

01 EXAMINATION UNDER OATH
02 OF
03 RONALD HIXSON
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Wednesday, March 8, 2006, at 12:23
13 p.m.

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01 A P P E A R A N C E S

02
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3

01 A P P E A R A N C E S (cont'd)
02
03 WILLIAM TUCKER
04 West Virginia Office of Miners'

05 Health, Safety & Training
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07 Oak Hill, WV 25901
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09 ANTHONY BURKE
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12 Mine Safety & Health Administration
13 Whitesburg Field Office
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15 Whitesburg, KY 41858

16

17 ALSO PRESENT:

18 EUGENE WHITE

19 BETH SPENCE

20 DENNIS BEITER

21 CHARLES POGUE

22 STEVE COX

23

24

25

4

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01 P R O C E E D I N G S

02 -----

03 MR. POGUE:

04 My name is Charlie
05 Pogue. I represent the Mine
06 Safety & Health
07 Administration, which is an
08 agency of the United States
09 Department of Labor. I'm a
10 member of MSHA's accident
11 investigation team that is in

12 charge with the investigation
13 of the accident that occurred
14 at the Aracoma Coal Company,
15 Inc., Aracoma Alma Mine Number
16 One, on January the 19th,
17 2006.

18 This is a joint
19 investigation that MSHA is
20 conducting with the State of
21 West Virginia. I will be
22 asking the questions for MSHA
23 in today's interview. With me
24 here today are other members
25 of MSHA's team and the State

7

01 team. MSHA's team include
02 various specialists and
03 members of the Solicitor's
04 office. At this time, I would
05 like to ask each of the
06 members of the MSHA team to
07 identify themselves for the
08 record.

09 ATTORNEY BELL:

10 Keith Bell, Solicitor's
11 office, Arlington, Virginia.

12 MR. MURRAY:

13 Kenny Murray,
14 Pikeville, Kentucky.

15 MR. BURKE:
16 Tony Burke, MSHA,
17 Whitesburg, Kentucky.
18 MR. BEITER:
19 Denny Beiter,
20 Triadelphia, West Virginia.
21 MR. FRANCCART:
22 Bill Francart,
23 Pittsburgh, Pennsylvania.
24 MR. POGUE:
25 Here with me today, a

8

01 representative of the State of
02 West Virginia, is Mr. Bill
03 Tucker. Mr. Tucker will be
04 asking the questions for the
05 State. At this time, I would
06 ask Mr. Tucker to introduce
07 the members of the State's
08 team who are here today.

09 MR. TUCKER:
10 I have a brief
11 statement I need to read. The
12 West Virginia Office of
13 Miners' Health, Safety &
14 Training is conducting this
15 interview session jointly with
16 MSHA, and we are in agreement

17 with the procedures outlined
18 by Mr. Pogue.

19 However, let me make it
20 clear that the Director
21 reserves the right, if
22 necessary, to call or subpoena
23 witnesses or require the
24 production of any record,
25 document, photograph or other

9

01 relevant materials necessary
02 to conduct this investigation.

03 My name is Bill Tucker. I
04 work for Miners' Health,
05 Safety & Training out of the
06 Oak Hill office.

07 MR. WHITE:
08 I'm Eugene White,
09 District Inspector out of
10 Region Three, Danville.

11 MR. COX:
12 Steve Cox, Region
13 Three.

14 MS. SPENCE:
15 Beth Spence, with the
16 Governor's office.

17 MR. POGUE:
18 This investigation is
19 being conducted by MSHA and

20 the State of West Virginia to
21 gather information to
22 determine the cause of the
23 accident to help prevent this
24 from happening in the future.
25 These interviews are an

10

01 important part of the
02 investigation.

03 After the investigation
04 is completed, MSHA will issue
05 a written report detailing the
06 nature and the causes of the
07 accident. MSHA's accident
08 reports are made available to
09 the public in the hope that
10 greater awareness about the
11 causes of the accident can
12 reduce their occurrence in the
13 future. Information obtained
14 through witness interviews is
15 frequently included in these
16 reports. Your statement may
17 be also used in other
18 enforcement proceedings.

19 I would like to thank
20 you in advance for your
21 appearance here today. We

22 appreciate your assistance in
23 this investigation. The
24 willingness of the miners and
25 mine operators to work with us

11

01 is critical to our success in
02 making the nation's mines
03 safer.

04 This interview with Mr.
05 Ron Hixson is being conducted
06 under Section 103 of the
07 Federal Mine Safety & Health
08 Act of 1977 as part of an
09 investigation by the Mine
10 Safety and Health
11 Administration into the
12 conditions, events and
13 circumstances surrounding the
14 fatalities that occurred at
15 the Aracoma Alma Mine Number
16 One, located on Route 17
17 North, Bandmill Hollow Road,
18 Stollings, West Virginia,
19 25646.

20 This interview is being
21 conducted at the Department of
22 Environmental Protection
23 office in Logan, West
24 Virginia, on March the 8th of

25 2006, at 12:26.

12

01 Mr. Hixson, can I call
02 you Ron?

03 MR. HIXSON:

04 Yes.

05 MR. POGUE:

06 The interview will
07 begin by asking you a series
08 of questions. Feel free at
09 any time to clarify any
10 statement that you make in
11 response to the questions.
12 After we have finished asking
13 questions, you will have an
14 opportunity to make a
15 statement of your own and
16 provide us with any other
17 information that you believe
18 may be important. You are
19 permitted to have a
20 representative with you during
21 this interview, and you may
22 consult with your
23 representative at any time.
24 You may designate any person
25 to be your representative.

13

01 Following the questions by
02 MSHA and the State, this
03 representative will be given
04 an opportunity to ask
05 questions for the purpose of
06 clarification on areas already
07 discussed.

08 Your statement is
09 completely voluntary. You may
10 refuse to answer any questions
11 and you may end your interview
12 at any time. If you do not
13 understand a question, tell me
14 and I will rephrase the
15 question. If you need a break
16 for any reason, please let me
17 know.

18 You may request the
19 opportunity to make a
20 confidential statement which
21 we will withhold from the
22 public to the extent allowable
23 by law. Should you desire to
24 give a confidential statement,
25 you should advise me before I

14

01 begin your interview so that I
02 can reschedule your interview
03 in order to properly consider

04 your request.

05 MR. HIXSON:

06 Yes.

07 MR. POGUE:

08 A court reporter will
09 record your interview and will
10 later produce a written
11 transcript of the interview.

12 I ask that you state all your
13 answers verbally because the
14 court reporter cannot record
15 your gestures, like nodding of
16 your head.

17 If any part of your
18 statement is based not on your
19 own firsthand knowledge but on
20 information that you've
21 learned from someone else,
22 please let me know. Please
23 answer each question as fully
24 as you can, including any
25 information that you've

15

01 learned from someone else. We
02 may not ask the right
03 questions to learn the
04 information you have, so do
05 not feel limited by the

06 precise question asked. If
07 you have information about the
08 subject areas in question,
09 please provide us with that
10 information.

11 Do you have any
12 questions about the manner in
13 which the interview will be
14 conducted?

15 MR. HIXSON:

16 No.

17 MR. POGUE:

18 Will you please swear
19 in Mr. Hixson?

20 -----

21 RONALD E. HIXSON, HAVING FIRST BEEN
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----

24 BY MR. POGUE:

25 Q. Please state your full name,

16

01 address, telephone number, and please
02 spell your last name for the record.

03 [REDACTED]

[REDACTED]

09 Q. That's fine. Are you
10 appearing here voluntarily for this
11 interview?
12 A. Yes.
13 Q. Do you understand that you may
14 refuse to answer any question or
15 terminate this interview at any time?
16 A. Yes.
17 Q. Do you have a representative
18 with you today?
19 A. No.
20 Q. I have a series of questions.
21 I'm going to begin. How long have
22 you worked for the Mine Safety &
23 Health Administration?
24 A. I started in 1987, so it's
25 about 16, 17 years now.

17

01 Q. What's your official job
02 title?
03 A. I'm a ventilation specialist
04 out of District Two, Hunker, PA.
05 Q. How long have you worked out
06 of the District Two, Hunker, PA
07 office?
08 A. I started in 2003 in Hunker.
09 Q. What's the total number of
10 mining years of experience that you

11 have?

12 A. I started in the mines in 1978
13 at Cumberland Mine and worked there
14 for eight and a half years, and then
15 I come on with MSHA in 1987. So I've
16 been with MSHA ever since.

17 Q. Do you belong to the Mine
18 Safety & Health Administration's mine
19 rescue team?

20 A. Yes, I do.

21 Q. How long have you been a
22 member of the team?

23 A. I've been on MSHA's team since
24 1989.

25 Q. Do you have any prior mine

18

01 rescue experience?

02 A. I was on Cumberland's mine
03 rescue team from 1980 to 1987.

04 Q. What day did you arrive at
05 Aracoma Mine, Alma Mine?

06 A. We got the call on Thursday
07 night, about 8:15, 8:30, something
08 like that, and we arrived here real
09 early in the morning then Friday
10 morning, which would have probably, I
11 think, been the 20th.

12 Q. How many days were you
13 assigned to the Aracoma Mine?

14 A. I think we left the following
15 Thursday. I think we were there over
16 a week. And I was there every day.

17 Q. Who notified you to report to
18 --- and how were you notified to
19 report to the Aracoma Mine?

20 A. I was notified by phone. I
21 think Charlie Pogue notified me.

22 Q. What time was that? Do you
23 have any idea?

24 A. That was around 8:15, because
25 we were packing to go to Sago. I had

19

01 just got the call to go to --- you
02 know, to report to Sago the next day,
03 whenever you called and said --- or
04 when Charlie Pogue called and said
05 change of plans, you're going to
06 Alma.

07 Q. When you arrived at the mine
08 site, what were your job assignments
09 on the first night that you got here?

10 A. At that time, it was pretty
11 much get equipment ready, get set up,
12 be ready to go underground if needed.
13 And pretty much we were on standby,
14 waiting to enter the mine.

15 Q. Did you go in the mine that

16 night?

17 A. I don't recall. It would have
18 been early the next day. I think we
19 went in --- it would have been more
20 like on dayshift. I mean, we were on
21 standby all night. I think we did go
22 in --- I'm sure we went in on
23 dayshift.

24 Q. Okay. That's good. Subsequent
25 to the --- I guess that would have

20

01 been January the 20th. Did you also
02 travel with mine rescue teams ---

03 A. Yes.

04 Q. --- for the following week?

05 A. Yes.

06 Q. When you were traveling with
07 the teams, did you take maps
08 underground?

09 A. Yes.

10 Q. Did you ever hear any
11 discussions concerning the accuracy
12 of the maps or problems with the
13 maps?

14 A. Yes. We had trouble
15 following stopping lines. We had
16 trouble following --- finding doors
17 to go through when we were told to
18 make air readings.

19 Q. So that would indicate that
20 your map had ventilation controls
21 that indicated doors in the stoppings
22 and there were no doors; is that ---?

23 A. Sometimes there was no
24 stopping. Sometimes there was no
25 door. Sometimes everything was a

21

01 solid stopping line, again, with no
02 doors.

03 Q. Is that something you
04 discussed with the other team members
05 of the mine rescue team you traveled
06 with?

07 A. As a team, yeah, we discussed
08 it. Yeah.

09 Q. Did that seem to be a real
10 concern for them?

11 A. Yes, because it made it
12 difficult for us to do what the
13 command center was asking.

14 Q. Do you recall any team members
15 by name or any teams that you had
16 that discussion with concerning the
17 maps?

18 A. Foundation Coal Company. It
19 was a --- I'm not sure of the name of
20 the team. It's a southern team.

21 It's not the teams from up north.
22 And Ron was the captain of that team,
23 and Ron's the person that we were all
24 talking together with. Now, the
25 other team members I don't know by

22

01 name, but it was his team.

02 Q. Do you recall the area of the
03 mine that you traveled into on
04 January the 20th?

05 A. The first night, we were on
06 the 48-inch belt, advancing up
07 towards the furthest inby section.

08 Q. That furthest inby section,
09 would that have been Number Two
10 section?

11 A. I'm pretty sure that's what
12 they called it, yes.

13 Q. Did you make it to the face
14 areas?

15 A. Days are running together here
16 for me. I'm not sure if we made it
17 that day or the next day that I had
18 gone underground. But one of the two
19 days we did make it to the face.

20 (Hixson Exhibit A
21 marked for
22 identification.)

23 BY MR. POGUE:

24 Q. I have Exhibit A, Hixson, and
25 it's a copy of a mine map. Do you

23

01 recognize that map, Ron?

02 A. Yes, I do.

03 Q. What is the area of the mine
04 that the map illustrates?

05 A. This is the fire area, where
06 the longwall belt come down and
07 dumped onto the 72-inch mother belt.

08 Q. How about --- I see that
09 there's a lot of notations on the map
10 here. And could you maybe possibly
11 go over these different notes that
12 are on the mine map and indicate what
13 is meant by some of those notations?

14 Let's start over in the --- I have a
15 survey station here, 3199.

16 A. Okay.

17 Q. Could you start there and
18 indicate to me --- there appears to
19 be a ventilation control there. Can
20 you tell us what you saw there?

21 A. Yeah. What happened in this
22 area was we were required to set some
23 jacks up near the fire area, and the
24 jacks happened to be between the two
25 doors on a flat car. And it was

01 quite a ways to carry them and the
02 jacks were pretty heavy, plus we were
03 going underneath the 7200 belt and
04 through stoppings and stuff. So they
05 were trying to figure out a haul road
06 to get the supplies up to past the
07 foam machine and into the crosscut
08 where we could not have to handle
09 them as much.

10 There was a company man,
11 myself and there was one other fellow
12 with us, but I can't remember who
13 that was right now. We had gone back
14 down in what you see as the heavier
15 darker line outby --- it's actually
16 off the map right now, and we came up
17 what is the belt entry.

18 Q. To what survey?

19 A. It would be 30 --- is that
20 3204? I don't have my glasses on
21 right now. Is that a three? What we
22 were looking for is a haul way to
23 come in to bring supplies in. And
24 what we found was on both sides of
25 3204 was a permanent ventilation

01 control, permanent stopping, but they
02 didn't have any doors in it or

03 anything. And like I say, in order
04 to gain entrance to the belt entry,
05 there's another overcast --- right
06 where the word belt is and there's a
07 491, there was an overcast there with
08 a door in it that we come through and
09 come --- it's the next one outby.

10 I'm sorry. No, it's that one. We
11 come through there to look and see if
12 that overcast was installed. And
13 there was no overcast there.

14 Q. And you're talking about the
15 overcast at survey station 3199?

16 A. Yes.

17 Q. Can you tell me what the note
18 is there that's written on the map
19 between survey station 3204 and 3199?

20 A. I'm not sure where --- that
21 says no OX, which means no overcast.

22 This notation? This one?

23 Q. Yes.

24 A. I marked that stopping, both
25 of those stoppings on both side of

26

01 that overcast that's projected, that
02 wasn't installed, removed by team.

03 Those two overcasts were removed.

04 And that car of jacks was pulled out

05 and we drove up through there. It
06 was driven up through there in order
07 to get the jacks out to where we need
08 them. And two canvas checks were
09 hung in there, where those stoppings
10 are shown on that map.

11 Q. So were you there when they
12 removed the stoppings?

13 A. I was up by the tailpiece
14 where the foam machine was. That's
15 where I was stationed. But I had
16 gone back and explored this, and I
17 was there whenever they did it. I
18 had walked back whenever they were
19 bringing the diesel motor through
20 with the wagon. I was on the section
21 then, I guess, what I said, but I
22 wasn't right there whenever they did
23 it.

24 Q. But you did see them there and
25 then they were removed?

27

01 A. I was there whenever they were
02 installed, when they were --- I could
03 see that they were there. I had gone
04 back up to the tailpiece, in the area
05 where the foam machine was, and we
06 had worked up there for a while.
07 There was a waterline coming from

08 3235, 3234, that guys were working on
09 to raise, to get it up out of there
10 so that motor could come under with
11 that car. And I was up in those
12 areas. We were kind of cleaning that
13 haul road up for ---.

14 Q. Let's back up one second, Ron.

15 A. Okay.

16 Q. Did you indicate that the
17 stoppings were removed by the team or
18 the overcast was removed by the team?

19 A. No, the stoppings --- the
20 arrows show that the two stoppings
21 that I had put on the map were
22 removed by the teams.

23 Q. So the overcast just was not
24 there?

25 A. There was no overcast. There

28

01 never was an overcast installed
02 there.

03 Q. Okay.

04 A. There was a lot of work that
05 had to be done there at that time,
06 too. They had to raise the belt.
07 They used come-alongs to raise the
08 belt for that diesel motor to go
09 under with that wagon. So there was

10 a lot of work going on there. That's
11 the reason I had left and went back
12 up near the fire area.

13 Q. If we look just a little bit
14 north of survey station 3266 --- do
15 you see that survey station on your
16 map? That would be in the same
17 location where you were at. 3236.

18 A. Okay. I see 3236.

19 Q. Okay. On the map here, if you
20 go east on the map in the --- what is
21 --- would be the Number Five entry,
22 there's some notes that indicate a
23 sequence of numbers, one through, I
24 think, four. Could you clarify what
25 those notes indicate?

29

01 A. Well, what is going on here is
02 this was my first day in this area
03 and I was trying to map it out for
04 myself so that if anything went on, I
05 knew where I was at. So I had gone
06 back to the entry. It's the dark
07 line which was the primary escapeway,
08 and there's a large black X on the
09 map. That overcast was installed.
10 And we had to walk overtop that
11 overcast, up to station 3210. And
12 what I had done is I had walked back

13 to 3210 and I started numbering the
14 crosscuts on the way inby. If you
15 see, it's numbered one, two, three,
16 four?

17 Q. Yes. Backing up to that
18 overcast at 3221, what was the status
19 of that overcast? Was it in place?

20 A. It was in place. And I didn't
21 see any damage to it or it was intact
22 well.

23 Q. Let's go back to survey
24 station 3210 in the intake escapeway,
25 which is heading north. Identify

30

01 your notes that are going parallel to
02 the Number Five entry or the intake
03 escapeway. The location number one
04 there, what does that writing ---
05 there appears to be an X and ---?

06 A. I can't make out what I wrote
07 there. There was pipes come through
08 that crosscut down into the fire
09 area. They come ---.

10 Q. I'm sorry.

11 A. Go ahead.

12 Q. Do those pipes extend down
13 south of 3234 through the ventilation
14 control to 3239?

15 A. Yes.

16 Q. Were there any other holes in
17 that stopping that you could remember
18 or was it just ---?

19 A. There was a hole at the bottom
20 where the pipes came through.

21 Q. So everything was kind of ---?

22 A. There was actually a stopping
23 between 3235 and 3234. There was a
24 stopping and there was a hole at the
25 bottom of the stopping that we were

31

01 raising the pipes.

02 Q. Could you indicate that on the
03 mine map, please? And label it as
04 such, too, Ron.

05 WITNESS COMPLIES

06 BY MR. POGUE:

07 Q. Hey, Ron, identify that map
08 with your signature and today's date,
09 please.

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. Let's back up a little bit
13 here. You talked about an overcast
14 here that you went through to get
15 into the belt entry?

16 A. Yes.

17 Q. And there were doors in the

18 walls of the overcast?

19 A. Yeah. There was a door in a
20 side wall.

21 Q. Were they open when you got
22 there?

23 A. The one on the left side,
24 looking out, looking up the entry,
25 what are you calling that north?

32

01 Q. This is north.

02 A. This door was closed that I
03 marked here. The other door on this
04 side of the overcast was cracked
05 open.

06 Q. Could you tell at that
07 location what the air direction was?

08 A. The air was coming outby.

09 Q. Can you indicate with the ---?

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. Okay. Let's go back up and go
13 to our locations where we were
14 numbering, Ron, 3236 in Number Two.

15 A. Okay.

16 Q. What do you indicate there in
17 the way of notes on the mine map?

18 A. I've got a Number Two there.

19 That's where we had our fresh air

20 base. That's where the foam machine
21 was setting. And we were pushing
22 foam in at --- I think that's an
23 elevation. That's not a spad. We
24 were pushing foam towards 3249.
25 Q. Okay. Was there any time

33

01 prior to hitting the foam machine
02 that you observed that ventilation
03 control in there? Did it have any
04 holes in it or anything, or did you
05 have to knock the holes to put the
06 foam?

07 A. I can't answer that. We were
08 inby exploring whenever that foam
09 machine was installed. I'm coming
10 back --- we were in this area. This
11 is after the two gentlemen were
12 found, and we were doing a fire watch
13 around the whole area.

14 Q. Okay.

15 A. So I wasn't a part of putting
16 the foam machine in.

17 Q. Let's back up to that survey
18 station 3234 in the intake escapeway,
19 location one. We're going to look
20 south.

21 A. Okay.

22 Q. And you indicated that you had

23 waterlines going through that
24 ventilation control?

25 A. Yes.

34

01 Q. Those waterlines or water
02 pipes, were they installed prior to
03 the fire occurring or ---?

04 A. I don't know that.

05 Q. Don't know? Were they rigid
06 piping or was it a fire hose or ---?

07 A. No. It was rigid piping.

08 Q. Do you remember what diameter
09 it might be, three, four inch ---?

10 A. Probably four-inch piping.

11 That stopping to the right or between
12 3234 and 3239 was breached also. And
13 the stopping between 32 ---.

14 Q. Can you indicate that on your
15 map some way, Ron?

16 A. I marked both of these with
17 holes.

18 Q. Were they large holes? I
19 mean, ---.

20 A. Yeah. We could walk through
21 them.

22 Q. And that was the stopping
23 between 3239 and 34 survey stations?

24 A. Yes. And between 3239 and

25 3241.

35

01 Q. Okay.

02 A. And also, the next one outby,

03 if you want to mark it, 3241 to 3270

04 had a hole in it.

05 Q. Go ahead and mark your map to

06 indicate that.

07 WITNESS COMPLIES

08 A. But these look like --- these

09 could have been holes put in by team

10 members trying to get to the sides of

11 the fire and stuff. I don't

12 know ---.

13 BY MR. POGUE:

14 Q. Were you there whenever a team

15 member indicated that ---

16 A. No.

17 Q. --- a stopping had been

18 knocked out by them?

19 A. No.

20 Q. Did anybody tell you that that

21 stopping was knocked out by them, by

22 the mine rescue team?

23 A. No. But the holes were put in

24 to travel through. You know, it

25 wasn't like a vent hole or something

36

01 where we just would have knocked a

02 block out of the top or something to
03 add air to do something like that.

04 They weren't meant to travel through.

05 Q. The stoppings that were
06 present or the holes there, at the
07 location where the holes were, were
08 there blocks laying on the mine
09 floor?

10 A. Yes.

11 Q. At both of those locations?

12 A. Yes. As I recall, yes.

13 Q. Let's go to location three in
14 the intake escapeway. We don't have
15 a survey station there, but if we
16 back up at location number two at
17 3236 and we go one block inby in the
18 intake escapeway, what does the map
19 indicate at that point, at that
20 four-way intersection?

21 A. At location three, they're
22 showing where they have an overcast
23 in the darker entry, which is the
24 primary escapeway. And they're
25 showing they have an overcast in the

37

01 next entry to the left of that. And
02 neither one of those overcasts were
03 installed. There was no overcast

04 there.

05 Q. And that circle indicates that

06 there is no overcast?

07 A. Right. Yes.

08 Q. Let's go in by one more

09 crosscut between --- in the intake

10 escapeway. And can you kind of

11 clarify what those markings indicate?

12 A. I've got a circle around the

13 stopping that I wrote on there and I

14 wrote out on the map. And there was

15 no stopping there and there was no

16 block laying around where it was

17 breached in order to fight the fire.

18 I couldn't tell that there was ever a

19 stopping there.

20 Q. Now, that stopping is to the

21 south of the intake escapeway?

22 A. To the right, the south?

23 Q. Yes.

24 A. Yes.

25 Q. Okay.

38

01 A. Towards 3333.

02 Q. Okay. What about to the left

03 or to the north? You have two

04 circles there. What does that

05 indicate?

06 A. Well, the one has the four in

07 it. The other one is just that there
08 was no stopping there. Now, there
09 appeared to be one up in the next
10 entry, separating --- it would be
11 what, the 48-inch belt from the
12 intake escapeways. It would be this
13 one --- this one was in, as far as I
14 could tell, but there was no
15 stoppings in here.

16 Q. So a ventilation control that
17 doesn't have a circle around it, that
18 means it's intact; is that what ---?

19 A. Yes. I should back up then to
20 number three. Where I said there was
21 no overcast there, ---

22 Q. Yes.

23 A. --- that stopping that
24 separates between the overcast and
25 the station 3266 was breached.

39

01 Q. Okay.

02 A. It had a hole in it and it
03 actually had a door in it also. And
04 people were --- we had a lance in
05 there and we had fire hoses that went
06 through there, and we were fighting
07 fire through that hole. But the roof
08 was getting bad in there is the

09 reason we were going around, up to
10 the Number Four entry and coming back
11 down on the old --- not the old, but
12 the 7200 belt, and then coming to the
13 fire towards the drive, towards the
14 mother belt.

15 Q. So that stopping there, the
16 blocks were knocked out?

17 A. Yes.

18 Q. To facilitate fighting the
19 fire?

20 A. There wasn't a lot of blocks
21 out, but yeah, there was some blocks
22 out and there was a door there.

23 Q. Was there any other things
24 besides the lance going through
25 there, any waterlines on the floor

40

01 or ---?

02 A. I know we were spraying water
03 through there, so there was
04 waterlines there. I'm not sure how
05 far in there they went or --- because
06 like I said, the roof was getting bad
07 in that crosscut, so we weren't
08 really traveling through there at
09 that time. I think they had been
10 prior. That's why I said, I'm not
11 sure whether there was hoses still

12 down in there or not.

13 Q. Let's drop down from the
14 intake escapeway to the south, to the
15 next entry, which would be Number Six
16 entry. It's station 3266.

17 A. Okay.

18 Q. And that would be our Number
19 Seven belt entry.

20 A. Okay.

21 Q. Let's go to survey station
22 3239.

23 A. Okay.

24 Q. That would be two blocks
25 outby.

41

01 A. Okay.

02 Q. There's a note on the map
03 there indicating --- what's that say,
04 the note, between 3239 and 3249?

05 A. That says fire hose.

06 Q. Okay. And if we go to 3239
07 --- or 3249 survey station, what are
08 you indicating between survey station
09 3249 and station 3266 on the map?

10 A. Well, in that area, that's
11 where we were trying to set jacks and
12 that's where the roof was getting
13 bad. From the crosscut between 3266

14 and the proposed overcast, that roof
15 was getting bad in that area and then
16 towards the fire, towards 3249. What
17 is written there is set jacks in that
18 area. And that stopping is also
19 circled as gone. It wasn't in there.

20 I saw no signs of a stopping being
21 in there.

22 Q. What else is in that area
23 between 3249 and 3266 besides the
24 jacks that were set?

25 A. It was a tailpiece setup, a

42

01 tailpiece --- I'm not exactly sure
02 how it was actually configured. It
03 wasn't similar to the tailpieces that
04 we have. But there was a tailpiece
05 box right in that area.

06 Q. Okay.

07 A. The belt ended there. then
08 there was structure on inby, but
09 there was no belt on it.

10 Q. Was there any ventilation
11 controls? If you were in that Number
12 Six entry, that belt entry, at survey
13 station 3266 and you looked inby to
14 the east, did you see any ventilation
15 controls or anything in that area?

16 A. No.

17 Q. No checks, no stoppings?

18 A. No, because we could look from
19 there the whole way over and see the
20 foam that the foam generator was
21 pushing down the belt.

22 Q. Okay. Just south of survey
23 station 3266 there's two sets of
24 initials. Do you know what those
25 initials mean?

43

01 A. Yeah. There was a power box
02 and a starter box for the belt in
03 that entry, in that crosscut.

04 Q. Was there any ventilation
05 control in that crosscut between
06 Number Six and Seven entry?

07 A. I never traveled that entry,
08 but there was no control in there. I
09 never traveled down through there,
10 but I know there was no control in
11 there.

12 Q. How do you know that?

13 A. You could see from one end to
14 the other.

15 Q. Okay. All right. Let's back
16 up a little bit on the mine map and
17 let's get in the Nine headgate
18 entries, which would be the Number

19 One entry of Nine headgate.
20 A. The belt entry?
21 Q. Yes.
22 A. Okay.
23 Q. There's an area that's circled
24 at survey station 3272 north to
25 survey station 3249. What does that

44

01 indicate? It's outlined, circled.
02 A. That's pretty much what we
03 were considering the fire area at
04 that time. There was no belt left.
05 That's the areas that we were trying
06 to get on all sides to evaluate to
07 make sure that nothing rekindled,
08 there were no hot spots, nothing
09 going on.
10 Q. On this particular day, did
11 you notice any hot spots or any
12 places there that ---?
13 A. No.
14 Q. If we move over to Number Two
15 entry in the Nine headgate, looking
16 inby, ---
17 A. Okay.
18 Q. --- there's some ventilation
19 controls at survey station 3273. Can
20 you tell us something about what the
21 condition of those ventilation

22 controls were?

23 A. On the first day that we ---
24 that I had come down in here on a
25 fire watch, I was over in the belt

45

01 entry, which is 3272, and I couldn't
02 find --- they're showing a regulator
03 at the end of that circle, and I
04 couldn't find that regulator. And I
05 was trying to map out what was going
06 on here a little bit, what the
07 ventilation was doing. I come back
08 out to what you're calling the Number
09 Two entry. I think that's station
10 3270?

11 Q. Yes.

12 A. It's showing a set of doors in
13 that area. There was no doors there,
14 that that was a permanent stopping.

15 Q. Okay.

16 A. The ---.

17 Q. What does --- that heavy line
18 from the permanent stopping in the
19 block itself, what does that
20 indicate? Does that serve any
21 purpose?

22 A. It was just showing me the
23 corner that we were at. I was just

24 getting my bearings.

25 Q. And you said that regulator at

46

01 survey station 3272 --- what was the

02 condition of it?

03 A. I couldn't find it. We

04 couldn't find a survey station or

05 a ---

06 Q. How about the regulator?

07 A. --- regulator. We couldn't

08 find a regulator in there. We

09 traveled --- there was pretty thick

10 foam in there and it was pretty high.

11 So if there would have been a

12 regulator, it would have had to

13 extend up out of the foam, unless

14 they built some type of a dam-type

15 regulator. But we found no regulator

16 in that entry when ---.

17 Q. Can you indicate that on your

18 map?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Let's go over to Number Two

22 entry, survey station 3273. Tell us

23 about that overcast at that four-way

24 intersection.

25 A. Can I back up just a second?

47

01 Q. Sure can.

02 A. The day that we had gone down
03 into this area, the --- there's a D
04 on the map that I have two pencil
05 lines on. And that indicates that
06 that's a permanent stopping and not a
07 door. There was no door there. Then
08 if you look between 3270 and 3269, I
09 have another stopping circled. I saw
10 no indication that there was ever a
11 stopping installed there.

12 Q. Okay. Drop down to 3273.

13 A. Okay. 3273, the overcast
14 there was on another day that we
15 would have gone in and we explored
16 this area from where we're at right
17 now the whole way up towards where
18 the longwall cut-throughs come
19 through, and then we went on inby
20 there. And that's whenever we found
21 out that the overcast in Number Two
22 entry, at 3273, the stopping that
23 separates the two overcasts and the
24 overcast at 3271 were not installed.

25 Q. Okay.

48

01 A. And there happened to be a
02 door --- I'm looking inby now on

03 these entries. There happened to be
04 a stopping at 3271.

05 Q. Can you indicate that on your
06 map, please?

07 WITNESS COMPLIES

08 A. And the reason that that stuff
09 is not on the map is I didn't have
10 this map the second day.

11 BY MR. POGUE:

12 Q. How about the two stoppings
13 inby at survey station 3278 and 3280,
14 do you know what condition they were
15 in?

16 A. They were all installed and
17 they were tight and there was no
18 doors. Because what happened is we
19 were trying to get over --- they
20 wanted to know if the Number Four
21 entry was clear. There was some
22 concern that it may have smoke in it.
23 And we were trying to get over into
24 that entry, and we couldn't get in
25 there. So as a team, and this is

49

01 with Foundation Coal, and Ron was the
02 captain, Ron and I backed up to
03 station spad 3269. We traveled
04 overtop a pile of gob ---

05 Q. Can you indicate that on your

06 map, please?

07 WITNESS COMPLIES

08 A. --- that was stacked into
09 crosscut 3212. And I made a left and
10 went up the Number One entry to ---
11 there was a regulator. It was a
12 stopping with a --- as far as I
13 recall, at least one block out, and
14 air was going into the Number Four
15 entry.

16 BY MR. POGUE:

17 Q. Can you indicate one block on
18 the map?

19 WITNESS COMPLIES

20 A. It may have been a little
21 larger or a little smaller, but there
22 was an area there where air was going
23 in. Do you want me --- these other
24 ones that I --- do you want me to
25 circle these other ones and ---?

50

01 BY MR. POGUE:

02 Q. Yes, indicate that they're
03 missing or out.

04 A. I mean, as far as I can tell,
05 they were never there.

06 Q. Okay.

07 A. Both doors in the Number Two

08 entry and the overcast were never
09 installed, as far as I can tell.

10 Q. Okay. Survey station 3270,

11 ---

12 A. Okay.

13 Q. --- looking north, there's a
14 ventilation control between Number
15 Seven and Number Eight entry. What
16 is the status of that control?

17 A. Just so I'm clear, you're
18 talking between spads 3241 and 3270?

19 A. Yes.

20 Q. That stopping had a hole in it
21 in the left corner. And it's ---
22 like I say, I think maybe that hole
23 was put in there for the firefighting
24 teams to go through to get down in to
25 the bottom side of the fire.

51

01 A. So it was just one block out?

02 A. No, no. It was a hole big
03 enough in the left lower corner where
04 we could travel through.

05 Q. Okay.

06 A. But I don't know who knocked
07 it in there or if it was in there
08 before or whatever, but that's how we
09 traveled to get down into the bottom
10 side.

11 Q. Do you recall seeing any block
12 laying on the mine floor at that
13 location?

14 A. Right there, I don't really
15 recall seeing a lot because that was
16 knee-deep mud. And if you weren't
17 real careful --- if you fell off the
18 board, I mean, you were in a lot of
19 mud. So there could have been block
20 there in the mud and stuff. I don't
21 --- I don't know.

22 Q. Let's go a little bit further
23 north to survey station 3241.

24 A. Okay.

25 Q. If you look outby to survey

52

01 station 3238, the map indicates a
02 ventilation control device. What can
03 you tell us about that?

04 A. That was a door, and the door
05 --- as far as I know, every time I
06 had come in there, the door was
07 closed.

08 Q. And that's what kind of door,
09 a man door or equipment door?

10 A. It was an equipment door. And
11 that's where --- from where the door
12 was and --- that's that same area

13 where the supply car was parked with
14 the jacks that we needed for up
15 above.

16 Q. Let's travel inby towards Two
17 section, in that Number Seven entry.

18 Do you see survey station 3241?

19 A. Yes.

20 Q. You have another door. What
21 was the condition of that door and
22 the position of it?

23 A. I never saw that door closed
24 tightly. That door was installed and
25 it was closed partially, but I never

53

01 really saw that door closed where it
02 was tight.

03 Q. Was it like sprung open
04 or ---?

05 A. That's what I mean. I don't
06 know. But I know there was a lot of
07 water in there. And you know, when
08 we would go down to check the fire,
09 the water was pretty deep from there
10 over to where the belt entry was.

11 And you could look across there and
12 see the water and see the foam. But
13 the door --- I never remember the
14 door ever being shut real tight.

15 Q. I don't mean to back you up,

16 but survey station 3241, ---
17 A. Yes.
18 Q. --- the stopping to the north
19 of that survey station, ---?
20 A. 3241 to 3239?
21 Q. Yes.
22 A. That had a hole in it large
23 enough for us to walk through. And
24 that's what I said, that supply car
25 in there, we were carrying jacks from

54

01 the supply car just inby the door at
02 3238, up through that stopping that
03 you just asked me about between 3241
04 and 3239, under the belt at 3239,
05 through the stopping that had a hole
06 in it between 3239 and 3234, and then
07 on inby.

08 Q. Okay. That hole, was it
09 something that you saw?

10 A. Yeah. I traveled through it
11 carrying jacks.

12 Q. And we're talking about the
13 stopping between 3241 and 3239?

14 A. Yes.

15 Q. Were there block laying on the
16 mine floor at that location?

17 A. I think both of these looked

18 like there was block laying there.
19 Q. Did you see a team member
20 knock any holes in those stoppings?
21 A. No. Like I said, this is all
22 after the two gentlemen were found.
23 We had been exploring inby, and then
24 we backed up and were maintaining the
25 foam machine and doing a fire watch

55

01 around the area at that time.

02 Q. Okay. Let's go back into
03 Number Seven entry ---

04 A. Okay.

05 Q. --- in the northeast mains.
06 Survey station 3241, we're going to
07 travel inby. We've already talked
08 about the status of the door.

09 A. Okay.

10 Q. At the intersection of survey
11 station 3267, there's a line that's
12 drawn from the center of the
13 intersection to the margin of the
14 paper. What does that indicate?

15 A. Just that there was a ---
16 everybody was calling it a five-man
17 Jeep or a five-man bus. There was a
18 piece of mobile equipment under the
19 belt at that location.

20 Q. Do you recall any time you

21 opened those doors or traveled
22 through those doors what direction
23 the air was traveling or was there a
24 lot of pressure on the doors?
25 A. I don't recall very much

56

01 pressure at all. The door inby 12
02 --- 3267 was half open.

03 Q. The door inby?

04 A. Yes. And I don't really
05 recall ---.

06 Q. And is that what that note
07 indicates in the block there?

08 A. Yes.

09 Q. What about the door inby your
10 door that you just talked about,
11 towards survey station 3333?

12 A. I have no notation there.
13 That door was probably closed. I'm
14 thinking that door was closed.

15 MR. POGUE:

16 Okay. Bill, do you
17 have any questions?

18 MR. TUCKER:

19 I don't have any.

20 Thank you.

21 BY MR. POGUE:

22 Q. Let's travel up to the intake

23 escapeway.

24 A. Okay.

25 Q. Look at survey station 3236

57

01 and travel inby in that intake

02 escapeway.

03 A. Okay.

04 Q. What's the status of this

05 ventilation control located between

06 ---?

07 A. Okay. This one --- there's a

08 stopping marked on the map. It was

09 out. And I saw no blocks or anything

10 where it was ever installed. I

11 couldn't tell --- it wasn't like

12 there was a hole in it that a

13 firefighting team or mine rescue team

14 knocked in it to travel.

15 Q. No blocks laying around or

16 anything?

17 A. I didn't see anything there.

18 I'll just put out no blocks.

19 Q. Okay. What about the inby

20 stopping to the east?

21 A. Help me out. You know what, I

22 never went beyond that area. I never

23 had a reason to go beyond what I

24 marked as number four.

25 Q. Hey, Ron, let's back up to

01 survey station 3266, where we have
02 the power box and the starter box.
03 A. Okay.
04 Q. You said there was no
05 ventilation control in that crosscut?
06 A. Yes, there was no control in
07 that crosscut.
08 Q. Were there any blocks stacked
09 in that crosscut?
10 A. I saw nothing to indicate a
11 stopping. Do you want me to mark
12 that on the map the same way?
13 Q. Mark what?
14 A. The stopping that's shown in by
15 3249, I have it circled that it's
16 out, but do you want me to mark it?
17 Q. You can mark it.
18 WITNESS COMPLIES
19 BY MR. POGUE:
20 Q. And that's the location of
21 what?
22 A. That would be the tailpiece
23 for the 72-inch mother belt.
24 Q. Hey, Ron, at that location of
25 the power box and the starter box,

01 did you say there was no stopping in

02 there?

03 A. I saw no stopping in there.

04 Q. Mark on the map to indicate

05 that for us, Ron.

06 WITNESS COMPLIES

07 A. I know other people traveled

08 through that area, but I know I

09 didn't travel through that area.

10 BY MR. POGUE:

11 Q. Hey, Ron, can you give us any

12 type of air directions in the entries

13 in the northeast?

14 A. I --- no. I never really used

15 a chemical smoke cloud or anything to

16 --- and we never took any real

17 measurements in those areas.

18 MR. POGUE:

19 Bill?

20 MR. TUCKER:

21 I don't have anything.

22 Thank you.

23 BY MR. POGUE:

24 Q. Is there anything else that

25 you would like to tell us regarding

60

01 what happened on the day of the

02 accident, Ron, or during the course

03 of the recovery at the mine?

04 A. I think I --- areas of the map

05 --- areas of the mine that we, as the
06 rescue team, were instructed to go
07 explore, we found it difficult to
08 travel because of the maps that we
09 were given. We were in --- the first
10 section that's outby the Number Two
11 section that was completed was driven
12 the whole way up. It had been
13 another longwall panel. It was
14 driven up and connected to the back
15 end.

16 Q. That would have been Ten
17 headgate?

18 A. I think that's what it was
19 called, Ten headgate. We were
20 instructed to go in there and to
21 explore up as far as Number Four
22 crosscut and to travel the whole way
23 across all four entries taking air
24 readings. And when we had gone in
25 there, we traveled up through heavy

61

01 smoke and we were struggling to get
02 into the areas. And we get up there,
03 and where there's supposed to be
04 doors we could find no doors.

05 Q. Did the map indicate doors?

06 A. The maps indicated doors. And

07 the command center told us to go that
08 far to take those readings. We
09 traveled in one crosscut, maybe two
10 crosscuts in addition to that Number
11 Four crosscut and we found a stopping
12 completely gone. So we measured the
13 air there, which I don't have those
14 air readings. But we had air coming
15 up the --- it would be like the
16 Number Four entry, looking inby, come
17 across through the crosscut. It
18 happened to travel outby in Number
19 Three entry to the next crosscut to
20 the left, which would have been the
21 next belt entry, went through the
22 belt entry and then went inby. So we
23 were getting some conflicting
24 information as far as what the maps
25 were showing. We did the --- I'm not

62

01 sure what they call it, but it's the
02 bleeder entries in the back where all
03 these sections are dumping into,
04 where the returns are.

05 Q. That would be Four Right?

06 Does that sound familiar?

07 A. Yeah, it does. That goes the

08 whole way across the back, the

09 entries that they drove to bleed air

10 off. And here again, we were finding
11 stoppings along the left side --- or
12 the right side that were supposed to
13 be intact to ventilate air up around
14 the old faces where they had quit
15 mining, and we started picking up
16 methane back there. We had, I think,
17 up to two and three-tenths of methane
18 that were back there. And the maps
19 all were showing these stoppings
20 intact and everything installed, and
21 that wasn't the case.

22 Q. And these are maps that you
23 got from the command center prior to
24 going underground?

25 A. Yes. Yes. They were maps

63

01 given to us to further map the areas
02 and to explore. Mr. Cole (phonetic)
03 wanted the area where the fire was
04 completely explored before he would
05 release us as a rescue team. And
06 that's what we were doing. We were
07 tying in the back ends.

08 Q. So you got your map from Jesse
09 Cole?

10 A. We got them from the command
11 center, as far as I know.

12 Q. Do you have any other further
13 information you'd like to ---?

14 A. No.

15 MR. POGUE:

16 On behalf of the
17 accident investigation team, I
18 thank you for appearing here
19 today and answering our
20 questions. Ron, we have one
21 other question coming up
22 from ---.

23 BY MR. POGUE:

24 Q. Did you hear of any talk about
25 some doors opened or stoppings

64

01 breached during the early rescue
02 operations in the Four Right area of
03 the mine? That would have been those
04 connecting entries on the backside.

05 A. No. I really didn't recall
06 anything from Four Right until we
07 were given instructions to explore
08 that area that day.

09 MR. POGUE:

10 On behalf of the
11 accident investigation team, I
12 thank you for appearing here
13 today and answering our
14 questions and sharing your

15 information about the mine.
16 Your cooperation is very
17 important to us as we work to
18 determine the cause of the
19 accident. If you wish, you
20 may now go back over any
21 answers that you have given
22 during the interview and you
23 may also make a closing
24 statement covering any
25 additional points you believe

65

01 should be raised. Do you have
02 any points you'd like to
03 revisit, Ron?

04 A. No.

05 MR. POGUE:

06 We ask that you not
07 discuss your interview today
08 with any person who may have
09 already been interviewed or
10 may be giving an interview or
11 statement in the future. This
12 will ensure that we obtain
13 everyone's independent memory
14 of the events surrounding the
15 accident.

16 After questioning other

17 witnesses and obtaining
18 additional information, we may
19 be asking you back for further
20 questioning. If at some later
21 point you have additional
22 information regarding the
23 accident that you would like
24 to provide us with, please
25 contact the staff assistant,

66

01 Mr. Anthony Webb. And I have
02 a card here with his address
03 and telephone number on it.
04 And also Mr. Kenneth Murray,
05 with his telephone number.
06 And I think Mr. Tucker has
07 something he'd like to ---.

08 MR. TUCKER:

09 I'd just like to say we
10 appreciate the hard work that
11 you do, Ron, as a member of
12 the mine emergency team. And
13 here's my card. If you ever
14 need to contact me for
15 anything, feel free to call.

16 MR. POGUE:

17 Okay, Ron. Thanks very
18 much. I appreciate all the
19 information.

20

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EXAMINATION CONCLUDED AT 1:21 P.M.

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