STATEMENT UNDER OATH

OF

LONNIE SHORT

Taken pursuant to Notice by Miranda D. Elkins, a Court Reporter and Notary Public in and for the State of West Virginia, at the MSHA Bridgeport Field Office, 105 Platinum Drive, Suite B, Bridgeport, West Virginia, on Monday, February 20, 2006, at 9:04 a.m.

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

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P R O C E E D I N G S

- -

MR. O'DONNELL:

My name is Joe O'Donnell. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Tim Williams from the Solicitor's Office, John Collins and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006 in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

gather information to determine the cause of the accident. And these interviews are an important part of the investigation.

At this time, the accident investigation team intends to interview a number of people to discuss anything that may be relevant to the cause of the accident. After the investigation is completed, MSHA will issue a written report detailing the nature and causes of the accident. MSHA accident reports are made available to the public in the hope that greater awareness about the causes of accidents can reduce their occurrence in the future. Information obtained through witness interviews is frequently included in these reports. Your statement may

also be used in other enforcement proceedings.

I would like to thank you in advance for your appearance here. We appreciate your assistance in this investigation. And the willingness of miners and mine operators to work with us is critical to our goal of making the nation's mines safer. We understand the difficulty for you in discussing the events that took place and we greatly appreciate your efforts to help us understand what happened.

This interview with Mr. Lonnie Short is being conducted under Section 103(a) of the Federal Mine, Safety and Health Act of 1977 as part of an investigation by the Mine Safety and Health Administration and the West

Virginia Office of Miners' Health, Safety & Training into the conditions, events, circumstances surrounding the fatalities that occurred at the Sago Mine owned by International Coal Group of Buckhannon, West Virginia on January the 2nd, 2006. This interview is being conducted at the Mine Safety and Health Administration Field Office in Bridgeport, West Virginia on February 20th, 2006.

Questioning will be conducted by representatives of MSHA and the Office of Miners' Health, Safety & Training.

Mr. Short, the interview will begin by my asking you a series of questions. If you don't understand a question, please ask me to rephrase it. Feel

free at any time to clarify any statements that you make in response to the questions. After we have finished asking questions, you will have an opportunity to make a statement and provide us with any other information you believe may be important.

If at any time after the interview, you recall any additional information that you believe may be useful in the investigation, please contact Mr. Richard Gates at the phone number and e-mail address provided to you.

Your statement is completely voluntary. You may refuse to answer any question and you may end your interview at any time. If you need a break for any reason, please let me know.

A court reporter will

record your interview and will later produce a written transcript of the interview. Please try and respond to all questions verbally since the court reporter cannot record non-verbal responses. Also try to keep your voice up. Copies of the written transcripts will be available at a later time.

If any part of your statement is based not on your own firsthand knowledge, but on information that you learned from someone else, please let us know. Please answer each question as fully as you can, including any information you have learned from someone else. We may not ask the right question to learn the information that you have, so don't feel limited by the precise questions asked.

If you have information about the subject area of a question, please provide us with that information.

At this time, Mr. Collins, do you have anything that you would like to add on behalf of the State of West Virginia?

MR. COLLINS:

Yes. Mr. Short, the West Virginia Office of Miners' Health, Safety & Training is conducting this interview session jointly with MSHA and are in agreement with the procedures outlined by Mr. O'Donnell for these interviews that will be conducted here today. But the Director reserves the right, if necessary, to call or subpoena witnesses or require the production of any records, documents, photographs or

other relevant materials necessary to conduct this investigation. And I would like to provide you with a name and number if you have additional comments or questions. Thank you, Mr. Short.

MR. O'DONNELL:

Mr. Short, are you aware that you may have a personal representative present during the taking of this statement?

MR. SHORT:

Yeah.

MR. O'DONNELL:

And do you have a representative here today?

MR. SHORT:

Marco.

MR. O'DONNELL:

Has anyone suggested to you that you use this representative?

MR. SHORT:

No.

MR. O'DONNELL:

Are you aware that your representative may have a conflict of interest in representing you while being provided by someone else, such as the company?

MR. SHORT:

Yeah.

MR. O'DONNELL:

Have you been pressured in any way to accept this person as your representative?

Mr. SHORT:

No.

MR. O'DONNELL:

Do you have any questions regarding the manner in which this interview will be conducted?

MR. SHORT:

No.

MR. O'DONNELL:

Will you please swear in Mr. Short?

LONNIE SHORT, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

ATTORNEY RAJKOVICH:

Just for --- to begin, I'm assuming everybody in the room is part of the investigative team; is that correct?

MR. O'DONNELL:

Yes, they are.

ATTORNEY RAJKOVICH:

Okay.

MR. O'DONNELL:

Okay.

BY MR. O'DONNELL:

Q. Please state your full name and spell your last name.

A. Lonnie Howard Short, S-H-O-R-T.

Q. And would you please give us your address and telephone number?

A. P.O. Box 153, Hacker Valley, West Virginia, 26222.
Q. Phone number?
A. Area code is 304-847-5447.
Q. And are you appearing here today voluntarily?
A. Yeah.
Q. How many years mining experience do you have?
A. Since '80.
Q. And give us a brief description of your coal mine employment history.
A. I've always worked the face area, section boss probably ten years, shift foreman. That's pretty close.
Q. Okay. How much time --- how long did you --- have you spent at Sago Mine?
A. Probably a year and a half.
Q. A year and a half. And what's your present position there, Lonnie?
A. Weekend shift foreman.
Q. Have you had that position

since you've been there?
A. I was a boss for about half that amount of time.
Q. And what did you do before that?
A. Section bossed over at Spruce.
Q. Okay. So you were at Sago Mine for a year and a half and you said half the time at Sago you were a boss?
A. Yeah.
Q. So what did you do the rest of the time?
A. Shift foreman weekend.
Q. Okay. Have you held any other positions at that mine?
A. Uh-uh (no).
Q. Okay.

ATTORNEY WILLIAMS:

Could you say yes or no.

A. No.

ATTORNEY WILLIAMS:

She can't translate nods of the head.

BY MR. O'DONNELL:

Q. Okay. And was that your position on January the 2nd, ---

A. Yeah.

Q. --- 2006? Do you have any mining certificates?

A. Just the underground foreman, miner's card.

Q. West Virginia?

A. Yep.

Q. And any other states?

A. No.

Q. And who is your immediate supervisor?

A. Either Jeff Toler or Carl Crumrine.

Q. And have they been your supervisor since you've been there?

A. No.

Q. Who was?

A. I've had probably five superintendents.

Q. Okay. And what's your work schedule?

A. Friday, Saturday and Sunday.

Q. And how many hours a day do you work?
A. Right now, we're on two 13 and a halves and 13.
Q. Did you work the holiday before the accident?
A. Yep.
Q. And what days did you work?
A. All three.
Q. All three days. What kind of work did you do during that time?
A. We loaded coal Friday.
Q. Okay.
A. Bolted on One Left Saturday, ballast track on Sunday.
Q. Did you work on the day of the accident?
A. No.
Q. You weren't even on mine property?
A. No.
Q. Okay. During that time that you worked on Sunday, what --- just tell me what your activities were. You said you were plowing ballast?

A. Yeah, I had two motormen ballasting track and me and the electrician fixed communication that morning, fixed pump at 28 block on Three belt, and got a pump running on Two Left.
Q. Did you do any pre-shifts that day?
A. No.
Q. Who did the pre-shifts?
A. My motorman.
Q. Who would that be?
A. Harold Baisden.
Q. And what exactly did he pre-shift?
A. The track.
Q. All the track in the mine?
A. Yeah.
Q. And did he go any further than the ends of the track?
A. I'm not sure if he went to the power center or not.
Q. Okay. So you did go into the Second Left section?
A. I did by myself.

Q. Okay. Did you go to the faces by any chance?
A. No.
Q. How far did you go into the section?
A. On break inby the power entry, ---
Q. Do you ---.
A. --- power center.
Q. Okay. Do you remember the location of any equipment?
A. There was one buggy there with the nose of it in the water hole, one break inby the power center.
Q. Okay. Do you remember where the Damascus was parked?
A. No.
Q. Is the buggy the only piece of equipment you recall?
A. Yeah, it arrived straight from the power center.
Q. Okay. What about the end of the track, was there anything at the end of the track?
A. Probably a couple flat cars.

Q. And do you remember what's in them?
A. I can't recall.
Q. Okay.
A. Supplies.
Q. What about --- do you remember the location of any curtains in the section?
A. Do what? Run it one more time.
Q. The curtains, any of the ventilation controls?
A. Probably inby me, there was a set of flys.
Q. Which would be ---?
A. This in the power entry.
Q. That would be Number?
A. Six maybe.
Q. Number Six?
A. Or Five.
Q. Okay.
A. And toward the intake is a curtain hung on top to my right.
Q. Which would be over in Number?
A. Probably between Seven and

Eight.
Q. Between Seven and Eight. Do you remember anything out of the ordinary in the section or in the mine, period, that day?
A. No.
Q. Okay. About how long were you in Second Left working on the pump?
A. Half hour.
Q. A half an hour. And who was with you?
A. It was stopped up, I couldn't get it, so I went down and got my two motormen to help me.
Q. Okay. Did you do a supplemental exam?
A. I took gas tests.
Q. And what were your findings?
A. None.
Q. Do you know if the power was off that day? If any power was off, what was energized and what wasn't energized?
A. I had the pump running.
Q. Okay. So you had --- to the

boxes?
A. Yeah. I had the pump running. We knocked it when we left on the pump.
Q. Knocked it at the pump or the box?
A. The breaker at the box, power center.
Q. At the power center, okay. About how long was your shift that day?
A. Maybe six hours, seven.
Q. You say Friday was a coal day?
A. Yep.
Q. Where were you at --- Friday was the last production day?
A. Yeah.
Q. And what section did you work in?
A. All over, I was both sections.
Q. So you went into both sections. Do you recall ---?
A. I tried to every day.
Q. Okay. Do you recall going into the Second Left?

A. I'm not for sure, but I was there. I always go to both sections every day.
Q. Did you watch them mine?
A. Yeah.
Q. Then did you notice how much methane was registered on a miner?
A. I've never seen more than .02, something like that.
Q. While they were --- while they were cutting?
A. Yeah. .2, two-tenths.
Q. Did you ever work in the old Two Left section ---
A. Yeah.
Q. --- inby where the seals ---?
A. I was up there.
Q. Do you remember --- how much of it do you --- how much were you present --- how much of the mining activity were you there for?
A. Every weekend we was there.
Q. So you --- from the mains when it necked off to the left, you were there the whole time?

A. Yep.
Q. So you were familiar with the section?
A. Yep.
Q. Do you remember any abnormal roof conditions?
A. We just had a lot of bad top.
Q. I have a picture here. It's an area that was in the --- in fact, I'm going to show you on the map here where this is and if you can remember --- this is Exhibit One. This picture was taken in this area, 4010; okay? Right here. So it would be when you first necked off the section. And here is a picture, we'll call this Exhibit Two. This was a picture of after the explosion of some streaks in the roof. Do you remember seeing anything like that when you were mining?

(Short Exhibit One marked for identification.)

A. No.

BY MR. O'DONNELL:

Q. Have you seen anything like that in the mine since you've been working in the mine?

A. Not like that.

Q. What was it like?

A. What do you mean the top or ---?

Q. Yeah. You said not like this. But ---?

A. Most of it's where places fell out or smooth.

Q. But I mean, stuff like this.

ATTORNEY WILLIAMS:

Meaning the lines, Joe?

MR. O'DONNELL:

Yes, the lines, marks in the roof.

A. No.

BY MR. O'DONNELL:

Q. Never saw fossils or ---?

A. There's fossils there, like leaves and stuff.

Q. But no straight lines?

A. Not that I recall like that.

ATTORNEY RAJKOVICH:

Can I interject something, the picture looks blue. Do you know what the original color was of those marks? Just to see if he's seen anything like that before.

MR. O'DONNELL:

It was just dark.

ATTORNEY RAJKOVICH:

You can't tell.

MR. O'DONNELL:

I think it was slightly blue, but not as profound as that.

BY MR. O'DONNELL:

Q. Okay. What was the roof like in the area, was it scaly or ---?

A. I mean, we had a lot of bad top up there. We set brow bolts --- I mean, brow extenders, or whatever they call them.

Q. Yeah.

A. Cable bolt intersections and

at last, I think we screened every entry, but I'm not sure.
Q. And why did you guys pull out of there?
A. It's all water and bad top. We was cable bolting every intersection, 12 and 14s, 10s. Tens, 12s, 14s cable bolts.
Q. Now, after you were out of that area and into the other section, seals were built. Were you --- did you ever examine or were you ever around the area when the seals were being built?
A. No.
Q. No you didn't examine them?
A. No.
Q. And what about during their construction?
A. I was in holding the block in. I know it took a bunch of Omega block.
Q. And what was your involvement with that?
A. Was hauling them in, getting

them off a flat car.
Q. Unloading them from the flat car to the seal area?
A. No. We just unloaded them and put them --- whenever we unload them all, we put them down Number Seven and Number Eight.
Q. So you just spotted them off the track?
A. Just got rid of them.
Q. Okay. But as far as the area preparation or construction?
A. No. They did it through the week. I don't have no outby crews at all.
Q. Okay. You're saying they. Do you know who they were?
A. Probably their outby crew through the week.
Q. You say that you worked on the trolley phone.
A. I had to stop at --- it's either one break outby Two Right or Two. If there's a wreck or fire, you got to set a breaker up, because it

wasn't working when I go to work that morning, the trolley phone was.

Q. How did you know it wasn't working?

A. Harold called me and told me, said they didn't have --- had the mine phone, but didn't have no trolley.

Q. Okay.

A. And they never knowed the breaker was there so I got with them and showed them. It's like a 110 breaker.

Q. You took who with you?

A. I showed both the motormen on the way out ---

Q. Okay.

A. --- where it was at.

Q. And did you have any problems with the trolley phone after that?

A. No.

Q. And that --- was that the last time you were in the mine?

A. Yep.

MR. O'DONNELL:

John?

MR. COLLINS:

To this point or anything or ---?

MR. O'DONNELL:

Up to this point or anything.

MR. COLLINS:

Okay.

BY MR. COLLINS:

Q. Mr. Short, on the weekend that you worked prior to the explosion, were you in the area of the Two Left seals?

A. Yes, as close as I was to the track at the curve, Two Left switch.

Q. And did you say you've never been to the seals since they were completed?

A. No.

Q. What about the ventilation change that was made for those seals, were you a part of that?

A. No.

Q. Do you know how the seals were

ventilated?
A. On a map I do.
Q. Did anyone express to you any problems with the ventilation of the seals?
A. No.
Q. Did anyone say anything to you about how much methane was behind the seals or at the seals?
A. I never really heard nothing about them after. I asked them how they ventilated them and they showed me on the map.
Q. Do you know at the end of the Four track if they were in the process of constructing a new underground shop?
A. I put an I-beam up.
Q. So you're pretty familiar with that area?
A. Yeah.
Q. Was there any electrical equipment, such as pumps, welders, chargers being operated in the air split that was ventilating the seals?

A. Maybe a scoop charger. In the intake?
Q. That would have been in the intake Number ---.
A. If that's what you're asking me. But I'm not sure because ---.
Q. Okay. That intake is Seven, Eight and Nine entry?
A. Should be. I don't know if we've run Eight up through there or Nine entries for sure.
Q. Do you know of a ventilation change that was made to Number Seven and Number Eight entry of the mains just inby that shop, proposed shop?
A. No.
Q. Mr. Short, you've worked at the mine quite a bit and been pretty involved in all aspects of the mine, I know that. And do you have any idea of what may have happened on January the 2nd?
A. Just what I've heard.
Q. You had a knowledge of methane?

A. Yeah.
Q. And the explosive range of methane and that you're required to have an ignition source. Do you have any idea what the ignition source may have been?
A. No.
Q. I think you told Mr. O'Donnell earlier that you worked in the old Two Left ---
A. Yeah.
Q. --- which is the area we sealed. And you pulled out of there because --- one of the reasons was a lot of water.
A. A lot of running sap, the last two months.
Q. And did --- was there a de-watering pipe installed in the face area of the old Two Left?
A. We had --- where we quit we had three-inch, new three-inch pipe, face Three.
Q. Face of Number Three.
A. It got so bad up there, we

kept dropping entries, so I don't know. It may have been right in the belt entry. It was either that or to the Left One break.

Q. And was that pump maintained as you retreated back off of that section?

A. They was supposed to have brought it out. Whenever we come back on Friday, they done started out of there and the cable and the waterline was gone.

Q. The cable going to that pump was gone?

A. Yeah.

Q. This is when you showed back up on a Friday. Do you remember what date that was?

A. No.

Q. Do you remember how far off the section you had retreated or from the faces outby you had retreated?

A. It was probably --- I think I had to leave one break. It was probably two breaks back.

Q. How do you know the pump cable was retrieved or ---?
A. Because it hung up. The power entry wasn't there no more.
Q. And so was this --- you observed this when the section had been moved out of the old Two Left mains and back up into the Two north mains?
A. No. Whenever we was coming there, it was just gone, one belt move at a time, one break mainly.
Q. So as far as you know then, you did not maintain that pump?
A. It was gone.
Q. What about ventilation changes to the old --- to old Two Right that were made by John and by James Scott, Chip --- Skip?
A. I know Skip.
Q. Skip.
A. I never knew his name.
Q. That was made about December the 11th. Do you know anything about that, Lonnie?

A. No. Is that on a weekend?
Q. No. I think that would be made during the week probably.
A. I didn't know.
Q. So if they changed the ventilation on Two Right, you didn't know anything about it?
A. No.
Q. Do you know where I'm talking about on Two Right, the little section ---?
A. The one we started for Four or Five.
Q. Uh-huh (yes). Do you know how that's ventilated?
A. Not positive about it.
Q. The weekend you worked before the explosion, Lonnie, did Carl Crumrine discuss any ventilation changes with you when you showed up for work on Friday?
A. No. I don't even know if he was there Friday, not for sure.
Q. Do you know of any equipment that we may have left in old Two Left

or Two northeast mains from the seals inby?

A. No.

MR. COLLINS:

I think that's all I have right now, Lonnie. Thank you.

BY MR. O'DONNELL:

Q. That was my next question and you asked it. Is there anything you'd like to add, anything that you think may be pertinent to the investigation?

ATTORNEY RAJKOVICH:

Could we take a little break?

MR. O'DONNELL:

As soon as we're --- yes, as soon as he answers.

ATTORNEY RAJKOVICH:

I mean, are you done?

MR. O'DONNELL:

Not yet, no.

ATTORNEY RAJKOVICH:

Okay.

A. Repeat again.

BY MR. O'DONNELL:

Q. I said is there anything you'd like to bring up or add or ---?

A. No. I'm good so far.

MR. O'DONNELL:

All right. We'll take a short break.

SHORT BREAK TAKEN

BY MR. O'DONNELL:

Q. Before we begin, Mr. Short, is there anything you'd like to comment on?

A. No. I'm good so far.

ATTORNEY RAJKOVICH:

Did you want to talk about that charger?

A. If there was a charger in the intake where you all asked me, I ain't sure if that air ventilated from seals or not. I'm not positive.

BY MR. O'DONNELL:

Q. Okay. Do you remember when your last annual retraining class was?

A. Sometime in the fall.
Q. Fall of 2005?
A. Yeah.
Q. And did you have any SCSR training at that time?
A. Yeah.
Q. Did you have to put it on?
A. I'm pretty sure they made us all do that before they'd let us go, take it apart, put it on.
Q. Do you feel the training was good?
A. Yeah.
Q. What do you think you'd like to add to that training, if you could?
A. I'd have to think about it.
Q. Have you ever been searched for smoking articles?
A. Yes.
Q. And have you observed anyone else smoking underground in the mine?
A. No.
Q. Have you ever found any smoking articles in the mine ---

A. No.
Q. --- at Sago? Has anyone offered you anything or made a promise to you in exchange for your appearing here today?
A. No.
Q. Do you have anything you'd like to add that may be relevant to the investigation?
A. No.

MR. O'DONNELL:

Mr. Collins, do you have any follow-up questions?

MR. COLLINS:

I would just like to offer you the opportunity, Lonnie, if you have anything you'd like to discuss concerning this explosion or if you have any information that you'd like to provide us.

A. I don't know that I have any that will help you or not.

BY MR. O'DONNELL:

Q. If you have information, just

say it.
A. I don't really have none. Just what I've heard. You all have heard the same thing from the men.
Q. What would that be?
A. They tell me that they think lightning caused it. That's about it.
Q. Okay.

MR. O'DONNELL:

On behalf of MSHA, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident.

We ask that you not discuss your testimony with any person who may have already been interviewed or may be interviewed in the future. This will ensure that we obtain everyone's

independent recollection of the events surrounding the accident. After questioning other witnesses, we may call you if we have any follow-up questions that we feel we may need to ask you. If at any time you have additional information regarding the accident that you'd like to provide to us, please contact us at the contact information that we gave you earlier.

The Mine Act provides certain protections to miners who provide information to MSHA, and as a result, are treated adversely. If at any time, you believe that you've been treated unfairly because of your cooperation in this investigation, you should notify us immediately.

If you wish, you may now go back over any answer

you have given during the interview and you may also make a statement that you would like to make at this time.

A. I don't have none.

MR. O'DONNELL:

Okay. We would like to thank you for your cooperation. Thank you.

* * * * * * * * *

SWORN STATEMENT

CONCLUDED AT 9:44 A.M.

* * * * * * * * *

Scale: 1" = 100'

Area Shown on Map
Scale: 1"=50'

2nd Left Mains

2 LEFT SEALS

2nd Left Parallel

Surveyed Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

1st Left

Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)

2 LEFT DRIVE

Surveyed Well Location (1/06/06)
API# 47-097-01180 (Prod. Gas)

1 LEFT DRIVE

ADVERSE CONDITIONS ENCOUNTERED

End of Mining
PTMS
3-20-2002

OMHS&T PERMIT NO. UPS-282
MSHA PERMIT NO.
3-M-10-2001-6083-0

Surveyed Well Location (5/04/05)
API# 47-097-01263 (Prod. Gas)

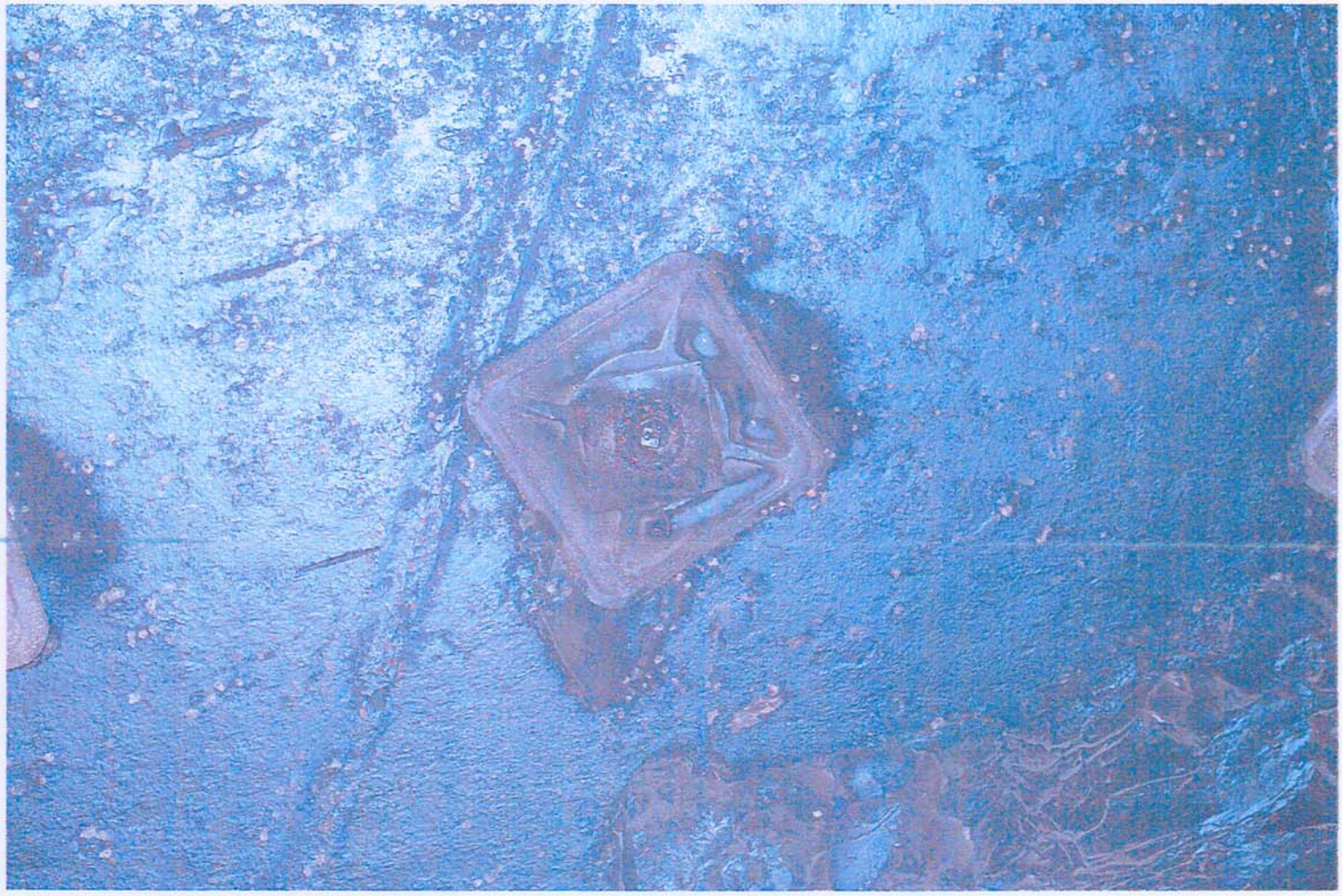
MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)

End of Mining
Inc.
BJM Coal Company,
11/15/2001

4TH NORTHWEST SUB-MAINS

T35

EXHIBIT
Short 1



T35

EXHIBIT

Short 2

PENGAD 800-631-6989