

STATEMENT UNDER OATH
OF
ROCKIE STARKEY

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Tuesday, February 21, 2006, at 8:43
a.m.

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2

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A P P E A R A N C E S (cont.)

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. 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 and John Collins and Brian Mills with the West Virginia Office of Miners' Health, Safety & Training.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 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

1 gather information to
2 determine the cause of the
3 accident, and these interviews
4 are an important part of the
5 investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of the accidents can
21 reduce their occurrence in the
22 future. The information
23 obtained through witness
24 interviews is frequently
25 included in these reports.

1 Your statement may also be
2 used in enforcement
3 proceedings.

4 I would like to thank
5 you in advance for your
6 appearing here. We appreciate
7 your assistance in this
8 investigation. The
9 willingness of miners and mine
10 operators to work with us is
11 critical to our goal of making
12 the nation's mines safer. We
13 understand the difficulty for
14 you in discussing the events
15 that took place, and we
16 greatly appreciate your
17 efforts to help us understand
18 what happened.

19 This interview with Mr.
20 Rockie Starkey is being
21 conducted under Section 103(a)
22 of the Federal Mine Health and
23 Safety Act of 1977 as part of
24 an investigation by the Mine
25 Safety and Health

1 Administration and the West
2 Virginia Office of Miners'
3 Health, Safety & Training into
4 the conditions, events and
5 circumstances surrounding the
6 fatalities that occurred at
7 the Sago Mine owned by
8 International Coal Group in
9 Buckhannon, West Virginia, on
10 January 2nd, 2006. This
11 interview is being conducted
12 at the United States
13 Bankruptcy Court in
14 Clarksburg, West Virginia on
15 February 21st, 2006.

16 Questioning will be
17 conducted by representatives
18 of MSHA and the Office of
19 Miners' Health, Safety &
20 Training. Mr. Starkey, this
21 interview will begin with my
22 asking a series of questions.
23 If you do not understand a
24 question, please ask me to
25 rephrase it. Feel free at any

1 time to clarify any statements
2 that you make in response to
3 the questions. After we have
4 finished asking questions, you
5 will also have an opportunity
6 to make a statement and
7 provide us with other
8 information that you believe
9 may be important. If at any
10 time after the interview you
11 recall any additional
12 information that you believe
13 may be useful in the
14 investigation, please contact
15 Richard Gates at the phone
16 number and e-mail address
17 provided to you. And this is
18 a business card for Mr. Gates.

19 Your statement is
20 completely voluntary. You may
21 refuse to answer any question
22 and you may terminate your
23 interview at any time. If you
24 need a break at any time, just
25 please let me know.

1 The court reporter will
2 record your interview and will
3 later produce a written
4 transcript of the interview.
5 Please try and respond to all
6 questions verbally, since the
7 court reporter cannot record
8 nonverbal responses. Also,
9 please try and keep your voice
10 up. Copies of the written
11 transcripts will be available
12 at a later date.

13 If any part of your
14 statement is based not on your
15 own firsthand knowledge, but
16 on information that you
17 learned from someone else,
18 please let us know. Please
19 answer each question as fully
20 as you can, including any
21 information you have learned
22 from someone else. We may ask
23 --- we may not ask the right
24 question to learn the
25 information that you have, so

1 do not feel limited by the
2 precise question asked. If
3 you have information about the
4 subject of a question, please
5 provide us with that
6 information.

7 At this time, Mr.
8 Collins, do you have anything
9 that you would like to add on
10 behalf of the Office of
11 Miner's Health, Safety &
12 Training?

13 MR. COLLINS:

14 Yes. Thank you. Mr.
15 Starkey, the West Virginia
16 Office of Miners' Health,
17 Safety & Training is
18 conducting this interview
19 session jointly with MSHA and
20 are in agreement with the
21 procedures outlined by Mr.
22 Swentosky today. But the
23 Director reserves the right,
24 if necessary, to call or
25 subpoena witnesses or require

1 the production of any records,
2 documents, photographs or
3 other relevant materials
4 necessary to conduct this
5 investigation. After the
6 interview today, if you have
7 additional questions or wish
8 to provide additional
9 information, here's a card
10 where you can contact Mr.
11 Mills. Thank you.

12 MR. STARKEY:

13 Uh-huh (yes).

14 MR. SWENTOSKY:

15 Mr. Starkey, are you
16 aware that you may have a
17 personal representative
18 present during this statement?

19 MR. STARKEY:

20 Yes.

21 MR. SWENTOSKY:

22 And do you have a
23 representative with you today?

24 MR. STARKEY:

25 Yes, sir.

1 MR. SWENTOSKY:

2 And who might that be?

3 MR. STARKEY:

4 Joe Yuhas.

5 MR. SWENTOSKY:

6 Has anyone suggested
7 that you use Mr. Yuhas as your
8 representative?

9 MR. STARKEY:

10 No.

11 MR. SWENTOSKY:

12 Are you aware that Mr.
13 Yuhas may have a conflict of
14 interest in representing you
15 while being provided by
16 someone else, such as the
17 company?

18 MR. STARKEY:

19 Yes.

20 MR. SWENTOSKY:

21 And have you been
22 pressured in any way to accept
23 Mr. Yuhas as your
24 representative?

25 MR. STARKEY:

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No.

MR. SWENTOSKY:

With this understanding, do you still choose Mr. Yuhas as your representative?

MR. STARKEY:

Yes, sir.

MR. SWENTOSKY:

Do you have any questions regarding the matter before we start the interview?

MR. STARKEY:

No, sir.

MR. SWENTOSKY:

Okay. Could you swear in Mr. Starkey, please?

ROCKIE STARKEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. SWENTOSKY:

Q. Could you please just give us your full name and spell your last name for us, please?

1 A. Rockie L. Starkey. Rockie is
2 R-O-C-K-I-E, Starkey, S-T-A-R-K-E-Y.

3 Q. And could you provide us with
4 your address and telephone number,
5 please?

6 A. Route Three, Box 339-4,
7 Buckhannon, West Virginia 26201.
8 Area code 304-472-0766.

9 Q. Thank you. Are you appearing
10 here today voluntarily?

11 A. Yes, sir.

12 Q. How many years of mining
13 experience do you have?

14 A. Approximately four and a half
15 years.

16 Q. And could you kind of give us
17 a brief description of your mining
18 history?

19 A. I started out as a red hat for
20 Odyssey Energy, went right straight
21 to the bolter and bolting. I bolted
22 for them for about a year. Went to
23 Anker at their Spruce Mines. Went
24 there, I worked there for about two
25 months as a scoop operator, then went

1 back to the bolt machine and been
2 there ever since.

3 Q. And when did you start with
4 Sago?

5 A. Sago, it was around the 1st of
6 October.

7 Q. That's 2005?

8 A. Yes, sir.

9 Q. And what is your present
10 position?

11 A. Roof bolter.

12 Q. And how long have you held
13 that roof bolting position at the
14 Sago Mine?

15 A. Since I've been there in
16 October.

17 Q. Okay. You haven't performed
18 any other jobs?

19 A. No, sir.

20 Q. Okay. And could you please
21 describe your normal job duties?

22 A. You mean while we're in the
23 mines?

24 Q. Yeah.

25 A. Well, basically, I work on the

1 right side of the mines. I work on
2 the helper side of the roof bolter.

3 Q. Uh-huh (yes).

4 A. And just basically, the only
5 thing we're doing is going in and
6 bolting.

7 Q. Okay. All right. And do you
8 have any mining certifications?

9 A. No, sir.

10 Q. And who's your immediate
11 supervisor?

12 A. At Sago or ---?

13 Q. At Sago, yes.

14 A. Bob. I can't think of his
15 last name right now. He's our boss
16 in the mines.

17 Q. Okay. And he's a section
18 foreman?

19 A. Yes, sir.

20 Q. And do you recall how long
21 that person was your supervisor?

22 A. Bob's been the supervisor
23 probably two months.

24 Q. Your supervisor?

25 A. Yeah.

1 Q. Okay. And who was your
2 supervisor before that? Do you
3 recall?

4 A. That would have been Kent
5 Jenkins.

6 Q. Pardon me?

7 A. Kent Jenkins.

8 Q. Okay. And when you were at
9 Sago, what section were you working
10 in?

11 A. Two Left.

12 Q. Two Left. Okay. And did you
13 ever work in what they call the old
14 Two Left section? That's the area
15 inby the seals that blew out.

16 A. Yes, sir.

17 Q. You're familiar with the area
18 I'm talking about?

19 A. Yes, sir.

20 Q. Okay. And who was your
21 supervisor when you were working in
22 that area? Do you know ---?

23 A. That would have been Kent
24 Jenkins.

25 Q. Jenkins. Okay. And you were

1 a roof bolter in the old Two Left
2 section?

3 A. Yes.

4 Q. Can you kind of describe the
5 roof conditions that you encountered
6 while roof bolting in the old Two
7 Left section?

8 A. Top was pretty hard. Mostly
9 sandstone.

10 Q. Okay.

11 A. And that's about all I
12 remember. I didn't see a lot of
13 cracks or anything like that.

14 Q. Okay. Did you have --- was
15 the immediate roof of slate
16 composition? Slate-type composition?

17 A. Not that I can remember.

18 Q. The immediate roof, what was
19 the immediate roof?

20 A. Mostly sandstone.

21 Q. And what type of roof bolts
22 were you installing?

23 A. Regular resin bolts.

24 Q. Resin bolts?

25 A. Six foot.

1 Q. Six-foot resin bolts? Were
2 there any other types of roof bolts
3 installed in the roof?

4 A. There was probably ten foot
5 and 14-foot cable bolts.

6 Q. Okay. Whenever you were roof
7 bolting, you say it was sandstone
8 mostly?

9 A. Yeah.

10 Q. Okay. Was it a --- like a
11 tough --- a hard sandstone, is what I
12 mean? Like the bits, would you have
13 to change bits during a hole or ---?

14 A. Oh, yeah. We'd go through
15 four or five bits just to drill one
16 hole, very hard.

17 Q. And that area was entirely,
18 from the mouth of this section to the
19 back end, is that the type of roof
20 that you had? Did it change at any
21 time?

22 A. I don't remember it changing,
23 no. It was just pretty much the
24 same.

25 Q. Okay. Do you recall --- did

1 you see any type of fossils or
2 anything during your experience in
3 the old Two Left section?

4 A. No, sir, I didn't see that.

5 Q. Okay. Like any kind of ferns
6 or trees?

7 A. No.

8 Q. Do you recall anyone else
9 saying --- talking about any fossils
10 that they might have seen or any
11 irregularities that they might have
12 seen?

13 A. No.

14 Q. Just your general discussions
15 and ---

16 A. No.

17 Q. --- anything like that? Let
18 me show you a picture. We'll
19 identify this as Exhibit Number One.
20 And this is a picture of an area at
21 Station Number 4010. And probably
22 --- let's just step over to that map
23 if we can for a second. And I'll
24 identify that area for you. And
25 we'll call this Exhibit Two.

1 (Starkey Exhibits One
2 and Two marked for
3 identification.)

4 OFF RECORD DISCUSSION

5 BY MR. SWENTOSKY:

6 Q. And this --- the Exhibit
7 Number Two is a scale 100-foot map.
8 And it shows the One Left area, the
9 Two Left area --- the present Two
10 Left area. And also, it shows the
11 Two Left seals and the area inby the
12 Two Left seals. And as you noticed,
13 I marked on the station in Number Six
14 entry at Station 4010, I have a
15 highlighted area.

16 A. Yes, sir.

17 Q. A yellow highlighted area.
18 And this does represent the area that
19 you roof bolted in?

20 A. Yeah.

21 Q. Okay. And the pictures that I
22 showed you, that's where that picture
23 was taken ---

24 A. Okay.

25 Q. --- of the roof. And I went

1 ahead - - - have you noticed that type
2 of marking on the roof at any time
3 during the roof bolting?

4 A. The one that's in the picture?

5 Q. Yes, sir.

6 A. No.

7 Q. And I'm speaking of the - - -
8 just let me get that picture. And
9 I'm showing you Exhibit One, a
10 picture, and the two parallel lines
11 which go across the corner of the
12 roof bolt plate. And do you recall
13 seeing anything like that during your
14 experience in roof bolting - - -

15 A. No.

16 Q. - - - on Two Left area?

17 A. No.

18 Q. And did you see anything such
19 as that in any of the area of Two
20 Left, the mains?

21 A. Nothing that I can remember.
22 I don't remember seeing that.

23 Q. Okay. And did you ever see
24 this type of marking in any of the
25 area that you roof bolted in Sago

1 Mine? Not necessarily in just the
2 Old Two Left, but the present Two
3 Left?

4 A. No.

5 Q. Okay. We can sit down. Do
6 you recall seeing any fossils in any
7 other areas of the mine while you
8 were roof bolting?

9 A. Maybe one. That would have
10 been on the intake.

11 Q. Intake. And do you recall
12 approximately what area that might
13 have been?

14 A. No, sir. Because we was
15 walking the intake to the outside.

16 Q. Okay. It wasn't during the
17 roof bolting operation, then?

18 A. No. No.

19 Q. It was just ---?

20 A. No. We was just doing some
21 roof scaling, coming to work on the
22 way from the intake to the outside.

23 Q. Okay. And what was the ---
24 what was that fossil like?

25 A. I think it was a small fern.

1 Q. Okay. Had you ever seen any
2 fossils at other mines?

3 A. Yes, sir.

4 Q. Okay. And what were those?

5 A. Mostly ferns.

6 Q. Ferns. And had you ever seen
7 anything which would represent the
8 pictures that I showed you?

9 A. No.

10 Q. No markings like that? Do you
11 recall seeing any other unusual
12 markings on the mine roof at Sago
13 Mine?

14 A. No.

15 Q. Do you recall when mining was
16 stopped in the old Two Left area?

17 A. When the mining was stopped?

18 Q. Yes.

19 A. No, sir, I don't.

20 Q. Okay. Do you recall why the
21 mining was stopped in the old Two
22 Left?

23 A. No.

24 Q. Did the roof start getting bad
25 up towards the face of the old Two

1 Left just before you pulled out?

2 A. Yeah.

3 Q. And was there a lot of water
4 up there?

5 A. Yeah. There was some water on
6 the left side.

7 Q. Okay. During the --- your
8 time roof bolting the old Two Left,
9 what type of methane did you
10 encounter during those operations?

11 A. Are you talking about
12 percentages or ---?

13 Q. Yes, sir.

14 A. I never really seen anything
15 over two tenths.

16 Q. Okay. And you would have been
17 examining the face areas during your
18 roof bolt operations?

19 A. Yes.

20 Q. Okay. And did you ever have
21 occasions whenever the roof would
22 spall out and get some cavities?

23 A. Yeah.

24 Q. Okay. What type of methane
25 did you find in those areas?

1 A. I don't recall.

2 Q. Okay. So the most that you
3 ever encountered was about two
4 tenths?

5 A. Yes, sir.

6 Q. Okay. Were you ever involved
7 in the construction of the old Two
8 Left seals?

9 A. No.

10 Q. Okay. Were you ever at the
11 Two Left seals once you pulled out of
12 there and they were constructed?

13 A. No.

14 Q. So then I would take it you
15 never observed anyone constructing
16 them.

17 A. No.

18 MR. SWENTOSKY:

19 Okay. Do you have
20 anything, John?

21 MR. COLLINS:

22 Just a couple, please.

23 BY MR. COLLINS:

24 Q. Mr. Starkey, you are a
25 certified West Virginia coal miner?

1 A. Yes.

2 Q. Do you have a miner's
3 certificate? Do you have any other
4 certifications in the State of West
5 Virginia?

6 A. No, sir.

7 Q. Do you have any idea what may
8 have caused markings like Mr.
9 Swentosky has showed you?

10 A. No. I don't have a clue what
11 would cause them.

12 Q. Do you know of any equipment
13 that would cause a marking like that
14 or ---?

15 A. No. I've never seen anything
16 like that.

17 Q. Never seen any touress
18 (phonetic) making markings like that,
19 have you?

20 A. No.

21 Q. When you worked on the old Two
22 Left and you'd mentioned there was
23 some water there, do you have any
24 knowledge about a dewatering pump
25 that was used in the face?

1 A. To pump the water out?

2 Q. Uh-huh (yes).

3 A. Yeah. We used pumps to pump
4 water out.

5 Q. And you worked on that section
6 as you retreated back off of there?

7 A. Yes.

8 Q. Do you know if that pump was
9 left in the face?

10 A. No. I don't know that.

11 Q. Dealing with the mine
12 explosion that occurred on January
13 2nd, do you have any idea what may
14 have caused that explosion?

15 A. No.

16 Q. Do you have any information
17 you'd like to provide us?

18 A. No. I don't have --- I don't
19 know.

20 Q. I think that's all we have
21 right now. Thank you.

22 A. Uh-huh (yes).

23 BY MR. SWENTOSKY:

24 Q. And when was the last annual
25 retraining class that you

1 participated in?

2 A. I had mine about three weeks
3 ago.

4 Q. Okay. And what training did
5 you have at Sago Mine?

6 A. Just our annual retraining.
7 And we had some first --- well, not
8 first aid, but just refreshers.

9 Q. Okay. And do you recall when
10 that annual retraining was conducted,
11 the last annual retraining class,
12 eight-hour annual retraining?

13 A. I just had it at ---.

14 Q. No. I mean the one at Sago.

15 A. That would have been --- that
16 would have been a year ago. They're
17 yearly. They're our yearly eight
18 hours.

19 Q. Do you recall attending that
20 class, sir?

21 A. Yes, sir.

22 Q. Okay. And last year, would
23 that be --- last year meaning 2005,
24 would that have been somewhere in the
25 beginning of the year, end of the

1 year?

2 A. Yeah. Probably February of
3 last year.

4 Q. Okay.

5 A. During your time at Sago Mine,
6 do you recall having hands-on SCSR
7 training?

8 A. Yes, sir.

9 Q. Okay. And how was that
10 training conducted? Do you want to
11 explain to me what they did during
12 that training or what you did during
13 that training?

14 A. Basically, they just
15 demonstrated how to use the SCSR.

16 Q. Okay.

17 A. And how to take it out of the
18 canister, you know, put the apparatus
19 in your mouth and pull it to activate
20 it.

21 Q. And did you demonstrate how to
22 do that? Did they have you ---?

23 A. Did I demonstrate it?

24 Q. Yes.

25 A. No.

1 Q. Okay. So --- okay. Do you
2 feel the training that you received
3 was adequate?

4 A. Yes, sir.

5 Q. Were there any areas of
6 training that you would --- you think
7 that should be provided that has not
8 been provided?

9 A. No.

10 Q. Have you ever been searched
11 for smoking articles?

12 A. Yes, sir.

13 Q. And how do they do that?

14 A. It's usually a pat down, or
15 they'll ask you to open up your
16 dinner bucket and look inside.

17 Q. And how often do they do that?

18 A. Usually weekly.

19 Q. Have you ever found any
20 smoking articles underground?

21 A. No.

22 Q. And have you ever observed
23 anyone smoking underground?

24 A. No.

25 BY MR. MILLS:

1 Q. Annual retraining, do you do
2 any hands-on with the detectors?

3 A. Yeah.

4 Q. And in the mines, what kind of
5 detector do you carry? Do you carry
6 one?

7 A. Sometimes I carry it and
8 sometimes the operator will carry it.

9 Q. Okay. Is it multi-gas or just
10 for methane?

11 A. Just methane.

12 BY MR. SWENTOSKY:

13 Q. Okay. Has anyone offered you
14 anything or made any promise to you
15 in exchange for your appearing here
16 today?

17 A. No.

18 Q. And do you have anything else
19 that you would like to add or that
20 may be relevant to the investigation?

21 A. No.

22 MR. SWENTOSKY:

23 Okay. On behalf of
24 MSHA, I'd like to thank you
25 for appearing and answering

1 the questions today. Your
2 cooperation is very important
3 to the investigation as we
4 work to determine the cause of
5 the accident. We ask that you
6 not discuss your testimony
7 with any person who may have
8 already been interviewed or
9 who may be interviewed in the
10 future. This will ensure that
11 we obtain everyone's
12 independent recollection of
13 the events surrounding the
14 accident. After questioning
15 other witnesses, we may call
16 you if we have any other
17 follow-up questions that we
18 feel that we need to ask. If
19 at any time you have any
20 additional information
21 regarding the accident that
22 you would like to provide to
23 us, please contact us at the
24 contact information previously
25 provided to you.

1 The Mine Act provides
2 certain protections to miners
3 who provide information to
4 MSHA and, as a result, are
5 treated adversely. If at any
6 time you believe that you have
7 been treated unfairly because
8 of your cooperation in this
9 investigation, you should
10 immediately notify MSHA. If
11 you wish, you may go back over
12 any answer that you have given
13 during this interview and you
14 may also make any statement
15 that you would like to make at
16 this time. Do you have
17 anything?

18 A. No. I don't have anything
19 else to add.

20 MR. SWENTOSKY:

21 All right. We thank
22 you for your cooperation in
23 this matter. And thanks for
24 coming in.

25 * * * * *

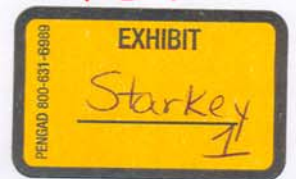
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SWORN STATEMENT
CONCLUDED AT 9:08 A.M.

* * * * *



T39



Scale: 1" = 100'

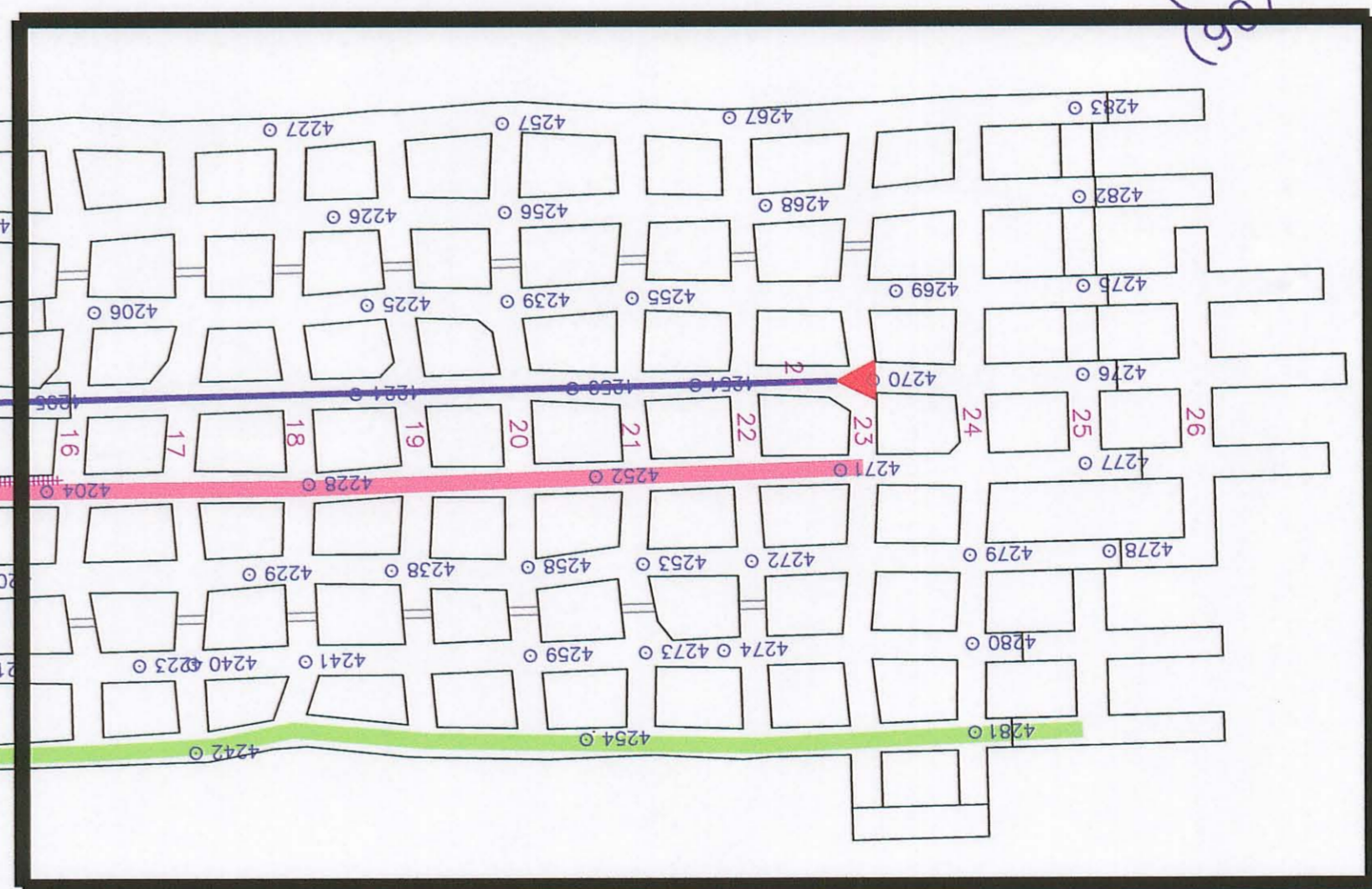
Area Shown on Map
Scale: 1" = 50'

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

2nd Left Mains

2 LEFT SEALS

2nd Left Parallel



Surveyed Well Location (1/06/06)
AP# 47-097-01250 (Prod. Gas)

2 LEFT DRIVE

1st Left

1 LEFT DRIVE

ADVERSE CONDITIONS
ENCOUNTERED
End of Mining
PTMS
3-20-2002

Well Location (5/04/05)
AP# 47-097-01252 (Prod. Gas)

4TH NORTHWEST SUB-MAINS

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

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

