

01 EXAMINATION UNDER OATH
02 OF
03 RONNIE OOTEN
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 the West Virginia
10 Department of Environmental
11 Protection, 1101 George Kostas Drive,
12 Logan, West Virginia, on Friday,
13 March 31, 2006, at 8:03 a.m.

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

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3

01 A P P E A R A N C E S (cont.)
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05 U.S. Department of Labor
06 Mine Safety and Health Administration
07 Coal Mine Safety and Health
08 District 6
09 100 Fae Ramsey Lane
10 Pikeville, KY 41501

11

12 ALSO PRESENT:

13 BETH SPENCE

14 DENNIS BEITER

15 CHARLES POGUE

16 DERRICK TJERNLUND

17 C.A. PHILLIPS

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

02 -----

03 MR. POGUE:

04 My name is Charles
05 Pogue. I represent the Mine
06 Safety and 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

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

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

7

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

08 ATTORNEY BARISH:

09 Hi, Mr. Ooten. My name
10 is Dan Barish. I'm an
11 attorney with the Solicitor's
12 Office, representing MSHA.
13 And I'm from Arlington,
14 Virginia.

15 MR. WEBB:
16 Anthony Webb, with MSHA
17 in Pikeville, Kentucky.

18 MR. OOTEN:
19 Yeah, I talked to you;
20 didn't I?

21 MR. TJERNLUND:
22 Derrick Tjernlund, MSHA
23 Tech Support, Triadelphia.

24 MR. BEITER:
25 Denny Beiter,

8

01 Triadelphia, West Virginia.

02 MR. MURRAY:
03 Kenny Murray, MSHA,
04 Pikeville, Kentucky.

05 MR. POGUE:
06 And again, my name is
07 Charlie Pogue, and I'm with
08 MSHA, from Hunker,
09 Pennsylvania.

10 Here with me today,
11 representing the State of West
12 Virginia, is Mr. Bill Tucker.
13 Mr. Tucker will be asking the
14 questions for the State. At
15 this time, I would ask Mr.
16 Tucker to introduce the

17 members of the State's team
18 that are present.

19 MR. TUCKER:

20 Appreciate you coming
21 in this morning.

22 MR. OOTEN:

23 Okay.

24 MR. TUCKER:

25 I have a brief

9

01 statement I need to read for
02 the record. The West Virginia
03 Office of Miners' Health,
04 Safety & Training is
05 conducting this interview
06 session jointly with MSHA, and
07 we're in agreement with the
08 procedures outlined by Mr.
09 Pogue.

10 However, let me make it
11 clear that the Director
12 reserves the right, if
13 necessary, to call or subpoena
14 witnesses or require the
15 production of any record,
16 document, photograph or other
17 relevant materials necessary
18 to conduct this investigation.

19 Again, my name is Bill

20 Tucker, and I'm with Miners'
21 Health, Safety & Training and
22 work out of the Oak Hill
23 office.

24 MR. PHILLIPS:

25 Good morning, Ronnie.

10

01 My name is C.A. Phillips,
02 Deputy Director, with Miners'
03 Health, Safety & Training,
04 Charleston, West Virginia.

05 MS. SPENCE:

06 Beth Spence, with the
07 Governor's Office.

08 MR. POGUE:

09 This investigation is
10 being conducted by MSHA and
11 the State of West Virginia to
12 gather information to
13 determine the cause of the
14 accident and to help to
15 prevent this from happening in
16 the future. These interviews
17 are an important part of the
18 investigation.

19 After the investigation
20 is completed, MSHA will issue
21 a written report detailing the

22 nature and the causes of the
23 accident. MSHA's accident
24 reports are made available to
25 the public in hopes that

11

01 greater awareness about the
02 causes of accidents can reduce
03 the occurrence in the future.
04 Information obtained through
05 witness interviews is
06 frequently included in these
07 reports. Your statement may
08 also be used in other
09 enforcement proceedings.

10 I would like to thank
11 you in advance for your
12 appearance here today. We
13 appreciate your assistance in
14 the investigation. The
15 willingness of miners, members
16 of the mine rescue teams and
17 mine operators to work with us
18 is critical to our success in
19 making the nation's mines
20 safer.

21 This interview with Mr.
22 Ronnie Ooten is being
23 conducted under Section 103(a)
24 of the Federal Mine Safety &

25 Health Act of 1977 as part of

12

01 the investigation by the Mine
02 Safety and Health
03 Administration into the
04 conditions, events and
05 circumstances surrounding the
06 fatalities that occurred at
07 the Aracoma Alma Mine Number
08 One, located on Route 17
09 North, Bandmill Hollow Road,
10 Stollings, West Virginia,
11 25646.

12 This interview is being
13 conducted at the Department of
14 Environmental Protection, in
15 Logan, West Virginia, on March
16 31st, 2006, at 8:05 a.m.

17 Mr. Ooten, may I call
18 you Ronnie?

19 MR. OOTEN:

20 Yeah.

21 MR. POGUE:

22 The interview will
23 begin by asking you a series
24 of questions. Feel free at
25 any time to clarify any

13

01 statement that you make in
02 response to the questions.
03 After we have finished asking
04 the questions, you will have
05 an opportunity to make a
06 statement of your own and
07 provide us with any other
08 information that you believe
09 may be important.

10 You are permitted to
11 have a representative with you
12 during this interview, and you
13 may consult with this
14 representative at any time.

15 You may designate any person
16 to be your representative.

17 Following the questions by
18 MSHA and the State, this
19 representative will be given
20 an opportunity to ask
21 questions for the purpose of
22 clarification on areas already
23 discussed.

24 Your statement is
25 completely voluntary. You may

01 refuse to answer any question
02 and you may end your interview
03 at any time. If you do not

04 understand a question, tell me
05 and I will rephrase the
06 question. If you need a break
07 for any reason, please let me
08 know.

09 You may request the
10 opportunity to make a
11 confidential statement, which
12 we will withhold from the
13 public to the extent allowable
14 by law. Should you desire to
15 give a confidential statement,
16 you should advise me before I
17 begin your interview so that I
18 can reschedule your interview
19 in order to properly consider
20 your request. Would you like
21 to give a confidential
22 statement?

23 MR. OOTEN:

24 No. I'm fine.

25 MR. POGUE:

01 A court reporter will
02 record your interview and will
03 later produce a written
04 transcript of the interview.
05 I ask that you state all your

06 answers verbally because the
07 court reporter cannot record
08 your gestures, such as nodding
09 of the head.

10 MR. OOTEN:

11 Oh, okay.

12 MR. POGUE:

13 If any part of your
14 statement is based not on your
15 own firsthand knowledge but on
16 information that you've
17 learned from someone else,
18 please let us know.

19 Please answer each
20 question as fully as you can,
21 including any information that
22 you've learned from someone
23 else. We may not ask the
24 right question to learn the
25 information you have, so do

16

01 not feel limited by the
02 precise question asked. If
03 you have information about a
04 subject area of a question,
05 please provide us with that
06 information.

07 Do you have any
08 questions about the manner in

09 which the interview will be
10 conducted?

11 MR. OOTEN:

12 I'm fine with it.

13 MR. POGUE:

14 Will you please swear

15 in Mr. Ooten, please?

16 -----

17 RONNIE OOTEN, HAVING FIRST BEEN DULY

18 SWORN, TESTIFIED AS FOLLOWS:

19 -----

20 BY MR. POGUE:

21 Q. Are you appearing here

22 voluntarily today ---

23 A. Yes.

24 Q. --- for the interview? Has

25 anyone made any promises to you for

17

01 giving this statement or offering you

02 any reward in exchange for your

03 statement?

04 A. No.

05 Q. Has anyone threatened you or

06 warned you not to provide a

07 statement?

08 A. No.

09 Q. Do you understand that you may

10 refuse to answer any question or

11 terminate this interview at any time?

12 A. Yes.

13 Q. Do you have a representative
14 with you today?

15 A. No.

16 Q. We have the series of
17 questions, then we'll proceed. Who
18 was your employer on January 19th of
19 2006?

20 A. Laurel Creek Company.

21 Q. What was your job title and
22 position on January 19th, 2006 with
23 that company?

24 A. Underground superintendent or
25 general mine foreman.

18

01 Q. General mine foreman?

02 A. Yeah.

03 Q. How many years had you worked
04 at that complex?

05 A. Seven.

06 Q. Seven. How many total years
07 of mining experience do you have,
08 approximately?

09 A. Twenty-seven (27). Twenty-six
10 (26), 27. It's one of them.

11 Q. Could you maybe just briefly
12 describe some of your background as
13 far as your experience in the mining

14 industry?
15 A. Miner man, section boss,
16 utility boss, shift foreman, mine
17 foreman, general mine foreman.
18 Q. So you've had some pretty
19 important positions ---
20 A. Yeah.
21 Q. --- through the years; haven't
22 you?
23 A. Yeah.
24 Q. And are you on the --- Laurel
25 Mountain did you say?

19

01 A. I'm on the Riverton Mine
02 Rescue Team.
03 Q. Okay. Riverton.
04 A. It's based out of Camp Creek
05 or ---
06 Q. Riverton.
07 A. --- Rock Springs. It's based
08 out of there. We're sister mines.
09 Q. To?
10 A. We're sister mines to
11 Foundation Coal.
12 Q. Okay.
13 A. We make up a part of Riverton.
14 So we've got people from, you know,
15 different mines on the team.

16 Q. I see. So what is the name of
17 your mine rescue team?

18 A. Riverton.

19 Q. Riverton. Prior to January
20 19th, did you have any prior mine
21 rescue experience?

22 A. Yes.

23 Q. Could you just briefly
24 describe some of the experiences you
25 had?

20

01 A. I was on Marrowbone
02 Development's Mine Rescue Team, and I
03 was a gas man. That was --- well,
04 that was about it. I was a gas man.

05 Q. Have you ever participated in
06 mine fires or recovery after a mine
07 ---?

08 A. One time --- it wasn't a fire.
09 It was basically two kids --- you
10 know, well, the gist of it, I guess
11 they were stealing copper between
12 Gilbert and Man in a little low seam
13 mine. We were a backup rescue team
14 to Island Creek. And Island Creek
15 went in and knew they were there and
16 explored 1,000 feet. And they
17 wouldn't go any further without a
18 backup team. So we went and assisted

19 them and we found those two boys and
20 brought them out.

21 Q. Good. When were you notified
22 of the Aracoma Alma Mine Number One
23 fire?

24 A. About 8:30 at night.

25 Q. And how were you notified?

21

01 A. Ed Rutter (phonetic), our
02 trainer, called, he called and said
03 to come to the station.

04 Q. Did you come by yourself?

05 A. To the station?

06 Q. Well, to the mine itself.

07 A. No. No. I went to the
08 station and then I'm not sure if
09 there was two of us in my truck or
10 three of us. I'm not sure.

11 Q. Okay.

12 A. But we, as a team, you know,
13 took off to the rescue.

14 Q. So you arrived at the mine
15 site as a team at that point?

16 A. Yes.

17 Q. What was the day that you were
18 notified?

19 A. The day?

20 Q. Yeah. Do you recall the day?

21 The night of the fire or ---? The
22 fire occurred on the 19th.

23 A. Okay. It was the 19th.

24 Q. And what time was that that
25 you were notified?

22

01 A. About 8:30.

02 Q. About 8:30. And what time did
03 you arrive at the mine?

04 A. We arrived at the mines around
05 10:50.

06 Q. 10:50.

07 A. Because we went to our station
08 and then --- now, I'm not sure, you
09 know, because I wasn't on the phone
10 calls to that, but I think there was
11 just some discrepancy of whether it
12 was a rescue-type situation. So you
13 know, we had to wait until we had
14 confirmation to come.

15 Q. I see.

16 A. So I mean, it was --- but that
17 didn't take long.

18 Q. Yeah.

19 A. But you know, just as soon as
20 we were --- we were kind of eager to
21 go.

22 Q. How far from the mine are you
23 located?

24 A. From the mines --- that is the
25 rescue ---?

23

01 Q. Yeah, your rescue station to
02 the mine, to this mine.

03 A. We made it in about 50
04 minutes.

05 Q. About 50 minutes?

06 A. Yeah.

07 Q. When you arrived to the mine,
08 who did you report to?

09 A. That's a good question. You
10 know, it was kind of in turmoil, you
11 know, people running around.

12 Q. I'm sure.

13 A. I talked to several. I mean,
14 I talked to several people.

15 Q. Do you recall if there was a
16 command center in place at that
17 point?

18 A. There was, but I couldn't get
19 up there. You know, I tried to go up
20 there and there was State Police at
21 the door. So it --- you know, I
22 guess --- I mean, I talked to
23 Harrison Stollings from State. I
24 talked to Eddie Paynter from Federal,
25 Vicki Mullins from Federal.

01 Q. Okay.

02 A. And you know, I mean, I told
03 everybody the Riverton team was
04 there. And then finally we --- you
05 know, finally --- we weren't there
06 long and they got us upstairs.

07 Q. Good. Well, when you finally
08 got into the so-called command center
09 or the area that was locked down,
10 were you given a briefing ---

11 A. Yes.

12 Q. --- as to what had taken
13 place?

14 A. I was given two actually.

15 Q. Okay.

16 A. I was given one briefing about
17 where the --- you know, they kind of
18 showed us where the fire was at. And
19 there was two teams --- two Massey
20 teams underground. And at that time,
21 I requested a --- you know, a larger
22 map, something that we could see. So
23 they told us, you know, just go on
24 back and, you know, they'd get in
25 touch with us a little bit later.

01 And so that's probably another 30 or
02 40 minutes, and I guess another team

03 had arrived. And so we went back up
04 and went through the same briefing
05 again.

06 Q. Okay.

07 A. And at that time, we were
08 taken down in the hole or --- to go
09 down there. When we went down in the
10 hole, in the pit, ---.

11 Q. Down into the box cut?

12 A. In the box cut, yeah. And we
13 waited there for I guess an hour and
14 a half.

15 Q. So when you went into the box
16 cut, you had your apparatuses already
17 prepared?

18 A. Yeah, we had them.

19 Q. So at the second briefing, it
20 was actually a briefing to go into
21 the mine at that point?

22 A. Yes.

23 Q. Okay.

24 A. And we were given the
25 assignment --- we were going to back

26

01 up the Elk Run team in going to fight
02 the fire. And the Mingo-Logan team I
03 think was given the assignment to
04 back up the other --- the Kentucky

05 Massey team.

06 Q. Uh-huh (yes).

07 A. And they were going to explore
08 down at this lower area, underneath
09 the longwall.

10 Q. Yes.

11 A. They were thinking at that
12 time that those men may have come
13 down that Ten gate and may be sitting
14 down there --- they thought they were
15 in fresh air, but they would have had
16 to come across the main return, you
17 know, --- so they were going to
18 explore that way. Well, by the time
19 --- then when we did go inside and
20 got with those crews, well,
21 everything had changed at the command
22 center for us to --- everybody go up
23 there. But we established phones and
24 communications all the way up until
25 we got up just shy of that mother

27

01 drive.

02 Q. Okay. Ronnie, we're going to
03 go to the mine map. And a lot of
04 these areas that you're talking
05 about, we'll discuss them at the mine
06 map. And as best as you can recall,
07 we'll ---

08 A. Okay.

09 Q. --- we'll identify those areas
10 where you maybe set up the first
11 fresh air base or whatever you can
12 remember or recall from that night.

13 A. Okay.

14 Q. What is your position on the
15 mine rescue team?

16 A. I'm the captain.

17 Q. Team captain?

18 A. Yeah.

19 Q. Could you just give us the
20 names of your other team members?

21 A. Elmer Perry, Ernie Bartram
22 (phonetic), Jared Sisco (phonetic),
23 Mitchell Bryant, Mark Sherger
24 (phonetic), Mark Jurosnick
25 (phonetic), Buck we call him, and

28

01 Manassas --- no, his name ain't

02 Manassas, Matthew Simpson.

03 Q. Simpson.

04 A. Matthias Simpson. That's it,
05 Matthias.

06 Q. The night that you went in,
07 did anybody else accompany your team
08 from the coal company itself that you
09 recall?

10 A. No. On the bus that we went
11 in on --- well, a driver.
12 Q. A driver?
13 A. A driver.
14 Q. What about somebody else that
15 may have gone in with you, not being
16 a member of your team? Do you recall
17 anybody ---?
18 A. State, we had a state --- we
19 had a federal --- no, we had a
20 federal man.
21 Q. Anybody from the coal company
22 go with you?
23 A. No.
24 Q. At the briefing that you had,
25 did they identify the mine fire
29
01 location ---
02 A. Yes.
03 Q. --- prior to going in?
04 A. Yes.
05 Q. Did they also talk to you a
06 little bit about the firefighting
07 activities to that point?
08 A. Yes, they did.
09 Q. Okay. Can you recall what
10 they said was happening?
11 A. They had used --- now, this is
12 what they said, that they had used

13 fire extinguishers and had stretched
14 the water hose out, fire hose.

15 Q. Did they indicate who had done
16 that, as far as the fire hoses?

17 A. You know, no, actually they
18 didn't because --- but one guy in
19 particular, a Gause --- no, Gary ---.

20 Q. Gary Goff?

21 A. Gary Goff.

22 Q. Okay.

23 A. Gary had talked about feeling
24 heat --- or looking through a man
25 door and seeing --- he said some

30

01 half-headers or something were on
02 fire.

03 Q. Okay.

04 A. And he had made that
05 statement.

06 Q. Did he indicate that they had
07 stretched any fire hoses at that
08 point or done any firefighting
09 activity?

10 A. In the command center, they
11 said that they had stretched the fire
12 hose. And I did see evidence of a
13 fire hose stretched.

14 Q. Once you got inside?

15 A. Yeah, once I got inside.

16 Q. Okay. That's kind of the
17 information we're going to need once
18 we get to the map and if you can
19 recall where you saw that and maybe
20 the source of it, where it went back
21 to. Did Mr. Goff tell you who
22 actually stretched that hose?

23 A. No.

24 Q. He just told you that the hose
25 was already stretched?

31

01 A. Well, he was telling everyone
02 in that briefing.

03 Q. Okay. What about --- when he
04 told you that, did he actually say
05 anything about the water, if water
06 was being applied to the fire, ---

07 A. No.

08 Q. --- if anybody was manning the
09 fire hose?

10 A. No.

11 Q. Before we get to the mine map,
12 do you recall --- once you got in
13 there, did you see that fire hose?

14 A. Yeah, I saw that fire hose.

15 Q. Did it look like the line was
16 charged or if there was water? You
17 know, sometimes you can position a

18 fire hose and nozzle to ---.
19 A. It was stretched from the
20 48-inch belt line over and it looked
21 like a hole had been busted in a
22 stopping, which it still didn't reach
23 the head.
24 Q. It didn't go all the way to
25 the fire location?

32

01 A. No, it didn't go all the way.
02 Q. And that was collapsable hose?
03 A. It was collapsable hose.
04 Q. Was there a nozzle on the end
05 of it?
06 A. Yeah, there was a nozzle on
07 the end of it.
08 Q. Did Mr. Goff, at your
09 briefing, did he indicate that any
10 ventilation controls had been either
11 installed or removed or partially
12 removed?
13 A. Not that I recall.
14 Q. Okay. And I think you said
15 earlier that at that briefing they
16 gave you a mine map?
17 A. Yes. Yeah, I requested one
18 and they gave me one.
19 Q. Do you recall if that mine map

20 had escapeways marked on them?
21 A. Yeah. It was all --- it was
22 --- well, it was just exactly that
23 map right there.
24 Q. And by referring to that map
25 at this point, that would be Exhibit

33

01 A Ooten.
02 (Ooten Exhibit A marked
03 for identification.)
04 BY MR. POGUE:
05 Q. And when you say that it was
06 just exactly like that map ---?
07 A. I mean, you know, it had the
08 color and ---.
09 Q. Which colors are you referring
10 to, Ronnie?
11 A. Yellow, green.
12 Q. Did anybody explain to you
13 what those markings were?
14 A. Yeah. Well, you know, I may
15 be wrong now, but I'm thinking they
16 said that the green was their --- it
17 was primary escapeway and secondary
18 escapeway is what I think that was
19 ---.
20 Q. Yeah, that's their notation
21 for it.
22 A. Okay.

23 Q. Good.

24 A. Now, our map was --- you know,
25 is bigger than that, though. It

34

01 showed a lot more area.

02 Q. Oh, did it?

03 A. Yeah.

04 Q. Okay. When you got up to the
05 fire location, and again, we'll mark
06 this on the mine map, but can you
07 recall any stoppings where fire hoses
08 went through or hard lines went
09 through to supply water over to the
10 fire area?

11 A. From the 48-inch belt?

12 Q. Yes.

13 A. No, I didn't --- no, I didn't
14 see any.

15 Q. You didn't see ---?

16 A. The only thing coming off of
17 that 48-inch belt that went in that
18 direction was that one long fire
19 hose.

20 Q. And it was just a
21 collapsable-type fire hose?

22 A. Yeah, that's what I --- that's
23 all I saw.

24 Q. Okay. At that briefing that

25 you had prior to going in, did Mr.

35

01 Goff indicate any problems with

02 water?

03 A. No.

04 Q. How about water pressure?

05 A. No, I didn't hear anything

06 mentioned.

07 Q. Okay. When you left the

08 command center, did you feel that

09 water had been supplied to the fire

10 area and that ---?

11 A. I was under the assumption

12 that --- you know, that they had used

13 water to fight the fire. Now, that

14 was an assumption I was under.

15 Q. And when you got there, was

16 there any indication whatsoever that

17 water had been applied that you can

18 recall?

19 A. Well, I mean, I --- I'm

20 assuming, but you know, I mean ---

21 there a fire hose was, you know, a

22 collapsable one stretched over. I

23 mean, how that mines was, you know, I

24 don't know. I mean, I ---. Like I

25 say, all I can tell you is from that

36

01 48-inch belt there was a fire hose

02 stretched over and a hole knocked in
03 a stopping.

04 Q. Okay.

05 A. That's all I can tell you.

06 Q. All right. Do you recall what
07 time it was when you actually went
08 underground?

09 A. I think it was --- I think it
10 was close to three o'clock in the
11 morning before they let us go
12 underground.

13 Q. And the other two teams had
14 already gone underground?

15 A. The other two teams were
16 there. See, we were kind of --- we
17 were --- I mean, I was under the
18 impression we were backing them up.

19 Q. Okay. All right. Once those
20 two teams had gone in there and ---
21 do you recall what time they went in?

22 A. Oh, no. They were ---

23 Q. They were already in?

24 A. --- going in when --- I don't
25 know if they had just took off inside

37

01 when we arrived or if they were
02 already inside. I don't know the
03 answer to that.

04 Q. At this briefing, were you
05 given information that updated what
06 the progress was that they had made
07 in the mine?
08 A. At that briefing, they told us
09 that they were --- well, all at the
10 bottom of the gob, where that ---
11 right in there.
12 Q. Okay. I think ---.
13 A. That is where we went to and
14 got with those two groups.
15 Q. Okay. They refer to that area
16 as the Four Right area of the mine.
17 A. Oh, okay.
18 Q. But we'll review that once we
19 get up there. These mine maps that
20 they give you, did you have any
21 problems with the mine maps since you
22 got underground?
23 A. Yeah.
24 Q. What kind of problems did you
25 experience?

38

01 A. Massey took it. We had to
02 give it up.
03 Q. Once you got underground?
04 A. Once we got underground.
05 Their maps were, you know, a whole
06 lot smaller, and they got my map and

07 we never did get that map back. So
08 we were kind of --- we were just in
09 the dark the rest of that night.

10 Q. Okay.

11 A. So the second night, we wasn't
12 giving our map up.

13 Q. I could understand that.

14 Which team took your map?

15 A. Well, it wasn't necessarily a
16 team. It was --- well, what they did
17 was they --- well, ---.

18 Q. Did they take this map off of
19 you underground?

20 A. Yeah. They asked for it and I
21 gave it to them. I mean, I ---.

22 Q. And this was a team that took
23 your map; is that correct?

24 A. Yeah.

25 Q. It wasn't an individual?

39

01 A. Well, it was ---.

02 Q. I mean, ---.

03 A. They more or less established
04 a command center. As we moved the
05 fresh air bases up, now that map was
06 --- the next night I went in, that
07 map was laying right there where they
08 left it. It was at a mine phone at

09 the --- I think it was at fresh air
10 base number nine, is where it ended
11 up.

12 Q. Do you recall a person by the
13 name of Johnny Robertson?

14 A. Uh-huh (yes). Yeah, he had
15 the map.

16 Q. Is he the one that kind of
17 asked for your map or took your map;
18 can you recall?

19 A. I mean, I can't say that it
20 was him, but him and Frank Foster,
21 you know, both had their hands on the
22 map. And I had my hands on it, too,
23 but it was kind of just set up as an
24 underground fresh air base map, and
25 it laid right there on that belt

40

01 line.

02 Q. I see. Okay. But they never
03 advanced from Nine?

04 A. No.

05 Q. Just kind of --- that was like
06 a staging area for you?

07 A. That was just from there that
08 first night to --- we were just
09 trying to get the material. We was
10 trying to get all the firefighting
11 material, the foam, ---

12 Q. Sure.

13 A. --- they was trying to get
14 that up. And from that --- you know,
15 on that first night, from that point
16 --- the Elk Run team and us, we moved
17 --- we just moved the fresh air base
18 up a few points. It was kind of
19 slow. They didn't let you do a whole
20 lot out of the command center.

21 Q. Sure.

22 A. So we ended up moving I think
23 --- we established fresh air base
24 nine, and I'm pretty --- I'm thinking
25 that we established fresh air base

41

01 ten, which would have been just outby
02 along the seal on that belt line to
03 the left. And then the next day we
04 started establishing water.

05 Q. I see.

06 A. And they said, you know, what
07 the word was, that when the power had
08 been knocked, that the waterline was
09 air locked, which it goes straight
10 uphill. I mean, I kind of thought
11 --- saw where that could be the case,
12 so ---.

13 Q. Let me ask you this. Before

14 you went in the mine that night, did
15 you, yourself, ask about the
16 situation with the power, if it had
17 been ---?

18 A. No, I didn't.

19 Q. Do you recall anybody asking
20 about it or talking about the power
21 being removed from the mine?

22 A. Well, it always --- now, the
23 command center I think did tell us
24 the power was off.

25 Q. And who from the command

42

01 center; do you recall? Would that
02 have been Gary Goff or ---?

03 A. No. I don't think it was him.

04 Q. Was this ---?

05 A. There was a lot of --- I mean,
06 there was state and federal --- there
07 was a lot of people in that command
08 center. I mean, a lot of people were
09 doing a lot of talking.

10 Q. Okay. Once you got
11 underground, did you find that the
12 power was not de-energized to the
13 underground portion of the mine?

14 A. No, it was off.

15 Q. It was off?

16 A. It was off. There was a lot

17 of pumps on that roadway and we had a
18 lot of water getting in the buses.
19 And by the time I think we come ---
20 by the time we came out of there, you
21 know, they had started establishing
22 power up through there to serve for
23 us.

24 Q. Getting back to the command
25 center and maybe somebody who you may

43

01 have talked to in the command center.

02 Would it have been Chris Adkins?

03 A. Chris Adkins came in and
04 briefed us. He did come in and brief
05 us.

06 Q. And that would have been the
07 second briefing or the first
08 briefing?

09 A. I don't know.

10 Q. Okay. Would he have been the
11 person you talked to on the phone?

12 A. The first night, I didn't do
13 any talking on the phone.

14 Q. How many nights did you
15 actually get underground?

16 A. We were there --- well, the
17 --- it was on a Thursday; right?

18 Q. Right, that was the night of

19 the fire.

20 A. We were there ---.

21 Q. You went in around the 20th,

22 around 3:00?

23 A. We went in about 3:00 and come

24 out about 2:00 in the afternoon and

25 we back in at --- we were there at

44

01 11:00 the following night.

02 Q. 11:00 p.m.?

03 A. Yeah.

04 Q. Okay. Went in about --- I

05 don't know, about --- I think about

06 three o'clock that night. Because we

07 were backing up. And it did get ---

08 it kind of got mixed up, we were in

09 there so long.

10 Q. Sure.

11 A. But then we came up, which

12 would have been Friday night and then

13 coming out --- we came out ---.

14 Q. You're on Saturday right now.

15 A. We come out Saturday. I

16 really believe that we was probably

17 on our way back to the hotel when

18 they found the two boys.

19 Q. Okay.

20 A. Then we didn't --- we went

21 back in Sunday and just monitored the

22 fire for hot spots.

23 Q. What we'll do is, with the
24 different colored markers there,
25 we'll indicate your travel by one

45

01 color, and you can tell us the
02 approximate times that you were at
03 the mine, you went in the mine, maybe
04 who your backup team was and
05 everything.

06 Getting back to the mine map,
07 on previous trips underground were
08 you given a mine map?

09 A. Yeah. Once we went in ---
10 when we went in the second day, we
11 got our map and we hung onto it until
12 it was over.

13 Q. Did you find any problems with
14 the mine map, such as ventilation
15 controls indicated on a mine map and
16 once you got underground there would
17 be no ventilation control or survey
18 station markings?

19 A. The only --- I mean, just ---
20 on the first night, when we were
21 pushing the --- we just kept moving
22 that fresh air base up on that 48-
23 inch belt. There was one stopping

24 that the top was coming all out of
25 it, whether it crushed out or fell

46

01 out, you know, I don't know.

02 Q. When we get to the mine map,
03 we'll ask you to mark that for us,
04 Ronnie.

05 A. Okay.

06 Q. Once you got underground, did
07 you --- you know, we talked about
08 escapeways briefly. Did you see
09 anything that indicated what the
10 escapeway --- how they were marked
11 underground, reflectors or anything
12 of that nature?

13 A. Well, the area that we
14 traveled up I'm pretty sure had
15 yellow reflectors for it being the
16 secondary.

17 Q. Okay. Good. Do you think
18 that's an important part of your
19 briefing prior to going into a mine
20 like that that you've never been in?

21 A. Well, I learned a lot. That
22 was my first time ever in, so yeah.
23 I mean, I probably didn't ask ---
24 there was a lot of questions I didn't
25 ask. If I ever did it again, I will

47

01 ask. It was a learning experience
02 for us.

03 Q. Sure it is. Well, I think
04 we're ready to go to the mine map.

05 A. Okay.

06 Q. One question before we go up.
07 Do you have any mine maps from your
08 exploration?

09 A. No. We turned --- we only had
10 the one map, the one we got the
11 second day, ---

12 Q. Right.

13 A. --- and we turned it back in.

14 Q. To the command center?

15 A. To the command center.

16 Q. Do you recall who at the
17 command ---?

18 A. I gave it to Frankie Foster.

19 Q. Frankie Foster?

20 A. Yeah.

21 Q. Did you indicate on the mine
22 map the name of your team, your name
23 and maybe the date?

24 A. Well, my briefing officer, he
25 kept the map and he did all the

48

01 marking. If he put it on there, I
02 don't know.

03 Q. At that briefing that you had
04 when you came out of the mine, did
05 they debrief you off of your map?
06 A. Yes.
07 Q. And was that a map that you
08 used to advance the fresh air base up
09 in the 48-inch or was this on a
10 subsequent?
11 A. We would --- you know, we
12 would hang onto our map, you know,
13 after the second day and into the
14 third day. Well, there really wasn't
15 a third day, but ---. When we went
16 in the second day and got our map, we
17 just --- by one day having the
18 command center, we marked everything
19 that the other teams had done.
20 Q. Now, is this the command
21 center map in the building or the
22 command ---?
23 A. In the building.
24 Q. Okay.
25 A. In the building.

49

01 Q. Was anybody updating the map
02 underground that was at Number Nine
03 ---?
04 A. That was --- no. It was ---I
05 knew that the second night I saw it

06 laying there.

07 Q. Okay.

08 A. Now, whether it was there when

09 I came back out after that second

10 night, I don't --- you know, I don't

11 know because I was pretty tired and

12 ---.

13 Q. Sure. All right. Let's go

14 ahead to the mine map.

15 MR. POGUE:

16 Let's mark this map as

17 Exhibit B Ooten. And you

18 might as well mark that map

19 over there as Exhibit C Ooten.

20 (Ooten Exhibits B and C

21 marked for

22 identification.)

23 BY MR. POGUE:

24 Q. Ronnie, just to kind of brief

25 you on these maps, this is the

50

01 command center map that they used at

02 the command center as you called

03 information --- as the different

04 teams called information out, then

05 they marked it on this map. And this

06 is a map here that starts at the box

07 cut and goes up to the north mains.

08 And the brown indicates the belt
09 entries. This is the northeast mains
10 over to the Number Two section. That
11 map right there is just a larger-
12 scale map to this right here. And
13 first of all, we'll start off with
14 this map right here, Exhibit B. And
15 if you would sign and date this map
16 right up in here someplace.

17 WITNESS COMPLIES

18 BY MR. POGUE:

19 Q. And you can refer to any of
20 these maps for information ---

21 A. Okay.

22 Q. --- or anything that you have
23 a doubt about in your mind. Of
24 course now here's your box cut. Now,
25 let's go ahead and leave the box cut

51

01 after your briefing.

02 A. Okay. Well, you'll probably
03 have to help me on this, the roadway,
04 because to tell you which one it is,
05 I wouldn't be able to tell you.

06 Q. Well, that's fine. Just as
07 long as we get some ---.

08 A. Just the general direction?

09 Q. Yes.

10 A. Okay. We came in and ---.

11 Q. Okay.

12 A. We came to here, and this is
13 where --- this is the first place we
14 stopped and gathered up --- now,
15 these other teams, they came out of
16 this direction. They had been --- we
17 had taken in a whole bunch of phone
18 line.

19 Q. Phone line?

20 A. Yeah, because they were going
21 to try to --- from originally in the
22 command center, they said that they
23 were going to establish --- try to
24 establish phone line out this way, in
25 other words, have two explorations,

52

01 you know, one ---.

02 Q. Okay.

03 A. So we stopped here.

04 Q. When you say we, you're
05 talking about your team and another
06 team?

07 A. The Riverton team and the
08 Mingo-Logan team.

09 Q. Could you just write your two
10 teams right there?

11 A. Yes.

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. And you can abbreviate and

15 indicate that that was on the 20th,

16 after midnight, when you said it was

17 --- I think you said earlier it was

18 like three o'clock in the morning

19 whenever you ---?

20 A. I'm thinking it was like 3:00

21 a.m.

22 Q. That phone line that you were

23 talking about, you're talking about

24 telephone line; is that correct?

25 A. Yeah. It was a black and

53

01 white twisted cable and we had a

02 bunch of phones.

03 Q. At this Four Right location,

04 would that have been the Number One

05 fresh air base?

06 A. It may have been.

07 Q. Okay. For now, we'll call it

08 either that or a staging area.

09 A. Okay.

10 Q. Was there communications

11 there; do you recall?

12 A. No, I don't think there was.

13 I think we established ---. I mean,

14 they had --- I mean, the line was

15 there, but we put a phone in there.

16 Q. And that phone went back to
17 the fresh air base --- or I mean,
18 back to the command center?

19 A. Yes.

20 Q. When you got here, had the
21 teams already left and explored the
22 area up in there?

23 A. They had been up through
24 there.

25 Q. Do you recall any information

54

01 or any routes of travel that they had
02 called back to the location where
03 you're at, at the junction of north
04 mains ---?

05 A. I think --- you know, just
06 hearsay, but I'm thinking that they
07 said they had come --- well, either
08 they had come up here --- just inby
09 this one or just inby this one. I'm
10 not sure which.

11 MR. POGUE:

12 And Ronnie is
13 indicating the first location
14 to be the Nine tailgate entry?

15 A. Well, this would have been it.
16 This would have been it.

17 BY MR. POGUE:

18 Q. Okay.

19 A. That's where --- they'd come
20 to that area right there.

21 Q. Do you recall any of
22 their ---?

23 A. I think they said there was
24 some water that was pretty deep.

25 Q. Okay. Any other objectives

55

01 that they had in that area that you
02 can recall? Did they have to take
03 any air readings or open any doors?

04 A. I didn't hear. I didn't hear,
05 so ---.

06 Q. So when you got here, were
07 they already out, that team that was
08 working on the Four Right area?

09 A. No. We pulled into there and
10 --- well, they were one and two and
11 then three and four, and then finally
12 you had one team and then a few
13 minutes later you had the other team.

14 Q. Okay. Can you recall any
15 times that you were maybe at this
16 location, Ronnie?

17 A. We were there for a while.
18 I'd say we were there for at least
19 --- well, I would think we was there
20 for an hour.

21 Q. So that probably puts you
22 around four o'clock to 4:30,
23 something in that ---?
24 A. Yeah.
25 Q. Could you just make a note on

56

01 that? Just put approximate time.

02 A. One hour ---?

03 Q. Well, put ---.

04 A. 4:00 a.m.

05 Q. Yeah, 4:00 a.m.

06 A. Okay.

07 Q. I guess once everything gets
08 collected up here and you guys are
09 all --- all four teams are back here
10 at this location?

11 A. Then we were told to go ---
12 they wanted us all to go up to the
13 fire. But we established a few more
14 phones on the way.

15 Q. On the way up through?

16 A. Yeah.

17 Q. Was there ever any indication
18 from the command center that they
19 wanted you to check these opens at
20 Five headgate, Six headgate, Seven
21 headgate?

22 A. They wanted us to check this

23 area here.

24 Q. Okay.

25 A. They wanted a --- which it was

57

01 --- that first night it was, Massey
02 do all the work, and everybody else
03 back up.

04 Q. So one Massey team, with you
05 guys sitting out here on a ride?

06 A. Yeah. They went over --- they
07 went through those doors and ---.

08 Q. Do you know what route of
09 travel they had there, Ronnie?

10 A. Well, they had to go through
11 these doors. I think they were told
12 to go --- they wanted them to go over
13 here and check these openings at
14 these three entries and report back
15 what they had. And I think they had
16 pretty high levels of CO is what they
17 reported back.

18 Q. All right. Just indicate with
19 your marker ---

20 A. Okay.

21 Q. --- this would be a Number Two
22 staging area or --- on the 20th.

23 A. That was --- we were there for
24 probably another hour.

25 Q. Okay.

01 A. So you want me to put 5:00

02 a.m.?

03 A. Yeah, put approximate there.

04 WITNESS COMPLIES

05 BY MR. POGUE:

06 Q. What was your next ---?

07 A. Once they had went over and

08 checked this and come back, then we

09 drove --- you're going to have to

10 tell me where the mother head is at.

11 This one is in the mother head.

12 Q. That's correct.

13 A. That's the mother head?

14 Q. Yeah. This is the longwall

15 belt right here.

16 A. We came up into this area some

17 way. Some way they drove us up

18 fairly close. And then we crossed an

19 overcast and we kind --- now, we kind

20 of separated at that time.

21 Q. Separated, meaning two teams

22 went forward and the other two teams

23 went in another location?

24 A. Yeah. I think the Kentucky

25 team and the Mingo-Logan team were

01 trying to --- they were trying to get

02 a roadway in, trying to get the
03 material as close as they could to
04 the head. But we had basically ---
05 well, let's just call it that. Now,
06 I'm not sure which overcast. But
07 when we crossed the overcast, then we
08 got over and went through a door on a
09 belt. Maybe it was --- well, there's
10 no overcast.

11 Q. Let's look at that other map
12 down there, Ronnie, Exhibit C. But
13 before we leave this map, this time
14 that you indicate, that's the time
15 you arrived at this location?

16 A. We were there --- yeah.

17 Q. Or was this the time you left?
18 By the time they come back, it's
19 probably ---.

20 A. That's probably about the time
21 we left.

22 Q. Can you just put an L equals
23 something that you can identify that
24 time?

25 WITNESS COMPLIES

60

01 BY MR. POGUE:

02 Q. We can go to Exhibit C over
03 here. And again, this is your mother
04 belt. This is a drive area. This is

05 the 72-inch belt. This is your
06 48-inch belt around the northeast
07 mains. And I've numbered these
08 entries for you here.

09 A. So would this have been fresh
10 air base number nine by the big map?

11 Q. Let's go look at the map and
12 see what we have there.

13 A. Because that's where we went
14 to. Well, I'm thinking we crossed
15 here and then walked up that belt and
16 established that fresh air base.
17 Where would that be? Right in here?

18 Q. Uh-huh (yes).

19 A. Okay. This is where we went
20 to. And when we got there, ---.

21 Q. Did you guys establish a
22 communication?

23 A. Yeah, we established that
24 communication there. And then they
25 would tell us on the map where to go

61

01 on up that belt line to try to set up
02 --- you know, establish a fresh air
03 base team, so ---. That's where we
04 kind of split up then. We were ---
05 my team, we were just backing up. We
06 were just moving phone line. That's

07 about what it boiled down to.
08 Q. Let me caution you one thing
09 about these maps. The ventilation
10 controls that they indicate on these
11 maps may or may not be at those
12 locations or they may not even be on
13 the mine map. So if you see
14 something that you think you traveled
15 through this crosscut here, where I'm
16 indicating between Four and Five, and
17 there may be a stopping or there may
18 not be a stopping.

19 A. We traveled. We traveled this
20 way because we came through a door
21 and then we went up. And it was in
22 --- it would have been in this area
23 right in here is where I saw the fire
24 hose running from this 48-inch ---.

25 Q. How about if you identify with

62

01 your marker the route of travel right
02 to the fresh air base?

03 WITNESS COMPLIES

04 A. Okay. And then --- well, like
05 I say, that first map, I never did
06 --- me, personally, I never got off
07 the belt line. But we moved the
08 fresh air base on up to Ten. And in
09 doing so, oh, say in probably about

10 that neighborhood right there, there
11 was a top of a stopping out.

12 BY MR. POGUE:

13 Q. Okay.

14 A. We were backing up and the
15 other teams was doing exploration,
16 trying to find that bus. We had
17 hauled in a bunch of curtain, nails.
18 Then in the backup row, smoke was
19 leaking in.

20 Q. Sure.

21 A. And we was sitting at fresh
22 air base ten, being in this area
23 here. You know, we had it set up at
24 about 35 parts per million. So I
25 left and walked all the way back to

63

01 the bus. And them buses was --- they
02 were down in this neighborhood here,
03 I think.

04 Q. Okay.

05 A. And got some curtain and
06 packed it back up there. And we were
07 trying to check that out real good,
08 you know, to keep the smoke off that
09 belt line. And during that process,
10 three of my team members was still
11 under oxygen with a couple guys from

12 Mingo-Logan, and they went and found
13 --- they found the bus.

14 Q. Okay. How heavy was the smoke
15 back in here whenever you decided to
16 ---? Are you sure that this is a
17 stopping that you passed?

18 A. No, I'm not sure of it. I
19 knew --- we had established --- we
20 established fresh air base ten. And
21 it was probably about six or eight
22 breaks outby.

23 Q. Do you want to look at this
24 map and see ---? Is that fresh air
25 base ten?

64

01 A. Okay. That's it because we
02 weren't too far outby this.

03 Q. And that's?

04 A. Station 314.

05 Q. It's 3314.

06 A. Oh, 3314?

07 Q. Survey station 3314.

08 A. Okay.

09 Q. Put 1/20 on there.

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. As you guys were advancing up
13 through this area, where did you
14 first encounter the smoke?

15 A. Going up from back here at
16 this mother head, they were --- the
17 Massey team was over in here looking.
18 I went over just enough to see that
19 there was smoke.

20 Q. Was it heavy smoke?

21 A. No, not what I saw. But I may
22 have been outby to the point that I
23 didn't see it.

24 Q. Were they attached to a
25 lifeline in that smoke?

65

01 A. I can't tell you.

02 Q. How about when they advanced
03 in the 48-inch belt and they ran
04 across smoke, were they using a
05 lifeline at that point?

06 A. No. I mean, we were just ---
07 we weren't even under apparatus.

08 Q. What was your visibility at
09 that point?

10 A. Pretty good. Now, if you
11 would step --- you know, if you'd
12 step through any of these doors, then
13 the smoke was, you know, pretty
14 thick.

15 Q. Was Massey teams going toward
16 the doors or ---? Did you see them

17 go through the door?

18 A. Yeah. We were back --- we
19 were the back-up team, so we'd sit
20 there waiting to back them up.

21 Q. When they went through the
22 door, were they attached to a
23 lifeline or anything?

24 A. I'm sure they were. I mean,
25 but to tell you that, no, I can't

66

01 tell you that. When we went the
02 second time, we were.

03 Q. As you guys were advancing up
04 this 48-inch belt, did you have
05 communications all the way up
06 through?

07 A. We had those radios.

08 Q. Was that working out okay for
09 you?

10 A. The MSHA radios was good.
11 They were pretty good radios. If you
12 had --- you know, I mean if you had
13 enough of them, because you'd have to
14 spread out.

15 Q. Okay. You were at fresh air
16 base number ten. What was the next
17 adventure you had there?

18 A. The next adventure we had ---
19 once we found this --- once this bus

20 was found, and by that time, it's
21 eight or nine or ten o'clock in the
22 morning, I guess.

23 Q. Could you write that on the
24 --- approximate time?

25 WITNESS COMPLIES

67

01 A. The other teams were starting
02 to come in. And they had a game plan
03 of they wanted to put water over this
04 head. So we --- at that time, you
05 know, like I said, I think both
06 Massey teams left. The Mingo-Logan
07 team left. And some U.S. Steel had
08 come on scene. Someone else had come
09 on scene. I can't tell you who it
10 was, but we helped them establish
11 water.

12 BY MR. POGUE:

13 Q. And this travel down through
14 the 48-inch belt, did it seem like
15 the further you advanced inby, the
16 smoke was trying to bleed off from
17 these intakes into the 48-inch belt
18 entry?

19 A. Well, I would have to answer
20 that yes because, you know, I mean,
21 this stopping that was crushed out

22 was allowing, you know, smoke to go
23 over. So when we --- you know, when
24 we passed it up, it reduced that 35
25 parts per million down to about 23.

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01 But to tell you what was on up this
02 way, I can't.

03 Q. So you're saying the CO and
04 did the smoke also get a little bit
05 less heavy in this area inby the fire
06 area?

07 A. Well, it really --- it wasn't
08 heavy. It was ---.

09 Q. Just a light smoke?

10 A. We never did put apparatuses
11 on.

12 Q. Do you recall what direction
13 the air would be ---?

14 A. It was up the belt way.

15 Q. Can you give me an arrow
16 indicating the ---?

17 WITNESS COMPLIES

18 BY MR. POGUE:

19 Q. Okay. Let's go back and talk
20 about the water. And I'll get you a
21 different colored marker. And
22 indicate the location of your water,
23 the direction of your fire hoses or
24 any waterlines that you may have

25 helped them install that night.

69

01 A. I mean, I really couldn't. I
02 don't know if that fire hose --- I'm
03 going to assume that we just ran it
04 this way.

05 Q. Do you recall if the stopping
06 had a door in it or an opening in it
07 or anything where you're putting ---?

08 A. No.

09 Q. Say just what they do, just
10 ---.

11 A. We knocked a hole in it.

12 Q. Do you recall what size hole
13 you put in the stopping? Was it big
14 enough to walk through?

15 A. No.

16 Q. And maybe three or four blocks
17 from ---?

18 A. Maybe around three or four
19 blocks. Mostly ---.

20 Q. Could you indicate that?

21 A. See, when we were --- we were
22 establishing from this side. Now,
23 there was --- there was somebody that
24 had came around to that side. Now,
25 to tell you who --- it was --- I

70

01 would assume it's U.S. Steel or
02 Pinnacle.

03 Q. You mean a mine rescue team?

04 A. Yeah. A mine rescue team was
05 over there. We were all working
06 about getting waterlines established.

07 Q. All right. Had they brought a
08 waterline to this area, over to the
09 fire areas or ---?

10 A. No. We keyed off of this
11 48-inch belt.

12 Q. And what did you take off of
13 there? Was it a four-inch plastic or
14 three-inch plastic?

15 A. I think that might --- it was
16 that blue aqua line. It was a six
17 inch, and we reduced it. We had to
18 get a reducer and reduce it down to a
19 four.

20 Q. Could you indicate ---?
21 Where's the six or the eight-inch, is
22 it up in here?

23 A. Well, the six-inch line,
24 that's what was running up through
25 there.

71

01 Q. Okay. Could you indicate that
02 six-inch line, that you reduced here?

03 WITNESS COMPLIES

04 BY MR. POGUE:

05 Q. This stopping that you
06 indicated that was crushed out at the
07 top?

08 A. Yeah.

09 Q. Can you describe that a little
10 bit? Is it something that happens
11 because of the pressure of the mine
12 roof and the mine bottom or ---?

13 A. That's what I thought it was.

14 Q. Were the blocks still laying
15 at the locations where they crushed
16 out or was it just a roof material
17 that fell on a bunch of stoppings?

18 A. No. Actually, the top didn't
19 look that bad, but just the blocks
20 were. I mean, it wasn't a knockout
21 type of situation. It didn't look
22 like that.

23 Q. And there was ---.

24 A. But if you all are saying the
25 debris was on my side of the

72

01 stopping, I didn't see it. It may
02 have been on the other side of the
03 stopping.

04 Q. Did you have some stoppings
05 that blowed?

06 A. Might have.

07 Q. So what did you have, two

08 courses of block out or one course of

09 block out at the top; do you recall?

10 Or maybe half a room?

11 A. No, the intake ---.

12 Q. Just the smoke was coming ---?

13 A. The area where the belt line

14 is at? Right.

15 MR. POGUE:

16 We need to take a

17 break.

18 A. Okay.

19 SHORT BREAK TAKEN

20 BY MR. POGUE:

21 Q. Let's back up in the 48-inch

22 belt entry. When you guys first

23 entered the belt entry up here at

24 survey station 2866, was there any

25 smoke?

01 A. No.

02 Q. When did you first encounter

03 the smoke?

04 A. Well, the only smoke that was

05 coming in that belt line was from

06 here.

07 Q. Could you indicate here that

08 you had smoke?

09 A. Do you want me to write smoke
10 from stopping?

11 Q. Yes.

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. Which side of the belt did you
15 all come down?

16 A. The other side.

17 Q. The northern side of the belt?

18 A. Yeah.

19 Q. And did that appear to be the
20 wide side, do you recall?

21 A. Yeah.

22 Q. At any time you were traveling
23 that belt, did you have to cross over
24 the belt because of clearance?

25 A. Back down here, when we went

74

01 through this door, you'd be coming up
02 this side and there was a real tight
03 --- as a matter of fact, I guess that
04 would be it.

05 Q. It would be the southern
06 portion of the entry?

07 A. We crossed over there, which
08 that was pretty much their designated
09 travel side anyhow.

10 Q. That CO reading that you took,

11 were you on the north side of the
12 belt, the upper side?
13 A. I have even --- we were
14 sitting in 35 parts per million here,
15 but it was on account of this
16 stopping. So then when I went back
17 and hung a curtain across it, then
18 that lowered this down to 23 parts
19 per million.

20 Q. Did you ever take a CO reading
21 back here where the stopping was
22 leaking?

23 A. Yeah, we did. And it was ---
24 it was about the same.

25 Q. Getting back to the opening

75

01 that's in this stopping, can you give
02 me an approximate size of that
03 opening?

04 A. About a foot and a half on the
05 length. The width, ---.

06 Q. Are you reasonably sure at
07 that location that ---?

08 A. Well, no. I knew it was ---
09 it was several breaks back from --- I
10 can still see the people at fresh air
11 base ten when I was working on it.

12 Q. What I was getting to was that
13 the CO reading that you took here,

14 was it similar to what you had ---

15 A. Yes, it was.

16 Q. --- at fresh air base ten?

17 And that reading was what?

18 A. Thirty-five (35) parts per

19 million.

20 Q. Could we indicate that? Let's

21 put that ---.

22 A. Oh, okay.

23 WITNESS COMPLIES

24 BY MR. POGUE:

25 Q. And what is that dimension

76

01 right here? Foot and a half by ---?

02 A. All across the stopping. I

03 didn't measure it.

04 Q. It was a foot and a half down

05 from the mine rib.

06 A. Yes.

07 Q. From rib to rib?

08 A. From rib to rib.

09 Q. Okay. Was there any kind of

10 curtain or anything stopped in that

11 opening?

12 A. No.

13 Q. As you traveled down through

14 here, did you see any stoppings that

15 had curtains ---

16 A. No.

17 Q. --- stuffed in holes or

18 anything like gob material pushed up

19 against holes?

20 A. No.

21 Q. Is that the first indication

22 ---

23 A. Yes.

24 Q. --- that you saw any kind of

25 smoke traveling from the intake over

77

01 to the belt entry?

02 A. Yes.

03 Q. And you're reasonably sure ---

04 or you're sure that that hole was in

05 the top of the stopping, that it

06 wasn't in the base of the stopping?

07 A. No, it was in the top.

08 Q. Okay. Did you hear or was

09 there any indication that a mine

10 rescue team had knocked that hole in

11 the stopping for any purpose?

12 A. No.

13 Q. Did you hear anybody say that

14 that may have been the case?

15 A. No. We were --- I mean, we

16 were the first --- we were the first

17 team up through there. Even though

18 we were backing them up, we was right

19 with them.

20 Q. But your team, plus the team
21 you were backing up, was the first
22 team to explore the 48-inch belt?

23 A. That's correct.

24 Q. All right. Let's back up and
25 go back to your waterline, the work

78

01 that you did on the waterline on the
02 20th. Can you go ahead and continue
03 on?

04 A. Okay. Well, they were
05 bringing water --- they were --- when
06 they had put the power back into the
07 mines to get the pumps going, a boy
08 named Freddie Horton was walking that
09 line, bleeding it. And he had had
10 the water there, but you know, we had
11 to run --- we had to give him --- we
12 had to establish them some fresh
13 water to bring over to this point.
14 So we broke this line as far as ---
15 you know, we didn't have a T or
16 nothing like that, so we just broke
17 this waterline from going on up this
18 way and, you know, put a 90 in and
19 reduced it down. Just worked with
20 what we had.

21 Q. Did you see Fred Horton come
22 up through this area?

23 A. Yeah. Yeah, he came right up
24 to us. He was ---.

25 Q. At what location did you see

79

01 him?

02 A. It was in this area here.

03 Q. Once you've extended the line
04 from the 48-inch belt and they
05 stopped direction to entry Number
06 Seven --- or to the crosscut between
07 Number Six and Seven entry, just
08 south of survey station 2236, there's
09 a stopping indicated on the mine map.

10 What did you do there?

11 A. That was --- if I'm even in
12 the right break --- I mean, if I'm in
13 the right break, that's a stopping
14 that we had to knock a hole in.

15 Q. How big of a hole did you
16 knock in it?

17 A. About like this.

18 Q. Could you give me ---?

19 A. Three foot. Three foot by
20 three foot.

21 Q. Could you indicate that on the
22 map, hole in stopping, three foot by
23 three foot?

24 WITNESS COMPLIES

25 BY MR. POGUE:

80

01 Q. What did you put through that,

02 what type of waterline or ---?

03 A. Aqua line.

04 Q. Aqua line four-inch?

05 A. Well, you know what --- yeah.

06 Q. Was it moved or do you recall?

07 A. I'm not sure. I mean, I know

08 we put some line through, and I'm not

09 sure if it was aqua or if it was

10 regular.

11 Q. And what did you put on the

12 end of that line? Was it ---?

13 A. Let me go back now. Now, this

14 --- wherever this was, there was ---

15 it was an old belt line. The

16 four-inch line was bare. And all we

17 had to do was --- when we made this

18 connection here, then you know, we

19 broke this loose and gathered another

20 joint that was laying there, knocked

21 that hole in that stopping to put

22 that one joint in that put --- you

23 know, put the water on the other side

24 so they could put their adapter and

25 cut all their different size hoses.

01 In other words, ---.

02 Q. Was there a valve that they
03 put on the end of this part?

04 A. We took in several valve
05 things on them manbuses, so yeah.

06 But they would have it, whoever was
07 on the other side of the stopping.

08 Q. So there was a crew on the
09 other side of the stopping?

10 A. Yes.

11 Q. And what, did they attach the
12 flexible fire hose to it,
13 collapsable?

14 A. I can't tell you that. I
15 don't know. Like I said, when U.S.
16 Steel got there, the two Massey
17 teams, the Mingo team, the Logan team
18 left and they wanted us to back them
19 up even though we done been in there.
20 We done been up for 30-some hours.
21 So we helped them get that line put
22 together. And Frankie Foster was
23 still there, and he said, well, you
24 all just jump up on the belt line and
25 get you some rest. We weren't doing

01 nothing but backing them up anyways.

02 Q. So which belt lines are you

03 talking about?

04 A. We was sacked out on the
05 48-inch belt line. We stayed there
06 on that first night until we left.

07 Q. And what time was that that
08 you left the 48-inch belt line?

09 A. It was in the afternoon. I
10 can tell you that.

11 Q. That you reported back to the
12 surface?

13 A. Back to the surface.

14 Q. Once you got back on the
15 surface, were you given a debriefing
16 on the surface?

17 A. Yes. Drexell Short. We told
18 him --- we showed him everything that
19 we had done.

20 Q. Were there any other
21 ventilation controls that you knocked
22 holes in through through this
23 area ---

24 A. No.

25 Q. --- between the Number Four

83

01 and Number Five entry? Did you
02 install any check curtains besides
03 the curtain that you ---?

04 A. That's the only --- that's the

05 only one.

06 Q. All right. Let's go to the

07 second day underground. We'll use a

08 blue marker.

09 A. Okay.

10 Q. Indicate --- up here sign and

11 date this map with today's date.

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. Okay. And we'll indicate day

15 two, the two teams that went in with

16 you on that second day.

17 A. Riverton and Excel. That

18 second day --- I've got to look for a

19 reference. Well, we were told to go

20 to a ---.

21 Q. Approximately what time did

22 you go in?

23 A. They told us to be there at 11

24 o'clock, and we didn't even go in

25 until about 3:00. About 3:00 a.m.

84

01 Q. And that would have been on

02 the 21st?

03 A. Two days later.

04 Q. Was that the 22nd? Would that

05 have been the 21st?

06 A. Yeah.

07 Q. Okay. I think it's the 21st.

08 A. That was January, wasn't it?
09 Q. Yes.
10 A. Okay. We were told at the
11 command center to go to --- I need to
12 look back at the fresh air base to
13 get a reference.
14 Q. While we're here, Ronnie, can
15 you go ahead and sign and date this
16 map?
17 WITNESS COMPLIES
18 BY MR. POGUE:
19 Q. And you're signing and dating
20 this, but you're referring to this
21 map for the record.
22 A. Okay. The first thing we were
23 told is go to a fresh air base and
24 they wanted us to go in --- we went
25 into the smoke --- okay, right here.

85

01 We were told to go to fresh air base
02 11, go through that door and tighten
03 --- double up these two check
04 curtains here. There was just a
05 single check curtain. See, how
06 they're ---? And we were told to go
07 double those up. And that's what we
08 did. Excel backed us up. Then when
09 we came out of there, we were told to

10 go to fresh air base 13.

11 Q. Could we indicate on our map,

12 Exhibit C?

13 A. Get me a spad number. 3230?

14 Q. Yes.

15 A. We were told --- well, this

16 one ain't showing the doors like that

17 one over there did. But it was

18 straight across from a door. And we

19 were told just go through and double

20 the checks.

21 Q. And is that something the

22 command center ---?

23 A. The command center told us to

24 do that.

25 Q. Did they tell you that in your

01 briefing prior to going underground?

02 A. No. All they told us is to go

03 to fresh air base 11 and call back to

04 the command center. So that's what

05 we did.

06 Q. And then once at that

07 location, they told you to double up

08 on the check curtain?

09 A. Double up on these check

10 curtains.

11 Q. So there was already

12 previously a check ---?

13 A. Some other team, yeah, had
14 already established checks.

15 Q. Can you indicate that on the
16 ---?

17 A. The double checks?

18 Q. Yeah.

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. And with these two outby
22 checks here in the Number Five and
23 Six entry, could you just indicate
24 the date that you installed those?

25 WITNESS COMPLIES

87

01 A. And that would have been
02 probably 4:00 a.m., I guess, 5:00.
03 I'm not sure of the time.

04 BY MR. POGUE:

05 Q. Okay. That's fine.

06 A. But that was the first thing
07 we did just as soon as we got in
08 there.

09 Q. And once you completed that
10 activity, did that change anything?
11 Did it ---?

12 A. There was a lot of air. There
13 was a lot of fresh air on those two
14 curtains.

15 Q. That kind of bellied out?

16 A. Yeah.

17 Q. Okay.

18 A. And they just wanted to double
19 those up.

20 Q. Can you indicate the direction
21 of airflow in those ---?

22 A. It was definitely flowing in
23 this direction. And I think what
24 they were trying to do was they were
25 trying to push it down this way

88

01 because they --- at that time, they
02 --- I guess they still thought them
03 guys might have been up there.

04 Q. So what did you do at that
05 point once you ---?

06 A. When we came back out of
07 there, we were told to go up to the
08 next fresh air base, 13 break out by
09 3605. Oh, that was 12. Okay,
10 whichever.

11 Q. I wrote 11.

12 A. It says 11 there. We went to
13 here.

14 Q. Okay.

15 A. This is where we --- there
16 wasn't nobody at fresh air base 12.

17 Q. So you went --- had fresh air

18 base 13 already been established

19 prior to you getting there?

20 A. Yes, it was.

21 Q. So they had communication up

22 to that point?

23 A. One break outby, right there.

24 Yeah, that one --- that one was

25 established.

89

01 Q. How was the smoke in that

02 entry at that point?

03 A. There wasn't no smoke.

04 Q. How about CO?

05 A. There wasn't no CO.

06 Q. That second night, whenever

07 you traveled --- did you travel this

08 belt entry ---?

09 A. Traveled that same belt entry.

10 Q. And it was clear?

11 A. It was clear.

12 Q. No CO?

13 A. No CO in that belt entry.

14 Q. And the air direction is still

15 moving inby?

16 A. Yeah. And so when we --- when

17 we got here, the command center, we

18 backed up. You had to --- I think it

19 was the two Massey teams. We were

20 just backing them up. And they were
21 off working.

22 Q. Do you know where they were
23 working at the time?

24 A. They were over in here,
25 establishing some check curtains.

90

01 Q. Okay. Can you just circle an
02 area there and say Massey
03 establishing check curtains?

04 A. Well, I'm not going to --- I
05 mean, I'm --- someone was
06 establishing check curtains.

07 Q. Mine rescue teams?

08 A. Yeah.

09 Q. And they're traveling with
10 communications, handheld?

11 A. Yes.

12 Q. And you guys at your fresh air
13 base 13 have the regular mine phones
14 established?

15 A. Yes. And by the time --- at
16 the time we got there, we were ---
17 like I said, we were backing --- we
18 were backing those teams up. And
19 whoever the captain of the Elk Run
20 team is, he was more or less doing
21 all the talking on the mine phone.
22 Then when it came time for them to

23 leave, then they specifically ---
24 because I had talked to them at fresh
25 air base 11. They called. They

91

01 wanted us to go over and --- they
02 wanted us to go up and go through
03 these doors, go to break Four and
04 they wanted to get ambient readings.

05 Q. Did you do that?

06 A. Well, yeah. I mean, we
07 finally did, but first --- and one of
08 the rescue teams leaving had made a
09 statement that a belt head that sits
10 right in --- I guess right in this
11 area here.

12 Q. Can you indicate that on the
13 mine map?

14 A. It was a section head, if I've
15 got the break right. I'm just
16 assuming. Well, that wouldn't have
17 even been the section head, but the
18 belt. I'll put it just by the belt.

19 Q. Would that have been from the
20 Ten headgate?

21 A. Yeah. One of the rescue teams
22 --- now, we knew this area here was a
23 lot of smoke.

24 Q. Had you been over in that

25 area?

92

01 A. No, I hadn't. But they ---
02 you know, whenever them guys would
03 come back through the doors, their
04 Solarises was ringing big time. So I
05 knew there was some heavy smoke up
06 there.

07 Q. What's a Solaris tell about
08 the smoke? It just ---?

09 A. It tells you parts per
10 million. They'll just read up to 500
11 parts per million. They knew they
12 had heavy concentrations.

13 Q. Do you recall any
14 concentrations that they had?

15 A. It was in the hundreds. It
16 was in the hundreds. So anyhow, when
17 we got to here, we had --- there was
18 a state and federal there. But one
19 of the teams that had left had made a
20 comment to me that this air was clear
21 up here at this belt head and that
22 there was a mine phone, so I walked
23 up there. And they were giving us
24 directions. They had told us about
25 gob and this and that. And they

93

01 wanted to just go through a door, go

02 up a break. And you was going to
03 have to dodge some gobs somewhere.
04 And that --- you know, that was a lot
05 of zigging and zagging for a team to
06 go. So when I walked up there, I
07 called the command center and asked
08 if I could move the fresh air base up
09 to there because it was going to be
10 --- wherever we was at we were
11 straight across from the door. Now,
12 there's no door indicated here, but
13 there was a door right across from
14 that belt. And it was going to be a
15 lot easier access to go this way than
16 to do, you know, this zigging and
17 zagging. So they gave me permission
18 to move up, and we established fresh
19 air base 14.

20 Q. And which survey station are
21 you at now?

22 A. I was at that belt head. And
23 it don't show a belt head, but maybe
24 it does on this one. So we were ---
25 well, that one shows the door. So we

94

01 were at 3528 is where we established
02 it.

03 Q. Can you mark that on the map?

04 WITNESS COMPLIES
05 A. We were close. And there was
06 a door here. So where we had did the
07 initial exploration down here, Excel
08 was fresh and they wanted to go, too.
09 They wanted to work, too, so we made
10 an arrangement. I told them the
11 night before, we were the bridesmaid
12 and they were the bride, and we were
13 working first. So we --- they went
14 off with the assignment.

15 BY MR. POGUE:

16 Q. Could you do me a favor here?

17 Mark your ---

18 A. Travel?

19 Q. --- travel with your blue ---
20 the second day.

21 WITNESS COMPLIES

22 BY MR. POGUE:

23 Q. And you also said that you
24 went through a door ---.

25 A. Okay. We did. We did, yes.

95

01 Q. And that's your furthest point
02 of travel right there?

03 A. Yeah, right there.

04 Q. There had been no other
05 exploration back out by you at this
06 location?

07 A. Now, going back to the first
08 day, I told you even though I wasn't
09 in on it, three of my team members
10 were in on it. But I can't ---.

11 Q. They traveled with another
12 team?

13 A. They traveled with another
14 team.

15 Q. Okay.

16 A. And they found that manbus.
17 But they did say there was heavy
18 smoke, and then they tried to go on
19 back towards the head --- they went
20 until the heat got so bad, but I
21 can't ---. I wasn't there.

22 Q. Okay.

23 A. So anyhow, Excel took off over
24 here to try to go up and get these
25 readings. And they came back and

96

01 they said that --- well, they didn't
02 get the readings, so ---.

03 Q. Did they indicate why, too
04 much smoke or too much heat?

05 A. You'd have to ask them.

06 Q. Okay.

07 A. So we came over here. By the
08 time we went, now another team had

09 showed up. Jewell Smokeless showed
10 up.

11 Q. As a back-up?

12 A. As a back-up.

13 Q. Can you indicate that
14 someplace?

15 A. Okay. This time you have
16 Riverton, Excel and Jewell Smokeless.

17 Q. And Jewell Smokeless is the
18 back-up; is that correct?

19 A. Yes. Well, they were actually
20 --- well, yeah. But anyhow, when
21 Excel went and they went to this ---
22 they came through this door and over,
23 down through the double doors, and
24 they went to this break right here
25 and they got a reading.

97

01 Q. Okay.

02 A. Well, they didn't get a
03 reading. I gave them my anemometer
04 and they told me the direction that
05 the smoke was going.

06 Q. So they didn't get an air
07 reading in the air direction?

08 A. They didn't get ---. So then
09 we went back. So our team, we
10 traveled ---.

11 Q. Mark what you think may have

12 been the furthest point of travel of
13 the Excel team.

14 A. Right here was their furthest
15 point.

16 Q. Did they indicate how they got
17 up to that point?

18 A. They walked straight up.

19 Q. You can just go ahead and
20 indicate that.

21 WITNESS COMPLIES

22 A. Okay.

23 BY MR. POGUE:

24 Q. And just put on the other side
25 Excel exploration.

98

01 WITNESS COMPLIES

02 BY MR. POGUE:

03 Q. What we'll do is we'll try to
04 put all these maps together and try
05 to write the report off of them kind
06 of have control over those details,
07 just to have a good feel for what
08 happened that night.

09 A. Well, they didn't --- they
10 were told that somewhere down here
11 was a check curtain that had been put
12 up by a previous team.

13 Q. Okay.

14 A. And when they come back, they
15 come back and told me they didn't
16 think that check curtain was where
17 --- that they said it was. So if we
18 went --- they were right. It was
19 actually a break --- wherever they
20 had said it was, it was actually a
21 break further outby. I guess just in
22 the smoke they got confused.

23 Q. Did you guys travel to that
24 area?

25 A. Yeah. Well, we could look and

99

01 see. We didn't actually go to the
02 check curtain. We came on in here
03 and we were trying to ---.

04 Q. Just put for that ---.

05 A. We went to this stopping, and
06 there was no door. So we came on up
07 to this break, and there was no
08 stopping.

09 Q. Could you just circle that to
10 indicate ---?

11 A. Okay. And we came over here
12 and we --- the airflow was in this
13 direction and it continued on in that
14 direction, but it did come over ---.

15 Q. That split there at crosscut
16 Number Four in the Ten headgate.

17 MR. POGUE:
18 Ronnie, is indicating
19 on a mine map between crosscut
20 Three and Four and the Number
21 Four entry that the air kind
22 of split at that location
23 because a stopping was out.
24 A. A stopping was out.
25 BY MR. POGUE:

100

01 Q. What direction in these other
02 intakes?
03 A. Well, once in the Ten
04 headgate, you had --- the air was
05 moving in that direction. That air
06 was coming back down in this
07 direction. And we came back out of
08 there and we went over here and
09 pushed through the stopping.
10 Q. It was in there?
11 A. Yeah. Well, you know what? I
12 may be wrong about that. Maybe what
13 we did is we came back down to this
14 crosscut that the doors were showed
15 to be in. We came over here and
16 there was no door. So then we ---.
17 Q. Circle that, please.
18 A. Okay.

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Was there any indications that
22 a stopping or a stopping with a door
23 was at that location? Was there
24 block laying on the mine floor or
25 anything like that?

101

01 A. No, it was just a stopping. I
02 mean, you know, and it was very
03 smoky. I mean, it was very smoky.

04 Q. Could you indicate that, heavy
05 smoke?

06 A. Okay.

07 WITNESS COMPLIES

08 A. That heavy smoke starts when
09 you go through that door. This whole
10 area was ---.

11 BY MR. POGUE:

12 Q. Were you guys on lifeline at
13 that point?

14 A. Oh, yeah.

15 Q. Okay.

16 A. Okay. Let me just write it.

17 Q. Yeah, heavy smoke.

18 WITNESS COMPLIES

19 BY MR. POGUE:

20 Q. Was that in all four entries
21 in the Ten headgate?

22 A. Everywhere you went once you
23 come through that door you was in
24 heavy smoke. Do you want me to just
25 ---?

102

01 Q. Yeah. And just run that heavy
02 smoke ---.

03 A. Well, ---.

04 Q. Yeah, I understand.

05 A. And so we backed up and tried
06 to get in there. Couldn't get in
07 there, so we backed up to here. This
08 stopping was out. We came over here
09 and we got the air reading and ---.

10 Q. CFM?

11 A. It was --- we got an air
12 reading and we got ambient readings.

13 Q. Do you recall what that air
14 reading was in that Number Two entry?

15 A. No. It --- well, it should
16 --- if that's the command center map,
17 it should be wrote on it.

18 Q. We can look, but ---.

19 A. Yeah.

20 Q. Let's see what we have here.

21 A. That's it.

22 Q. When you say that's it,
23 Ronnie, what are you indicating?

24 A. Well, I mean, we were the ---
25 we were the team that went up in

103

01 there. That's the reading that got
02 called up.

03 Q. So on the command center map,
04 which is Exhibit A Ooten, in the Ten
05 headgate entry there's an air reading
06 indication between the Number Two and
07 Number Three entry that indicates
08 10,920?

09 A. That's correct. And these
10 were 106 parts per million CO.

11 Q. Could you circle those? Just
12 put ---.

13 A. Just do this?

14 Q. Yeah.

15 WITNESS COMPLIES

16 BY MR. POGUE:

17 Q. What date is that?

18 A. The 20th or 21st. It would
19 still be the 21st.

20 Q. Okay.

21 A. Say stopping gone?

22 Q. Uh-huh (yes).

23 A. Okay. We went through there
24 and we got that one, air reading, and
25 we got an air reading in that area.

104

01 Q. How about from the ---?
02 A. There was a belt line ---.
03 Q. Let's identify these entries
04 in the Ten headgate as number one,
05 two, three, four or however you want
06 to proceed.
07 A. Okay. So do you want me to
08 back up and start over, or do you
09 want me to just go from ---? We came
10 up Three ---.
11 Q. No. We're okay. We've
12 already got that. But just identify
13 like Number One entry and Number Two
14 entry.
15 WITNESS COMPLIES
16 BY MR. POGUE:
17 Q. Now go ahead and continue on
18 with your exploration.
19 A. When we came up Three, we ---
20 at the doors, we couldn't get to Four
21 because there was a solid stopping.
22 So we came up one more crosscut and
23 we got into Four. We got that
24 reading.
25 Q. How did you get into Four?

105

01 Was that ---?
02 A. Because the stopping was gone.

03 Q. Okay. And the door that's
04 indicated on the mine map at crosscut
05 Number Three, between the Three and
06 Four entry, was that not a ---?

07 A. It was a stop. It was --- it
08 did not have a door.

09 Q. Can you indicate here no door?

10 A. I can indicate it on there.

11 WITNESS COMPLIES

12 A. So we backed up to where the
13 doors were supposed to be, tried to
14 go to Number Two. Couldn't get there
15 because there wasn't a door. So we
16 dropped back one more crosscut outby
17 Number Three. And there was no
18 stopping there, so that put us in
19 Two. And I'm --- I'm wanting to tell
20 you there was a belt line running up
21 through there.

22 BY MR. POGUE:

23 Q. Okay.

24 A. And we got the reading there,
25 so ---.

106

01 Q. What kind of reading did you
02 get at that location, Ronnie? Is
03 that where you took the air reading
04 at?

05 A. Yeah.

06 Q. Okay. And we got across that
07 belt line and there was no door in
08 that one, so we dropped outby one
09 more and there was a solid stopping.
10 And at that time, I mean, even though
11 what little bit of area that was, it
12 took us just a little over two hours
13 to do that because the smoke was so
14 thick.

15 Q. Okay.

16 A. And at that time, we were
17 whistling off. We had to get out.

18 Q. So then at that point you
19 returned to the fresh air ---?

20 A. We returned to the fresh air
21 base.

22 Q. In this Ten headgate, entries
23 One through Four, did you remove any
24 permanent ventilation controls?

25 A. No.

107

01 Q. Did you install any curtains?

02 A. No.

03 Q. To your knowledge, did the
04 team previous to you that you
05 indicated had installed the two
06 checks in the outby entries, had they
07 been into this area?

08 A. I don't think so. I think
09 Excel went first and came back, and
10 we went second.

11 Q. Do you have any knowledge of
12 them installing any ---?

13 A. No, they didn't install any.

14 Q. Remove any kind of ventilation
15 control?

16 A. No.

17 Q. All right. At that point that
18 you returned back to fresh air base
19 14, then what did you do?

20 A. Well, we weren't there long
21 before we left.

22 Q. So that concluded all your
23 exploration ---

24 A. For that day.

25 Q. --- for the 21st?

108

01 A. Yes.

02 Q. Okay.

03 A. Then --- well, that concludes.
04 Now, on Sunday, which would have been
05 what day, the 22nd, on Sunday, which
06 is actually the first time I ever
07 seen that mother head, because we
08 were --- they always had us doing
09 something else. But that Sunday we
10 just baby-sat a fire.

11 Q. Before we get to Sunday here,
12 I've got one question I need to ask
13 you. Let's back up to these water
14 lines right here. Was there one
15 four-inch water line tapped into the
16 eight-inch line on Four, Four belt
17 entry? We talked right here about
18 the ---.

19 A. Well, I mean, we had to tap
20 one in.

21 Q. Your team did it ---?

22 A. We assisted the Pinnacle team.

23 Q. So it wasn't in --- was there
24 any other four-inch lines tapped into
25 the eight-inch water line?

109

01 A. If there would have been, why,
02 we would have had to tap in? You
03 know, I'm not going to say yea or
04 nay, but why would we have had to tap
05 one in if one would have already been
06 there? I mean, that's ---.

07 Q. And you only put the one in;
08 right?

09 A. Yeah, we broke the six-inch
10 line or tapped into it.

11 Q. Okay. Let's start with the
12 22nd now. And what we can do is go

13 ahead and identify on the map, just
14 right here, the 22nd.

15 WITNESS COMPLIES

16 BY MR. POGUE:

17 Q. What time approximately did
18 you go in the mine?

19 A. We was there at 5:00 a.m. We
20 were probably up there by 6:00, 6:30.

21 Q. You were in the box cut at six
22 o'clock or were you ---?

23 A. No, we --- after that first
24 night, they didn't make nobody go
25 down in that box cut and freeze to

110

01 death. You just stayed up at the
02 top.

03 Q. And did you receive your
04 briefing up on the top?

05 A. Yeah.

06 Q. And what did they tell you in
07 the briefing?

08 A. Just they said the fire was
09 out, just monitor it for hot spots.

10 Q. So you reported to the mother
11 belt drive for the longwall belt?

12 A. Yeah. Now, just show me
13 exactly where the mother --- right
14 here?

15 Q. Yeah. This is the head roller

16 and the drive area is back in ---.
17 A. Okay. We came into this area
18 right here and went through a
19 stopping. A big old hole was knocked
20 in that stopping. I would assume ---
21 .

22 Q. You went up the 48-inch belt
23 ---

24 A. Yeah.

25 Q. --- on the 22nd?

111

01 A. Yes.

02 Q. Okay.

03 A. No, we didn't either. We came
04 --- we didn't go --- there wasn't no
05 reason to go up that 48-inch belt.
06 We were right in here. We were just
07 outside of wherever the KVA was.
08 They had a big hole knocked in a
09 stopping. And just from there, we
10 just sat around the belt head all
11 day. If a spot would start smoking,
12 we'd water it.

13 Q. This being the belt entry and
14 the drive area, could you just
15 outline what areas you guys
16 monitored?

17 A. Okay. We monitored ---.

18 Q. Kind of draw off of the ---
19 just kind of --- yeah.

20 A. We monitored there, here.
21 Actually, that's about it.

22 Q. Were you able to travel
23 between the two circles that you
24 indicated on the map?

25 A. No. You had to go around

112

01 because --- I'm assuming right here
02 is where that manbus was at. And
03 that top was --- it was decayed
04 pretty bad.

05 MR. POGUE:

06 Ronnie is indicating on
07 the mine map, Exhibit C, that
08 --- he has two circles. One
09 of the circles are located at
10 the survey station 3267 in the
11 northeast entries and the
12 Number Eight entry. And the
13 second circle indicates ---.

14 A. That storage unit that came on
15 down through here to --- let me just
16 kind of do it that way.

17 BY MR. POGUE:

18 Q. Okay.

19 MR. POGUE:

20 That the area that they

21 monitored that night was in
22 the Number Seven entry in a
23 south direction to the Number
24 Nine entry. And Ronnie's
25 indicated on the mine map with

113

01 his marker those areas that he
02 monitored.

03 BY MR. POGUE:

04 Q. Did you go through these set
05 of equipment doors to get to the fire
06 area?

07 A. Yes.

08 Q. So your route of travel is at
09 least through here right now?

10 A. Yeah.

11 Q. Can you indicate with your
12 ---?

13 A. When we would travel ---
14 actually, we traveled this way. This
15 would have been the mother drive or
16 the head roller?

17 Q. That's the head roller.

18 A. Is this where the KVA was at,
19 right here?

20 Q. Yes.

21 A. Okay. We actually come
22 through this direction to look at

23 this, to look at that. And that's
24 about ---. For about ten hours
25 that's where we stayed.

114

01 Q. Did you travel in any of these
02 entries that would have been the
03 northeast entries?

04 A. No.

05 Q. Anywhere from the 48-inch belt
06 entry, Number Four entry, south to
07 survey station 3212, any of these
08 entries or crosscuts?

09 A. Whatever way the manbus took
10 us up to, we hit it straight --- I
11 guess we went across this overcast
12 and then walked right up to it.
13 Actually, it was pretty close from
14 the mantrip to the area we were.

15 Q. Did you travel this 72-inch
16 belt from the head to the tail?

17 A. No.

18 Q. And you're not really ---?

19 A. Oh, no. Now, wait. I'm going
20 to tell you, yeah, we ---.

21 Q. That's all right. If you
22 don't remember, that's okay, Ron.

23 A. We ended up coming back ---
24 no, we didn't. No, we didn't. That
25 was Sunday. Then we came back

01 Tuesday.

02 Q. The map indicates a stopping
03 here between survey station 3241 and
04 3270, between the Number Eight and
05 Number Nine entry. Was that stopping
06 at that location? You indicated you
07 traveled through there. Do you
08 recall ---?

09 A. I may be wrong.

10 Q. Okay.

11 A. I'm not sure.

12 Q. Let's back up to the Number
13 Eight entry in the northeast mains.
14 At 3241, you indicate you went
15 through the equipment door, the inby
16 equipment door?

17 A. We traveled that, yeah.

18 Q. Was that door open when you
19 got there?

20 A. Yeah.

21 Q. All the way open or partially
22 opened? Can you recall? Was there a
23 waterhole in there?

24 A. There was a waterhole. It was
25 a waterhole.

01 Q. Can you recall what direction

02 the air was moving in that roadway?

03 A. No.

04 Q. And you indicated with your

05 marker that you traveled through the

06 --- from survey station 3241 in a

07 north direction to survey station

08 3254 through a stopping indicated on

09 the mine map with a door. Do you

10 recall if that stopping was in place

11 ---?

12 A. On that Sunday, now there was

13 a lot of --- there was a lot of

14 stoppings that had a lot of holes in

15 them, big holes.

16 Q. Do you recall any of those

17 stoppings with holes and the sizes of

18 the holes?

19 A. Big holes. I assumed that the

20 mine rescue teams had knocked all

21 those out.

22 Q. Are you able to identify on

23 the mine map those stoppings that had

24 the blocks out of them and for what

25 reason?

117

01 A. No, because at that point ---

02 you know, when it came Sunday, I

03 mean, we were just monitoring the

04 fire, ---

05 Q. Sure.

06 A. --- and we weren't --- we
07 weren't --- I mean, we weren't trying
08 to --- well, we weren't trying to do
09 what you all are doing now.

10 Q. Okay. When you got at survey
11 station 32, looks like 54, and you
12 traveled in an east direction, you
13 walked up the Number Six entry at a
14 location where the map indicates an
15 overcast. Do you recall if that
16 overcast was there?

17 A. There wasn't no overcast
18 there.

19 Q. Can you draw a circle around
20 that and indicate missing?

21 WITNESS COMPLIES

22 A. I mean, and this --- if this
23 is exactly where we were at, there
24 was no overcast where we --- they
25 would have had a phone set up there

118

01 at the station. That's where they
02 had all their foam buckets for
03 whoever fought the fire.

04 BY MR. POGUE:

05 Q. Once you left that area in the
06 Number Six entry, you indicated that

07 you traveled south to survey station
08 3266, and then you traveled in an
09 outby direction from 3266 to 3249.

10 The map indicates that there's a
11 stopping at that location. Were you
12 able to --- can you identify that
13 stopping you'd be in?

14 A. I don't remember a stopping
15 there.

16 Q. What other item do you have in
17 that location in that entry at that
18 point?

19 A. By the top?

20 Q. What about --- this is the
21 Number Seven belt conveyer system.
22 Was there a tail roller there or
23 anything that you can ---?

24 A. Yeah. I mean, if this was ---
25 yeah, I mean, it was there. I mean,

119

01 I actually didn't go over and look at
02 it.

03 Q. So this is a tail roller for
04 the Number Seven belt?

05 A. Yes.

06 Q. And you're saying that the
07 stopping was not there?

08 A. I did not see no stopping.

09 Q. Can you indicate ---? Did you

10 see any block laying there that you
11 can recall, anything to indicate a
12 stopping ---?

13 A. Not that I can recall. I
14 mean, it may have been there, but I
15 --- I mean, you can look from this
16 entry here. Now, see, there was ---
17 there was a stopping. There was a
18 stopping here that they had knocked a
19 hole in. Because that's the way we
20 went through to get over there.

21 Q. Can you just draw a line from
22 there and ---

23 A. Indicate stopping.

24 Q. --- how big the hole was.
25 Something you could walk through;

120

01 right?

02 A. Yeah. And I was under the
03 assumption that rescue people had
04 knocked it.

05 Q. Did you see any block laying
06 on the mine floor at that location?

07 A. Yeah.

08 Q. Okay. When you left the area
09 of the tail roller and you headed in
10 an east direction towards survey
11 station 3266, did you see any --- a

12 continuation of belt structure in
13 that entry; do you recall?
14 A. No. I mean, I don't recall
15 seeing any.
16 Q. Do you recall any type of
17 ventilation control being across that
18 entry at that location, like a check
19 curtain or stopping?
20 A. I don't recall that either.
21 Q. And from 3266 in the Number
22 Seven entry, you indicate that you
23 headed in a south direction to the
24 ---.
25 A. Basically what we did is we

121

01 sat on the rib. I mean, we just kind
02 of circled that place, put some guys
03 at each one and we just sat there for
04 ten hours.
05 Q. When you traveled in that
06 south direction towards the Number
07 Eight entry through the crosscut, you
08 indicated that you traveled to the
09 outby equipment door.
10 A. Okay.
11 Q. Was that door open?
12 A. Yeah, that door was open.
13 Q. Was it all the way open
14 or ---?

15 A. No. No. It wasn't all ---
16 no, I don't think it was all the way
17 open.

18 Q. Can you indicate here that
19 this door was just partially open or
20 closed?

21 WITNESS COMPLIES

22 BY MR. POGUE:

23 Q. What about the inby door, do
24 you remember looking at it and seeing
25 ---?

122

01 A. Getting nosy, I walked up
02 there and looked. It was closed.

03 Q. It was closed?

04 A. Yeah.

05 Q. Draw a line over to it.

06 WITNESS COMPLIES

07 BY MR. POGUE:

08 Q. Did you go any further south
09 at that point?

10 A. No, not south.

11 Q. When you passed by these ---
12 the power center that was there, was
13 there any indication that a stopping
14 or ventilation control was installed
15 between the Number Seven and Number
16 Eight entry?

17 A. No, I didn't see none.
18 Q. Did you see any indication of
19 --- that a stopping at some point in
20 time in the past had been installed?
21 A. I don't --- I don't recall.
22 Q. Do you recall any kind of
23 block stacked on a rib in that
24 crosscut?
25 A. I don't remember any being

123

01 there, but I'm not sure.
02 Q. Okay. I have a picture here
03 of a stopping. Well, let's hold up.
04 I don't want to get on this before
05 we're done at the mine map. Is there
06 anything else you can tell us about
07 the fire area and the location where
08 you monitored that night?
09 A. At that KVA there was a miner
10 belt.
11 Q. Can you identify that, where
12 it was located?
13 WITNESS COMPLIES
14 BY MR. POGUE:
15 Q. Did you see any identification
16 on the mine belt?
17 A. Well, I was kind of afraid of
18 getting in trouble with tampering,
19 but I kind of pushed it with my foot,

20 and I didn't see none.

21 Q. Okay. So you're indicating on
22 the mine map --- is that a miner's
23 belt with an SCSR?

24 A. Yes.

25 Q. Any other items that you

124

01 recall?

02 A. No. Well, I saw one thing
03 that impressed me. On the labeling
04 on the cat heads, they had taped, and
05 I wiped the soot off and it was just
06 clear as a bell identified. Usually
07 a lot of people frown on it, but ---

08 Q. Sure.

09 A. --- I liked it.

10 Q. Does that pretty much
11 summarize your ---?

12 A. My Sunday? Yes, that pretty
13 much summarizes it.

14 Q. What time did you leave this
15 area to go to the outside?

16 A. I would say about 4:30 p.m.

17 Q. Can you indicate left area
18 4:30 p.m. on the 22nd?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. When you left this area and

22 went to the outside, were you
23 debriefed?

24 A. Yeah.

25 Q. In the command center?

125

01 A. In the command center.

02 Q. Did you have a map or anything
03 you turned in that night?

04 A. Yeah.

05 Q. And do you recall ---?

06 A. We turned --- yeah, we did.

07 We turned it in then. Then we went
08 back Tuesday and they --- they either
09 gave us that same map back or they
10 gave us another one, and we turned it
11 in, too.

12 Q. All right. So on Tuesday,
13 when you returned, did you go back
14 underground?

15 A. Yeah.

16 Q. Okay.

17 A. We went to --- we had to
18 explore the longwall. If the face is
19 down here ---.

20 Q. The face is down here.

21 A. Okay. We had to explore all
22 these entries, all the way to the
23 longwall face.

24 Q. Okay. We'll talk about that

25 as soon as --- we'll cover this

126

01 picture right here, okay. This is a
02 picture of a stopping at the 48-inch
03 belt, and it's Exhibit D Ronnie
04 Ooten.

05 (Ooten Exhibit D marked
06 for identification.)

07 BY MR. POGUE:

08 Q. If you could take a look at
09 that. Does that stopping look
10 familiar to you? Do you recall
11 seeing that underground?

12 A. No. No, I don't recall seeing
13 it.

14 Q. You see how that curtain has
15 covered the hole down there?

16 A. Yeah.

17 Q. And the right-hand corner is
18 the picture ---.

19 A. But would this have been ---
20 would this have been off of this belt
21 line? I mean, like I say, I don't
22 recall seeing that. I don't think
23 that's off. I don't think I was in
24 that area. Are these the power
25 cables that's going over to the KVA?

127

01 This may have been ---.

02 MR. POGUE:

03 Let's take a break. We

04 really don't know.

05 A. I mean, I'm going to help you

06 all I can, but ---.

07 BY MR. POGUE:

08 Q. But you don't know if ---?

09 A. No, I didn't see that. I

10 didn't see that, unless you know ---

11 I didn't see that them first two

12 nights. That may have been something

13 --- that may have been something I

14 was going through Sunday, but ---.

15 Q. But you don't recognize it?

16 A. No, not at all.

17 Q. That's all. Now, you

18 indicated earlier that you returned

19 on Tuesday?

20 A. Returned on Tuesday.

21 Q. Let's start off here with

22 Tuesday.

23 A. What day would that be, the

24 24th?

25 Q. Again, we're looking at

128

01 Exhibit D, a picture of the stopping.

02 Could this have been the stopping

03 that you identified as the one that

04 ---?

05 A. Does it have a cable going
06 through it?

07 Q. Yeah.

08 A. No.

09 Q. So this is not the stopping
10 that you identified that blocks were
11 missing at the top and crushed out?

12 A. You know what, the stopping I
13 --- I mean, that looks exactly about
14 the way the box was going. But it
15 didn't have a cable running through
16 it.

17 Q. Thank you. All right. Let's
18 start with the 24th now. Were you
19 briefed prior to going underground?

20 A. Yes.

21 Q. What were you assigned to do
22 on that night?

23 A. We were assigned to establish
24 communications. In other words, we
25 were stretching out the phone line

129

01 and we were given specific areas to
02 go to and establish some fresh air
03 bases. And we was packing --- I had
04 two federal men with me. It was our
05 team and two federal men. We were

06 bare-faced but everybody had machines
07 on their back.

08 Q. Where were you going to do
09 this, establishing fresh air bases
10 at, what area of the mine?

11 A. I think we were --- oh, okay.
12 We were traveling mainly down Number
13 Three entry and we were establishing
14 --- trying to --- we were making all
15 four entries all the way down.

16 Q. Let's go over to Exhibit B
17 Ooten. And this would be the
18 longwall headgate entry right here.
19 Indicate with your marker those areas
20 that you --- where you started your
21 exploration.

22 A. Okay. Do you want me to mark
23 all four entries?

24 Q. Did you travel all four
25 entries?

130

01 A. Well, now, there was an area
02 or two that we didn't --- where the
03 phone was really on the belt line.
04 And we circled it to show where this
05 foam ended.

06 Q. How about indicating on a map
07 the foam area where you did not
08 travel. I'll just call it foam

09 entry, ---

10 A. Okay.

11 Q. --- not traveled.

12 A. I don't know what break that

13 was, but ---.

14 Q. Was that all in the belt

15 entry?

16 A. Yeah. All the foam was in the

17 belt entry.

18 Q. So you could --- this was your

19 ---?

20 A. But once you get around the

21 foam, you could --- the foam would

22 end, you could travel the belt.

23 Q. Well, even if you'd just

24 indicate at some point inby the belt

25 ---.

131

01 A. Should it be on that?

02 Q. There could be some notations

03 ---.

04 A. All the way into --- see that

05 area ---?

06 Q. I'm not sure when it may have

07 been --- if you can identify that

08 area as the foam ---.

09 A. I can write belt entry area

10 ---.

11 Q. Of foam?
12 A. Of foam.
13 Q. Okay.
14 A. But I couldn't ---.
15 Q. Would that have been in the
16 drive area?
17 A. No, it --- once we started
18 exploring down through there, because
19 you know, it's all the way downhill.
20 It must have been a dip or a swag or
21 something.
22 Q. How much foam was in there?
23 Was it like half an entry or ---?
24 A. Roof.
25 Q. Roof?

132

01 A. Yeah. The federal guy, Bob
02 Clay (phonetic), he went in from the
03 other side.
04 Q. Did he?
05 A. But you know, I don't know
06 what entry that was.
07 Q. For what location?
08 A. I'm thinking it was somewhere
09 in there, but I'm not sure.
10 Q. Are you sure at any point
11 where you traveled in this belt
12 entry?
13 A. Yeah, we traveled other than

14 ---- if it didn't have the foam in
15 it, we traveled it all. Then me and
16 Bob Clay from federal, me and him
17 went across this longwall.

18 Q. This map right now, the way
19 it's marked, actually the face is
20 about 70 feet and a half.

21 A. Oh, okay.

22 Q. So you can draw a line across
23 there.

24 A. Okay.

25 Q. And did you travel to the ---

133

01 let's label our entries, ---

02 A. One, two, three, four.

03 Q. --- one, two, three, four.

04 All right. Did you split up as a
05 team at this point?

06 A. Yeah. What we did, we ---

07 that's exactly what we did. We

08 maintained radio communications.

09 About half my people would be looking

10 with Bob Clay doing most of the

11 travel, federal. And another federal

12 man was with us, moving the phones

13 up. His name is Ron. I can't

14 remember his last name.

15 Q. Let's go back over to the

16 Exhibit C map. As you traveled down
17 through here, do you recall
18 ventilation controls that are
19 indicated on the mine map?
20 A. If it was --- if it showed in
21 and it wasn't, we marked it. I mean,
22 wherever our map is at will tell you
23 just everything about it.
24 Q. Okay. Can you recall any of
25 the ventilation controls?

134

01 A. Most of them were in.
02 Q. But to specifically identify
03 on our Exhibit C map, if the
04 overcasts were in or the regulators
05 were in, can you recall?
06 A. I don't remember any
07 overcasts.
08 Q. What about these two equipment
09 doors that were located in the Number
10 Two entry ---
11 A. I don't recall that.
12 Q. --- south of survey station
13 ---?
14 A. That may have been there. No,
15 it wouldn't have been there. That's
16 a belt.
17 Q. You just don't recall?
18 A. I don't recall when we ---.

19 Q. What about the regulators just
20 north of survey station 3271 in the
21 Number Four entry, do you recall this
22 regulator being there?

23 A. They did --- you know what,
24 they did have regulators because
25 actually we didn't ---. Once we got

135

01 --- we had to get through this area,
02 then we could start our exploring. I
03 can't tell you. There was some
04 regulators.

05 Q. How about the stopping line?

06 Can you tell us anything about the
07 stopping line that would be between
08 the number and Number Four entry and
09 the Nine headgate entry?

10 A. No, not really because, like I
11 say, I mean, --- with our map, if it
12 was there --- if it said it was there
13 and it was there --- but any --- as
14 far as our map, we marked what we
15 saw.

16 Q. We'll come back to the Exhibit
17 B map. And you're indicating one
18 line on the map?

19 A. We made it all. We'd go to
20 doors. You know, we'd go down to

21 doors and open doors and we'd tie
22 back. We tied it all.

23 Q. Do you use the regular mine
24 rescue exploration ---

25 A. Yeah, that's exactly ---.

136

01 Q. --- system? And you feel
02 confident at this point that all four
03 entries were explored all the way to
04 the face area?

05 A. Yeah, other than what was
06 foamed out.

07 Q. Can you recall anything, from
08 your memory, that you might be able
09 to tell us about that exploration up
10 through there, the air direction?

11 A. Well, I didn't actually get
12 them here, but I --- once we had went
13 across this longwall face, they
14 wanted us to go try to make our way
15 down to here. And we started, but we
16 came down here to where a big dip was
17 at, and the water was pretty deep.

18 Q. Okay.

19 A. I only did it in one entry,
20 but I did --- and I had to use smoke,
21 too.

22 Q. Which way was the air
23 direction?

24 A. It was traveling.

25 Q. Can you indicate what entry

137

01 ---?

02 A. We was traveling in Three
03 entry, and I'm going to assume it
04 was, say, in this area.

05 Q. That's all right. What about
06 this Number Four entry, do you recall
07 what direction the air was moving
08 there?

09 A. I only took it to one entry.
10 But I feel confident it was moving
11 always.

12 Q. This map doesn't indicate any
13 ventilation control between Three and
14 Four. Is that common?

15 A. Yeah. They were pretty
16 common. We just run into a lot of
17 check curtains, where they had
18 checked it off.

19 Q. Were those marked on your map,
20 that you can recall?

21 A. My map? Yeah, they are.
22 They're on it.

23 Q. Do you know what your furthest
24 point of travel was inby?

25 A. On that map. I mean, it's on

01 that map. We went to wherever the
02 water was at. And I'm sure somebody
03 --- wherever there was deep water.

04 Q. What does this arrow indicate?

05 A. Airflow.

06 Q. Could you just put airflow?

07 WITNESS COMPLIES

08 BY MR. POGUE:

09 Q. Did you cross over the face?

10 A. Yes.

11 Q. What can you tell us about
12 that?

13 A. Well, it's to the break. I
14 got --- what we did, we started out
15 --- I was radioing back to my
16 briefing officer, and he was writing
17 it down. Then once I got to shield
18 44, me and him, we couldn't
19 communicate no more, so I had to
20 start writing it down. And I got
21 that book in the truck, I believe.

22 Q. Oh, okay. Can we take a break
23 and you run and get that book?

24 A. Yeah.

25 SHORT BREAK TAKEN

01 MR. POGUE:

02 First of all, I'd like

03 to indicate for the record
04 that --- it's Mr. Ooten, ---

05 A. Right.

06 MR. POGUE:

07 --- that we're
08 referring to all the exhibits,
09 A, B and C.

10 BY MR. POGUE:

11 Q. Ronnie, earlier you were
12 indicating that Mr. Clay had been
13 traveling with you. Do you know who
14 his employer is?

15 A. MSHA.

16 Q. He's not like a federal ---?

17 A. He's a federal mine ---.

18 Q. Federal inspector?

19 A. Oh, yeah. He's a ---.

20 Q. He's not a member of the
21 federal Number Two team or any mine
22 rescue team?

23 A. No, no. He's MSHA. He's on
24 MSHA's mine rescue team.

25 Q. All right. Okay. Let's pick

140

01 up where we left off over on Exhibit
02 B --- I'm sorry, Exhibit A. Is there
03 anything else you can tell us about
04 your exploration down the headgate

05 entries for the Number Nine headgate?

06 A. Everything --- everything

07 looked pretty good. I didn't see

08 nothing out of place. To tell you a

09 stopping was out, I don't know.

10 Q. Did your team --- on the

11 advance, did they come all the way

12 down to the Four Right entry?

13 A. All we were --- once we got

14 done going across the shields and

15 first reported all that information

16 back to them via the telephone, you

17 know, they had made arrangements to

18 have a driver waiting on us right

19 there, to where we'd just have to

20 walk back to that small area and go

21 through. But at the end they asked

22 if we could walk all the way down and

23 that they would pick us up here. But

24 in the process of us going down

25 through there, from where they fought

141

01 that fire, all that water ran

02 downhill and then we ran into spots

03 it was three or four feet deep.

04 Q. Can you indicate on the mine

05 map here the furthest point you

06 traveled inby? Did you make it to

07 the cut-through, the first

08 cut-through, to the Nine headgate
09 entry, or did you back ---?
10 A. We had to. We had to. We
11 walked a good ways down through here.
12 Q. Well, how did you get out?
13 A. We turned around and went all
14 the way back to this phone to tell
15 them that we couldn't get through the
16 water. Now, wait a second. I'll
17 rephrase that. We confirmed that
18 there was water down there and they
19 kind of laughed. There was a dip
20 down there that had filled up with
21 water. We went back to that phone
22 and I told them that we had walked
23 out this way, the driver came and got
24 us.
25 Q. And they picked you up in the

142

01 north mains?
02 A. Yes.
03 Q. Earlier you indicated that you
04 had a notepad with some information
05 concerning your travel across ---.
06 A. It was just the condition of
07 every shield. That's all it was.
08 Q. Condition, being ---?
09 A. Whether it was up, whether it

10 was down.

11 Q. Pressurized against the mine
12 roof?

13 A. Yeah. I've never been in a
14 longwall so that was new to me. Bob
15 Clay, the federal man, he called it
16 iron mound because it was collapsed
17 and he didn't have no jack. So when
18 I refer to it as iron mound then the
19 command center wanted clarification
20 of that. They said do you mean iron
21 mound with rock on it? I said, no,
22 it just leaked out.

23 Q. And it's down on the ---?

24 A. What we call it the fan line.

25 Q. Okay, fan line. You indicated

143

01 that that you might have your notes
02 in the truck. Did you find those
03 notes?

04 A. I looked. I threw it away I
05 guess when I cleaned the truck.

06 Q. So you don't think you have
07 them any longer?

08 A. No, I don't think I have them.
09 But like I said, it was just --- it
10 was just the conditions were those
11 from 44 to 176 on up.

12 Q. Was that the furthest point

13 inby or the last shield?

14 A. Yeah, it was the last shield.

15 Q. And you walked all the way to
16 the tailgate?

17 A. All the way.

18 Q. What did you see once you got
19 to the tailgate?

20 A. I seen something I never seen
21 before. I seen longwall. We went by
22 the shearer, and the shearer was
23 located, I think, in Seven. And we
24 went to the tailgate and I asked the
25 federal man, I said, is this it? He

144

01 said, yeah, that's it.

02 Q. Did he say anything about the
03 tailgate entry in itself? What did
04 you see, a roof fall or ---?

05 A. In behind it was all --- yeah,
06 it all fell in.

07 Q. It was all fell in? That's
08 behind the shield line?

09 A. The shield line and ---.

10 Q. What about the tailgate entry
11 itself?

12 A. He said that --- yeah, he said
13 that had fell in.

14 Q. Okay. I'll tell you what, at

15 some time in the future if you run
16 across your notepad with the
17 information concerning the face ---.

18 A. Yeah. I thought --- I mean, I
19 may eventually find it. If I do,
20 I'll bring it to Logan personally.

21 Q. Well, we have a card that
22 we'll give you at the end ---

23 A. Okay.

24 Q. --- of questioning, and you
25 can send it to MSHA. Could you

145

01 describe anything about that fall?
02 Was it a solid fall at the tailgate
03 entry? Was there like an opening
04 going up over the fall?

05 A. When I looked at --- because I
06 had asked him. I said, is this the
07 end of it? And he said, yeah,
08 because everything behind it was
09 solid. So I guess it had fell.

10 Q. So if you're looking --- if
11 you're standing in the shield line
12 and you're looking towards the
13 tailgate entry, it was just a solid
14 ---?

15 A. Rock behind it.

16 Q. Okay.

17 A. Yeah. That was pretty much

18 it.

19 Q. Would it have been possible to
20 travel through that opening into the
21 tailgate because of --- could you
22 have been made --- could you have
23 climbed over the fall material and
24 escaped out that way or traveled out
25 through that way?

146

01 A. I wouldn't have. I mean, I
02 ---.

03 Q. If that would have been your
04 only way.

05 A. If that would have been the
06 only way I had, yeah, I would have
07 went.

08 Q. So there was like an opening
09 at the top of the fall?

10 A. Well, I'm not going to tell
11 you that because I ---.

12 Q. You didn't see it?

13 A. Yeah. Like I said, I was
14 seeing something for the first time
15 in my life.

16 Q. Okay. So then you retreated
17 back off the longwall face?

18 A. We came back off and got with
19 everyone else.

20 Q. And then you made the travel
21 inby at that point?

22 A. We traveled inby at that
23 point.

24 Q. Then you indicated earlier
25 that you called the command center,

147

01 traveled outby, went through the
02 cut-through over to the northeast ---
03 or the north mains and got on a ride?

04 A. Yeah.

05 Q. And at that point what did you
06 do, travel outby ---

07 A. Yeah.

08 Q. --- to the surface?

09 A. We came outby the way you come
10 outby. The bus they were on, it
11 broke down, so we ended up walking
12 the last little bit. But we just
13 went outside.

14 Q. Was you debriefed once you got
15 outside?

16 A. Yeah. I pretty much --- I
17 pretty much went through total ---
18 that's when they wanted a
19 clarification, what iron mound was.

20 Q. Okay. Did you have a map that
21 you turned in at the command center?

22 A. Yeah.

23 Q. Was it identified as to your
24 team and the date; do you recall?

25 A. You asked me that before. I

148

01 would assume that my map man would
02 have put Riverton up at the top of
03 it.

04 Q. Do you recall who got that map
05 at the command center?

06 A. We gave it to Frankie Foster.

07 Q. When you referred to seeing
08 this for the first time in your life,
09 what were you actually referring to?

10 A. The longwall. I've never been
11 on ---.

12 Q. Just a general longwall?

13 A. Yeah. I've never been on one.

14 Q. The entry, the equipment, the
15 shield line and the shearer the whole
16 longwall face area?

17 A. Yeah.

18 MR. POGUE:

19 Bill, do you have any
20 questions while we're up here
21 at the map?

22 BY MR. TUCKER:

23 Q. I just have one general
24 question. It doesn't really concern

25 the map. Just that when you --- and

149

01 I know you've answered a lot of
02 questions about the water situation
03 and briefing when you first got
04 there, but when you first started
05 underground on your first trip and
06 your assignment was to go and fight
07 the fire, when you left to go
08 underground to fight the fire, did
09 you think that you had water at the
10 fire location to use to fight the
11 fire?

12 A. Well, yeah, I did. But then
13 once I got underground, I realized
14 that they had killed the power. And
15 it being, you know, elevated like it
16 was, it --- you know, and then when
17 we didn't have any water, I said,
18 well, yeah, there ain't no water. We
19 didn't have water.

20 MR. POGUE:

21 I'm sorry, Bill.

22 BY MR. POGUE:

23 Q. Did you try to open up the
24 fire nozzle and put water on the
25 fire?

150

01 A. No. No. Because once we got

02 there, I was --- my assignment had
03 changed. I wasn't a firefighter.

04 Q. Okay.

05 BY MR. TUCKER:

06 Q. When you was assisting in
07 hooking up the water line that
08 morning, ---

09 A. That morning?

10 Q. --- yeah, who was giving you
11 direction there to do that work; do
12 you recall?

13 A. Yeah. It was Mike, the
14 captain of the Pinnacle team or ---
15 well, not captain, but Mike. Mike
16 was kind of spearheading it because
17 he --- I guess he fought a lot of
18 fires. So we assisted him.

19 MR. TUCKER:

20 Thank you.

21 MR. POGUE:

22 You can have a seat. I
23 appreciate your patience. We
24 asked you a lot of questions
25 here, Ronnie. On behalf of

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01 MSHA, I thank you for
02 appearing here today and
03 answering our questions and

04 sharing your information about
05 the mine. Your cooperation is
06 very important to us as we
07 work towards determining the
08 cause of the accident. If you
09 wish, you may now go back over
10 any answer that you've given
11 during the interview, and you
12 may also make a closing
13 statement, covering any
14 additional points that you
15 believe should be raised. Do
16 you have any comments or any
17 additional points you'd like
18 to discuss right now, Ronnie?

19 A. No.

20 MR. POGUE:

21 We ask that you not
22 discuss your interview today
23 with any person who may have
24 already been interviewed or
25 who may be interviewed or give

152

01 a statement in the future.
02 This will ensure that we
03 obtain everyone's independent
04 memory of the events
05 surrounding the accident.
06 After questioning other

07 witnesses and obtaining
08 additional information, we may
09 be asking you back for further
10 questions.

11 A. Okay.

12 MR. POGUE:

13 If at some later point
14 you have additional
15 information regarding the
16 accident that you would like
17 to provide us with, please
18 contact Mr. Kenny Murray, who
19 is the lead accident
20 investigator, and also his
21 staff assistant, Anthony Webb.

22 The Mine Act provides
23 certain protections for
24 individuals who participate in
25 accident investigations. If

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01 at any time you believe that
02 you've been treated unfairly
03 because of your cooperation in
04 this investigation, please
05 immediately contact Mr. Murray
06 or Mr. Webb.

07 A. Okay.

08 MR. POGUE:

09 And thanks a lot for
10 your patience today. Bill has
11 closing statement he'd like to
12 read to you.

13 MR. TUCKER:

14 Also on behalf of
15 Miners' Health, Safety &
16 Training, I'd like to thank
17 you for coming in today and
18 personally thank you for the
19 hard work that you do as a
20 mine rescue team member and
21 hope that you pass that on to
22 your team. We appreciate you
23 all's dedication.

24 A. My team was happy to help.

25 MR. TUCKER:

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01 And here's one of my
02 cards if you need to contact
03 me for any reason. And this
04 is C.A. Phillips' card. He's
05 our Deputy Director out of our
06 Charleston office. And the
07 State also offers similar
08 protection against
09 discrimination against miners.

10 A. I don't foresee that
11 happening.

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MR. TUCKER:

We appreciate you
coming in.

* * * * *

EXAMINATION CONCLUDED AT 10:13 A.M.

* * * * *