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Statement Under Oath of Larry Hedrick

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STATEMENT UNDER OATH

OF

LARRY HEDRICK

taken pursuant to Notice by Brett Steele, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine, Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, May 13, 2010, beginning at 10:01 a.m.

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EXHIBIT PAGE

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IDENTIFIED

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Map

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*exhibit not attached

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ATTORNEY WILSON:
Good morning. We're here with Larry Hedrick. Mr. Hedrick, my name's Bob Wilson. I'm with the Office of Solicitor, United State Department of Labor. With me is Tim Watkins, an accident investigator with the Mine Safety and Health Administration. Also present are several people representing the State of West Virginia. I would ask that they state their appearance for the record.

MS. MONFORTON:
Celeste Monforton with Davitt McAteer's independent investigation.

MR. FARLEY:
Terry Farley, with the West Virginia Office of Miners' Health, Safety and Training.

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

ATTORNEY WILSON:
Mr. Hedrick, there are several other members of the investigation team present in the room. All members of Mine Safety and Health Administration Accident Investigation Team and all members of the

1 State of West Virginia Accident Investigation Team
2 participating in the investigation of the Upper Big
3 Branch Mine explosion shall keep confidential all
4 information that is gathered from each witness who
5 voluntarily provides a statement until the witness
6 statements are officially released. MSHA and the
7 State of West Virginia shall keep this information
8 confidential so that other ongoing enforcement
9 activities are not prejudiced or jeopardized by a
10 premature release of information. This
11 confidentiality requirement shall not preclude
12 investigation team members from sharing information
13 with each other or with other law enforcement
14 officials. Everyone's participation in this interview
15 constitutes their agreement to keep this information
16 confidential.

17 Government investigators and specialists

18 have been assigned to investigate the conditions,
19 events and circumstances surrounding the fatalities
20 that occurred at the Upper Big Branch Mine on April
21 5th, 2010. The investigation is being conducted by
22 MSHA pursuant to Section 103(a) of the Federal Mine
23 Safety and Health Act and by the West Virginia Office
24 of Miners' Health, Safety and Training. We appreciate
25 your assistance in this investigation.

1 After the investigation is complete, MSHA
2 will issue a report detailing the nature and causes of
3 the fatalities in hope that greater awareness of the
4 causes of accidents can reduce their occurrence in the
5 future. Information obtained through witness
6 interviews is frequently included in those reports.
7 You should know that if you request confidentiality,
8 confidentiality will only be provided on a case-by-
9 case basis. Your statement may also be used in other
10 enforcement proceedings.

11 You may have a personal representative
12 present during the taking of this statement and you
13 may consult with your representative at any time. Do
14 you have a representative with you today?

15 MR. HEDRICK:

16 I do. Reba Crawford.

17 ATTORNEY WILSON:

18 All right. You may refuse to answer any
19 question and you may request a break at any time.
20 This is not an adversarial proceeding, therefore,
21 Cross Examination will not be permitted, however, your
22 personal representative may ask clarifying questions
23 as appropriate.

24 The court reporter will record your
25 interview. Please speak loudly and clearly. If you

1 do not understand a question, please ask that the
2 question be rephrased. Please answer each question as
3 fully as you can, including any information that you
4 may have learned from someone else. Again, I would
5 like to thank you in advance for your appearance here
6 today. We appreciate your assistance in this
7 investigation. Your cooperation is critical to making
8 the nation's mines safer.

9 After we have finished asking questions,
10 you will have an opportunity to make a statement or
11 provide us with any additional information that you
12 feel may be relevant to the investigation. If at any
13 time after the interview you recall additional
14 information that you would like us to know, you can
15 contact Norman Page at the telephone number listed in
16 the letter that I provided for you. At this time I'll
17 ask that the court reporter swear in the witness.

18 -----
19 LARRY HEDRICK, HAVING FIRST BEEN DULY SWORN, TESTIFIED
20 AS FOLLOWS:

21 -----
22 ATTORNEY WILSON:

23 And Tim Watkins for MSHA is going to
24 start out with the questioning.

25 EXAMINATION

1 BY MR. WATKINS:

2 Q. Good morning, Larry.

3 A. Good morning.

4 Q. I appreciate you coming this morning to talk to
5 us. Just for the record, could you please state your
6 full name and spell your last name, please?

7 A. Larry Bedford Hedrick, H-E-D-R-I-C-K.

8 Q. And could you please state your address and your
9 home ---?

10 A. [REDACTED]

11 Q. Are you appearing here today voluntarily?

12 A. I am.

13 Q. Okay. Larry, how long have you worked for MSHA?

14 A. I started September '07.

15 Q. September '07. Okay. And what is your current
16 duty station?

17 A. Mount Hope.

18 Q. Mount Hope. How long have you worked at that
19 location?

20 A. Since I started.

21 Q. Since you started. Okay. And what is your
22 current position? What's your title?

23 A. General coal mine inspector.

24 Q. Okay. Which field office are you out of?

25 A. The Mount Hope field office. I work work group

1 two.

2 Q. And who's that supervisor?

3 A. Tom Moore at this time.

4 Q. Okay. Could you just give us a little bit of
5 history about your mine experience and your
6 background?

7 A. I retired from the coal mines with 32 years
8 experience. I'd worked most of that time at Pinnacle
9 Mine Number 50. It used to be the U.S. Steel Mine. I
10 was a member of the mine rescue team for 21 years. I
11 filled about every position I can think of in coal
12 mining. I was a mechanic for 10 years, I was a
13 longwall worker and mechanic for 14 years. I was
14 part-time supervisor. I filled in that capacity. I
15 was a fire boss for several years, roof bolter, miner
16 operator, shuttle car operator. We used trams to pull
17 coal out of the mines for many years before we went to
18 belts. On mine rescue, I was involved in several
19 incidents with our company down in Alabama, also at
20 Armor Coal Mines in '06, I think it was, or '05. And,
21 you know, that's pretty much my experience. I've done
22 a little bit of everything.

23 Q. Yeah, that's quite an extensive list. With all
24 that experience, do you have any specialized
25 certificates or certification, mine foreman ---?

1 A. Mine foreman certificate. I used to have an EMT
2 card. I left that drop after I joined the agency,
3 didn't see a need for it any longer. Shot firer's
4 card, mine rescue member. I think that covers it.

5 Q. Okay. Are you the authorized representative
6 assigned to Upper Big Branch Mine this quarter?

7 A. I am.

8 Q. Okay. And when was the last time you was at Upper
9 Big Branch Mine?

10 A. The last time I was there was on a spot, on the
11 last quarter.

12 Q. Okay.

13 A. I can't recall exactly what the date was.

14 Q. Okay. Were you also assigned to this mine last
15 quarter then?

16 A. No.

17 Q. No?

18 A. I helped out at this mine during the last quarter,
19 usually on the longwall because of my experience.

20 Q. Okay. So the last time you were there was
21 sometime last quarter?

22 A. Yes.

23 Q. Okay.

24 A. I was --- I had been there during the surface E01
25 parts during this quarter, trying to close that up

1 because we did open ---.

2 Q. When you say this quarter, you mean since April?

3 A. April, yeah.

4 Q. Okay. The last time you was underground, it
5 was ---?

6 A. It was generally a spot.

7 Q. Okay. Do you have any idea about what time that
8 was, approximately? You've got the notes, right?

9 A. Let's see. 3/25. I guess that's about right,
10 yeah.

11 Q. What area did you go to on that ---?

12 A. I went to the barrier section.

13 Q. Okay. And just kind of walk me through that day,
14 what you did that day on that spot.

15 A. Let's see. I showed up at what they call the
16 South Portal, where the main offices were, and caught
17 a ride to the section. Got to the section. I think I
18 was traveling with Foster, Rick Foster, I think was
19 his name, ---

20 Q. Uh-huh (yes).

21 A. --- from the company. We went up to the faces. I
22 made the faces. Then I did the dust perimeter checks
23 on the bolters, ---

24 Q. Okay.

25 A. --- which I issued some citations. And then, what

1 did I do after that one? I shut both sections down,
2 according to my notes, both miners, because of the
3 roof bolters. As I recall things were okay on the
4 section itself. I don't see anything about ---. I
5 don't believe I detected any gas on the section.
6 Yeah. I didn't find any gas in the faces.

7 I talked to 'em about their life lines. They'd
8 been having problems about putting the cones and ---
9 what do you call the little squiggly piece? It goes
10 for your life shelter.

11 Q. Life shelter?

12 A. Yeah. They were having a problem with that, so I
13 talked to Rick about that. And then when I got
14 outside, I also talked to the safety department about
15 that and told 'em they needed post some of those
16 sheets around to show everybody what they're supposed
17 to have. Which the last time I was there, I noticed
18 were posted.

19 And that was pretty much it. On a gas spot you
20 just don't have time to do a whole lot. That's why I
21 went to that section.

22 Q. Okay. You shut both sections down?

23 A. Well, both miners ---

24 Q. Both miners.

25 A. --- were shut down. Super section.

1 Q. Super section. Okay. And you shut 'em down
2 because?

3 A. Their dust --- their roof bolters were down
4 because they didn't pass on the parameter shake, so
5 there was dust behind the filter meter ---

6 Q. Okay.

7 A. --- and gaskets were out on the other machine, so
8 they had to call outside for parts.

9 Q. Okay. So you didn't shut 'em down for any gas
10 concentration or anything of that nature, ---

11 A. No, it was over the dust.

12 Q. --- just equipment? Okay. I think you stated you
13 didn't see anything, detect any methane or anything
14 underground at that time?

15 A. I didn't detect anything.

16 Q. Okay. What about the --- as far as conditions
17 underground, as far as rock dust and ---?

18 A. Pretty light, I believe. They're not known for
19 putting down dust heavy like they need to. That's
20 always been a problem, not with just this mine, but
21 other mines.

22 Q. Okay.

23 A. It seems like that's one thing they don't want to
24 buy too much of.

25 Q. Your rock dust surveys, did they come back? They

1 haven't come back?

2 A. I did not do a rock dust survey on this mines
3 because I wasn't assigned to it at the time. The
4 mines that I have had, some of 'em pass, some of 'em
5 don't.

6 Q. Your floor conditions on that barrier section, did
7 you have any cracking, any hooving or anything going
8 on?

9 A. I remember they had some water holes. They had
10 --- they had a slope to it. I don't remember the
11 bottom being cracked or anything. The ribs were
12 taking weight because they had been mined on both
13 sides. And I was kind of surprised they were up in
14 that area, but they had some problem with their ribs.
15 But at the time I was there, they had timbers set hold
16 anything that was loose, that kind of ---.

17 Q. Okay. Did you --- did you have a chance to watch
18 the mine cycle before they shut the motor down
19 and ---?

20 A. I don't recall. You'd have to look at my notes to
21 see. I would have put it in there.

22 Q. Okay.

23 A. Again, on a spot, it's eight hours from the office
24 back to the office. It's just not a lot of time to
25 --- you go in and look at something and you have to

1 get back out.

2 Q. Okay. At any time that you was underground, did
3 anyone come to you to express any concerns over the
4 mine conditions?

5 A. No, nobody approached me.

6 Q. Okay.

7 A. Now, at the end of the --- of my inspection, I was
8 waiting at the track with Rick Foster and we talked
9 about the condition of the mines. And he made some
10 comments to me, not so much about he was concerned or
11 anything, but I remember talking to him and telling
12 him that, you know, I heard this place has some
13 problems. And, you know, he just kind of shook his
14 head and grinned a little bit. And then he also ---
15 we got to talking about what the cause of the problem
16 was and that's time. We were talking about --- oh,
17 what the heck's his name? I'm bad with names. Okay?
18 But it was the president of the company. If you'd
19 tell me his name, I'd remember it, but I can't tell
20 you what his name is right now. But anyway ---.

21 Q. We'll get that.

22 A. Okay. Rick had been in charge of another section
23 and when he was in charge of it by himself, he talked
24 about how he kept things up, but they took it away
25 from him and he was just more of a general foreman

1 moving from place to place. And things kind of went
2 downhill and that was our discussion.

3 Q. When you say things went downhill, are you talking
4 about just ---?

5 A. General condition.

6 Q. Okay.

7 A. Just general condition of the mines. More
8 violations, I guess you could say.

9 Q. Accumulation of rock dust and ---?

10 A. That's what I took it to be. When he was in
11 charge of the section, he talked about how well he
12 kept things up because he took personal
13 responsibility.

14 Q. Okay.

15 A. Afterwards, you know, that was taken from him and
16 he just did what he was told.

17 Q. Okay. The president of the company, was it
18 Blanchard?

19 A. Blanchard. See, I'm very bad with names.

20 Q. Okay. I'm not too good myself.

21 A. I can remember faces.

22 Q. Okay. Okay. So that pretty much took care of
23 that first day that --- I mean, the last time you was
24 underground, ---

25 A. Yes, sir.

1 Q. --- which was on the barrier section? Okay. Do
2 you remember the time before that, the previous time,
3 this inspection, where you was at?

4 A. The next time before that I was probably --- I
5 believe it was when I inspected the longwall face.

6 Q. Okay.

7 A. And then I couldn't tell you what the date of that
8 was without my notes.

9 Q. Okay. We might --- we might be able to come up
10 with them here.

11 A. I know it was on the hoot owl.

12 Q. Let's see. I think we had one time kind around
13 --- 3/14. Do you recall that inspection?

14 A. Yes, that would have been it.

15 Q. Okay. So you was there on 3/14 on the longwall?

16 A. Yes.

17 Q. Okay. Do you remember who you traveled with?

18 A. Shawn Dickens. He was a foreman, the maintenance
19 foreman. I remember him because I was also inspecting
20 another mine that his dad was the superintendent at.

21 Q. Okay. Were you there as part of the E01 or ---?

22 A. Part of the E01, yes, sir.

23 Q. Which is your bigger inspection, the E01?

24 A. Yes, sir.

25 Q. Okay.

1 A. I was helping out the other inspector, Mr. Stone.
2 Again, I had some experience with longwalls and I knew
3 what things to look for, so some of the younger
4 inspectors asked me to do those areas for them.

5 Q. On your note on 3/14, you mention that the section
6 was idled for ---?

7 A. Maintenance, yes, sir.

8 Q. Okay.

9 A. I go out on the hoot owl when they're usually shut
10 down so that I can pull a panel off of the shearer ---

11 Q. Okay.

12 A. --- and check boxes, crawl around the jacks,
13 things like that.

14 Q. Did you do it this time? Do you remember if you
15 were doing it this time?

16 A. I can't remember it all, you know, without my
17 notes on ---

18 Q. Uh-huh (yes).

19 A. --- that part of it. I do remember --- I was
20 trying to remember if I got to check the methane
21 monitor, but, again, I can't remember if it was done
22 or not. I know I was going to do it. If I didn't do
23 it, there was a reason because I think they had a
24 power problem ---

25 Q. Okay.

1 A. --- and they couldn't fire it, get power to it.

2 Q. Uh-huh (yes). Do you know if this is your
3 complete set of notes or ---?

4 A. No, that's not my complete set of notes.

5 Q. Okay. That's all we had. That's the reason I'm
6 asking you. I was asking because I wasn't sure.

7 A. Because there's more pages.

8 Q. Okay. So we might --- try to find the other one.
9 All we had was the three pages.

10 A. Yeah. No, I wrote --- I didn't find anything on
11 the longwall that night, but when I walked the belt
12 off, I did find some citations there, accumulations,
13 especially at the head. And then I think I wrote a
14 citation on lifeline signals, something was missing
15 off of the lifeline, and I think I wrote that.

16 Q. Okay. Going back to --- going back to across the
17 face, of course this is --- you know, this is the
18 panel and the map in front of you. Do you know about
19 how far --- how far out they were at that time? You
20 know, we got some dates and stuff on here.

21 A. They were ---. Let's see. That was in ---.

22 Q. This was in March.

23 A. March. I'd say half of March --- I'm seeing what
24 you have marked on the map here.

25 Q. Yeah.

1 A. It would have been this area around 50 Break.

2 Q. That seems about right, ---

3 A. Yeah.

4 Q. --- where you was at?

5 A. They had an air change going on that night, I
6 think, and I had to --- we were being pushed by that.

7 Q. What do you mean you were being pushed by that?

8 A. They had to get people out of the mines. I was
9 able to do my work, ---

10 Q. Okay.

11 A. --- but there was an air change going on, I
12 believe, and --- or they wanted to do an air change.
13 And they had to wait 'til everybody was outside.

14 Q. Okay. Do you recall if that air change was ---?

15 A. It had something to do over around the Headgate 22
16 section, what it's called. Yeah. It had something to
17 do over there. I talked to, oh, general manager,
18 Persinger, ---

19 Q. Okay.

20 A. --- Wayne Persinger. I had talked to him and I
21 saw that he had his --- a couple of his safety men
22 were out there that night. I didn't get into what
23 they were working on because I was trying to get my
24 work done at the time. He said they had everything
25 set up, it shouldn't take long. They already had

1 stoppings and such with doors and such already in
2 position so that they could do whatever they were
3 doing.

4 Q. Okay. I don't mean to jump around on you, but
5 going back --- going back to the longwall face, ---

6 A. Okay.

7 Q. --- where is the methane monitor on the longwall
8 face?

9 A. It's on the shearer itself.

10 Q. It's the only one they had or did they have
11 another ---?

12 A. It's the only one they had.

13 Q. Okay. What about the CO sensors, ---

14 A. CO sensors ---.

15 Q. --- where were they located at?

16 A. They were located on the belt line. I checked the
17 COs outside to see if anything had failed. A lot of
18 times there'll be one that's in the rib malfunction or
19 something and the operators who are stationed there,
20 they don't do anything. So I always make it a point
21 to check it and bring it to their attention if I see
22 such a thing.

23 Q. Okay. Air flow across the face, do you
24 recall ---?

25 A. I'm not sure if I took air readings or not. It

1 would be with the notes.

2 Q. Okay. Methane, do you recall any methane?

3 A. Don't recall anything.

4 Q. Okay. Was you ever on the face when it was
5 actually --- on the longwall face when it was running?

6 A. Not that trip, but I have seen it run, yes.

7 Q. Okay. How long ago has that been?

8 A. I couldn't tell you. I don't know. I know I've
9 watched it run because I was on a plow and I wanted to
10 see how a shearer worked, so every chance I had I
11 would go down there.

12 Q. Was it on --- was it on this longwall panel or was
13 it on another one? Do you recall that?

14 A. I'm pretty sure that I was on this face one time
15 when it was running. I was on it the quarter before.
16 It would be the first quarter ---

17 Q. Okay.

18 A. --- for an inspector doing it. And they --- it
19 was in bad shape, I'd say. Apparently they had gotten
20 into a fault or something. The coal had split. I
21 don't know what it was, the reasoning. I remember
22 they told me at the time, but the face was almost like
23 a 45-degree angle. They had been told by management
24 from main office to get the thing back into the coal.
25 They were up in the rock and they were told to get

1 back into the coal and to do it now, not gradually,
2 but now. So they had turned the shearer and cut the
3 bottom getting back down with the coal. And, like I
4 say, it was like a 45-degree angle. It was steep.
5 They were afraid that the people on the section ---
6 that the shearer could fall off the pan line, it's so
7 steep. If anything had happened like that, they would
8 talk --- it was going to be bad for 'em. And the
9 jacks were trying to push straight, but the pan line's
10 going down, so that was a problem. But I didn't see
11 --- apparently they got it out.

12 Q. That was this panel (indicating)?

13 A. Yes.

14 Q. Do you recall about where that was at, where the
15 panel was at, at that time?

16 A. Probably sometime around December, down in this
17 area, maybe.

18 Q. This area being --- as referenced on December on
19 the map here?

20 A. Yeah, on the December map. It looks like 30 plus
21 double zero on the spad.

22 Q. Okay. You said they were told to get back into
23 the coal now?

24 A. To get it back into the coal.

25 Q. How do you know that?

1 A. I talked to the --- what was his name? Jack
2 Roles. He was in charge of the longwall. In fact, he
3 is the superintendent right now at UBB, you know, just
4 --- I think it was about 23 employees, so ---.

5 Q. Okay.

6 A. He's the one that told me that.

7 Q. Did Jack say who told him to get back into the
8 coal now?

9 A. He said it came from the main office.

10 Q. Okay.

11 A. They got in that situation because of the
12 president told 'em, you know --- they were chasing the
13 coal or something. I can't remember exactly what, but
14 that's why they were in the rocks because the
15 president told 'em to go that way and they didn't want
16 to, but they do what they're told.

17 Q. Okay. So were you on the face at that time or did
18 you see that condition?

19 A. I saw that condition.

20 Q. Okay. What were the roof and rib and floor
21 condition like in that area at the time?

22 A. Oh, the area at the stage loader of course in the
23 first break, open break, sloppy, muddy, always is.

24 It's where kind of everything drains, into that
25 direction. The face itself, I don't ---. It was just

1 --- you could walk down the jack lines. That's about
2 all I can remember of the face. I remember the
3 headgate just being sloppy and muddy and that was
4 normal.

5 Q. Methane readings, do you remember ---?

6 A. Don't recall any methane. I can't recall seeing
7 any methane while they were parked and not mining. I
8 don't recall. Maybe one or two tenths is all I can
9 recall.

10 Q. Okay. What about water? Was there any water
11 coming in or ---?

12 A. When I was there one time, it was probably another
13 quarter back, they had a stream coming through and ---
14 because I remember I fell in it. I was trying to get
15 through there to get down the line or something and
16 you were wading in the water, it was deep, coming from
17 the gob area into the jack line and running to the
18 head. And I remember I slipped and went down in it,
19 which happens. But I believe the water came from the
20 mine above and they cracked into the top at Black
21 Knight, I think it was, or Black King.

22 Q. Okay.

23 A. I don't remember which one it was, the name.

24 Q. Do you remember about where the face was at that
25 time?

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

2 Q. I think you said something about the quarter
3 before.

4 A. Yeah.

5 Q. About what time frame would that --- are we
6 talking about? I lost track of the quarters we're in.
7 You said the quarter before. I think the last time
8 you said it was in ---

9 A. December.

10 Q. --- December.

11 A. Probably October, I'm thinking ---

12 Q. Okay. So ---?

13 A. --- or September. My notes are out there some
14 place.

15 Q. Okay. What about --- what about pumps, any pumps
16 --- did you ever check any ---?

17 A. They had permissible pumps, I think, at the head.
18 That was all I recall at that time.

19 Q. Okay.

20 A. And the other time I --- you know, permissible
21 pumps always check 'em if I run across 'em, but I
22 hadn't been in the returns of this section, the face
23 or the airway, the intakes.

24 Q. Okay. You've never been back inby that ---
25 towards Bandytown fan ---

1 A. Not ---.

2 Q. --- or anything like that?

3 A. Not until --- the last time I was down there is
4 when they were putting the fan in and I wrote three
5 orders down there ---

6 Q. Okay.

7 A. --- and that was a good ways back.

8 Q. Okay. But you've never been in --- up on the
9 tailgate side back ---

10 A. No.

11 Q. --- or at the headgate side, either one?

12 A. No.

13 Q. Okay. This is also --- notes here. This was on
14 the 14th. These are on the 15th. Did these carry
15 over one date?

16 A. Yes, yes.

17 Q. Okay. Maybe the other one ---.

18 A. That was evening shift and then just started the
19 hoot owl.

20 Q. Started hoot owl on the 15th?

21 A. Yes.

22 Q. Okay. Then you mentioned the air change as you
23 got back out --- got back outside.

24 A. Okay.

25 Q. Okay. I'm just trying to go through some of

1 these. Okay.

2 A. We do that because of our tracking and such.

3 Q. Okay. Have you ever been up towards the headgate
4 --- or Headgate 22, Tailgate 22 sections? Have you
5 ever been up there?

6 A. I haven't had an opportunity, no.

7 Q. Okay. So you've never been up towards 8 North?

8 A. No.

9 Q. Okay. Have you ever been around what they denote
10 as the Glory Hole?

11 A. Back when I was a trainee, I traveled with an
12 inspector to that area.

13 Q. Okay. Did you ever detect any methane around the
14 Glory Hole area?

15 A. I don't recall back then. I do remember that it
16 was muddy, lots of fines and such coming off of the
17 belt, which I believe the inspector issued citations.
18 They had to bring a scoop in there and clean it all
19 up. It was a long time ago.

20 Q. Okay. Okay. So are there any other visits to the
21 longwall or --- not discussed?

22 A. I think that was about it, that I can recall.

23 Q. Okay. To the best you remember, you never
24 detected any methane in the longwall face area?

25 A. Unless I got it in my notes, nothing pops up.

1 Q. Okay. Did you ever hear any --- any conversations
2 about, you know, floor hooving up and methane being
3 released from the floor?

4 A. I don't think so. I never found any myself and I
5 don't recall anybody ever mentioning that to me.

6 Q. You never had a problem with ventilation as far as
7 being blocked with water or anything like that that
8 you encountered?

9 A. Not the times I was there I hadn't.

10 Q. Okay. Okay.

11 A. I took air readings at the times I was there, I
12 believe, and everything was where it should be, face-
13 velocity-wise.

14 Q. What about the --- on the longwall, did you ever
15 have any issues with equipment on the longwall?

16 A. The longwall was in really good shape. I never
17 --- I never found anything on this longwall. The only
18 thing I found was outby. That's where I found
19 violations. They had some equipment, I guess shield
20 haulers, that had some problems, but they were out of
21 service and were tagged as such. So I wasn't able to
22 inspect those.

23 Q. I guess the previous visit that you've been on was
24 --- the notes I received it was somewhere around
25 November, before Thanksgiving, maybe, about November

1 23rd or so. Okay. What did you note on that
2 inspection?

3 A. 11/23/09. Okay, I made the seals. You don't have
4 the map, but it's on the other side of the mines. I
5 was covering a section of the mines for --- as part of
6 an EO1 inspection.

7 OFF RECORD DISCUSSION

8 BY MR. WATKINS:

9 Q. Okay?

10 A. Okay.

11 Q. Does that look familiar?

12 A. Yes, it does.

13 Q. Okay. Just kind of walk us through that one, if
14 you don't care.

15 A. Okay. Again, started at the South Portal, took a
16 mantrip. I forget what they call this, this portal
17 here. It's the opposite of the one they usually use,
18 but we traveled up the track entry on a mantrip and
19 traveled all the way to the silo belt portal.

20 Q. Okay.

21 A. And I think that's where we started our walk at,
22 in that area.

23 Q. Okay.

24 A. This was a normal walk that this man usually did,
25 the fire boss. We covered some evaluation points on

1 the left side and then we crossed, did the outside at
2 the stacker silo belt and then walked back up the
3 right return to seal sets one, two, three, four ---.
4 I believe we did five.

5 Q. Who was traveling with you?

6 A. Harley Taylor. He was the fire boss in charge of
7 that, doing these seals. Once we made seal set five,
8 then we walked out ---. I couldn't tell you exactly.
9 I'd have to look at the tracking map to see how we
10 came back out, but we walked out.

11 Q. Okay. Looking through your notes you denoted
12 several individual seals that were damaged and
13 making ---?

14 A. Yes.

15 Q. Do you recall that, ---

16 A. Yes.

17 Q. --- what you found there?

18 A. In that situation, the bottom was hooving.

19 Q. Okay.

20 A. It was hooving a lot and was crushing out the
21 stopping --- or the seals, was literally crushing 'em.

22 Q. That would be at --- what seal sets was that?

23 A. I was looking for the numbers here. I don't see
24 numbers.

25 Q. I can see up ---.

1 A. Well, I have individual seal numbers.

2 Q. Oh, okay.

3 A. I don't know which set that was in. I'm thinking
4 three, but I'm not positive.

5 Q. And you got ---. On top you got ---.

6 A. Seal set three. Okay.

7 Q. Okay.

8 A. Of that total, I think the first one, Number 13
9 seal was okay, no violations on it, but the other ones
10 --- the other seals were crushing out. And there was
11 one in particular that was worse, but they had a lot
12 of gas going in. They were getting gas in. You could
13 hear it. It was very obvious that they were --- they
14 were leaking.

15 Q. Okay. Do you know what type of seals these are?

16 A. I can't remember names. My notes say.

17 Q. I recall reading it in there. I didn't know if
18 you knew offhand what it was.

19 A. I can't remember.

20 Q. Okay.

21 A. I think they were lock, lock lid seals. And the
22 only thing that was really standing at the time was
23 probably the plaster on the outside of it in several
24 places on one or two of those seals. If you would
25 poke it with your finger, I think you would have poked

1 your finger through it.

2 Q. Okay. So you had that at probably several
3 different seals then?

4 A. Yes, there was several of them that were leaking
5 and I wrote citations to that fact.

6 Q. Okay. Do you know how then --- how that seals ---
7 how that citation was terminated?

8 A. It hasn't been terminated.

9 Q. It hasn't been terminated.

10 A. The inspectors that came on the last quarter gave
11 them an extension to get 'em built. And the last that
12 I had heard, they had poured all but one of 'em. And
13 I never did know --- find out about that last one, if
14 it was done or not. And because of that, I think
15 another citation, a B order, was issued after the fact
16 to the operator because nobody could tell us what ---
17 was it done, was it built?

18 Q. So ---? I'm sorry.

19 A. It wasn't included in the plan either, the last
20 --- I think it was 19 or 15.

21 Q. You're welcome to look through there, if you want.

22 A. Yeah. It was one of them. I just deliver the
23 citation for 'em. I didn't get a chance to really
24 study much up on it.

25 Q. You mentioned the floor was hooving and

1 causing ---

2 A. Yes.

3 Q. --- seals to crack. Was there any gas coming out
4 of the floor when it was hooving? Do you recall?

5 A. Because the seals were ingassing it --- the cracks
6 in the bottom was --- I think it was sucking in, ---

7 Q. Okay.

8 A. --- nothing was coming out.

9 Q. Okay. Are you familiar with the seam that's below
10 this mine, coal seam? I don't think it was your mine,
11 but I think it was a small seam, maybe 24, 30 inches?

12 A. No, I never even heard of it.

13 Q. Okay. So you're not aware of any gas coming from
14 that seam, if you hadn't heard of it, so ---.

15 A. Uh-uh (no).

16 Q. You mentioned earlier, too, about the mine above
17 --- Black Knight or ---?

18 A. Black King.

19 Q. Black King, one of 'em.

20 A. I inspected it.

21 Q. Okay. You inspected that mine?

22 A. I inspected it. I wrote a citation on some seals
23 up there. They were Omega block seals and water was
24 coming out of 'em and they were deteriorated. Water
25 was pouring out of 'em. When the longwall mined

1 underneath of that section, that sealed area, those, I
2 think --- and I'm assuming, that cracked into it, the
3 top crack because all of a sudden they've got water
4 problems and the water disappeared out of the seals
5 above 'em.

6 Q. Okay. So this was at the current longwall ---

7 A. Yes.

8 Q. --- panel? Okay. The mine above 'em, did they
9 have any methane or ---?

10 A. No. No meth --- I never found any during my
11 inspection there. It was a drift --- drift mine ---

12 Q. Okay.

13 A. And I don't recall any methane there.

14 Q. Do you recall any adverse conditions that the mine
15 above encountered due to the longwall or the mine
16 below them in UBB?

17 A. No. Again, they longwalled underneath of the
18 sealed area after they'd been out of it probably for a
19 couple years, ---

20 Q. Okay.

21 A. --- so didn't notice anything there.

22 Q. Okay. I guess going back to this one. So the
23 damage to those seals were severe enough where it
24 required them to be rebuilt? Is that what I heard you
25 say?

1 A. Yes.

2 Q. Okay. And that was still in progress when this
3 event happened?

4 A. That was one of the things I had talked to the
5 other inspector, that we were to check out as quickly
6 as we could, you know, at the beginning of our
7 inspection to find out what's the situation, what they
8 got done. Yeah.

9 Q. Okay. Also in your notes for that inspection, I
10 see you wrote a couple citations on the --- on the
11 double doors?

12 A. Yes, I remember that.

13 Q. Okay. Do you remember where those double doors
14 were at?

15 A. It's the area right here (indicating) and it's ---
16 I'm trying to find a spad here. I know this is cut
17 through here, right? 23021 is one break outby.

18 MR. WATKINS:

19 Can we just go ahead and make the Exhibit
20 One and I'll have him mark on this map?
21 (Hedrick Exhibit One marked for
22 identification.)

23 BY MR. WATKINS:

24 Q. It might be easier if you just take the
25 highlighter there and you can mark 'em --- mark 'em in

1 yellow.

2 A. Okay.

3 ATTORNEY WILSON:

4 You might want to write down what that is
5 because it may not show up real clearly.

6 MR. WATKINS:

7 That's true. Okay.

8 ATTORNEY WILSON:

9 And what did you write, double doors?

10 A. Double doors.

11 MR. WATKINS:

12 Double doors.

13 BY MR. WATKINS:

14 Q. Okay. Now, what was the problem with those doors?

15 A. If I remember correctly, one set had been tore out
16 by a scoop or a piece of equipment and hadn't been
17 repaired. Couldn't shut it and it was like half open.
18 It wouldn't close.

19 Q. Okay. How much air do you think was leaking
20 because of this damage?

21 A. Did I take an air reading? I don't know. I don't
22 think I took an air reading there.

23 Q. I mean, was it quite a bit leaking through or ---?

24 A. Let's see. What was that? That would have been
25 --- that was a return. What that would have done is

1 short circuit the return and prevented the air from
2 going around to the south --- south belt panel ---

3 Q. Okay.

4 A. --- and back around. It doesn't have a name on
5 this panel here.

6 Q. Okay.

7 A. So this is allowing this section here to just
8 short circuit directly out.

9 Q. Okay. Is that the only set of doors that you
10 looked at that day?

11 A. I believe so.

12 Q. There might have been another set there.

13 A. Double doors in return, seals.

14 Q. I think there's two separate ones. I may be
15 wrong. It might be something else.

16 A. Yeah.

17 Q. Okay.

18 A. Yeah, these are somebody else's notes with mine.

19 Q. Is that the only time that you had a problem ---
20 encountered a problem with double doors being damaged?

21 A. I'm trying to think. I hadn't been to too many of
22 the sections on this mine. In other mines I have had
23 problems with double doors. I think most of the mines
24 do. People leave 'em open, especially track doors.

25 Q. Okay.

1 A. But I don't recall if this mine ---.

2 Q. Break 63 ---.

3 A. That's this double doors here; right?

4 Q. I think it is.

5 A. That's it there.

6 Q. Okay. The other set.

7 A. That would be your other one. Return ---. What
8 was ---? Off the top of my head, I can't --- I don't
9 know where exactly ---.

10 Q. If it's that one? Okay.

11 A. But apparently I did find something.

12 Q. It looks like there were two sets of doors that
13 day that you wrote up. Somebody left the other ones
14 open, if I read your notes correctly.

15 A. The 63 Break, I believe, is this one. The one in
16 Three mains --- where was Three section mains at? I
17 was thinking this is Three section, but I'm not
18 positive.

19 Q. But that door don't ---?

20 A. I can't recall.

21 Q. Okay. Okay. On your other visits, did you ever
22 have any problems with the doors being left open or
23 being damaged, that you recall?

24 A. No, I can't recall anything.

25 Q. I think I asked you this already, but at any time

1 when you was traveling, did anyone approach you with
2 concerns or --- for the mine conditions, unsafe mine
3 conditions?

4 A. No, I don't believe so.

5 Q. Okay.

6 A. Everybody was pretty quiet down there. They
7 didn't talk too much.

8 Q. With any of your travels or any of your
9 inspections, did the company person traveling with
10 you, did they take any photographs or ---

11 A. No.

12 Q. --- take a personal note ---?

13 A. I never saw 'em take a note one.

14 Q. Okay.

15 A. You know, when they would travel with me, I never
16 saw a notebook come out. If they did any notes, they
17 did it outside from memory. They didn't do it at the
18 time of the inspection, whereas I took my notes as I
19 traveled.

20 Q. Okay. Let me change gear just a minute and let's
21 go to the April 5th accident.

22 A. Okay.

23 Q. Could you tell us how you were notified or how you
24 found out about the accident?

25 A. I had a phone call to the house that I was on

1 standby. I didn't work that day. I was supposed to
2 and I decided not to. I was going to work the next
3 day.

4 Q. Okay. Do you know who --- who called you?

5 A. My supervisor and my wife also called. She also
6 works for MSHA.

7 Q. Okay. Do you know about --- who called you ---?
8 Which one called you first, do you remember?

9 A. To tell you the truth, I can't remember. I think
10 my wife called first. I think she had said my
11 supervisor was looking for me, ---

12 Q. Okay.

13 A. --- wanted to know where I was at. And she told
14 him and then he called me, too.

15 Q. Okay.

16 A. I believe that's what ---.

17 Q. Do you know about what time that was?

18 A. I'm thinking around three o'clock, 3:15, I
19 believe.

20 Q. Okay. So when your supervisor called you, what
21 did he tell you?

22 A. Be on standby, we've had a problem at UBB.

23 Q. Okay.

24 A. They might need me to come in. In which case he
25 called back later and said, I need to come in.

1 Q. Do you know what time that was, when he called you
2 back?

3 A. No.

4 Q. Okay. So when did you actually go to the mine?

5 A. Well, on my --- I think I --- I don't know if I
6 got notes on that or not, but I went straight to the
7 Ellis Portals. That's where I was --- I didn't know
8 who to check in with. I'd heard everybody was over
9 that way. And at the time I got there, I checked in
10 with Mike Dickerson and everybody had done shifted
11 over to another command center back at the South
12 Portal.

13 Q. So you got called from Tom the second time telling
14 you to go; is that correct?

15 A. Yes.

16 Q. And what time did you say that was?

17 A. I can't ---.

18 Q. You don't know?

19 A. I don't know.

20 Q. Okay. So when you got called, did you go straight
21 to the mine? Did you go to the field office?

22 A. I have to go to the field office to get my
23 vehicle, clothes ---

24 Q. Okay.

25 A. --- and then go.

1 Q. So how long did it take you to get from your home
2 to the field office?

3 A. Maybe 45 minutes.

4 Q. Okay. Okay. And then you went from the field
5 office to the mine. How long does that take?

6 A. At least an hour. I remember I got behind some
7 traffic, rescue team, I think it was, had a trailer.
8 I got stuck behind them and they just --- it's a windy
9 road, so it takes ---

10 Q. Okay.

11 A. --- a little longer.

12 Q. Yeah. Did you have any conversations when you got
13 to the field office with a supervisor or anybody?

14 A. The only information we had is something happened
15 at UBB and we have people missing.

16 Q. Okay.

17 A. We didn't know anything about it other than that
18 really. Everybody had gone that way, the district
19 manager, ADMs, and that's about all I can recall.
20 Nobody was telling me anything that was going on.

21 Q. And you said Mike was the first MSHA person you
22 saw at the mine site when you got there?

23 A. Yes.

24 Q. Okay. What was your role once you got to the mine
25 site? What were your responsibilities?

1 A. At that time, they really didn't have anything for
2 me to do. I went to --- they told me to go to the
3 other side, to the South Portal. And I think I had to
4 go pick up some --- some gas samples and I took 'em
5 back to Mount Carbon --- or Mount Hope.

6 Q. Okay.

7 A. And I got back in Mount Hope. It as --- I think
8 it was after midnight and nobody told me what else to
9 do, so ---. Somebody was in charge there that night.
10 I think Tom Moore and I can't remember who else was
11 there with me. They told me ---. Rick Kline --- Rich
12 Kline was there. He said, just go on home. And I
13 think they said they'd call or come in tomorrow. I
14 can't remember.

15 Anyway I think I was supposed to come back in that
16 morning, yeah, because my wife and I --- she was still
17 there. We went --- we had a room in Beckley because
18 it was so late and we had to be back so early.

19 Q. Okay. So you say Kline and Moore were in charge
20 there, ---

21 A. At the office.

22 Q. --- at the office?

23 A. Yes.

24 Q. Okay. When you got to the mine site, who was in
25 charge at the mine site?

1 A. Well, it was -- -I think it was --- Link Selfe was
2 the one in charge. And like I said, I checked in with
3 Mike Dickerson, asking where I needed to go to or what
4 they want me to do. And we got a phone call through
5 the other side and Link said, come over to there.

6 Q. Okay. Who actually told you to go get the bottle
7 samples and take 'em to Mount Hope?

8 A. Joe Mackowiak.

9 Q. Okay. So you said Link ---? Did you actually go
10 in the command center ---

11 A. No.

12 Q. --- or anything? Okay. Do you know who was in
13 charge for the company, who was there for the company?

14 A. I have no idea who was in there.

15 Q. Where did you run into Joe at?

16 A. It was in the upper --- when you get into the
17 offices upstairs, the top of the stairs there's a big
18 room there where they had the fire bosses.

19 Q. Okay.

20 A. And he was going by there, I think it was, and I
21 don't remember how I got talking with him and all
22 that. He said, you need to go do this.

23 Q. Okay. Did you have any other visits after ---
24 after this to the mine site? Did you stay --- were
25 you there the whole time or ---?

1 A. No, I was there on and off. They gave me some new
2 mine assignments, I think the next day or so, and I
3 started another inspection. And then later I started
4 going back ---. I was on the hoot owl for five or six
5 days, I think, collecting samples at Bandytown.

6 Q. Okay.

7 A. And I played runner for a while from Bandytown
8 back to the gas sampling --- or where they did the
9 testing.

10 Q. Uh-huh (yes).

11 A. That was there at the South Portal office. We had
12 our truck there. When it left, then I started taking
13 'em back to Mount Hope.

14 Q. Okay. That's pretty much your role for the ---

15 A. Yes.

16 Q. --- time of the accident recovery?

17 MR. WATKINS:

18 Okay.

19 ATTORNEY WILSON:

20 Do you want to take a short break or are
21 you ---?

22 A. I'm good.

23 ATTORNEY WILSON:

24 Terry?

25 EXAMINATION

1 BY MR. FARLEY:

2 Q. Mr. Hedrick, again, I'm Terry Farley, with Miners'
3 Health, Safety and Training. I have a few things just
4 primarily for clarification purposes, to make sure I
5 understood correctly. In trying to follow things
6 here, I think you inspected UBB November 2009;
7 correct, and then you were there this past March?

8 A. Yes.

9 Q. Okay. Now, when you were talking about the
10 problem with the longwall, 45-degree angle and that
11 they apparently had gotten out of the coal and into
12 the rock, ---

13 A. Yes.

14 Q. --- can I impose on you to go through that again?
15 I need to make sure I understood what happened there
16 and --- because I know you said they were told to get
17 back in the coal by the main office and you ---. The
18 reason they got out of it in the first place because
19 it was due to some direction from the president, ---

20 A. Yes.

21 Q. --- Mr. Blanchard? Would you mind going through
22 it again, please?

23 A. I remember I was down there. And to tell you the
24 truth, I can't remember what I was inspecting at that
25 time. I may have been helping the inspector. I don't

1 recall without my notes what I did that time, but I
2 remember the face was at a very steep angle. And I
3 was talking to --- it was Jack Roles and I believe it
4 was a mechanic. This would have been on the day
5 shift, ---

6 Q. Uh-huh (yes).

7 A. --- but I asked, how come they were --- why are
8 they getting to the top like they did? And they said,
9 something had happened to the coal and Chris had told
10 them to go up, so they went up with the shearer.

11 Q. Uh-huh (yes).

12 A. And then the main office found out they were
13 mining rock and told them to get back in the coal now.
14 Normally you would go down gradually, but they did
15 what they were told and they went down and it was like
16 a 45-degree angle, it was --- a pan line. The shields
17 hadn't turned over yet, you know, going over the hill.
18 It just had started. So they were having problems, I
19 think, from that. Mining rock, it's hard on the
20 machine.

21 Q. Now, did it appear the coal seam had rolled or
22 dipped, something like that?

23 A. Again, I can't recall why they did it, what they
24 did. I remember at the time, but --- it might be in
25 my notes, I can't remember.

1 Q. Now, when you refer to the seals crushing out at
2 the south end of the mine, if I followed correctly,
3 that, again, occurred while you were inspecting in
4 November of last year; is that correct?

5 A. I believe so.

6 Q. Okay. Now, you also indicated that you previously
7 inspected the mine above, known as Black King; ---

8 A. Yes.

9 Q. --- is that right? Now, is the Black King Mine in
10 the seam immediately above UBB or is it a couple of
11 seams up?

12 A. I couldn't tell you that. I had no --- no maps or
13 anything to tell me.

14 Q. Right.

15 A. I just know that the water disappeared up top and
16 it showed up down at the bottom.

17 Q. Okay. You also indicated that you had made a trip
18 to the area known as the Glory Hole at a time when you
19 were in training?

20 A. Yes.

21 Q. Can you be more specific as to the date when that
22 was?

23 A. I couldn't tell you. I don't know. My training
24 was about nine months after I started, you know, from
25 September of '07, nine months.

1 Q. Okay. So after that?

2 A. Yeah.

3 EXAMINATION

4 BY MS. MONFORTON:

5 Q. Mr. Hedrick, Celeste Monforton, with State of West
6 Virginia. You talked a little bit about the rock
7 dusting and what your observations were in that mine.
8 Can you talk a little bit more about that and how it
9 compared to other mines that you've inspected?

10 A. I had kind of a different standard. When I was
11 working for U.S. Steel, we put down rock dust in
12 returns that was six or seven inches deep. We had a
13 trickle duster running all the time in the returns and
14 it moved up as the section advanced. That was our
15 standard. We also put it down in the escapeways
16 and ---. These other mines, I mean, they get by with
17 just what they have to have. If they know we're going
18 to do a dust survey or something, if they get ahead of
19 us, I mean, they can go through there with a scoop
20 duster and make it white and it'll pass, but it's ---
21 you know, it's very, very thin.

22 Q. Uh-huh (yes).

23 A. It doesn't last long and then as the mining
24 continues, you know, the dust builds up, back on top
25 of it. This mine was no different from any other.

1 They just did not put down a lot of dust. I haven't
2 been to too many mines that do. ICG is the only mine
3 I know that puts down heavy dust.

4 Q. Thank you. Can you explain a little bit about the
5 purpose of a spot inspection?

6 A. It's a gas check. This mine has liberated a lot
7 of gas, so they had a time period we have to check
8 'em.

9 Q. Uh-huh (yes).

10 A. I don't remember --- at the time I did my first
11 check in November --- at the end of the last quarter,
12 in March, they were on a ten-day spot, but right
13 before we took over the mine from my quarter, ---

14 Q. Uh-huh (yes).

15 A. --- my inspection, it went to a five-day spot.
16 The methane levels had went up ---

17 Q. Uh-huh (yes).

18 A. --- and so they went to every five days versus
19 every ten days.

20 Q. As Mr. Farley was asking you about the longwall
21 and this 45-degree angle and you had worked
22 extensively on longwalls before, before you joined
23 MSHA, had you seen anything like that before?

24 A. I worked on a plow. It's different from a
25 shearer, but, no, I had not seen it like that.

1 Q. And what was your kind of gut reaction when you
2 saw it?

3 A. It's weird. This is not good, but there's nothing
4 I could cite that I knew of.

5 Q. And when you say that this is not good, what was
6 your fear, even though there might not have been
7 anything ---

8 A. Well, ---

9 Q. --- you could cite?

10 A. --- the concerns there about --- from the men was
11 that it could ---. If it broke off of the --- a
12 shearer is a heavy piece of equipment and it's setting
13 at an angle, and the only thing it's sitting on is
14 that pan line.

15 Q. Uh-huh (yes).

16 A. It rides on a guide. If one of those shoes, they
17 call it, that it sits on, if one of the shoes on the
18 shearer broke, it could tip over and fall into the
19 face. Or if they were setting bits, something like
20 that, you have to go out there with it. And, you
21 know, it was kind of spooky.

22 Q. Uh-huh (yes).

23 A. It's a lot of weight just hanging there on a strip
24 of metal. That was the concern.

25 Q. My last question is about the day of the

1 explosion. And you were off work that day, but you
2 were called in. And I want you to relate it to your
3 own experience being on a mine rescue team. Now
4 you're kind of on the ---

5 A. The other side.

6 Q. --- other side. Right. Can you talk a little bit
7 about what that was like?

8 A. I wanted to be on the rescue team. I've been
9 wanting to get on the Federal team as long as I've
10 been with 'em. It's just --- there's no openings.

11 Q. Uh-huh (yes).

12 A. I always like to be doing something, not sitting
13 around ---.

14 Q. You mentioned a couple of times that you didn't
15 know where to go and didn't know what to do?

16 A. Well, it was kind of chaotic at the time for our
17 supervisor, Linc, to try to keep up with everybody.
18 It was, you know, a little bit much. They had a lot
19 of inspectors there. We were running around
20 collecting samples and such. You know, I made, like I
21 said, I made a trip over to Bandytown, picked up
22 samples. For some reason they wanted me to take it to
23 the main office, but our truck hadn't showed up yet,
24 that's what it was. And so, you know, you just do
25 whatever you can do, whatever they need you for.

1 Q. Was your experience April 5th and those days after
2 consistent with what your training was in terms of
3 what the office's response was going to be to an
4 emergency?

5 A. Well, I was always on the other side. I would
6 have been a team at another time and we would have
7 been going underground. I wouldn't have paid
8 attention to what was outby.

9 Q. Were there procedures in place for the office in
10 terms of, you know, this is who gets called? And what
11 did you know about how your office's response was
12 going to be?

13 A. Again, I haven't been with them that long to know
14 about how things operate extensively. I was just
15 doing what I was told to do at the time. Your
16 supervisor tells you to do this, do that, that's what
17 you do. That's about it.

18 MS. MONFORTON:

19 Okay. Thank you. No further questions.

20 ATTORNEY WILSON:

21 Larry, we're going to go off the record
22 for just a minute, let everyone check their lists and
23 confer. Then we'll go back on and we'll finish up.

24 A. Okay.

25 OFF RECORD DISCUSSION

1 ATTORNEY WILSON:

2 All right. We're back on the record.

3 Tim?

4 MR. WATKINS:

5 Yeah.

6 RE-EXAMINATION

7 BY MR. WATKINS:

8 Q. I got just a few follow-up questions here, Larry.

9 A couple of them I glossed over a little bit whenever
10 I was --- done the initial interview, but you
11 mentioned that the mine above had some kind of sealed
12 area and you would be at that bald area or whatever
13 you called it before the mine above dried up the
14 seals?

15 A. Yes, that's what I was told.

16 Q. Okay. You didn't ---?

17 A. My inspection it was there. The next inspector, I
18 asked him about it. He said, the water's gone.

19 Q. Okay. Do you know if that seal set had a --- the
20 name of that seal set or anything, what they called
21 it?

22 A. I wrote a citation on it. It's the only thing I
23 can tell you about it.

24 Q. You did write a citation on it?

25 A. I did write a citation. They were supposed to

1 build some new seals after that.

2 Q. Okay. What was your citation on? What did you
3 write a citation for?

4 A. Over the seals leaking, deteriorated.

5 Q. In the mine above?

6 A. Yes.

7 Q. Okay. Okay.

8 A. So they were Omega blocks.

9 Q. Okay. Do you know about what time --- time frame
10 that was? If you'd go back into the notes try to
11 pinpoint what seal set you're talking about.

12 A. Well, the inspector who cleared it up was Gary
13 Huffman. You might contact him and maybe he can come
14 back ---. I'm thinking October, maybe the quarter
15 before that, of '09.

16 Q. Okay.

17 A. It's in '09, I know.

18 Q. Now, is that --- I got a little bit confused in my
19 mind. Was that about the same time that you seen ---?

20 A. No.

21 Q. It was not. Was it before that, after that
22 or ---?

23 A. It was after.

24 Q. It was after that?

25 A. I saw --- the face line was after I done the other

1 mine above.

2 Q. Okay. Okay. Now, since we're talking about that
3 face mine beyond the 45, let's talk about that area.
4 Did that exist all the way across the face or was it
5 just in the headgate or tailgate side, or did it run
6 pretty much across the face?

7 A. I believe it was the entire face.

8 Q. The entire face. Okay. In your inspection of the
9 longwall, did you actually go all the way across the
10 face and to the tailgate --- to the tailgate side?

11 A. Yes.

12 Q. Okay. And what was the condition like on the
13 tailgate side?

14 A. You usually couldn't get over into the tail entry
15 due ---

16 Q. Okay.

17 A. --- to the top being rotten where the cutout is of
18 the shearer. I was never able to cross over at any
19 time there the times I was there.

20 Q. How close did you get?

21 A. You could get to the drive, the last shield, but
22 you couldn't get over because it was just bad top.

23 Q. Okay.

24 A. You couldn't get over there. I wanted to do the
25 tail entry, which I had done, and another ---. I

1 think when they first started, I did a gas spot. I
2 may have walked down the tail entry at that time. I
3 can't recall. It's been a while.

4 Q. Did they have any entry support or anything set in
5 the tailgate ---

6 A. Yeah.

7 Q. --- for the bad top? What did they have set?

8 A. I'm thinking it was timbers and cribs.

9 Q. Okay.

10 A. They had pumps sitting down through there.

11 Q. Was there a lot of water?

12 A. I'm trying to remember which --- I also did ---.

13 The shearer was at another mine, ---

14 Q. Oh, ---

15 A. --- so I may be thinking about that.

16 Q. --- okay.

17 A. Yeah, I think I'm thinking about the other mine.

18 Q. Okay. So for that last part --- for this you're
19 thinking about the other mine?

20 A. About the tail entry, traveling down the tail
21 entry.

22 Q. Okay. But it was this mine that you couldn't get
23 to the tailgate ---?

24 A. Couldn't cross over, yeah.

25 Q. Okay. Again, I'm going to go back to ---.

1 Earlier on I asked you questions about the CO system.

2 You had actually checked the AMS system, CO system?

3 A. I had looked at the screen outside with the COs
4 and just check their map, and are they all functioning
5 or is one of them in a yellow or red condition?

6 Q. Okay.

7 A. And then I would question the operator about such
8 things. And if everything was all right, you know, no
9 problems ---. I always questioned them, though. Do
10 you know what to do if it goes red or what you're ---
11 what do you do when something happens there? And
12 their response is they're supposed to notify somebody
13 underground to go check it immediately.

14 Q. Uh-huh (yes).

15 A. A lot of times they don't remember that part.

16 Q. Okay. You mentioned yellow and red. Why you
17 just ---.

18 A. Well, if it's in yellow, it's got a problem, you
19 know, judging from the screen outside, there's a
20 problem with the sensor. If it goes red, it's usually
21 dead, it's not working.

22 Q. Okay. So did you have yellow and red conditions
23 often or ---?

24 A. Sometimes, yeah, but when I'm on the hoot owl, ---

25 Q. Uh-huh (yes).

1 A. --- the belt's not running, it doesn't need to be
2 functioning at the time. There's no production going
3 on. It's maintenance.

4 Q. Okay.

5 A. That's usually what I find. If I find it while
6 production's going on, then I just --- I'd write a
7 piece of paper for it.

8 Q. Do you recall writing pieces of paper for the
9 sensor being down?

10 A. I'm trying to remember. I --- I need to talk to
11 Reba for a second.

12 Q. Okay.

13 SHORT BREAK TAKEN

14 ATTORNEY WILSON:

15 We'll go back on.

16 A. I was there and I can't remember what time it was,
17 but it might have been one of --- it was one of those
18 visits. There was a problem with the CO and something
19 came out. I remember about the CO. I went
20 underground and it might have been when I was doing
21 the seals, I can't recall, but when I came out, I was
22 going to write a citation because they had not taken
23 --- they were ignoring the problem. I got the problem
24 took care of, but I forgot to write a citation because
25 I got tied up in other things and it just slipped my

1 mind. I left the property.

2 BY MR. WATKINS:

3 Q. Okay. What was the problem?

4 A. They had a CO that was in the red and they weren't
5 doing anything, ---

6 Q. Okay.

7 A. --- so I was going to cite 'em for it. But,
8 again, I got tied up on something else and it slipped
9 my mind. I got away from it and I remembered after I
10 had left the property.

11 Q. Just one sensor?

12 A. Yeah.

13 Q. Okay. All right. That was down towards the south
14 side of the mine?

15 A. Well, the sensor was located probably --- probably
16 on the other side of the mine, but I can't recall.
17 I'm thinking it was around a belt head --- where 45
18 came in. It was over in the --- I'm looking at that
19 map on the wall behind me there. That's what I
20 remember, something in that area, but it was one
21 sensor.

22 Q. Okay. Had you checked it when you went back to
23 the mine previously --- after that?

24 A. I always check ---.

25 Q. Was it working the next time you went back?

1 A. Yeah. That's the only time I can remember.

2 Q. Okay.

3 A. And, again, it slipped my mind about writing a
4 citation because I was --- something else was ---. I
5 can't remember what it was, though, at the time.

6 Q. Okay. What type of tracking system do they have
7 at the mine, as far as keeping up with people
8 underground?

9 A. I can't tell you the brand of it. I'm thinking
10 everything they got at UBB was Pyott-Boone, I
11 believe, ---

12 Q. Okay.

13 A. --- but I don't know what system they had. I
14 tried to find out at each mine how it works. I don't
15 really pay attention to who makes it.

16 Q. Okay. Did you check this system they had at this
17 mine, did you do ---?

18 A. Well, I hadn't been to this mine yet, so ---

19 Q. Okay.

20 A. --- no, I hadn't checked on their track ---
21 because it had just put in, I believe.

22 Q. Okay.

23 A. You know, what time I was there, on these one day
24 things, I never had a chance to get into it, but that
25 would have been something I would have checked in,

1 during my inspection.

2 MR. WATKINS:

3 Okay. Okay. Terry?

4 MR. FARLEY:

5 I have no questions.

6 EXAMINATION

7 BY MS. MONFORTON:

8 Q. You had talked at one point about shutting down
9 the two miners because there were problems with dust
10 around the roof bolters ---?

11 A. Dust collection system.

12 Q. Dust collection system. Did you notice if that
13 information was written in the fire boss book?

14 A. It wouldn't be in the fire boss book. That would
15 be the dust parameters that the foreman would have to
16 take care of. And the thing was that I had traveled
17 with a group that --- they call themselves the dust
18 busters out of Arlington.

19 Q. Okay.

20 A. And I had the opportunity to see what it is to
21 check and ---. Some of our other inspectors hadn't
22 had that opportunity, so every time I go to a mine,
23 and I cite everybody every time, I show the operators
24 what we're going to look for. This is what your
25 parameters are, you need to check these. I issue the

1 citations. I just wrote some the other day. And
2 hopefully --- I show the operator, I show the
3 operators of the machines and tell 'em, tell the other
4 guys on the other shifts and pass it on so everybody
5 knows.

6 Q. Uh-huh (yes). I'm kind of wondering if something
7 else would have been in the fire boss book and maybe
8 not. You talked about the double doors that were
9 damaged. Would that have been something that a fire
10 boss would have noted in his fire boss book?

11 A. It should have been in the book. Apparently I
12 didn't catch that part of it.

13 Q. Okay.

14 A. That would have been an inadequate exam for not
15 being in there.

16 Q. For your spot inspection, would you normally look
17 at the fire boss book?

18 A. Yes.

19 Q. You would?

20 A. And I've put it in my notes which books I look at.
21 This mine is so big, you know, you only look at a
22 certain area.

23 Q. Uh-huh (yes). For your spot inspections, when
24 you're looking for gas, do you look at methane
25 monitors?

1 A. Yes. There ---. Well, I didn't gas calibrate the
2 gas monitor on the miners. That's usually done by the
3 inspector when he's doing his equipment checks.

4 Q. Okay.

5 A. And, again, I was on a time constraint. I didn't
6 have time to do everything.

7 Q. Right. It sounds like you're under a lot of
8 pressure to get this done.

9 A. Well, you got a certain time frame and that's all
10 you're allowed.

11 Q. Right. Did you ever notice problems with the
12 methane monitors at this mine, like being ---?

13 A. Out of calibration? I never did the equipment
14 that I can recall. The longwall, I checked theirs.
15 They did supply methane to the sensors and I would
16 read it at the head, to see what it's reading. And
17 that's about it. This last time I did the longwall,
18 I'm thinking they --- there was a power problem, I
19 think. I can't recall, but I don't --- I didn't get
20 to check it this time.

21 Q. Okay. During the inspection when you were there
22 on March 14th, you talked about this air exchange that
23 they were going to be doing there, getting the men out
24 of the mine for that procedure to take place. Was
25 that air exchange something that would have been in

1 their ventilation plan?

2 A. They should have had a permit to do a ventilation
3 --- changed it, because they would have had to update
4 their mine map. Yeah, they should have had something.

5 Q. And was that something that you saw in their
6 ventilation plan?

7 A. I didn't --- I was looking at another area.

8 Q. Okay.

9 A. Again, you just can't see everything at one time.

10 Q. At one point when you were talking about this 45-
11 degree angle problem with the longwall and you said
12 that some of the men talked about some orders they got
13 from the main office. Do you know what main office
14 that was, what they had been referring to?

15 A. Well, it kind of inferred. It's nothing
16 that's ---

17 Q. Right.

18 A. --- concrete.

19 Q. Inferred, but where?

20 A. At their main ---. Usually Blankenship. He has
21 his finger --- he knows everything that goes on at all
22 these mines.

23 Q. So that's what you were inferring was they were
24 talking about Mr. Blankenship?

25 A. From his office.

1 Q. Okay. And then my last question is, a couple of
2 times here you talked about your notes, if you would
3 have had your notes. Do you have your notes?

4 A. I don't keep copies of 'em.

5 Q. You don't keep copies, so when you're talking
6 about your notes, you're talking about whatever the
7 records are of that inspection?

8 A. Yes, that's how I keep track ---. You can't
9 remember everything, ---

10 Q. Right.

11 A. --- that's why we write it down.

12 Q. This is more of a procedural question. Could you
13 have brought your notes if you wanted to ---?

14 A. I could have gone back through the files, I
15 suppose, and gotten my notes if I knew exactly what we
16 were wanting to look at.

17 Q. Okay. So is that something that would have been
18 helpful as part of the interview process?

19 A. Well, if I looked at 'em beforehand maybe, but he
20 has copies and I was able to look at 'em.

21 Q. Okay.

22 A. Yeah.

23 MS. MONFORTON:

24 All right. Thank you.

25 ATTORNEY WILSON:

1 Anything else? Okay. Mr. Hedrick, on
2 behalf of MSHA and the Office of Miners' Health,
3 Safety and Training, I want to thank you for appearing
4 and answering questions today. Your cooperation is
5 very important to the investigation as we work to
6 determine the cause of the accident. Because we will
7 be interviewing other witnesses, we require that you
8 not discuss your testimony with any other persons
9 other than your personal representative. After
10 questioning other witnesses, we may have some
11 additional questions to ask of you and we may contact
12 you to do that. If at any time you have additional
13 information regarding the investigation that you would
14 like to provide, please contact Norman Page at the
15 contact information that was provided.

16 At this time if you wish, you can go back
17 over any answers that you've previously given or if
18 you would like to make any type of a statement, you
19 may do so at this time.

20 A. I have no statement.

21 ATTORNEY WILSON:

22 Okay. Then, again, I want to thank you
23 for your cooperation in this matter.

24 MS. MONFORTON:

25 Thank you.

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STATEMENT UNDER OATH CONCLUDED AT 11:32 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Brett Steele, a Notary Public in and for
the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Brett Steele