

1 **WEST VIRGINIA MINE SAFETY AND HEALTH**
2 **ADMINISTRATION**

3
4
5 **IN THE MATTER OF:**

6 **THE INVESTIGATION OF THE**
7 **APRIL 5, 2010 MINE EXPLOSION**
8 **AT UPPER BIG BRANCH MINE**

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15 The interview of SHANNON L. DICKENS, taken
16 upon oral examination, before Jenny Marmol, Court
17 Reporter and Notary Public in and for the State of
18 West Virginia, Friday, February 11th, 2011, at the
19 Mine Academy, 1301 Airport Road, Beaver, West
20 Virginia.

21 **JOHNNY JACKSON & ASSOCIATES, INC.**
22 606 Virginia Street, East
23 Charleston, WV 25301

24 (304) 346-8340

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APPEARANCES

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
Barry L. Koerber, Assistant Attorney
General
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
John O'Brien
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

U.S. DEPARTMENT OF LABOR
Office of the Regional Solicitor
Pollyanna Hampton, Esquire
1100 Wilson Boulevard
22nd Floor West
Arlington, VA 22209
(202) 693-9389

U.S. DEPARTMENT OF LABOR
Mine Safety and Health Administration
Dean Cripps
302 W. Main
Benton, IL 62812
(618) 439-4355

SHUMAN, McCUSKEY & SLICER
John F. McCuskey, Esquire
1411 Virginia Street, East
Charleston, WV 25301
(304) 345-1400

GOVERNOR'S INDEPENDENT INVESTIGATION PANEL
James Beck

[REDACTED]
[REDACTED]
[REDACTED]

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20
21
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23
24

APPEARANCES (Continued)

ALLEN, GUTHRIE & THOMAS, PLLC
Rob Akers, Esquire
Laidley Towers, Suite 800
500 Lee Street
Charleston, WV 25301
(304) 345-7250

Also Present:

John B. McCuskey
Norman Page, MSHA

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*** Exhibits retained by counsel**

1 MR. KOERBER: My name is Barry Koerber.
2 I'm an Assistant Attorney General.

3 I'm assigned to the West Virginia Office
4 of Miners' Health, Safety and Training, and I'm a
5 member of the Office of Miners' Health, Safety and
6 Training UBB Accident Investigation Team.

7 THE WITNESS: Okay.

8 MR. KOERBER: Today is Friday, February
9 the 11th, 2011.

10 I'm going to ask, beginning with the
11 people on my left, for the individuals at the table
12 to identify themselves and who they are with.

13 MR. O'BRIEN: John O'Brien with the West
14 Virginia Office of Miners' Health, Safety and
15 Training.

16 MR. CRIPPS: Dean Cripps, MSHA.

17 MS. HAMPTON: Polly Hampton, U.S.
18 Department of Labor, Solicitor's Office.

19 MR. BECK: Jim Beck with the Governor's
20 Independent Team.

21 MR. KOERBER: And we also have a court
22 reporter here today.

23 THE WITNESS: Okay.

24 MR. KOERBER: She will be transcribing

1 everything that's said here, much like the last
2 time you was here.

3 Just a couple little rules to live by with
4 the court reporter to make her life a little bit
5 easier, please say "yes" and "no" and not "uh-huh,"
6 "uh-uh."

7 THE WITNESS: Okay.

8 MR. KOERBER: Please allow the question to
9 be asked before you begin to answer. I'm going to
10 ask the interviewers to please allow you to finish
11 your answer before they begin the question, so we
12 don't have people talking over each other.

13 THE WITNESS: Okay.

14 MR. KOERBER: The court reporter is with a
15 court reporter firm known Johnny Jackson &
16 Associates, which is in Charleston, West Virginia.

17 They are operating on a three-day
18 turnaround as far as taking the words that are said
19 here today and typing it up onto paper.

20 Being that today is Friday, three business
21 days from today puts us through Wednesday of next
22 week, which means come Thursday of next week, the
23 transcript will be ready for review.

24 If you would like, you have the option of

1 calling Johnny Jackson & Associates sometime
2 Wednesday, or, excuse me, sometime Thursday or
3 after, and scheduling a time where you and/or you
4 and your attorney could go to Johnny Jackson's firm
5 there in Charleston, West Virginia, and the address
6 is on here, and review your transcript.

7 You would be provided with a separate
8 document called an errata sheet that you would be
9 allowed to -- as you read the transcript, if you
10 see errors in the transcript that need to be
11 corrected, you could correct those errors on the
12 errata sheet.

13 That is your choice. It's not mandatory
14 that you do it, but if you desire to do it, this is
15 who you call, and you call Thursday of next week or
16 after. Okay?

17 THE WITNESS: Okay.

18 MR. KOERBER: I would also like to just
19 mention that if for any reason today that you want
20 to take a break for any reason whatsoever, just say
21 so and we'll take a break.

22 I would request that you not discuss your
23 interview with other people, other than your
24 attorney, after you leave here today. And the

1 reason that I make that request is just to try to
2 protect the integrity of the investigation.

3 THE WITNESS: Okay.

4 MR. KOERBER: I believe Polly might have
5 something that she would like to add at this time,
6 so I'm going to allow her to say something.

7 MS. HAMPTON: Yes. Before we got started,
8 I handed you a letter from the MSHA Accident
9 Investigation Team.

10 Did you get a chance to review the
11 letter?

12 THE WITNESS: This one?

13 MS. HAMPTON: Yes.

14 THE WITNESS: Yes.

15 MS. HAMPTON: Did you have any questions
16 for me before we got started?

17 THE WITNESS: No.

18 MS. HAMPTON: Okay. The contact
19 information for Norman Page is contained in that
20 letter. Norm is the leader of the accident
21 investigation for MSHA. He's actually in the back
22 of the room, he just walked in.

23 If you leave here today and you think of
24 other information that you think might be relevant

1 or something else that you think we should know,
2 please feel free to contact him or to have your
3 attorney contact us with that information.

4 THE WITNESS: Okay.

5 MR. KOERBER: I would ask the court
6 reporter to administer the oath.

7 SHANNON L. DICKENS, DEPONENT, SWORN

8 MR. KOERBER: Sir, would you please state
9 your full name for the record and spell your last.

10 THE WITNESS: I'm Shannon Lee Dickens,
11 D-i-c-k-e-n-s.

12 MR. KOERBER: Would you please state your
13 address and telephone number?

14 THE WITNESS: My address is [REDACTED]

15 [REDACTED]

[REDACTED]

16 [REDACTED]

17 MR. KOERBER: And Mr. Dickens, do you have
18 an attorney with you here today?

19 THE WITNESS: Yes, I do.

20 MR. KOERBER: I would ask his attorney to
21 identify himself and his firm.

22 MR. MCCUSKEY: Yes. John McCuskey,
23 Shuman, McCuskey & Slicer, in Charleston, West
24 Virginia, attorney for Shannon Dickens.

1 MR. KOERBER: I also note that we have
2 another person sitting at the table. I would ask
3 that he identify himself, his firm and his client.

4 MR. AKERS: My name is Rob Akers. I'm
5 here with Allen, Guthrie -- on behalf of Allen,
6 Guthrie & Thomas in Charleston, West Virginia, and
7 I'm here on behalf of Massey Energy and Performance
8 Coal Company.

9 MR. KOERBER: And there is two other
10 people in the audience. Beginning with the lower
11 level of tables first, I would ask that those
12 individuals identify themselves and who they are
13 with for the record, too.

14 MR. J.B. MCCUSKEY: J.B. McCuskey, Shuman,
15 McCuskey & Slicer. I'm here with Mr. Dickens.

16 MR. PAGE: Norman Page, MSHA.

17 MR. KOERBER: Mr. Dickens, are you
18 appearing here today as a result of receiving a
19 subpoena.

20 THE WITNESS: Yeah, they sent it to these
21 guys and then -- yeah.

22 MR. KOERBER: This is a copy of that
23 subpoena that I'm going to have marked as Dickens
24 Exhibit No. 1.

1 (Exhibit No. 1 marked for
2 identification.)

3 THE WITNESS: Okay.

4 MR. KOERBER: And this you may or may not
5 seen, this is an Acceptance of Service where
6 Mr. McCuskey accepted service on your behalf on
7 February 4th, 2011.

8 THE WITNESS: Okay.

9 MR. KOERBER: I'm going to ask that that
10 be marked as Exhibit B, or 2. 1 and 2 or A and B,
11 whatever we're doing.

12 MS. HAMPTON: 1 and 2.

13 (Exhibit No. 2 marked for
14 identification.)

15 MR. KOERBER: Mr. Dickens, not only am I
16 going to give to you the business card of Johnny
17 Jackson, like I mentioned earlier, I'm also going
18 to give you a business card of Mr. Bill Tucker.

19 Mr. Bill Tucker is the lead investigator
20 for the Office of Miners' Health, Safety and
21 Training's UBB accident investigation.

22 If anything would occur to you after the
23 interview is over that you think would be
24 beneficial for us to know, as far as trying to come

1 to a conclusion as to what caused this explosion,
2 please feel free to call Mr. Tucker.

3 I'm also going to give you a memorandum
4 and that memorandum contains an address for the
5 West Virginia Board of Appeals.

6 The Board of Appeals is an administrative
7 body charged with hearing, among other things, coal
8 miner discrimination cases.

9 West Virginia Code Section 22A-1-22
10 provides protections for coal miners who
11 participate in interviews such as this.

12 If you feel that you've been discriminated
13 against because you participated in this interview,
14 this is the entity to which you would file your
15 complaint.

16 Mr. McCuskey could certainly help you with
17 organizing that complaint, if necessary.

18 I would just caution you, however, under
19 the code you only have 30 days from the day the
20 discriminatory action occurs to file your complaint
21 with the Board. Okay?

22 So I'm going to give you these three
23 things.

24 THE WITNESS: Okay.

1 MR. KOERBER: And at this time, I'm going
2 to ask Mr. O'Brien to start the interview.

3 EXAMINATION

4 BY MR. O'BRIEN:

5 Q. Shannon, again, on behalf of the Office of
6 Miners' Health, Safety and Training, I would like
7 to thank you for coming in and helping us with this
8 investigation.

9 I'm going to ask a few questions. Some of
10 them you may have answered previously, but it's for
11 clarification or in case I didn't -- or you weren't
12 asked these before.

13 On April 5th, 2010, what was your job?
14 What was your job title?

15 A. Longwall maintenance foreman.

16 Q. And basically what were your duties?

17 A. I worked midnights, which is the down
18 shift, and any big jobs that needed fixed, or
19 repairs, I was able to approve it down there.

20 Q. What was the last day that you worked 4/5,
21 or April 5th, or before April 5th?

22 A. I wasn't there five days before, which, I
23 guess, would have been the 30th. The 30th, I
24 thought. Probably the 30th of the month before.

1 The last day of the month before, I wasn't there
2 after that.

3 Q. Did you perform any examinations, such as
4 electrical examinations or fire boss examinations?

5 A. As far as electrical, yes. Fire
6 bossing -- the only time I would fire boss is if
7 the boss was not there, which I hadn't -- I hadn't
8 had to fire boss in months, a couple months
9 probably.

10 Q. Was there -- who was the foreman?

11 A. Keith Stanley.

12 Q. On the midnight shift?

13 A. Yeah, on my crew. We had two crews.

14 Larry Brown was on one crew and Keith was on my
15 crew, yes.

16 Q. Do you know who normally pre-shifted the
17 longwall for your shift?

18 A. Keith Stanley. But now, every five days
19 we overlapped and him and Larry both were there,
20 and I'm not sure, you know, either one of them two
21 guys, either Larry or Keith.

22 MR. KOERBER: Larry who?

23 THE WITNESS: Brown, Larry Brown.

24 Q. Did they pre-shift for the oncoming shift?

1 A. Yes.

2 Q. Who pre-shifted for the midnight shift?

3 A. Evening shift foremans, you know, we
4 rotated, so it varied. It was either Rick Lane
5 or -- I am trying to think who else -- Kevin Medley
6 (phonetic). And we had another foreman. I'm
7 trying to think of who now.

8 Three coal crews. One of the foreman on
9 the coal crew on the evening shift.

10 Q. Do you know what the -- who would have
11 pre-shifted for the midnight shift on an idle day,
12 such as that Sunday night on the 4th?

13 A. Usually they had, you know, they had some
14 examiners come in early and do the mines, and I'm
15 not sure who was up there that day. I don't know.
16 I'm not sure which one went up to the longwall that
17 night. I don't know.

18 MR. O'BRIEN: All right. That's all I
19 have for right now. I may have some others later.

20 EXAMINATION

21 BY MR. CRIPPS:

22 Q. I have got a few questions for you,
23 Shannon.

24 A. Go ahead.

1 Q. When did you actually start work at UBB?

2 A. I started with Massey Coal Services in
3 '97, and I bounced around everywhere, but my home
4 was Upper Big Branch, more or less.

5 And then I left in '99 and went across the
6 mountain to another longwall mine that we started,
7 to help to get it started. I was there for
8 probably two years, and I came back to UBB.

9 Then I went up to Cedar Grove, then I --
10 it was always my home. From '97 on, you could just
11 say it was my home.

12 Q. But when you would leave and go to the
13 other mines, was those also Massey mines?

14 A. Yes, yes.

15 Q. Okay. And why would you leave UBB to go
16 to those mines?

17 A. Really, they had -- we only had one
18 longwall in '97. They was going to start another
19 one, so they picked a few of us to go put it
20 together and get things started there and get guys
21 trained, and then I would come back.

22 Then we went up on the hill to Cedar
23 Grove. And it's the same deal, new guys, new
24 longwall, the guys went and over seen it, then I

1 would go up, help put it together and come back.

2 And then I went up to Marfork to Ellis
3 Eagle for a while, and the same thing, new guys.

4 And, of course, a few of them -- we had
5 about five guys that would travel, you know. They
6 actually started to make us just a set up, tear
7 down crew, go from mine to mine, but that never
8 came about.

9 And I came back to UBB -- I'm trying to
10 think, before -- probably 2001 I came back and I
11 told them I would just rather stay there. I didn't
12 want to go anywhere else anymore. I was sick of
13 traveling.

14 Then, of course, we worked out of the
15 panels at Upper Big Branch, and then I went to
16 Logan's Fork with these guys.

17 I think we was in there about two and a
18 half years at Elk Run, and then we came back a year
19 -- I guess a year or so before this happened.

20 Q. Do you know when you came back from
21 Logan's Fork to UBB? Do you know what date it was
22 when you came back?

23 A. I think we started this longwall panel
24 August -- I probably came back -- it was right

1 around vacation. It was probably around June or
2 July of -- I guess it would be 2010, wouldn't it?

3 Q. Probably 2009.

4 A. Yeah, that's right, 2009.

5 Q. Is that correct?

6 A. Yeah.

7 Q. June or July of 2009?

8 A. I think it was about that time, yeah.

9 Q. Okay. Do you recall what you did when you
10 a came back to the mine?

11 A. I was on set up. We was putting a
12 longwall together.

13 Q. Okay. So what shift did you work?

14 A. When I came back I was on the midnights.

15 Q. Okay. So do you recall your first shift
16 back at UBB, did you go to the longwall set up?

17 A. I don't know. I can't remember. I don't
18 know what we done. The first day, I don't know.

19 I just remember I was with Rick Lane.
20 That's the first time I ever met Rick.

21 Q. Okay. Setting up that -- the longwall?

22 A. Yeah.

23 Q. That's the current longwall panel?

24 A. Yeah.

1 Q. Okay.

2 A. But now, the guys were feeding back -- the
3 were filtering back slowly, you know, so they --
4 they had already had some of it done. Some of it
5 was already finished, and I remember -- I think we
6 was building a stage loader. I think we was at
7 that point. I think that's about where we was at
8 when I came back.

9 Q. Okay. I'm going to ask you, well, several
10 questions. And you've been with me a lot on the
11 investigation, haven't you?

12 A. Yes.

13 Q. So a lot of the things I'm going to talk
14 about, you're already aware of. That's not a
15 question, I guess, that's just a statement, but
16 just so if some other people in the room is not
17 aware of that, we've spent a lot of time together,
18 aware of a lot of the same things.

19 A. Yes.

20 Q. Let's talk about the shearer cable. Do
21 you recall when the shearer cable had been
22 replaced?

23 A. It was in -- probably three weeks prior to
24 this. I think three or four weeks. About a month.

1 Q. Okay.

2 A. Probably about a month before this we
3 changed it out.

4 Q. Around March 20th, would that sound right?

5 A. Probably.

6 Q. Okay.

7 A. Around that time, yes.

8 Q. Okay. When we was checking the shearer,
9 we opened the junction box for the shearer cable in
10 front of the shearer. Do you recall that?

11 A. Uh-huh, yes.

12 Q. Now, do you recall that we found a diode
13 inside of that box?

14 A. Diode, yes, I remember.

15 Q. Do you have any idea what the function of
16 that diode is?

17 A. I think what had happened there was
18 somebody had been in there troubleshooting it one
19 time, and they may have had trouble finding a
20 diode, so when they got there -- and they had
21 shorted out the monitor to see where the trouble
22 was at, either in the machine or in the cable.

23 And instead of saying, okay, next time
24 this happens, I ain't going to go look for one,

1 I'll just leave it in here. So I figured they just
2 left it for future troubleshooting purposes.

3 Q. Do you think it's -- or is it normal for
4 them to install that diode when they replace that
5 cable?

6 A. When they replace the cable? No.

7 Well, no, it was probably there when they
8 done it. I figured it was already there. When
9 they replaced the cable, the diode was probably
10 already in the box taped up.

11 Q. And you think they just left it attached
12 in there?

13 A. Left it in case they ever needed it again
14 for troubleshooting.

15 Q. As I recall when we found the diode, one
16 lead of the diode was --

17 A. Grounded.

18 Q. -- connected to the ground; correct?

19 A. Yes.

20 Q. The other end of the diode was connected
21 to nothing?

22 A. Yeah.

23 Q. Is that correct? So, in essence, the
24 diode was serving no purpose?

1 A. Exactly.

2 Q. Is that correct?

3 But had the diode been connected, the
4 other lead connected to the pilot wire, what would
5 be the result?

6 A. The ground monitor would have been
7 dead ended right there. There would have been no
8 monitor inside of the machine as far as the ground
9 monitor system.

10 Q. Would the E-stop switch on the shearer
11 have functioned?

12 A. No.

13 Q. Do you ever recall that E-stop switch not
14 functioning?

15 A. No.

16 Q. Had you, on third shift, replaced an
17 E-stop switch?

18 A. No, not -- I have before, but I don't
19 remember replacing one on this wall. I don't know
20 of replacing one.

21 The last one I think I replaced was at
22 Logan's Fork. We had a knob broke off. We ended
23 up having to change the whole switch.

24 Q. Okay. But was the switch still -- would

1 the ground monitor still pick up on the --

2 A. Yeah. Yeah, that part worked, but it
3 ended up we had to change the whole switch with the
4 way it was broke.

5 Q. Okay.

6 A. But I have never changed one on this
7 shearer here, no.

8 Q. To change that switch, or when you changed
9 that switch, how long did it take?

10 A. Three hours maybe. Maybe.

11 Q. Okay. What's involved to cause it to take
12 so long just to change one switch?

13 A. Well, I mean, the way it goes in -- and
14 it's been a while, but I'm thinking that the way
15 that shaft goes through that panel, it's kind of
16 hard to get out because it's a roll pin on the back
17 that's kind of tough. It's a real small roll pin
18 you have to get out, and it's pretty tough to get
19 out.

20 Other than that, it's really not a big
21 deal to change that switch, but getting the roll
22 pin out, because the shaft goes through it and
23 everything, it's ...

24 Q. Where is the switch physically located on

1 the machine?

2 A. On the controller case panel, which is the
3 middle panel. It's top left -- right? Top left,
4 yeah.

5 Q. Yeah.

6 A. Kind of over in the top left area, yeah.

7 Q. Some of these answers I already know, but
8 everybody else don't, so ...

9 A. Yeah.

10 Q. So is the switch itself inside the
11 explosion proof enclosure?

12 A. The switch, yes.

13 Q. Yes. So do you have to remove a panel lid
14 to get to replace the switch?

15 A. Yeah, remove the middle panel lid, yes.

16 Q. Okay. What's involved in removing that
17 panel lid?

18 A. You have to take the lock bolts out of the
19 locks, which lock the panel bolts themselves down,
20 and then you take the panel bolts out. Just take
21 the wires off of it and replace it.

22 Q. Okay. Approximately how many bolts in
23 that panel?

24 A. 25, 26 probably.

1 Q. So is it safe to say it takes a -- let me
2 rephrase that better. Is that a lengthy process to
3 remove the panel?

4 A. It can be. It's according to how much
5 height and stuff you have.

6 Q. Okay.

7 A. If you can stand up. And it's according
8 to how -- you know. Sometimes it's worse than
9 other times. It's according to where the shearer is
10 setting, that kind of deal.

11 Q. So to your knowledge in, let's say, the
12 month prior to explosion, to your knowledge, the
13 E-stop switch was functional?

14 A. As far as I know, yes. It was. I mean, I
15 knew it was.

16 Q. Okay. Did you --

17 A. Hadn't had any trouble out of that.

18 Q. Did you check that switch?

19 A. Yes, when we do our permissibility stuff.

20 Q. How do you check it?

21 A. Push it in, make sure it kills the power.

22 Q. Okay. When you push that button, what
23 does it actually de-energize?

24 A. It de-energizes the entire cable from the

1 shearer all the way to the starter box. It breaks
2 the monitor circuit and the vacuum breaker opens up
3 at the -- the vacuum breaker for the shearer opens
4 up.

5 Q. Okay. You said earlier you do some of the
6 electrical examinations of the longwall?

7 A. Yeah.

8 Q. What all do you examine?

9 A. Me and my guys just do -- unless the other
10 guys don't get to it, we do the face equipment,
11 stuff they can't do while they're running pretty
12 much.

13 Q. Okay. Do you do the headgate controller?

14 A. Yes. Well, me or one of my guys.

15 Q. Okay.

16 A. Yeah. Sometimes the coal crews would get
17 it, you know. Most of the time it was us.

18 Q. Okay.

19 A. Because we have to do things that they
20 don't want to do while they're running. Unless
21 they were down or there was something else.

22 Q. What kind of things?

23 A. Like, you know, you don't want to hit the
24 E-stops and stuff when they're running to shut

1 everything down.

2 Q. Okay.

3 A. Unless they're already down or, you know,
4 methane, whenever I was talking about --

5 Q. Okay. So did you guys hit the E-stops?

6 A. Yes.

7 Q. When is the last time you recall it being
8 hit?

9 A. The last time I had done it was probably
10 three weeks prior. I think that's the last time
11 that I had done permissibility.

12 Q. Okay. Now, the E-stop we're talking
13 about, is that the big red E-stop?

14 A. There's two of them.

15 Q. Okay. The red button that's labeled
16 emergency stop, is that the one you activated?

17 A. That one and the one that says longwall
18 stop.

19 Q. Correct. The red E-stop button, when you
20 hit it, what happens?

21 A. Well, you know, it would shut everything
22 off and told you it wouldn't run. But we have
23 found that, that wasn't exactly right.

24 And we didn't know that due to, you know,

1 the shearer. I guess it was kind of ignorance of
2 -- instead of knocking the power on that box and
3 shut everything down, we thought that was right.

4 Q. When you did your test and hit the button,
5 did it shut the lights off the face?

6 A. Yes.

7 Q. Okay. With that diode installed that we
8 found, would it shut the lights off?

9 A. I'm trying to think. I can't remember how
10 that worked. I don't know, not right now. I'm not
11 sure.

12 Q. That's not a trick question.

13 A. Yeah.

14 Q. If you look at the prints, which we have
15 with the diode there, the lights won't go off?

16 A. Won't go off.

17 Q. Will not go off. And so that's what --
18 when you checked it last, do you recall did the
19 lights go off?

20 A. I don't know. I don't remember.

21 Q. Okay. Now the diode that I'm referring
22 to, and I think you've referred to as a diode that
23 was installed inside the controller on the 480 volt
24 circuit coming from the mule train.

1 A. Uh-huh

2 Q. You're aware of that diode?

3 A. Yes.

4 Q. We was actually together the day we found
5 that.

6 A. Yes.

7 Q. That diode installation is not correct.
8 Would you agree to that?

9 A. Yes.

10 Q. Okay. Do you know when that diode was
11 installed?

12 A. I don't know.

13 Q. Had you ever come in on third shift and
14 had to make any repairs to the -- either of the
15 methane monitors?

16 A. The only time I come -- that I know of
17 repairing a methane monitor was -- we hadn't had
18 any trouble out of these things really.

19 Timeline-wise, I don't know. I think it
20 was a month or two before. They had pulled the
21 junction box on the tail, what it ended up being,
22 and they were down.

23 And when we got up there, they were still
24 down, and we ended up telling them the wire is

1 pulled apart in the junction box on the tail, the
2 tube.

3 Q. Okay. Had you ever come in and actually
4 found them to be operating with a methane monitor
5 bypassed?

6 A. No.

7 Q. Okay. We've had some -- talked to some
8 other people that were under the impression that
9 the face could operate for 24 hours with the
10 methane monitor bypassed.

11 A. I never heard the face. I've had guys say
12 the shearer could be run if the shearer monitor was
13 down for 24 hours with a monitor or somebody
14 monitoring, but I've never known of anybody running
15 the face with the face monitor down, though.

16 Q. Okay. The face monitor, you're talking
17 about the --

18 A. The one on the tail.

19 Q. -- essentially that's at the tailgate?

20 A. Yes.

21 Q. Have you ever come in and found the
22 shearer monitor jumper?

23 A. No.

24 Q. Okay. We've seen, and you told me, that

1 you guys had been heading flights to the face
2 conveyer chain.

3 A. Uh-huh.

4 Q. Explain that process to me, if you would.

5 A. With the conditions when he had, you know,
6 and it's fairly a long panel, we had been there for
7 a while, a year, your flights start getting wore
8 and the flights come out of the pan, come out of
9 the conveyer, the sigmas.

10 And, you know, when it comes out the chain
11 breaks, whatever, breaks flights. So what we'll
12 have to do is we'll add a flight about every third
13 flight just because the tips are longer, and it
14 will hold the chain down to the deck.

15 Q. To add those flights, do you have to use
16 torches?

17 A. Not to add them, no. We have to use a
18 welder.

19 Q. Do you use a welder when you add them?

20 A. Welding the nuts, yes.

21 Q. Okay. Explain that to me.

22 A. Well, we tighten them down, and then we
23 weld the nuts so they won't back off, because, you
24 know, a flight comes off, it's a problem.

1 Q. Where does this work usually occur?

2 A. Right at the head. Because there's a spot
3 there that's open, you know, there's a cutout that
4 you can put the flight in and put the bottom, the
5 bar on, and do it without, you know, putting slack
6 in the chain and everything.

7 Q. So if the third shift is going to add
8 flights, they would not necessarily just proceed
9 down the face adding flights?

10 A. No.

11 Q. How would that work?

12 A. Well, we -- you know, you have got a
13 tensioner that you can put in gear and move the
14 chain real slow. And so we would move it, and if
15 we want to put a flight, we would put a flight in,
16 we'd fix it and weld it up, and then move it on
17 down three to four flights. I think we usually do
18 three flights and add another one.

19 It was a slow process because the chain
20 moves so slow.

21 Q. So you actually added the flights in the
22 same location, which was near the headgate?

23 A. Yeah. Right at -- yeah.

24 Q. And that's where the welding took place?

1 A. Yes.

2 Q. Okay.

3 A. We never put any, like, down midface or
4 the tail. Never put any flights in down here.

5 Q. Okay.

6 A. Unless, of course, we had a chain break,
7 or, you know, the chain broke or something and we
8 had to. But as far as just maintenance of adding
9 flights, no, it was already done at the head.

10 Q. Okay. You said before that you had worked
11 at several different mines on several longwalls?

12 A. Uh-huh.

13 Q. You ever had an instance where you
14 witnessed any ignitions on a longwall face?

15 A. The only ignition I was in on wasn't due
16 to mining. We had a torch actually at Justice. It
17 was in August 26th of '99, I think, and we had a
18 big ignition.

19 We wasn't running. We was moving when
20 that happened.

21 Q. Okay. Tell me about that.

22 A. We had moved the head drive out of the way
23 and we was pulling chains. Of course, you pull
24 sections of chain out and you cut it, and you drag

1 it out of the way or load it up, whatever you want
2 to do.

3 And we had been in all day doing stuff.
4 We had actually cut the drums off the shearer and
5 the shearer is sitting 40 foot from where we was
6 at.

7 And I was at the mule train walking back
8 to the face. It was the end of the day. And they
9 had a spotter with them.

10 And Mark Kimler, who is actually -- he's
11 actually the chief now at Mountain Laurel for Arch,
12 he was cutting chain. And I guess we was blowing
13 -- if I understand what they was telling me right,
14 he was blowing the slack back behind the shields
15 and set off some gas somehow and it got - went from
16 there.

17 Q. What happened after that?

18 A. Well, it popped off, and, of course, we
19 didn't know what was happening. And -- because I
20 wasn't right on top of it. The guys come running,
21 and it was kind of mass confusion for a little bit,
22 guys running, guys hollering, guys on the phone.

23 Actually one of the boys that got burnt
24 was the headgate operator and he was helping with

1 the chain. And he got on the phone and was yelling
2 that an acetylene bottle blowed up. It happened so
3 fast they didn't know what happened.

4 And so me and -- we all run in. Me and
5 two other guys went back and we saw them. We could
6 see the face or the last open break from where we
7 was at.

8 They come out and everybody else run. We
9 went back to help these guys. And, of course, you
10 know, Billy was burnt around his neck. Not bad,
11 just like a bad sunburn.

12 And it came back. We had the initial pop,
13 and then it -- well, of course, we run from the
14 face to the mule train, which was probably three or
15 four breaks. It's pretty close. We was moving.

16 And everybody else run but me and Darren
17 Browning, and Jimmy Lakatos (phonetic) and Lando
18 Cox went back to help these guys, because we seen
19 them. They was kind of on the ground crawling.

20 It was Mark Kimler and Billy Brown was the
21 two boys that got burnt. And when I was helping
22 Billy get his shirt -- his shirt stripes was kind
23 of melted to him, and he had actually a rope hanger
24 melted to his arm.

1 And you could hear it coming back, you
2 could hear it coming again. I don't know what you
3 describe the sound like. It was a train -- I don't
4 know. It was loud, air moving.

5 And it blowed back out and you could see
6 some flames and stuff, and, of course, by then it
7 was time to go. We left.

8 Q. So after the initial ignition then, you
9 had time to run out to the mule train?

10 A. Run out to the mule train. And we kind of
11 looked at each other. We didn't know what
12 happened. And everybody was running by and guys
13 hollering and stuff.

14 Then we went back. When I saw these guys
15 we thought -- we didn't know what happened. And we
16 went back to help these guys that got burnt.

17 We didn't know what happened, actually.
18 But later, you know, that's what had happened.

19 Q. When you said "it come back," what do you
20 mean by that?"

21 A. Only thing I can figure is it went back in
22 the gob of the longwall, and either something set
23 it back off again, maybe a crib or something caught
24 on fire.

1 Because the guys on the tail side, which I
2 was on the head, on the tail side, heard it go
3 behind the wall, and then it kind of came back out
4 the head side. It blew all the curtains and stuff
5 in it.

6 Q. Okay.

7 A. But it was probably a couple minutes, I
8 would say.

9 Q. A couple minutes between the very first
10 ignition --

11 A. The first pop.

12 Q. -- and when it come back onto the face?

13 A. I'd say at least.

14 Q. Okay. And after the second one, you say
15 you guys didn't stick around?

16 A. Uh-uh. Time to go.

17 MR. CRIPPS: Okay. I'm going to take a
18 break and I'll let --

19 A. That was a bad experience.

20 EXAMINATION

21 BY MR. BECK:

22 Q. Shannon, what is a B block (sic) on a
23 shearer?

24 A. It's a lock that goes on the ranging arm

1 pin --

2 Q. Or B-Lock, I'm sorry.

3 A. It's a lock that goes on a ranging arm pin
4 that keeps it from coming out to one side or the
5 other.

6 Q. Is B-Lock A Massey term or is that a Joy
7 term?

8 A. Joy. As far as I know, it's Joy.

9 Q. Have you ever been involved with any
10 problems with a B-Lock?

11 A. We've had to put them back on before, you
12 know, they come off and the pin works loose or
13 whatever. But most of the time on setup, normally
14 if you get them right, they don't come off.

15 Q. Is that a big repair if they come off?

16 A. A couple hours, usually.

17 Q. Okay.

18 A. It's according -- you know, a lot of that
19 is according to which side the pin comes out on.

20 And if, you know, just getting it lined
21 back up, getting the pin lined back up is a problem
22 sometimes.

23 Q. On your shift -- that midnight is to
24 maintenance shift, right?

1 A. Uh-huh.

2 Q. -- who was responsible for bits and sprays
3 on the shearer?

4 A. We would set them, me and my guys set
5 bits. Usually every night we would set a full drum
6 on each end, and if something was wrong with, you
7 know, the sprays, we would replace them or fix them
8 or whatever.

9 Q. So that when the day shift came in, as far
10 as the bits and the sprays were concerned, the
11 shearer was right?

12 A. Yes.

13 Q. Okay. And in your travels at Upper Big
14 Branch, have you ever noticed cracks on the floor
15 at different locations?

16 A. Sometimes you'd see, you know, bottoms
17 cracked --

18 Q. Bottom hooving?

19 A. -- of course, around a longwall. Any
20 longwall I've ever been on, not just Upper Big
21 Branch, they all have cracks.

22 Q. So it's a common thing?

23 A. Yeah, I mean, yeah.

24 Q. Particularly longwall mines, and you've

1 seen them in other longwall mines; correct?

2 A. Yeah, cracks.

3 MR. BECK: That's all I have for right
4 now.

5 EXAMINATION

6 BY MR. CRIPPS:

7 Q. What about checking the water pressure on
8 the shearer? Did you guys do that?

9 A. From time to time, yeah, we would test
10 them.

11 Q. Did you do it every night?

12 A. No, not every night we didn't check it.

13 Q. Okay. When you checked it, how did you go
14 about that?

15 A. I usually had -- I had a spraymate up with
16 a staple lock end on it, and then put it in the
17 drum -- or most of the time I put it in a wrap-
18 around because it was easier to see.

19 Q. Okay. Did you have a gauge set up?

20 A. Uh-huh.

21 Q. Okay. You're familiar with the fire
22 suppression on the shearer?

23 A. Yes. Somewhat, yes.

24 Q. Who checked the fire suppression on the

1 shearer?

2 A. We would check it when we done our exams
3 most of the time, yes.

4 Q. Do you recall, prior to the explosion,
5 when it was last checked?

6 A. The last time that we checked it, my crew,
7 I would say it was three weeks prior. I would say
8 three weeks.

9 Q. Okay. So when you checked it, was the
10 valve on that headgate in?

11 A. Yes.

12 Q. Okay?

13 A. Yes, the headgate, yes.

14 Q. Okay. Did you notice that the valve was
15 there now?

16 A. The valve is not there now.

17 Q. I'll kind of rephrase that. When we
18 traveled together and was doing an inspection of
19 the shearer, did you notice that that valve on the
20 headgate end was missing?

21 A. Yeah. Yeah, we knew it was missing.

22 Q. Okay. Do you have any idea what happened
23 to that valve?

24 A. I don't know.

1 Q. Do you know when it come missing?

2 A. I don't know.

3 Q. Okay. Well, let's move to the tailgate
4 end of the shearer. Did you observe the condition
5 of the valve on the tailgate end?

6 A. Yes.

7 Q. What is your opinion of that valve?

8 A. Somebody had put something over it, and I
9 don't think -- I don't guess who ever done that
10 repair realized what they had done.

11 Q. So was that valve accessible?

12 A. Yes. The last time that I, myself, pulled
13 the fire suppression, yes.

14 Q. On the day that we inspected the shearer
15 after the explosion, was it accessible that day?

16 A. No, we couldn't have got to it. We
17 couldn't get to it because of where the shearer was
18 sitting anyway.

19 Q. Okay.

20 A. I don't believe a man could have got to
21 that.

22 Q. Because of its location?

23 A. Yeah, it was stuck out.

24 Q. Okay. If the shearer had been 20 shields

1 towards the headgate, would the operator have been
2 able to operate that tailgate valve?

3 A. I don't know if you could have got channel
4 locks in it or not. I didn't really look at it
5 that close.

6 COURT REPORTER: I'm sorry. You don't
7 know what?

8 THE WITNESS: I don't know if they had
9 channel -- you know, a wrench, or if you had a
10 wrench if you could have got to it or not. I don't
11 know. I didn't look at it.

12 MR. CRIPPS: Channel locks is what he
13 said.

14 THE WITNESS: Channel locks. I'm sorry

15 Q. It's a pair of pliers; right?

16 A. Pliers.

17 Q. In your opinion, was the fire suppression
18 system functional on the shearer when we did our
19 investigation of it?

20 A. No.

21 Q. I guess I should rephrase that. If water
22 was available to the shearer?

23 A. Like I said, they had the water turned off
24 anyway.

1 Q. Say that again.

2 A. They had the water turned off, you know.
3 When this happened, evidently the water was off for
4 whatever reason.

5 Q. Okay. You're referring to the water
6 valves at the headgate?

7 A. Yeah. So if that water is off, there's no
8 water to the fire suppression.

9 Q. Okay. Because the valves at the headgate
10 shut the water supply off to the shearer?

11 A. Uh-huh.

12 MR. MCCUSKEY: That was yes? You made an
13 uh-huh.

14 A. Yeah. If the water is turned off out
15 there, there's no water at the machine even -- you
16 know, you've got hoses every -- wash down hoses
17 every four or five shields, and there would have
18 been no water there either.

19 I don't think that had anything to do with
20 it.

21 Q. You don't think what?

22 A. The fire suppression, I don't think that
23 was ever an option for these guys.

24 Q. Okay. You said earlier that you had

1 traveled around to several Massey mines?

2 A. Uh-huh.

3 Q. And I kind of took what you said. You
4 went to wherever they was installing a new
5 longwall; is that correct?

6 A. Yeah, for a while, I did.

7 Q. Why was you selected to go?

8 A. I don't know. I was young and, I guess, I
9 was pretty good at doing what I do.

10 Q. So you had experience?

11 A. Well, not really. When I first came to
12 work for Massey -- in college I worked on a wall a
13 little bit for Consol, and then they kind of
14 trained me and a couple other guys at UBB, and then
15 that was the plan for us, is to move us around like
16 that.

17 Q. Okay. And in your capacity now, you're
18 the maintenance chief on third shift?

19 A. There's two of us, yes.

20 Q. Two of us. Who is the other one?

21 A. Robert Hale.

22 Q. He's the chief on the other crew?

23 A. The other crew, yeah.

24 Q. But there are some days where both crews

1 are on the --

2 A. Yes. Every five days we overlap.

3 Q. On those days there, who calls the shots,
4 you or Robert?

5 A. We never really bumped heads over that
6 kind of -- we just kind of -- whatever needed to be
7 done, we would just break up and do it.

8 Q. Okay. But you have several several
9 maintenance people that work for you?

10 A. Yes.

11 Q. And you give them guidance, tell them what
12 jobs to do?

13 A. Uh-huh.

14 Q. And if there is a major problem on the
15 shearer or other components of the longwall, you're
16 involved in --

17 A. Yes.

18 Q. -- fixing it, maintaining it?

19 A. Yes.

20 Q. You've been on the longwall --

21 A. (Witness nods.)

22 Q. -- many times with me?

23 A. Uh-huh.

24 Q. You've seen the location of the shearer?

1 A. Yes.

2 Q. Given your obvious experience and
3 qualifications working on the longwall, do you
4 think it would be normal for that crew, that was
5 working day shift on April the 5th, to park the
6 shearer where it was located and to be walking off
7 the face to go home for the day?

8 MR. MCCUSKEY: Let me pose an -- I guess
9 we'd call it an objection or at least an
10 observation. You are obviously asking Mr. Dickens
11 to give opinions based on his expertise, and not
12 asking him about factual questions and what he
13 knows. And it's based on his participation and
14 MSHA's investigation.

15 If he wants to answer, it's all right with
16 me, but I want to take note that you might get a
17 bill for expert testimony. You're asking for
18 expert opinions, and I think that's far outside the
19 scope of this investigation.

20 MR. CRIPPS: Okay. Well, I'm asking for
21 his opinion because --

22 MR. MCCUSKEY: I understand that.

23 MR. CRIPPS: -- he's obviously -- I've
24 learned he's very knowledgeable about the longwall,

1 and we're here to try to, or I am, to try to -- we
2 want to figure out what happened, and I know
3 Shannon does, too.

4 MR. MCCUSKEY: That's right. But there's
5 a lot of difference between asking the facts and
6 asking his opinion.

7 MR. CRIPPS: Okay.

8 MR. MCCUSKEY: Fine. If he wants answer.

9 A. Yes. I -- there has been times that I
10 know these guys to leave the shearer on one end or
11 the other late in the day and just say, you know,
12 let the other shift have it from here.

13 Normally, no, they wouldn't leave it there
14 with that time of day, 3 o'clock, I wouldn't
15 think. I don't think.

16 Like I said, I wasn't there. I don't ...

17 MR. CRIPPS: I'll rest again.

18 EXAMINATION

19 BY MR. O'BRIEN:

20 Q. Just a couple, three more. When you were
21 checking, you and your coworkers were checking
22 sprays for the oncoming day shift, how often would
23 you find missing sprays?

24 A. We set bits and we rolled the drum. You

1 might find one out maybe every day or two, you
2 know, gone or stopped up.

3 Most of the time what we would do is take
4 the tip cleaners or whatever, torch tip cleaners,
5 and clean the spray out.

6 And then from time to time, I don't -- I
7 can't really give you a time as far as every other
8 day or, I mean, sometimes you might find one, you
9 might not find one for a week, you know. Then you
10 might find one a couple days, like a spray gone or
11 a staple broke out of one. But now, when we did,
12 we put them back in.

13 Q. Now this is for my benefit.

14 A. Okay.

15 Q. Are those sprays, how are they attached?
16 Do they screw in or --

17 A. The sprays in the shearer drums
18 themselves, no, they go in and they have got a
19 staple lock that holds them in place.

20 Q. So if one was missing, could that have
21 been through normal mining or some -- or would
22 someone have to -- how would someone take one out,
23 I guess I'm asking you?

24 A. If somebody was going to take one, you

1 just take the screwdriver and pop the staple out.

2 But now they will -- the staples will
3 break from time to time or work their way out. It
4 happens.

5 Q. Also, you said you guys check the bits.
6 Generally, what were the conditions of the bits?

7 A. You know, that would always vary according
8 to what they were cutting, you know.

9 But normally on a normal night, we would
10 set two drums of bits. No matter what, the bits
11 were all changed.

12 I mean, even if they were good. We threw
13 away thousands of good bits, you know, just to make
14 sure they was all the same.

15 Sharp bits cut better than little bit worn
16 bits is the way we always put it, you know. So we
17 changed out a full drum. I think it's 45 on each
18 end or whatever.

19 Q. So if I'm understanding you right, you put
20 all new bits in --

21 A. Yeah, a little bit of overkill really as
22 far as -- I mean, a lot of times, I hate to throw
23 away a bit that don't need changed, but it was done
24 a lot.

1 MR. O'BRIEN: Okay. Good enough. Thank
2 you.

3 MR. CRIPPS: I need to take a break before
4 we finish with Shannon, but if you want to go
5 ahead, go ahead, Jim.

6 EXAMINATION

7 BY MR. BECK:

8 Q. On a bit on a shearer, what could go wrong
9 with it that you would have to replace it? I mean,
10 what could be damaged on it?

11 A. Just the carbon tip wore out of it.

12 Q. That's the only thing that could go wrong
13 with it?

14 A. I've seen bits break, too. I mean, bits
15 will break.

16 Q. The metal shearer?

17 A. Yeah, just snapped the end of them off or
18 whatever, yes.

19 Q. That's all.

20 A. And, of course, most of your trouble on a
21 drum like that is on your sump ring, which is on
22 the coal block side. They have got a little
23 different pitch to them, and they'll wear a little
24 different sometimes than the other ones.

1 Especially in sandstone.

2 Q. That's the purpose, though?

3 A. Yeah.

4 MR. CRIPPS: Can we take about five
5 minutes?

6 MR. KOERBER: Sure. Five-minute break.
7 We'll go off the record.

8 (Break.)

9 MR. KOERBER: Let's go back on the record.

10 EXAMINATION

11 BY MR. CRIPPS:

12 Q. I have got just a few more questions for
13 you, Shannon. Kind of go with what John asked you
14 a while ago.

15 You mentioned that you guys check and
16 clean or replace sprays on the shearer on your
17 shift?

18 A. (Witness nods.)

19 Q. You said that you cleaned the sprays with
20 a torch tip cleaner?

21 A. Uh-huh.

22 Q. Is that correct?

23 A. Sometimes. Yeah, sometimes.

24 Q. Okay. When do you do that?

1 A. Well, if you would see one that hadn't
2 been spraying -- a lot of times you can tell if it
3 wasn't spraying right, like mud had hit it from the
4 back and clogged it up, you can tell it kind of
5 caked over and hadn't been spraying, we would take
6 them out and clean them or blow through them or
7 whatever.

8 Q. Okay.

9 A. And clean them out.

10 Q. So you would just take it out, take the
11 spray out?

12 A. Yep.

13 Q. Rather than replace it, just clean it?

14 A. If you could, yeah.

15 Q. Okay.

16 A. Sometimes you can't get the stuff out of
17 them, and you just put a new spray in it.

18 Q. Okay. So you use anything else to clean
19 them?

20 A. The only thing I've ever used, you can't
21 get nothing in, the hole is too small, is the tip
22 cleaners usually.

23 Q. Okay.

24 A. Nothing else will fit in there.

1 Q. Have you ever seen anybody use a nail or
2 anything?

3 A. No.

4 Q. Anything to --

5 A. A nail won't go in the hole.

6 Q. Can you enlarge the holes?

7 A. I don't -- no, not that I know of. I've
8 never seen that ever.

9 Q. Okay.

10 A. Never.

11 Q. But the torch tip cleaner?

12 A. Yeah, a small one, you know, you can take
13 it, run it down through. A lot of times you'll get
14 them, but sometimes you can't.

15 Q. Okay.

16 A. Really the best way is the tip cleaner and
17 blow through it with your mouth, which is not a
18 good thing to do, but I have done that.

19 Q. Were you pretty good at cleaning them that
20 way?

21 A. Yeah.

22 Q. I guess that's not appropriate.

23 A. Yeah, I've done that before.

24 Q. Explain to me about the conveyer drives on

1 the face.

2 A. Uh-huh.

3 Q. I understand they have water drive
4 couplings?

5 A. Fluid couplings, yes.

6 Q. Explain them to me, if you would?

7 A. When the motor starts -- how in depth do
8 you want to get?

9 When it starts, it's got a sequence of
10 starts, you know, first the crusher, then the stage
11 loader motors, then tail drive. Then when the tail
12 drive starts -- the head drive won't start until
13 this motor drops below 40 amps, I think it's 35 or
14 40 amps, to tension the chain.

15 Then the head drive starts. When it
16 starts, you got some solenoids at the headgate on
17 the monorail that kick in and put water, put fluid,
18 water, to the couplings, kind of like a
19 transmission.

20 And as the tail drive -- as they fill with
21 water, they engage. It's a slow, soft start.

22 Q. Okay.

23 A. That's how that works.

24 Q. So if there's no water on the face --

1 A. It won't run.

2 Q. -- the conveyer will not run?

3 A. It will not run.

4 Q. Okay.

5 A. If there's no water coming from outby.

6 There's no -- there's a shutoff valve for that, but
7 those valves that were shutoff do not control that
8 water.

9 Q. You knew my next question.

10 A. No, I was just going to tell you.

11 Q. So the two valves that were shut off at
12 the headgate --

13 A. They don't control the coupling water,
14 no.

15 Q. Okay. Where does that water come from?

16 A. It comes from the same place, it comes
17 from the mule train, but the shutoff valve, it's on
18 outby when water stations are hanging on the
19 monorail, which is about 60 foot outby the headgate
20 box.

21 Q. Is it supplied through a separate hose --

22 A. Yes.

23 Q. -- from the mule train?

24 A. Yes.

1 Q. Okay. So with the two valves shut off at
2 the glut -- is that the correct terms you guys use?

3 A. Yes.

4 Q. With those two valves shut off that we
5 found, would the conveyer continue to operate?

6 A. Yes. Yeah.

7 MR. CRIPPS: Okay. That's all I have.

8 MR. KOERBER: Jim?

9 MR. BECK: Just got one.

10 EXAMINATION

11 BY MR. BECK:

12 Q. Shannon, did the midnight shift ever start
13 up mining coal, say, all the maintenance was done,
14 let's get the longwall running, then day shift
15 comes in?

16 A. Not unless we were in -- most of the time
17 the only time we would ever run is if something had
18 happened and they would be down all day. And then,
19 you know, the outby guys would come up and help us,
20 or whatever. But, normally, no.

21 We would -- might trim the shield to the
22 coal, you know, and leave it, but we didn't run
23 it. Not -- very seldom.

24 MR. KOERBER: John?

1 MR. O'BRIEN: No.

2 MR. CRIPPS: That's all I've got.

3 MR. MCCUSKEY: Barry, I had a couple
4 clarifications I wanted to ask -- see if we could
5 get.

6 Mr. Cripps had asked you a couple
7 questions about methane detectors, and I went back
8 and looked over Mr. Dickens' transcript from the
9 first time, and I think there may be some confusion
10 as to -- or discrepancy between what you asked and
11 what he said the first time.

12 I think I understood you to ask if he had
13 ever found a methane monitor bypassed. I think you
14 used the word "bypass."

15 MR. CRIPPS: Okay.

16 EXAMINATION

17 BY MR. MCCUSKEY:

18 Q. And I wanted to clarify, first of all,
19 from your transcript, tell the panel, if you would,
20 and try to be consistent with your first testimony
21 to the extent you can, do you recall what the
22 condition of the methane monitors on the longwall
23 were the last time you were present when they were
24 inspected?

1 A. The last time they were calibrated and
2 gassed and all that stuff checked, it was done with
3 me and two federal guys, two federal men.

4 Q. Do you know about how long that was before
5 they --

6 A. Probably two weeks.

7 Q. Was there any problem at all with the
8 methane detectors?

9 A. No, sir.

10 Q. Now, I believe you had also said, however,
11 that a couple months before that, you had found a
12 methane monitor on the longwall that there was a
13 problem with, and if that's correct, explain to
14 Mr. Cripps what you meant in your first deposition?

15 A. It wasn't bypassed. It was tore up.

16 MR. CRIPPS: Yes, and that's the way I
17 understood it.

18 MR. MCCUSKEY: Okay. I wanted to make
19 sure the record was clear.

20 A. It wasn't like they had -- they hadn't
21 done anything to it. It had been tore up. And
22 they couldn't find the problem, and we found the
23 problem and fixed it.

24 MR. CRIPPS: Right. And that's the way I

1 understood it. And also, I had read your prior
2 transcript, and I had read where you talked about
3 the gassing them with the other, previously with
4 the inspectors, and so I didn't think it was
5 necessary to go into that. I didn't want you to
6 have to repeat your prior testimony.

7 Perhaps the -- and as Shannon and I have
8 found out, some of my terminology is not the same
9 as his. I used the word "bypass." Probably
10 "jumper" would be a word you would use.

11 MR. MCCUSKEY: I believe you said that,
12 and it concerned me because, of course, a lot of
13 the, for us, those earlier depositions and
14 interviews wasn't claiming that somebody had
15 bypassed a methane monitor, and I wanted to sure
16 that you weren't implying that he had seen that
17 occur. And so we got that clear.

18 MR. CRIPPS: No, I was actually asking if
19 he had seen that occur.

20 THE WITNESS: The only time is, like,
21 troubleshooting. Just might bypass it just to make
22 sure that's what it is and then fix it.

23 MR. CRIPPS: I understand.

24 THE WITNESS: As far as running, no.

EXAMINATION

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BY MR. MCCUSKEY:

Q. The other area I wanted to make sure was clear was the E-stop that you described, I believe, for Mr. Cripps, also.

When you and he had done this inspection post-explosion that you had found, or you had confirmed that there was a diode that was not working right?

A. In the headgate box, yes.

Q. In the headgate box. And it was not connected?

A. It was connected, but it was not connected, I guess you would say, before it should have been.

Q. It was not fully the way it should have been?

A. Yeah, it didn't run -- the actual -- actually, what was the funny part about that, I guess you would say, is the rest of it worked. Just ever who had done that just didn't hook it back up.

Q. So would you periodically test that?

A. We would check the E-stops, but like I

1 said, it would shut everything off, but I guess we
2 were kind of unaware that it was supposed to be --
3 I mean, there was a breaker handle right here if
4 you wanted to knock the power that did work.

5 Q. So the E-stop, even after the explosion,
6 that you found that had the problem with the diode,
7 it was your understanding that --

8 A. It would still shut everything down.

9 Q. -- it would still shut everything down?
10 Okay. But it didn't turn off, though?

11 A. It didn't kill the power on that
12 particular box, no.

13 MR. MCCUSKEY: Okay. That's all I wanted
14 to make sure was clear.

15 MR. CRIPPS: We actually had a discussion
16 about two different diodes that we observed.

17 THE WITNESS: That's what I told him, one
18 in the shearer and one in the gate box.

19 MR. CRIPPS: Correct.

20 MR. KOERBER: Anything else, John?

21 MR. MCCUSKEY: No, I think that clears it
22 up.

23 MR. KOERBER: Shannon, at this time if
24 there is anything you would like to add, anything

1 you would like to clarify, any statement you would
2 like to make, anything you would like to ask a
3 question about, the floor is yours.

4 THE WITNESS: I have nothing.

5 MR. KOERBER: Thank you for coming. And
6 we'll go off the record.

7 (Whereupon an off the record
8 discussion was held.)

9 MR. KOERBER: Let's go back on the record
10 just to identify and mark that.

11 MR. MCCUSKEY: Okay. Yes, I have a
12 statement signed by Mr. Dickens, a request for a
13 copy of the transcript of this and his prior
14 hearing. I would like to ask that you mark that as
15 an exhibit to this interview.

16 MR. KOERBER: Is that 5?

17 MS. HAMPTON: I've marked this as
18 Exhibit 3.

19 (Exhibit No. 3 marked for
20 identification.)

21 MR. KOERBER: Let's go off the record
22 again.

23 (Interview concluded.)

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Jenny Taylor, a Notary Public and Court
3 Reporter within and for the State aforesaid, duly
4 commissioned and do hereby certify that the
5 interview of SHANNON L. DICKENS was duly taken by
6 me and before me at the time and place specified in
7 the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither attorney
14 or counsel for, nor related to or employed by, any
15 of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 6th day of March
21 2019.

21 Given under my hand and seal this 14th day of
22 February 2011.

23

Jenny Taylor
Notary Public

24