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Transcript of the Testimony of Bobby Goss

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STATEMENT UNDER OATH

OF

BOBBY GOSS

taken pursuant to Notice by Danielle Ohm, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Wednesday, August 4, 2010, beginning at 4:00 p.m.

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY BAXTER:

4 My name is Derek Baxter. Today is August
5 4th, 2010. I'm with the Office of the Solicitor, U.S.
6 Department of Labor. With me is Erik Sherer, an
7 accident investigator with the Mine Safety and Health
8 Administration, MSHA, an agency of the United States
9 Department of Labor. Also present are several people
10 from the State of West Virginia. I ask that they
11 state their appearance for the record.

12 MR. FARLEY:

13 I'm Terry Farley, with the West Virginia
14 Office of Miners' Health, Safety and Training.

15 MR. O'BRIEN:

16 John O'Brien, with the West Virginia
17 Office of Miners' Health, Safety and Training.

18 MS. SPENCE:

19 Beth Spence, with the Governor's
20 independent investigation.

21 ATTORNEY BAXTER:

22 There may also be members of the
23 investigation team present in the room today. Mr.
24 Sherer, Mr. Farley and Ms. Spence will be conducting
25 the questioning today.

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

19 Government investigators and specialists
20 have been assigned to investigate the conditions,
21 events and circumstances surrounding the fatalities
22 that occurred at the Upper Big Branch Mine-South on
23 April 5th, 2010, and the investigation is being
24 conducted by MSHA under Section 103(a) of the Federal
25 Mine Safety and Health Act and the West Virginia

1 office of Miners' Health, Safety and Training. We
2 appreciate your assistance in this investigation.
3 You may have your personal attorney
4 present during the taking of this statement or another
5 personal representative, if MSHA has permitted it, and
6 may consult with your attorney or the representative
7 at any time. Your statement is completely voluntary.
8 You may refuse to answer any question and you may
9 terminate your interview at any time or request a
10 break at any time. Since this is not an adversarial
11 proceeding, formal Cross Examination will not be
12 permitted. However, your personal legal
13 representative may ask clarifying questions as
14 appropriate.

15 Your identity and the content of this
16 conversation will be made public at the conclusion of
17 the interview process. It may be included in a public
18 report of the accident, unless you request that your
19 identity remain confidential or your information would
20 otherwise jeopardize a potential criminal
21 investigation. If you request us to keep your
22 identity confidential, we will do so to the extent
23 permitted by law. That means that if a judge orders
24 us to reveal your name or if another law requires us
25 to reveal your name or if we need to reveal your name

1 for other law enforcement purposes, we may do so.
2 Also, there may be a need to use the information you
3 provide to us or other information we may ask you to
4 provide in the future in other investigations into and
5 hearings about the explosion. Do you understand?

6 MR. GOSS:

7 Yes.

8 ATTORNEY BAXTER:

9 Okay. And do you have any questions?

10 MR. GOSS:

11 No.

12 ATTORNEY HARDY:

13 Derek, may I ask a clarifying question?

14 ATTORNEY BAXTER:

15 Yes.

16 ATTORNEY HARDY:

17 There's a statement in there at the
18 beginning and several of the people that I sat in last
19 week asked me about it after we left that says your
20 agreement --- your participation in the interview
21 constitutes your agreement to keep confidential.

22 Could you read that back again.

23 ATTORNEY BAXTER:

24 You know, I think I can answer your
25 question. I was going to address that a little later,

1 though.

2 ATTORNEY HARDY:

3 Okay.

4 ATTORNEY BAXTER:

5 That's an agreement for the questioners.

6 We are requesting that he not share the information,

7 but it's a request to Mr. Goss.

8 ATTORNEY HARDY:

9 And you're requesting but not ordering

10 him to not share the information from the interview?

11 ATTORNEY BAXTER:

12 Correct.

13 ATTORNEY HARDY:

14 Okay.

15 ATTORNEY BAXTER:

16 After the investigation is complete, MSHA

17 will issue a public report detailing the nature and

18 causes of the fatalities in the hope that greater

19 awareness about the causes of accidents can reduce

20 their occurrence in the future. Information obtained

21 through witness interviews is frequently included in

22 these reports. Since we will be interviewing other

23 individuals, we request that you not discuss your

24 testimony with any person, aside from your personal

25 representative or counsel. A court reporter will

1 record your interview. Please speak loudly and
2 clearly. If you do not understand a question asked,
3 please ask us to rephrase it. Please answer each
4 question as fully as you can, including any
5 information you have learned from someone else.

6 I would like to thank you in advance for
7 your appearance here. We appreciate your assistance
8 in this investigation. Your cooperation is critical
9 in making the nation's mines safer. After we have
10 finished asking questions, you will have an
11 opportunity to make a statement and provide us with
12 any other information that you believe to be
13 important. If at any time after the interview you
14 recall any additional information that you believe
15 might be useful, please contact or have your
16 representative contact Norman Page at the telephone
17 number or e-mail address provided to you.

18 Any statements given by miner witnesses
19 to MSHA are considered to be an exercise of statutory
20 rights and protected activity under Section 105(c) of
21 the Mine Act. If you believe any discharge,
22 discrimination or other adverse action is taken
23 against you as a result of your cooperation with this
24 investigation, you are encouraged to immediately
25 contact MSHA and file a complaint under Section 105(c)

1 of the Act.

2 MR. FARLEY:

3 Mr. Goss, on behalf of the Office of
4 Miners' Health, Safety and Training, I'd like to
5 advise you that the West Virginia Mine Health and
6 Safety Regulations also provide protection against
7 potential discrimination for participating in these
8 type of interviews. And I'd like to provide you with
9 some contact information for the West Virginia Board
10 of Appeals. They hear discrimination complaints.
11 Also, there's a phone number on there for Mr. Bill
12 Tucker, he's our lead underground investigator, along
13 with my phone number also if you believe you need
14 assistance, should you have a problem. I would
15 caution you that you that should you have to file a
16 claim, you would need to do so within 30 days of the
17 time of the event.

18 ATTORNEY BAXTER:

19 Would you please swear the witness in?

20 MR. GOSS:

21 Let me ask you one question.

22 ATTORNEY BAXTER:

23 Okay.

24 MR. GOSS:

25 You just made a statement on there you

1 want me to answer the questions on what I know and
2 what I heard somebody else told me.

3 ATTORNEY BAXTER:

4 That's right.

5 MR. GOSS:

6 So you want me to answer the question on
7 rumors?

8 ATTORNEY BAXTER:

9 Well, if you've heard of something, I
10 mean, there's ---.

11 MR. GOSS:

12 You don't want me to answer what I've
13 heard a rumor.

14 ATTORNEY BAXTER:

15 I'd like you to ---.

16 MR. GOSS:

17 You want me to answer what I know to be a
18 fact; right?

19 ATTORNEY BAXTER:

20 I certainly want you to answer what you
21 know to be a fact. If you have other information, you
22 can tell us you didn't see this firsthand. But if you
23 have other information you think we should know, we'd
24 certainly encourage you to provide that as well.

25 MR. GOSS:

1 Well, on my behalf, I'll answer the
2 questions on what I know to be a fact that I'm under
3 oath and I can --- that I can swear to. But I'm not
4 going to answer no questions that Joe Blow at some bar
5 told somebody. You know, that's --- that ain't no
6 way, I don't think, to conduct an investigation, so
7 I'll answer what I know to be a fact. Anything I can
8 go in Court and swear to be the truth I'll answer.

9 ATTORNEY BAXTER:

10 Okay.

11 MR. GOSS:

12 Anything that Joe Blow knows, I'm not
13 going to answer for you --- or he said.

14 -----

15 BOBBY GOSS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 -----

18 ATTORNEY BAXTER:

19 Please state your full name and address
20 for the record.

21 A. Bobby Joe Goss, (b) (7)(C)

22 (b) (7)(C) .

23 ATTORNEY BAXTER:

24 And do you have a personal legal
25 representative here with you today?

1 A. I guess.

2 ATTORNEY HARDY:

3 I'm appearing here as company counsel,
4 but Mr. Goss has also asked me to attend today.

5 ATTORNEY BAXTER:

6 Okay. And could you please identify
7 yourself for the record?

8 ATTORNEY HARDY:

9 David J. Hardy, H-A-R-D-Y.

10 ATTORNEY BAXTER:

11 Okay. And Mr. Hardy, are you legally
12 representing Mr. Goss?

13 ATTORNEY HARDY:

14 I'm representing the company, but Mr.
15 Goss has asked me to appear here today. I'm not
16 appearing as his personal attorney.

17 ATTORNEY BAXTER:

18 Okay.

19 EXAMINATION

20 BY MR. SHERER:

21 Q. First of all, I want to thank you for coming down
22 here this afternoon, Mr. Goss. We're conducting this
23 investigation, as you know, and we really have two
24 goals. The first one is to try and determine the
25 sequence of events that led up to the loss of the 29

1 miners. The families and friends and coworkers
2 deserve some closure in this matter.

3 The second thing we're trying to do is determine
4 what contributed to this explosion so we can hopefully
5 prevent this sort of accident in the future. So
6 anything that you can tell us that might help us in
7 that, we certainly appreciate it.

8 A. I will.

9 Q. Roughly how many years of mining experience do you
10 have, Mr. Goss?

11 A. It's a little over 33.

12 Q. Thirty-three (33). When did you start in the
13 Massey organization?

14 A. 1996.

15 Q. '96. When did you first start working at Upper
16 Big Branch?

17 A. '96.

18 Q. So you've been at Upper Big Branch pretty much
19 since when they started to mine?

20 A. I put the longwall --- they hired me to put the
21 longwall in in '96.

22 Q. I heard that you're the, quote, longwall guru?

23 A. I've been called that, yeah. I don't know what it
24 means, but hopefully it's good.

25 Q. The people that mentioned that, they thought quite

1 highly of you, Mr. Goss. What's your official title
2 at Upper Big Branch?

3 A. Well, I don't work for Upper Big Branch. I work
4 for Massey Coal Services.

5 Q. Okay. And how is that related to Upper Big
6 Branch?

7 A. That would be my --- what you call base. That's
8 where I mainly go, show up every day, at Performance,
9 the longwall. But if anything on this wall had a
10 problem and they needed some help with it, they would
11 call me and I would go there.

12 Q. Okay. Roughly about what's the split of your time
13 between Upper Big Branch and other mines?

14 A. Ninety-nine (99) percent of it's at Performance or
15 more.

16 Q. And when you say Performance, is that more mines
17 than just Upper Big Branch?

18 A. No, just at Upper --- I just do the longwall.

19 Q. Okay. Okay. Roughly, where do you do your work
20 at? Do you go underground a lot? Do you spend a lot
21 of time on the surface?

22 A. More time on the surface.

23 Q. Okay.

24 A. I do all the rebuilds. I do --- rebuild all the
25 walls, new equipment at the wall. I do that and help

1 rebuild --- and any warranty failures and stuff like
2 that, I'll go on that.

3 Q. Okay. What sort of Federal and State
4 certifications do you have?

5 A. I'm a certified miner, certified mine foreman,
6 certified electrician, electrical instructor, 40 and
7 80-hour instructor, dust sampling, noise sampling. I
8 guess that's it. I don't know.

9 Q. That's quite enough.

10 A. That's good enough.

11 Q. That's good enough. That's quite impressive,
12 actually. You say you mainly work with rebuilds and
13 stuff like that. It sounds like you're mainly
14 involved with the mechanical side of the wall?

15 A. Mechanical and electrical.

16 Q. Mechanical and electrical. Do you ever work with
17 like planning the layout of the panels and
18 ventilation, stuff like that?

19 a. I'll sit in the meetings and if I have input and
20 tuff, I'll tell them, but --- I've been in most of the
21 meetings for layout and stuff.

22 Q. Were you involved with the planning of this
23 current panel at Upper Big Branch?

24 A. Yes.

25 Q. When did the planning for this panel start; do you

1 recall?

2 A. I don't recall a date.

3 Q. Just roughly. We know the panel itself was set up
4 and started cutting in September, so ---.

5 A. We was meeting on this panel way before that,
6 probably a year before that.

7 Q. Okay. Do you recall who was involved in those
8 meetings?

9 A. Had several of the longwall people there. Both
10 coordinators I believe was there, Jack Role and
11 Bailey, Joe Dixon, Chris Blanchard. I think Bill Ross
12 was there. I believe a couple of Joy representatives
13 was there, if I recollect.

14 Q. Okay. Do you recall if they actually planned how
15 to ventilate this panel?

16 A. Ventilation was talked about, yes.

17 Q. Who was primarily concerned with ventilation?

18 A. I think the biggest --- the biggest concern --- I
19 don't know who primary had the biggest concern was the
20 fan that they was putting behind us was making the air
21 --- when we first started the panel, do what it was
22 supposed to do across the longwall face with that big
23 fan sitting behind us. Actually just talked about ---
24 a little bit about actually starting the panel up on
25 --- ventilation without the fan being there to help

1 control the air ventilation, but we never --- that
2 never happened. We went ahead and had got the fan in
3 place and started up, and it worked good.

4 Q. Okay. And you're referring to the Bandytown fan?

5 A. Yes.

6 Q. Okay. Now, we understand that when they were
7 driving these head and tailgates they had problems
8 ventilating from the UBB fans. Was that ever
9 discussed?

10 A. Not to me, no.

11 Q. Sure. Do you recall if anybody ever mentioned
12 anything about methane outbursts during that planning
13 phase?

14 A. Outbursts, is that what you said? No, I don't
15 remember anybody talking about methane outbursts, no.

16 Q. Okay. Appreciate it. Okay. Now, you say that
17 you spent a lot of time planning rebuilds, I guess
18 moves and things like that.

19 A. Yes.

20 Q. We understand that the longwall was pretty close
21 to mining out of this current panel.

22 A. Yes.

23 Q. And you --- I think they were planning to move
24 this up near the Ellis Portal ---

25 A. Yes.

1 Q. --- when it mined out. Had you already started
2 preparing for the move and the takeout of the current
3 wall?

4 A. Yes.

5 Q. About when did that start?

6 A. I started rebuild probably in September because as
7 soon as we got the equipment out of Logan's Fork and
8 Elk run, that particular set of equipment for rebuild.

9 Q. Okay. This is like the Sydney Bay Bridge. You
10 start painting it, and by the time you get finished
11 you have to start again.

12 A. Yeah. As soon as you finish one, you start
13 another one or the next one.

14 Q. Okay. When was the last time that you were on the
15 face prior to the explosion; do you recall?

16 A. Probably a week. Within a week, I would say.

17 Q. Are you aware of any particular problems on the
18 longwall within a week or two prior to the explosion?

19 A. Any problems?

20 Q. Any problems, yes, sir.

21 A. We lost a range in our hinge pin that day.

22 Q. Okay. And I think somebody told us it was
23 supposed to have been --- it was scheduled to be
24 replaced that ---

25 A. That night.

1 Q. --- night?

2 A. That's what we mainly do. One of my main jobs is
3 if we have a problem during the day, find out what
4 caused the problem and find out and make --- make a
5 reason or fix the problem that it won't happen again.

6 Q. Sure.

7 A. Even if it's in rebuild or, you know, that night,
8 on the third shift.

9 Q. Sure. Now, have you been having any prior
10 problems with that hinge pin?

11 A. It had come out once before.

12 Q. Do you recall about when that was? Was it a week
13 or two ---?

14 A. Probably three weeks. I would say three weeks
15 prior, yes.

16 Q. Okay. Now, we understand that the wall had been
17 down most of the dayshift on Monday.

18 A. Yes.

19 Q. And we also understand that it had started up
20 roughly 30 to 45 minutes possibly before the time of
21 the explosion. Does that sound about right?

22 A. I'd say it probably had been running probably an
23 hour or better.

24 Q. Okay. Did you talk to anybody on the wall during
25 that day?

1 A. No.

2 Q. Okay. Did anybody on the wall come out and talk
3 to you?

4 A. Well, they talked to Danny on the phone when the
5 hinge pin come out. Danny's the maintenance chief.

6 Q. Danny Laverty?

7 A. Danny Laverty, yes. And him and I discussed we
8 was going to go ahead and hinge pin and walk in there
9 in case they was somewhere --- the first time it come
10 out maybe it created some wire and it wouldn't hold
11 the pin, so ---

12 Q. Sure.

13 A. --- Danny got all the parts ready. And I think
14 when Jack Roles come outside, we told him what our
15 plan was. We was going to all them pins and B locks
16 in them and had to go ---.

17 Q. Sure. Now, you mentioned Mr. Roles came outside.
18 Was he on the face during the day?

19 A. Yes. Well, he said he was.

20 Q. Okay. Sure. Was anything unusual that day? Did
21 anybody say anything to you or did you overhear any
22 conversation over the mine phone?

23 A. No.

24 Q. So it was just a normal Monday?

25 A. Typical day.

1 Q. Okay. Had you had any particular problems with
2 the wall when --- during this current panel?

3 A. No. Actually, it's been --- as far as
4 maintenance-wise, it's been a really, really good
5 panel. This year has probably been the best year
6 we've ever had. I don't think we've been in the panel
7 maybe three times, maybe four at the tops, if we
8 started the whole panel.

9 Q. Okay. That's good. Now, we understand that the
10 cutting was getting pretty hard, a lot of sandstone.

11 A. The cutting was actually getting a little better
12 than it had been.

13 Q. Oh, okay.

14 A. I mean, they was going fairly decent. We went
15 through some --- we struggled in some sand rock, but
16 it was actually picking up, getting better.

17 Q. Okay. That's good. Were you aware of the use of
18 explosives anywhere on the face?

19 A. No.

20 Q. Were you aware of the use of explosives in the
21 tailgate?

22 A. No.

23 Q. Okay. The last time you were down on the wall,
24 did you notice the britby and the shearer cable? Do
25 you recall what sort of condition they were in?

1 A. It just had been replaced.

2 Q. Okay. Well, when had those been replaced?

3 A. Probably three weeks to a month prior to the
4 accident.

5 Q. Okay. Let me tell you what we know about the
6 wall. And I'm going to ask for your opinion. And I
7 certainly respect your experience, and I'm hoping you
8 can help us out. We know that the shearer was close
9 to being cut out on the tailgate, and we've had
10 various reports that there was like another three,
11 maybe four feet being cut out. We know that the cable
12 and britby was pulled pretty tight at that time. We
13 know that the pan line was empty of coal and the stage
14 loader was empty of coal. So it had run the coal off
15 the pan. We know that the visual disconnects were
16 pulled on the shearer. We know that the water was
17 turned off on the headgate. We know that the ---
18 three of the victims were located pretty much in the
19 middle of the face, and the rest of the victims were
20 scattered out up toward the headgate. Does that
21 suggest anything in particular that may have been
22 going on with the wall?

23 A. You want my personal opinion?

24 Q. Yes, please.

25 A. Personal opinion, the shearer was not running.

1 The face conveyor had no coal. It runs 312 foot a
2 minute, so we know it wasn't running for three or four
3 minutes prior to ignition. You had one electrician at
4 the headgate. You had one electrician at mid-face
5 with the foreman. There was a problem at mid-face
6 with the cable. The electrician at the headgate was
7 going to walk it out. Three guys, four guys down next
8 to the shearer, down around 100, was coming off the
9 face because it was quitting time. They done stop the
10 shearer like four to six foot of cutting out. And
11 when the shearer is completely cut out on the tail,
12 the cable was laying flat at mid-face. That's how we
13 adjusted it. It's either head or tail. So tail was
14 the farthest point for the cable, so it should have
15 been flat down. When the shearer head just stopped on
16 the tail, it should have been --- the cable should
17 have been flat on the panel. So I think there was a
18 problem with the shearer cable. The foreman or the
19 chief electrician evidently seen the problem and had
20 them pull the disconnects, and then the other
21 electrician was headed out to walk it out the intake,
22 and they was going back. And that's just my personal
23 opinion.

24 Q. Sure. We certainly respect that opinion.

25 A. They have read the cable with a meter, but that

1 don't really mean a whole lot to me. I mean, you'll
2 have to put --- you'll have to put the bumper on it to
3 set cable with a meter. You put a meter on and not
4 read nothing, be completely clear, put 5,000 volts on
5 it and find the problem.

6 Q. You appreciate why we can't do that right now?

7 A. Yeah. Yeah.

8 Q. We certainly appreciate the information.

9 A. Oh, you could do it right now with a volt. It's
10 battery operated.

11 Q. Okay.

12 A. Yeah.

13 Q. I don't know.

14 A. It's battery operated. Just carry it in and ---.

15 Q. Okay. We're just a little concerned about the
16 state of the mine right now. Well, again, we
17 appreciate the information and we certainly appreciate
18 your professional opinion.

19 Let me ask you about methane monitors. I'm sure
20 you're aware of all the stuff that's been in the media
21 recently about that. We understand that there was two
22 methane monitoring systems on the longwall. There was
23 one on the shearer and one on the tailgate.

24 A. Yeah.

25 Q. We understand that the display for the tailgate

1 was actually up near the headgate?

2 A. Yes.

3 Q. And we also understand that there had been some
4 problems with the cable possibly going to the
5 tailgate.

6 A. No, not to my knowledge. And I would have knowed
7 that. I would have thought I would have knowed it.

8 Q. Okay. We understand initially when they set the
9 wall up somebody had pinched the cable and they
10 actually wound up replacing the cable?

11 A. Not to my knowledge. Initially we had a methane
12 monitor problem on start up. In the beginning we lost
13 the power supply in the shearer on start up.

14 Q. How did that happen?

15 A. Electrical problems. Normally if they fail,
16 they're going to fail on start up, when you first put
17 them in use.

18 Q. The bathtub reliability curve.

19 A. Yeah. If it makes it a week, it's going to make
20 it a while.

21 Q. Sure. Do you know if the methane monitor, either
22 one of them, had ever been bridged out in the course
23 of mining this panel?

24 A. No.

25 Q. Would you have heard of anything like that?

1 A. Yeah. Well, if I had heard of it, I would have
2 reprimanded because we don't do that stuff. There's
3 no use in it. You could fix it as fast as you can
4 bridge it out.

5 Q. Have you ever heard that you could bridge out a
6 methane monitor and continue to run for some period of
7 time and take handheld measurements?

8 A. Yes, I heard that years ago.

9 Q. Do you recall where you heard it at?

10 A. The first time?

11 Q. Uh-huh (yes).

12 A. Yeah. Vanity Mine in 1977.

13 Q. Okay. That's a pretty long time ago.

14 A. Yeah. It was pretty hot, too.

15 Q. I imagine.

16 A. A hot mine.

17 Q. Uh-huh (yes). Okay. Do you know if it was common
18 to warn the folks underground that an inspector was on
19 the property?

20 A. Yeah.

21 Q. What did you think of the ventilation in the mine
22 prior to the time of the explosion? Do you think it
23 was adequate?

24 A. It was adequate on the wall. But as far as
25 direction-wise, I never been ---. I wouldn't know.

1 Q. Okay. Sure. So you primarily spent your time on
2 the wall?

3 A. Always on the wall. Never been to the miner
4 section.

5 Q. Okay. Now, when you went up to the wall, did you
6 ever notice that the curtains in the headgate side
7 were loose or flapping or even possibly pushed back
8 toward the face?

9 A. Like the air would be coming from the gob?

10 Q. Uh-huh (yes).

11 A. No. No. We had an unbelievable amount of air.
12 If you stood around too long around the headgate,
13 you'd get cold.

14 Q. I froze to death on a few longwalls myself.

15 A. There's a lot of air.

16 Q. Sure. Okay. In your opinion, and that's all
17 we're asking for, what do you think may have caused
18 this explosion?

19 A. My opinion, had the bottom break open, gas
20 inundation up around Headgate 22, Glory Hole area,
21 inundated the return and most likely probably got out
22 into the neutral, come up around all these belt heads,
23 all these battery chargers up in that area, and just
24 set the world on fire.

25 MR. FARLEY:

1 Excuse me. Did you say the Glory Hole
2 area?

3 A. Glory Hole area, Headgate 22, just somewhere up in
4 that area.

5 MR. FARLEY:

6 Toward Eight North?

7 A. Up that way, yes.

8 MR. FARLEY:

9 Okay. All right.

10 A. And the reason I think that, because the explosion
11 was so massive, in my mind I can't convince myself
12 this area was full of methane that it would do the
13 damage and stuff in that part of the mines it was
14 done. I just think this whole system was loaded up
15 with methane. I've seen it --- at this particular
16 mines I've seen the bottom break open, and it sounded
17 like a jet engine coming out of the bottom for days.
18 I really believe that it --- somewhere in that coal
19 mines they will find a crack that's opened up and
20 inundated the return and inundated probably the
21 neutral or out in that area because there was nobody
22 up in that area. And I know the guy that was on this
23 face, and I know the people that was on that face.
24 Some of them I've worked 20 years with.

25 BY MR. SHERER:

1 Q. Sure.

2 A. Too good a coal miner to let that kind of methane
3 build up. It would not happen, I'm telling you, not
4 on either section. Two guys up there I had been
5 with --- one of them 20 years, one of them probably
6 15. The guys up there I worked with for 20 years,
7 good coal miners, and they had spotters. They would
8 not --- I'm telling you, absolutely not work in that
9 kind of methane and that kind of conditions. Wouldn't
10 happen.

11 Q. Okay. Do you have any reason to think that there
12 may have been a crack developed up around the Glory
13 Hole, any knowledge of former cracks or outbursts of
14 methane?

15 A. Not in that area, no. We had cracks back in this
16 area.

17 Q. Back in the seal panels?

18 A. Yeah. What makes me think that, you got your
19 elbow sitting on it right there. Right there.

20 Q. A gas well?

21 A. Yeah.

22 Q. Okay.

23 A. And that day we had an earthquake; right?

24 A. There was a minor quake I think a day or two
25 before that.

1 A. Up toward the ---.

2 Q. I think so, yeah.

3 A. And then Harris had a crack open up in their
4 bottom underneath one of their seals and shut them
5 down.

6 Q. When did that occur?

7 A. The same day or the day before. It was in one of
8 their seals. It opened up under the seal and let that
9 gob air come out from under the seal.

10 Q. I wasn't aware of that.

11 A. That's the rumor.

12 Q. Okay. We so appreciate that.

13 A. That's my opinion. That's what I'm basing my
14 opinion on.

15 Q. Again, we appreciate the information and respect
16 your opinion.

17 A. Speed had the same problem, too, about the same
18 time.

19 Q. And Speed is in the same ---?

20 A. It's in the Eagle seam.

21 Q. In the Eagle seam. That's interesting. That's
22 something we're certainly looking into. Were you at
23 the mine at the time of the explosion?

24 A. Just had left. I had left at two minutes --- I
25 left at five minutes 'til 3:00. Had a doctor's

1 appointment. I got up around 3:00, Wayne had called
2 me on the cell phone, and I went back to the mines.

3 Q. Okay. Did you participate in the rescue and
4 recovery effort?

5 A. I was outside when they brought the first mantrip
6 with the seven men in it.

7 Q. Were you involved in the mine rescue teams?

8 A. No.

9 Q. Now, you mentioned the methane outbursts, that it
10 sounded like a jet engine, I think was the term you
11 used. Do you recall about when that was?

12 A. The first one happened prior to '99 because I went
13 to Revolution Mine, and I'd say probably '98. '98,
14 '99, somewhere in that area.

15 Q. Now, we understand there was one around 2004 and
16 one around 2003 also.

17 A. Yeah. I know there's been through three of them,
18 but I don't know the dates.

19 Q. Sure. Were you anywhere around those when they
20 happened?

21 A. No.

22 Q. Did you possibly travel in sometime after they
23 happened, because you mentioned they sounded like a
24 jet engine. Did you personally hear that?

25 A. No, I didn't personally hear it, but I did travel

1 in after it got blown off and looked at it. it
2 actually happened in the shields. The two that I
3 looked at happened in the shields.

4 Q. Okay. Do you recall if they were roughly mid-face
5 or toward the tailgate or headgate?

6 A. The one that I looked at was close to the head,
7 probably within the first 25 shields of the head. And
8 the last one I seen was down around the tail, probably
9 around 124 shield, 125, somewhere in that area.

10 Q. Okay. Could you describe those cracks to us?
11 What did they look like?

12 A. They was completely clean. I mean, all the rock,
13 all the dirt and everything was completely blown away
14 from the hole, and then there was nothing around it.
15 It was clean.

16 Q. Okay. Was debris scattered up among the ---?

17 A. It humped up away from the hole where it blowed it
18 out. And around the hole was blowed clear, too,
19 around the crack.

20 Q. Did anybody stick anything in the crack to see how
21 deep it was?

22 A. Not to my knowledge.

23 Q. I'm sure some miner tossed a pebble in it or
24 something.

25 A. You could look straight down and see way down in

1 there. Everything was very smooth. It was a jagged
2 break.

3 Q. Okay. When you say it was a jagged break, was
4 it --- did the actual top of the crack, was it jagged
5 or just down in it?

6 A. Just down in it because you really couldn't see
7 very far because part of it was covered by the shield
8 pump and it went to the shield and then went on back
9 toward the gob. You could only see part of it.

10 Q. Okay. The cracks, were they parallel to the face
11 of the longwall or were they at some angle to it; do
12 you recall?

13 A. I want to say they were parallel with the face,
14 but I could be wrong. I really don't recall now. I
15 think they were parallel with the face.

16 Q. Okay. Anything you remember --- was there any
17 warning that those cracks were about to happen? Did
18 anybody mention anything or ---?

19 A. No. I'm thinking --- I mean, the first time we
20 was running. The first time I remember the wall was
21 actually running when it happened. The second time we
22 was down, the shearer was down. I can't remember if
23 we had the tram motor down or what the problem was,
24 but the shearer was down. And at that time, I was the
25 chief there, but I had --- my assistant was up on the

1 face working on the shearer, and I evidently must have
2 been gathering parts or for --- his parts or whatever
3 because there was a lot of other people on the face
4 that normally wasn't. I mean, like the president was
5 up there. I think Chris Adkins was there. There were
6 several management people up there at that time. So I
7 evidently was gathering parts. I don't remember what
8 I was doing. But normally if shearer is down, I
9 would have been at the face.

10 Q. Now, who was your assistant at that time?

11 A. Howie Jeffries.

12 Q. Thank you. Do you recall if there was anything
13 done differently after those outbursts occurred?

14 A. No.

15 Q. Was it ever discussed?

16 A. Not that I know of.

17 MR. SHERER:

18 That's all the questions I've got right

19 now. Mr. Goss, I appreciate your time and your input.

20 EXAMINATION

21 BY MR. FARLEY:

22 Q. Mr. Goss, I'm going to try to clarify a couple
23 things, so I may be going backwards here, so bear with
24 me. The methane outburst that we were just talking
25 about on the previous longwall panels, was there any

1 attempt to grout the cracks that occurred, fill them
2 with water, cover it or anything like that?

3 A. No.

4 Q. Just let it bleed off?

5 A. Yeah.

6 Q. Do you recall how long it took for them to bleed
7 off?

8 A. The first one wasn't very long. I mean, it
9 happened within hours. The last one that I know of
10 took about two or three days.

11 Q. Okay. You said earlier that you think --- on
12 April 5th that you think the longwall had been running
13 more than an hour prior to the explosion.

14 A. Yes.

15 Q. How do you know that?

16 A. How do I know it?

17 Q. Yes.

18 A. I don't know it to be a fact, but when the
19 shearer --- the range arm pin was down, the shearer
20 was on the head. When it quit, it was on the tail.
21 And it would take them about 50 minutes to get there.

22 Q. Okay. I understand. Now, the longwall section
23 crew, would it have been normal routine for them to
24 call out any time they ceased production because of
25 some breakdown?

1 A. Normally, you know, if they break down, they're
2 going to call out if they're going to be down more
3 than 30 minutes or 15 minutes, whatever, because we
4 called out every 30 minutes anyway. And a lot of
5 times what they would do, if they had --- if they seen
6 the problem at mid-face and they knowed they had a
7 problem and it wasn't going to take but five minutes
8 to fix it, they'd go ahead and fix it. Instead of
9 going on the phone and calling it out, they'd just go
10 ahead and do what they got to do to get it fixed and
11 get it back into coal.

12 Q. Now, if they had been down for some period of
13 time, 30 minutes, would they call out when they
14 started up again?

15 A. They call --- yeah. We call out every 30 minutes.
16 We called outside the report, production report, where
17 the shearer is, what the shearer speed is, and any
18 downtime we had within that 30-minute period, every 30
19 minutes.

20 Q. Now, as best we understand from talking to
21 dispatchers and purchasing agents and so forth, that
22 they got a call from the longwall somewhere around
23 2:42 or 2:30-something, just to indicate that the
24 longwall was running at the time. Does that sound
25 reasonable?

1 A. Yeah. They was supposed to call out every 30
2 minutes, between 2:00, 2:30. And that would vary
3 sometimes five minutes each way. And a lot of times
4 the headgate guy would go ahead and call out on his
5 own. Instead of getting ahold of the boss, he would
6 say, he's going to the shield, the feeder, tell us
7 where the shearer --- basically where the shearer was
8 at, and he'd know what he called out before and just
9 tell them where the shearer was at and we're running.

10 Q. Okay. Now, I think Erik asked a question earlier
11 about were you aware of any explosives used on this
12 longwall panel at any time.

13 A. No.

14 Q. Are you aware of any holes to accommodate
15 explosives that were drilled into the longwall panel
16 on the tailgate side?

17 A. Down in this area of the mines, when we first ---
18 well, I think it happened before we ever started, we
19 had to shoot the face. This area was too long. The
20 block was actually too thick. But when they started
21 this cut-through here, they dropped --- I'm talking
22 down in this area right here. When they started this
23 cut-through, they dropped this back here. I don't
24 know whether they did or not. I was told they did,
25 but I have not seen it.

1 Q. Okay.

2 A. But they was supposed to drop back in here because
3 this area, the block was too wide. We would not have
4 cut out.

5 Q. Okay.

6 A. At a 1,005 feet, I mean, we're punching out and we
7 would get air --- my best memory was I believe this
8 was 1,009 feet, so we would have had probably two to
9 three foot block of coal, solid block of coal back
10 there.

11 Q. Okay.

12 A. But they was supposed --- when they done this
13 section, they was supposed to drop back here.

14 Q. So it would have been necessary for somebody to
15 shoot that rib or shoot something?

16 A. Right. When they started this cut-through, they
17 was supposed to do that, and I've heard that they did.
18 For me to swear they did that day, I don't know. I
19 never seen it.

20 Q. Do you remember when that cut --- about when that
21 cut-through would have been finished?

22 A. No. It wasn't long, though. The cut-through was
23 finished, but they decided to go down here and get
24 this coal.

25 Q. Sometime last year?

1 A. It would have probably been this year, I would
2 think. I think probably January or February they
3 probably finished this. You may be right. Maybe
4 December or something. I ain't for sure.

5 Q. Okay. I think you expressed some concerns
6 about this gas well ---

7 A. Yeah.

8 Q. --- in the Eight North area. Do you have any
9 recollection of the UBB Mine ever encountering any gas
10 wells unexpectedly?

11 A. No. We've had gas wells and cut through them, but
12 we knowed they was there.

13 Q. Okay. You communicated you were actually employed
14 by Massey Coal Services. How long have you actually
15 been employed by Massey Coal Services?

16 A. Probably two to three years.

17 Q. Prior to that, you were just employed by
18 Performance Coal Company?

19 A. Right.

20 Q. Okay.

21 MR. SHERER:

22 Why don't we take a short break?

23 SHORT BREAK TAKEN

24 MR. SHERER:

25 Go back on the record. Do you want to

1 ask a question?

2 BY MR. FARLEY:

3 Q. You were talking about the width of the longwall
4 panel down there in the area where you would have cut
5 out at that crossover.

6 A. Yes.

7 Q. I think you might have mentioned 1,004 feet or
8 something.

9 A. That's what we actually cut out. The shearer will
10 actually cut 1,004 feet.

11 Q. But you think there was --- but they were supposed
12 to shear some of the coal off?

13 A. Some of that coal off down there. That way when
14 we go to move, we're actually cutting out, because you
15 don't --- on a tailgate it really don't matter along
16 what we cut out or not. Once you cut past that tail
17 drive --- when that shearer goes past that tail drive,
18 everything on the longwall will clear.

19 Q. Okay.

20 A. The headgate is what's important. The tailgate,
21 it don't matter.

22 Q. Is it possible that on the face, in the area where
23 --- at the time of the accident, it's a little bit
24 wider than it needed to be?

25 A. No. Well, it's possible it could be, but it

1 wasn't. It was actually narrower.

2 Q. Do you know the width at the time?

3 A. I don't know the width at the time, but I know the
4 shearer is cutting out a half a drum right now where
5 it sits, and it likes four to six foot. It will stop.
6 But see, I don't know that that drum is going to be
7 past the tail drive. If the trail drive ACT --- the
8 tail drive actually moves. There's an automatic chain
9 that actually lets that move back there. So that
10 determines where that drum is going to be on that tail
11 drive.

12 Q. Okay.

13 A. If that tail drive --- if the ACT was all the way
14 out, but it wasn't, I know it wasn't, it --- the
15 shearer was half a drum cut out in the coal right now
16 past the tailgate. It's in the tailgate entry half a
17 drum, which is 31 inches.

18 Q. Okay.

19 A. If it liked four foot to six foot, it would stop.

20 That tail drum would be plum out in the entry, so the
21 block was narrow.

22 Q. Okay. All right.

23 RE-EXAMINATION

24 BY MR. SHERER:

25 Q. Now, you mentioned originally it was 1,009 feet.

1 A. That's the best of my memory, 1,009, yeah.

2 Q. Do you know how it got that wide? Was there a
3 problem with surveying or ---?

4 A. I don't think it's a surveying problem. I think
5 it was a miner operator problem. I mean, any of the
6 entries was crooked all the way up. I mean, I told
7 them one time they needed to get a blower and put it
8 on the miner because it looked like some drunk drove
9 the entry ---.

10 Q. Okay. I've been in a few mines like that. Now,
11 we were talking about when they were planning this
12 panel, and you mentioned that you sat in on some
13 meetings with several people. Did anybody talk about
14 the pillar size; do you recall?

15 A. In the meetings I don't know if it was ever
16 discussed, but I do remember talking about the pillar
17 size to somebody because of bottom hoovage. But I
18 don't recall if it was in a meeting or if we were just
19 sitting around talking amongst ourselves.

20 Q. Okay.

21 A. But we all know now it was a mistake, right.

22 Q. Sure. Who do you report to at Massey Coal
23 Services?

24 A. Chris Adkins and Keith Hainer.

25 Q. Okay. Thank you. Now, you --- we were talking

1 about the methane outbursts, and you were talking
2 about the one where you were off the wall, getting
3 parts or something, and then several people were up on
4 the wall at that point in time.

5 A. Yes.

6 Q. Do you recall if that was the outburst that
7 occurred in '98 or '99 or ---?

8 A. I think it was the last one we had.

9 Q. The last one?

10 A. Yeah.

11 Q. We think that would have been 2004.

12 A. Yeah, it was in this area of the mine here because
13 we didn't start it until 2000.

14 Q. Okay. Now, do you recall if that was the one that
15 blew for, I think, two or three days?

16 A. Yes, that was it.

17 Q. Okay. Thank you. And I think you --- I asked you
18 a question whether anything was done differently after
19 those outbursts were encountered? Was there ever a
20 meeting or anything about the outburst after it
21 happened, that you're aware of?

22 A. Not that I'm aware of. Not that I was in, no.

23 Q. Okay. Do you know if --- or did the ventilation
24 plans change or the layout of the panels --- did
25 anything change after those outbursts?

1 A. Not that I know of, no.

2 Q. Did anybody talk about drilling for --- to relieve
3 pressure or doing any sort of exploration work,
4 anything to try to find those areas?

5 A. Not to my knowledge.

6 Q. Okay. Thank you. Now, we were talking about
7 pillar sizes and bottom hooving, and we understand
8 there was quite a bit on the headgate, back behind the
9 face. And we also understand there was some in the
10 tailgate. Was there any discussion of what to do
11 about that?

12 A. What to do about the bottom hooving?

13 Q. Uh-huh (yes).

14 A. I mean, I've talked to several people about it,
15 but I don't really recall sitting down and having a
16 meeting on what to do about it. I mean, it was pretty
17 evident what it was going to be. They had but one
18 choice, driving on the tailgate, I mean, because we
19 couldn't maintain --- we couldn't maintain that entry,
20 and that entry had to be maintained. Some wall had
21 changed or something had changed where that had to be
22 maintained, and then it didn't --- in prior years
23 where it used to --- or something happened there. I
24 ain't quite sure what happened, where this stopping
25 line had to be intact, this stopping line here,

1 between here ---. When we started this next panel,
2 this stopping line had to be in tight. And in the
3 past there never was a stopping line there. I mean,
4 it was all common right through there. But this
5 last --- this panel in particular, somebody decided
6 they wanted a stopping line in there or some reason.
7 I think --- personal opinion, I think they was trying
8 to create two isolated intakes, not call it that, but
9 I think that's what they was wanting to do. They was
10 wanting to put intake air the tail side and bring the
11 intake air up the head side of the longwall. In
12 theory it's a good thing, right, but maintaining that
13 stopping line is --- in the Eagle seam is virtually
14 --- I mean, it's going to be really tough to do. I've
15 seen it done, but you're not going to do it with
16 regular cinderblocks.

17 MR. FARLEY:

18 Would that have been because to
19 accommodate your return air coming off the miner
20 section ---?

21 A. I don't think the return had any factor in that.
22 For the next panel it would have been a return. It
23 would have been our --- you know, in behind us. You
24 would see three entries. You had three entries there,
25 and one of them is completely gone. You done pulled

1 this panel, and you had two entries, and you're trying
2 to maintain that stopping line between Two and three
3 on the next panel, Headgate 22 panel. they said that
4 stopping line had to be intact, which in the Eagle
5 seam --- if you ever worked the Eagle seam, it's ---
6 bottom hoovage is a problem in Eagle. Ever mines I've
7 ever been in at Eagle has got bottom problems.

8 BY MR. SHERER:

9 Q. Did you ever get back in this headgate behind the
10 face?

11 A. No.

12 MR. SHERER:

13 Do you have any more questions, Terry?

14 MR. FARLEY:

15 No.

16 ATTORNEY BAXTER:

17 On behalf of MSHA and the Office of
18 Miners' Health, Safety and Training, I want to thank
19 you for appearing and answering questions today. Your
20 cooperation is very important to the investigation as
21 we work to determine the cause of the accident. We
22 request that you not discuss your testimony with any
23 person aside from your personal representative. After
24 questioning other witnesses, we may call you if we
25 have any follow-up questions. If at any time you have

1 additional information about the accident that you'd
2 like to provide us, please contact us at the contact
3 information that was previously provided to you.

4 If you wish, you may now go back over any
5 answer you've given during this interview. You may
6 also make any statement that you'd like to make at
7 this time. Again, I want to thank you for your
8 cooperation in this matter.

9 * * * * *

10 STATEMENT UNDER OATH CONCLUDED AT 5:00 P.M.

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CERTIFICATE

I, Danielle Ohm, 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.



Danielle Ohm