners.  
03 And our thoughts were on what we need

04 to do to do that, where are we going  
05 to send the people. And we was  
06 thinking about all these things. And  
07 I was preoccupied pretty much.

08 Q. What was your specific role as  
09 an MSHA supervisor on site?

10 A. Okay. That does ring a memory  
11 with Luther on the phone. He said,  
12 go to the command center, set up the  
13 command center and get things  
14 started. I remember that part in our  
15 conversation on the phone. When I  
16 got there and had spoken with our  
17 mine inspectors and just kind of got  
18 briefed on what was going on and made  
19 the assignments, I went over to look  
20 to see what was going on with the  
21 rescue efforts. And I got a briefing  
22 on where they were at, what they were  
23 doing underground, and that they were  
24 contacting other rescue teams to set  
25 up a system for them. Logging them

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01 in when they come, where they go,  
02 that kind of thing. And I was there  
03 at that --- at the table most of the  
04 rest of the evening, I know, until  
05 after midnight or later after Luther  
06 came and Rich --- let's see. The

07 other ADM.

08 Q. Linc Selfe?

09 A. Linc. Uh-huh (yes). Linc.

10 And he had another MSHA official with

11 him. I can't recall his name. Now,

12 I wasn't introduced to him. We all

13 sat there at the table. We was kind

14 of monitoring and advising when we

15 need to get involved with things.

16 Q. Who gave you the briefing, the

17 initial briefing that you spoke of?

18 A. It was Frank Foster. He went

19 over the details of what was going on

20 at that time with the situation.

21 Q. Who was in charge of the

22 command center would you think?

23 A. The two state officials were

24 there. They were pretty much ---

25 they represented, I guess, the

39

01 State's side of it. And I was the

02 only one there at that time. And

03 then there was Frank Foster and the

04 CEO.

05 Q. Chris Adkins?

06 A. Chris Adkins. They had set up

07 the phone there at the table for

08 underground contact communications.

09 And then Chris was --- well, no.

10 Let's see. No, there was another

11 guy. Francisco, he was there.

12 Q. Dwayne?

13 A. Dwayne Francisco. That's

14 right. He was there. Those three

15 were there. Frank briefed me with

16 the people on the briefing, what was

17 going on.

18 Q. You talk about this phone.

19 Was it a party line or a speaker

20 phone or ---?

21 A. It was a mine phone.

22 Q. Was everybody privileged to

23 the communication?

24 A. It was a --- yes. It was a

25 --- we couldn't hear on the speaker.

40

01 But it was a regular mine phone with

02 an on/off switch. And when the

03 command or decision was made on the

04 next step to take, he would

05 communicate this over the phone.

06 Q. Who would be the communicator?

07 A. That would have been Chris

08 Adkins.

09 Q. Chris was telling ---

10 directing the underground operations?

11 A. Yes. Yes. At that time. He

12 switched out later with Francisco.  
13 They'd not left that room at any time  
14 that I know of.

15 Q. Would those two guys be the  
16 ones that would be able to hear what  
17 was being ---

18 A. Yes.

19 Q. --- communicated from the  
20 underground to the outside?

21 A. That is correct.

22 Q. What was Frank's role there?

23 Frankie Foster.

24 A. Frank's --- Frank kind of led  
25 the company's efforts. He was the

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01 --- I'd say the leader in the group  
02 in terms of the company's control of  
03 direction, where to go. He would  
04 make recommendations, everybody would  
05 just give comments on what that was.

06 Frank was more or less leading the  
07 charge, if you will.

08 Q. So Frank would tell either  
09 Chris or Dwayne and they would  
10 communicate Frank's thoughts?

11 A. We would all be talking there.

12 And Frank would make a comment that

13 --- is this what we want to do. And

14 when the decision was made, he would  
15 say, communicate that to the fresh  
16 air base or to the --- who we were  
17 talking to at that time.

18 Q. What days did you spend at the  
19 mine, other than --- you were on it  
20 from the evening of the 19th on into  
21 the early morning hours of the 20th?

22 A. Yes, sir. I was there  
23 probably 'til three or four o'clock  
24 that evening.

25 Q. Of the 20th?

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01 A. It was after we --- the rescue  
02 efforts were resolved in terms of the  
03 locating of the miners. I was there  
04 then. And I had to participate in  
05 arranging a work schedule for other  
06 shifts thereafter and to help recruit  
07 people and make up schedules. So I  
08 finished up --- I'm thinking three or  
09 four o'clock. It may have been a  
10 little later after that.

11 Q. And then what was your role in  
12 the recovery and ---?

13 A. When I got there, we set up  
14 --- we set up a documentation of  
15 events as we witnessed them. And I  
16 remember Jesse Coles' staff

17 assistant, Mackowiak.

18 Q. Uh-huh (yes).

19 A. He came with Jesse and took  
20 over that job. And it freed me up to  
21 look at what else was going on in the  
22 building. At that time, when I left  
23 the command center, I noticed that we  
24 had people assigned to the mine  
25 phones, monitoring the mine phones

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01 and communications. And I had no  
02 involvement in that part of it.  
03 Luther had come probably an hour,  
04 hour and a half after I got there and  
05 began doing the other things with the  
06 MSHA involvement. He kind of more or  
07 less took over everything at that  
08 point.

09 Q. We referred to the map that  
10 they maintained an update on a  
11 regular basis as the 75/1200 map.

12 A. Okay.

13 Q. Where does that --- where do  
14 they maintain that map at Aracoma?

15 A. All right. I was --- during  
16 previous inspections at the mine, the  
17 1200 map was maintained on the wall  
18 in the hallway. And it was --- daily

19 notations were placed on that map.  
20 And that's where the foreman updated  
21 it on a daily basis. And to my  
22 understanding, that's where the 1200  
23 map was posted. On the day of this  
24 event, there was another map that was  
25 being used to record and write on

44

01 activities and documenting the  
02 recovery process. That was on the  
03 table in the conference room. And it  
04 was --- I assumed that was a  
05 different map. They had their  
06 engineers there bringing in maps all  
07 the time to blow up this section or,  
08 you know, that kind of thing.

09 Q. Who's responsible for  
10 ventilation at Aracoma? The person.  
11 It's not a trick question. I mean,  
12 who would be the management person  
13 charged with overall responsibility  
14 for ventilation?

15 A. His name is Lester. Eddie  
16 Lester.

17 Q. Eddie Lester?

18 A. Yes. He's the mine  
19 superintendent.

20 Q. There are two Lesters, I  
21 understand.

22 A. Pepé Lester ---  
23 Q. Yes.  
24 A. --- and Eddie Lester. They're  
25 not related. That surprised me.

45

01 Q. Could you distinguish between  
02 their job titles?

03 A. It's my thinking that Pepé  
04 Lester was a mine foreman under Eddie  
05 Lester, in the mine operations. I do  
06 remember Francisco.

07 Q. Uh-huh (yes).

08 A. He was involved in the  
09 ventilation of the mine process. He  
10 had a lot of input in how the mine  
11 was ventilated and things. And he  
12 was involved very much so in the  
13 recovery process of how to ventilate  
14 during the advancement of things.

15 Q. Would Francisco also be a ---  
16 have a big, major role in the  
17 ventilation of the mine ---

18 A. Yes.

19 Q. --- on a normal day, aside  
20 from the ---?

21 A. They're not open about who is  
22 responsible for what. And it was  
23 hard to find out, who do we talk to

24 about this. And then you could go at  
25 any given day and you'd always find a

46

01 new name or a new face to talk to.

02 It was hard to work with this  
03 company, to have understanding of who  
04 was responsible for what. They  
05 didn't want to make that known, I  
06 don't think.

07 Q. And we're talking now, aside  
08 from the accident.

09 A. Aside from the accident.

10 Q. Day-to-day business?

11 A. That's right. Day-to-day  
12 business.

13 Q. Was it just as hard on the day  
14 of the accident and the subsequent  
15 days following the accident?

16 A. Absolutely. Mr. Francisco is  
17 the president of the sister mine,  
18 Aracoma Hernshaw Mine. And he's  
19 president of that mine. And looking  
20 at him, you'd think that he was a  
21 regular employee at Aracoma, you  
22 know, just one of the guys. And  
23 that's how --- that's so peculiar,  
24 but consistent with this whole  
25 company, Massey Company, all their

47

01 managers are hands-on people. And  
02 you can go at any mine. And if  
03 you're there a few days, you'll see  
04 everybody at Massey, just about.

05 Q. Is it common --- based on that  
06 same thought, is it common to see  
07 supervisors underground operating  
08 equipment?

09 A. Yes.

10 Q. As one of the guys?

11 A. I'm not going to say that as a  
12 positive, but I do think it happens.

13 Q. Uh-huh (yes).

14 A. Just from talking with the  
15 foreman and the men, and from  
16 history. I couldn't say that that  
17 was what was going on then. I don't  
18 know.

19 Q. Okay. Prior to the mine fire,  
20 when was the last time you were  
21 personally underground at Aracoma?

22 A. During the third quarter of  
23 '05. They were just starting the Ten  
24 headgate and they were mining from  
25 the top down. Is that northeast

48

01 mains, I believe?

02 A. Yes.

03 Q. Yeah. They were up on the  
04 northeast mains. And they were about  
05 four breaks into the Ten headgate.

06 Q. And they were mining from the  
07 direction from the northeast mains  
08 down toward Four Right?

09 A. Down. Uh-huh (yes).

10 Q. When you said third quarter of  
11 '05, is that fiscal year or calendar  
12 year?

13 A. That would be fiscal year.

14 Q. Fiscal year?

15 A. Yes, sir. April, May, June  
16 quarter.

17 Q. Do you remember what the  
18 purpose of the visit was?

19 A. I was traveling with Inspector  
20 Paynter, Edward Paynter, to go look  
21 at the mine. And just traveled with  
22 him on that inspection to see what  
23 was going on and see how he's doing.  
24 And I've got notes of that visit to  
25 the mine.

49

01 Q. Where did you travel that day?  
02 Do you remember?

03 A. I traveled to the Number Two  
04 section off Ten headgate. That's  
05 about where it was at that time.

06 Q. And you said Two section and  
07 off of Ten headgate was located  
08 where?  
09 A. That'd be northwest mains or  
10 northeast mains.  
11 Q. Northeast?  
12 A. Yeah. Driving to the right.  
13 And I think they were just getting  
14 ready to stop those mains and go into  
15 the Ten headgate panel. I was on  
16 that --- I traveled in two days. And  
17 on the second day, they were in Ten  
18 headgate on that second day of travel  
19 that I went with them.  
20 Q. So they were near the  
21 intersection of the northeast mains  
22 and Ten headgate?  
23 A. That's correct.  
24 Q. And where was the longwall  
25 being operated at that point in time?

50

01 A. Let me think. I can't  
02 remember for sure.  
03 Q. Do you know if it was in its  
04 current location at Nine tailgate ---  
05 or I mean, I'm sorry, Nine headgate.  
06 A. I'm sure it was on the left  
07 side of the mains.

08 Q. Left side, when you say mains,  
09 that would be left side of the north  
10 mains?

11 A. Left side of the north mains.

12 Q. Okay. So the initial longwall  
13 panel in the northeast had not yet  
14 begun?

15 A. No. That's what I remember.

16 Q. And you say the third quarter  
17 of 2005, which would be a three-month  
18 span, April, May and June. Do you  
19 know if it was toward --- it was in  
20 one of those three months?

21 A. It was --- yes. It was the  
22 10th. Let me think. Maybe June  
23 10th.

24 Q. Okay. It was towards the end?

25 A. Towards the end of the

51

01 quarter.

02 Q. From what you can recall, what  
03 was the general condition of the  
04 mine?

05 A. Oh, I was --- I found that the  
06 places were maintained, ventilated,  
07 cleaned and rock dusted. The roof  
08 appeared supportive, adequately  
09 supported. The general conditions of  
10 the section at that time were good.

11 Q. Do you know if the inspector  
12 that you traveled with those two days  
13 issued any violations?

14 A. There was some violations  
15 issued, but there was like two or  
16 three citations, if I recall.

17 Q. Do you remember what section?

18 A. It was on equipment that day,  
19 the day I think that we cited the  
20 violations. They was on some  
21 equipment up there. I can't recall  
22 the equipment. I can look in the  
23 record and see.

24 Q. So the violations would have  
25 been related to his examination of

52

01 the equipment?

02 A. Yes. Uh-huh (yes).

03 Q. Do you remember who the  
04 company officials were that traveled  
05 with you that day?

06 A. Oh, let's see. Eddie Lester.

07 Q. Both days?

08 A. I think it was, yes.

09 Q. Did you have a miner's  
10 representative with you that day?

11 A. No miner reps at the mine,  
12 non-union. And the miners do not

13 travel with you.

14 MR. MURRAY:

15 Go ahead, Bill.

16 BY MR. TUCKER:

17 Q. You mentioned when you got

18 there that Eugene White and Richard

19 Boggess was there. Do you recall

20 when other --- or who the next state

21 employee was?

22 A. Phillips. I remember seeing

23 --- I can't remember names.

24 Q. C.A.?

25 A. C.A. Phillips. I remember him

53

01 coming in and sitting at the table

02 with the guys.

03 Q. How about Doug Conaway? Do

04 you remember when he came in?

05 A. Oh, I don't remember when he

06 came, but I remember when he was

07 there. It seemed like people were

08 just popping in from time to time.

09 Q. Right.

10 A. Just showing up. They may

11 have been there a long time, but I

12 just didn't recognize them.

13 MR. TUCKER:

14 That's it. Thank you.

15 BY MR. MURRAY:

16 Q. Okay. Bill, just for point of  
17 clarification, whenever we talked  
18 about your presence at the mine  
19 beginning on the 19th and then on  
20 into the subsequent days, you  
21 indicated that you may have left at  
22 3:00 or 4:00. Would that have  
23 been ---?

24 A. 20th.

25 Q. Would that have been p.m.?

54

01 A. Yes, sir.

02 Q. Okay. And did you come back  
03 to the mine on days after that?

04 A. Yes, I did.

05 Q. And which days would that have  
06 been?

07 A. I'm thinking that it was the  
08 21st, 22nd, 23rd, 24th. It was  
09 continually on after that, serving in  
10 some capacity as I was directed by  
11 Luther to assist with things.

12 Q. Okay.

13 A. Scheduling people and that  
14 kind of thing.

15 Q. The first night that you were  
16 there, did you have occasion to go  
17 down into the box cut area?

18 A. No, I did not. I was at the  
19 command center.  
20 Q. On that night or any other  
21 night, did you hear of any  
22 discussions that indicated they were  
23 having problems with water supply for  
24 firefighting?  
25 A. No, sir.

55

01 Q. Do you know what caused the  
02 fire?  
03 A. No.  
04 Q. Have you heard?  
05 A. Yeah.  
06 Q. What have you heard?  
07 A. I've heard that it was a belt  
08 takeup roller that they had replaced  
09 was not operating properly and it was  
10 heating up. And they had to pump  
11 grease into it, or lubricant into the  
12 bearings to try to keep it cooled  
13 down. And it just didn't work. It  
14 backfired. That's what I heard.  
15 Q. Do you remember where you  
16 heard that from?  
17 A. Let me think. I'll have to  
18 think about that. It was in  
19 conversation with one of the --- one  
20 of my people. The best recollection

21 I have, it may have been Minness.

22 Q. Minness Justice?

23 A. When we talked about it. One  
24 of the --- I can't say for certain.  
25 I just --- I don't know. I can't

56

01 remember.

02 Q. Would that conversation have  
03 been at the field office or at the  
04 fire area?

05 A. Probably at the field office.

06 Q. On January the 19th, 2006, who  
07 was the field office supervisor that  
08 would have been in charge of the  
09 Aracoma Alma Mine? Would that have  
10 been you or ---?

11 A. Jake Blevins.

12 Q. Jake?

13 A. Yeah. William Blevins is his  
14 actual name.

15 Q. And does Minness work for Mr.  
16 Blevins?

17 A. Yes.

18 Q. Was Jake working at that point  
19 in time?

20 A. No. He's been off ill.

21 Q. Did he have someone acting in  
22 his absence?

23 A. Not at that time.

24 Q. So you actually had the whole

25 --- both work groups?

57

01 A. Yeah. Yeah. And have been up

02 until last week. Curtiss Vance has

03 been assigned to act for Jake in the

04 interim.

05 Q. Okay. Is there anything else

06 that you'd like to tell us that we

07 haven't talked about, Bill, regarding

08 the fire or any Aracoma operations on

09 a routine day?

10 A. No, sir.

11 MR. MURRAY:

12 Okay. Bill, on behalf

13 of MSHA and the accident

14 investigation team, we'd like

15 to thank you for appearing

16 here today and answering our

17 questions and sharing your

18 information about the mine.

19 Your cooperation is very

20 important.

21 If you wish, you may

22 now go back over any answers

23 that you gave us and you may

24 also provide a closing

25 statement if you'd like to

01 raise any additional points.

02 A. I appreciate the invitation.

03 I hope that I'm helpful, that I've

04 given you everything that I know

05 honestly up front. And I hope that

06 in our resolution to your efforts,

07 that we will be able to make mines

08 safer for miners in the future. And

09 I think this is a great opportunity

10 to do that.

11 MR. MURRAY:

12 We appreciate that. We

13 ask that you not discuss your

14 interview today with any

15 person who may have already

16 been interviewed or we may ask

17 to come in to give a

18 statement. That way everyone

19 will have the opportunity to

20 give us their independent

21 thoughts. After questioning

22 other witnesses and obtaining

23 additional information, we may

24 ask you to come back for

25 further questions.

01 If at some point later,

02 you have additional  
03 information or you remember  
04 something differently, please  
05 either contact me or my staff  
06 assistant, Anthony Webb, and  
07 here's our cards. You know  
08 where to get ahold of us.

09 A. Yeah. I sure do.

10 MR. TUCKER:

11 Also, on behalf of  
12 Miners' Health, Safety &  
13 Training, I, too, would like  
14 to thank you for coming in  
15 today.

16 A. Thank you, Bill.

17

18

19 \* \* \* \* \*

20 EXAMINATION CONCLUDED AT 4:06 P.M.

21 \* \* \* \* \*

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