

STATEMENT UNDER OATH

OF

ROCKIE STARKEY

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

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2

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

5

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Tim

1 Williams from the Solicitor's
2 office and John Collins and
3 Brian Mills with the West
4 Virginia Office of Miners'
5 Health, Safety & Training.

6 I have been assigned to
7 conduct an investigation into
8 the accident that occurred at
9 the Sago Mine on January 2nd,
10 2006, in which 12 miners died
11 and one was injured. The
12 investigation is being
13 conducted by MSHA and the West
14 Virginia Office of Miners'
15 Health, Safety & Training to
16 gather information to
17 determine the cause of the
18 accident, and these interviews
19 are an important part of the
20 investigation.

21 At this time, the
22 accident investigation team

1 intends to interview a number
2 of people to discuss anything
3 that may be relevant to the
4 cause of the accident. After
5 the investigation is
6 completed, MSHA will issue a
7 written report detailing the
8 nature and causes of the
9 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of the accidents can
14 reduce their occurrence in the
15 future. The information
16 obtained through witness
17 interviews is frequently
18 included in these reports.
19 Your statement may also be
20 used in enforcement
21 proceedings.

22 I would like to thank

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

15 This interview with Mr.
16 Rockie Starkey is being
17 conducted under Section 103(a)
18 of the Federal Mine Health and
19 Safety Act of 1977 as part of
20 an investigation by the Mine
21 Safety and Health
22 Administration and the West

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

15 Questioning will be
16 conducted by representatives
17 of MSHA and the Office of
18 Miners' Health, Safety &
19 Training. Mr. Starkey, this
20 interview will begin with my
21 asking a series of questions.
22 If you do not understand a

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

21 Your statement is
22 completely voluntary. You may

1 refuse to answer any question
2 and you may terminate your
3 interview at any time. If you
4 need a break at any time, just
5 please let me know.

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

18 If any part of your
19 statement is based not on your
20 own firsthand knowledge, but
21 on information that you
22 learned from someone else,

1 please let us know. Please
2 answer each question as fully
3 as you can, including any
4 information you have learned
5 from someone else. We may ask
6 --- we may not ask the right
7 question to learn the
8 information that you have, so
9 do not feel limited by the
10 precise question asked. If
11 you have information about the
12 subject of a question, please
13 provide us with that
14 information.

15 At this time, Mr.
16 Collins, do you have anything
17 that you would like to add on
18 behalf of the Office of
19 Miner's Health, Safety &
20 Training?

21 MR. COLLINS:

22 Yes. Thank you. Mr.

1 Starkey, the West Virginia
2 Office of Miners' Health,
3 Safety & Training is
4 conducting this interview
5 session jointly with MSHA and
6 are in agreement with the
7 procedures outlined by Mr.
8 Swentosky today. But the
9 Director reserves the right,
10 if necessary, to call or
11 subpoena witnesses or require
12 the production of any records,
13 documents, photographs or
14 other relevant materials
15 necessary to conduct this
16 investigation. After the
17 interview today, if you have
18 additional questions or wish
19 to provide additional
20 information, here's a card
21 where you can contact Mr.
22 Mills. Thank you.

1 MR. STARKEY:

2 Uh-huh (yes).

3 MR. SWENTOSKY:

4 Mr. Starkey, are you
5 aware that you may have a
6 personal representative
7 present during this statement?

8 MR. STARKEY:

9 Yes.

10 MR. SWENTOSKY:

11 And do you have a
12 representative with you today?

13 MR. STARKEY:

14 Yes, sir.

15 MR. SWENTOSKY:

16 And who might that be?

17 MR. STARKEY:

18 Joe Yuhas.

19 MR. SWENTOSKY:

20 Has anyone suggested
21 that you use Mr. Yuhas as your
22 representative?

1 MR. STARKEY:

2 No.

3 MR. SWENTOSKY:

4 Are you aware that Mr.
5 Yuhas may have a conflict of
6 interest in representing you
7 while being provided by
8 someone else, such as the
9 company?

10 MR. STARKEY:

11 Yes.

12 MR. SWENTOSKY:

13 And have you been
14 pressured in any way to accept
15 Mr. Yuhas as your
16 representative?

17 MR. STARKEY:

18 No.

19 MR. SWENTOSKY:

20 With this
21 understanding, do you still
22 choose Mr. Yuhas as your

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representative?

MR. STARKEY:

Yes, sir.

MR. SWENTOSKY:

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

MR. STARKEY:

No, sir.

MR. SWENTOSKY:

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

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

BY MR. SWENTOSKY:

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

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

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

4 A. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Thank you. Are you appearing
8 here today voluntarily?

9 A. Yes, sir.

10 Q. How many years of mining
11 experience do you have?

12 A. Approximately four and a half
13 years.

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

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

1 months as a scoop operator, then went
2 back to the bolt machine and been
3 there ever since.

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

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

8 Q. That's 2005?

9 A. Yes, sir.

10 Q. And what is your present
11 position?

12 A. Roof bolter.

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

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

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

20 A. No, sir.

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

1 A. You mean while we're in the
2 mines?

3 Q. Yeah.

4 A. Well, basically, I work on the
5 right side of the mines. I work on
6 the helper side of the roof bolter.

7 Q. Uh-huh (yes).

8 A. And just basically, the only
9 thing we're doing is going in and
10 bolting.

11 Q. Okay. All right. And do you
12 have any mining certifications?

13 A. No, sir.

14 Q. And who's your immediate
15 supervisor?

16 A. At Sago or ---?

17 Q. At Sago, yes.

18 A. Bob. I can't think of his
19 last name right now. He's our boss
20 in the mines.

21 Q. Okay. And he's a section
22 foreman?

1 A. Yes, sir.

2 Q. And do you recall how long
3 that person was your supervisor?

4 A. Bob's been the supervisor
5 probably two months.

6 Q. Your supervisor?

7 A. Yeah.

8 Q. Okay. And who was your
9 supervisor before that? Do you
10 recall?

11 A. That would have been Kent
12 Jenkins.

13 Q. Pardon me?

14 A. Kent Jenkins.

15 Q. Okay. And when you were at
16 Sago, what section were you working
17 in?

18 A. Two Left.

19 Q. Two Left. Okay. And did you
20 ever work in what they call the old
21 Two Left section? That's the area
22 inby the seals that blew out.

1 A. Yes, sir.

2 Q. You're familiar with the area
3 I'm talking about?

4 A. Yes, sir.

5 Q. Okay. And who was your
6 supervisor when you were working in
7 that area? Do you know ---?

8 A. That would have been Kent
9 Jenkins.

10 Q. Jenkins. Okay. And you were
11 a roof bolter in the old Two Left
12 section?

13 A. Yes.

14 Q. Can you kind of describe the
15 roof conditions that you encountered
16 while roof bolting in the old Two
17 Left section?

18 A. Top was pretty hard. Mostly
19 sandstone.

20 Q. Okay.

21 A. And that's about all I
22 remember. I didn't see a lot of

1 cracks or anything like that.

2 Q. Okay. Did you have --- was
3 the immediate roof of slate
4 composition? Slate-type composition?

5 A. Not that I can remember.

6 Q. The immediate roof, what was
7 the immediate roof?

8 A. Mostly sandstone.

9 Q. And what type of roof bolts
10 were you installing?

11 A. Regular resin bolts.

12 Q. Resin bolts?

13 A. Six foot.

14 Q. Six-foot resin bolts? Were
15 there any other types of roof bolts
16 installed in the roof?

17 A. There was probably ten foot
18 and 14-foot cable bolts.

19 Q. Okay. Whenever you were roof
20 bolting, you say it was sandstone
21 mostly?

22 A. Yeah.

1 Q. Okay. Was it a --- like a
2 tough --- a hard sandstone, is what I
3 mean? Like the bits, would you have
4 to change bits during a hole or ---?

5 A. Oh, yeah. We'd go through
6 four or five bits just to drill one
7 hole, very hard.

8 Q. And that area was entirely,
9 from the mouth of this section to the
10 back end, is that the type of roof
11 that you had? Did it change at any
12 time?

13 A. I don't remember it changing,
14 no. It was just pretty much the
15 same.

16 Q. Okay. Do you recall --- did
17 you see any type of fossils or
18 anything during your experience in
19 the old Two Left section?

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

21 Q. Okay. Like any kind of ferns
22 or trees?

1 A. No.

2 Q. Do you recall anyone else
3 saying --- talking about any fossils
4 that they might have seen or any
5 irregularities that they might have
6 seen?

7 A. No.

8 Q. Just your general discussions
9 and ---

10 A. No.

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

20 (Starkey Exhibits One
21 and Two marked for
22 identification.)

1 OFF RECORD DISCUSSION

2 BY MR. SWENTOSKY:

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

13 A. Yes, sir.

14 Q. A yellow highlighted area.
15 And this does represent the area that
16 you roof bolted in?

17 A. Yeah.

18 Q. Okay. And the pictures that I
19 showed you, that's where that picture
20 was taken ---

21 A. Okay.

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

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

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

5 Q. Yes, sir.

6 A. No.

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

15 A. No.

16 Q. --- on Two Left area?

17 A. No.

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

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

1 Q. Okay. And did you ever see
2 this type of marking in any of the
3 area that you roof bolted in Sago
4 Mine? Not necessarily in just the
5 Old Two Left, but the present Two
6 Left?

7 A. No.

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

12 A. Maybe one. That would have
13 been on the intake.

14 Q. Intake. And do you recall
15 approximately what area that might
16 have been?

17 A. No, sir. Because we was
18 walking the intake to the outside.

19 Q. Okay. It wasn't during the
20 roof bolting operation, then?

21 A. No. No.

22 Q. It was just ---?

1 A. No. We was just doing some
2 roof scaling, coming to work on the
3 way from the intake to the outside.

4 Q. Okay. And what was the ---
5 what was that fossil like?

6 A. I think it was a small fern.

7 Q. Okay. Had you ever seen any
8 fossils at other mines?

9 A. Yes, sir.

10 Q. Okay. And what were those?

11 A. Mostly ferns.

12 Q. Ferns. And had you ever seen
13 anything which would represent the
14 pictures that I showed you?

15 A. No.

16 Q. No markings like that? Do you
17 recall seeing any other unusual
18 markings on the mine roof at Sago
19 Mine?

20 A. No.

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

1 A. When the mining was stopped?

2 Q. Yes.

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

4 Q. Okay. Do you recall why the
5 mining was stopped in the old Two
6 Left?

7 A. No.

8 Q. Did the roof start getting bad
9 up towards the face of the old Two
10 Left just before you pulled out?

11 A. Yeah.

12 Q. And was there a lot of water
13 up there?

14 A. Yeah. There was some water on
15 the left side.

16 Q. Okay. During the --- your
17 time roof bolting the old Two Left,
18 what type of methane did you
19 encounter during those operations?

20 A. Are you talking about
21 percentages or ---?

22 Q. Yes, sir.

1 A. I never really seen anything
2 over two tenths.

3 Q. Okay. And you would have been
4 examining the face areas during your
5 roof bolt operations?

6 A. Yes.

7 Q. Okay. And did you ever have
8 occasions whenever the roof would
9 spall out and get some cavities?

10 A. Yeah.

11 Q. Okay. What type of methane
12 did you find in those areas?

13 A. I don't recall.

14 Q. Okay. So the most that you
15 ever encountered was about two
16 tenths?

17 A. Yes, sir.

18 Q. Okay. Were you ever involved
19 in the construction of the old Two
20 Left seals?

21 A. No.

22 Q. Okay. Were you ever at the

1 Two Left seals once you pulled out of
2 there and they were constructed?

3 A. No.

4 Q. So then I would take it you
5 never observed anyone constructing
6 them.

7 A. No.

8 MR. SWENTOSKY:

9 Okay. Do you have
10 anything, John?

11 MR. COLLINS:

12 Just a couple, please.

13 BY MR. COLLINS:

14 Q. Mr. Starkey, you are a
15 certified West Virginia coal miner?

16 A. Yes.

17 Q. Do you have a miner's
18 certificate? Do you have any other
19 certifications in the State of West
20 Virginia?

21 A. No, sir.

22 Q. Do you have any idea what may

1 have caused markings like Mr.

2 Swentosky has showed you?

3 A. No. I don't have a clue what
4 would cause them.

5 Q. Do you know of any equipment
6 that would cause a marking like that
7 or ---?

8 A. No. I've never seen anything
9 like that.

10 Q. Never seen any touress
11 (phonetic) making markings like that,
12 have you?

13 A. No.

14 Q. When you worked on the old Two
15 Left and you'd mentioned there was
16 some water there, do you have any
17 knowledge about a dewatering pump
18 that was used in the face?

19 A. To pump the water out?

20 Q. Uh-huh (yes).

21 A. Yeah. We used pumps to pump
22 water out.

1 Q. And you worked on that section
2 as you retreated back off of there?

3 A. Yes.

4 Q. Do you know if that pump was
5 left in the face?

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

7 Q. Dealing with the mine
8 explosion that occurred on January
9 2nd, do you have any idea what may
10 have caused that explosion?

11 A. No.

12 Q. Do you have any information
13 you'd like to provide us?

14 A. No. I don't have --- I don't
15 know.

16 Q. I think that's all we have
17 right now. Thank you.

18 A. Uh-huh (yes).

19 BY MR. SWENTOSKY:

20 Q. And when was the last annual
21 retraining class that you
22 participated in?

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

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

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

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

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

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

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

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

20 A. Yes, sir.

21 Q. Okay. And last year, would
22 that be --- last year meaning 2005,

1 would that have been somewhere in the
2 beginning of the year, end of the
3 year?

4 A. Yeah. Probably February of
5 last year.

6 Q. Okay.

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

10 A. Yes, sir.

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

16 A. Basically, they just
17 demonstrated how to use the SCSR.

18 Q. Okay.

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

1 Q. And did you demonstrate how to
2 do that? Did they have you ---?

3 A. Did I demonstrate it?

4 Q. Yes.

5 A. No.

6 Q. Okay. So --- okay. Do you
7 feel the training that you received
8 was adequate?

9 A. Yes, sir.

10 Q. Were there any areas of
11 training that you would --- you think
12 that should be provided that has not
13 been provided?

14 A. No.

15 Q. Have you ever been searched
16 for smoking articles?

17 A. Yes, sir.

18 Q. And how do they do that?

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

22 Q. And how often do they do that?

1 A. Usually weekly.

2 Q. Have you ever found any
3 smoking articles underground?

4 A. No.

5 Q. And have you ever observed
6 anyone smoking underground?

7 A. No.

8 BY MR. MILLS:

9 Q. Annual retraining, do you do
10 any hands-on with the detectors?

11 A. Yeah.

12 Q. And in the mines, what kind of
13 detector do you carry? Do you carry
14 one?

15 A. Sometimes I carry it and
16 sometimes the operator will carry it.

17 Q. Okay. Is it multi-gas or just
18 for methane?

19 A. Just methane.

20 BY MR. SWENTOSKY:

21 Q. Okay. Has anyone offered you
22 anything or made any promise to you

1 in exchange for your appearing here
2 today?

3 A. No.

4 Q. And do you have anything else
5 that you would like to add or that
6 may be relevant to the investigation?

7 A. No.

8 MR. SWENTOSKY:

9 Okay. On behalf of
10 MSHA, I'd like to thank you
11 for appearing and answering
12 the questions today. Your
13 cooperation is very important
14 to the investigation as we
15 work to determine the cause of
16 the accident. We ask that you
17 not discuss your testimony
18 with any person who may have
19 already been interviewed or
20 who may be interviewed in the
21 future. This will ensure that
22 we obtain everyone's

1 independent recollection of
2 the events surrounding the
3 accident. After questioning
4 other witnesses, we may call
5 you if we have any other
6 follow-up questions that we
7 feel that we need to ask. If
8 at any time you have any
9 additional information
10 regarding the accident that
11 you would like to provide to
12 us, please contact us at the
13 contact information previously
14 provided to you.

15 The Mine Act provides
16 certain protections to miners
17 who provide information to
18 MSHA and, as a result, are
19 treated adversely. If at any
20 time you believe that you have
21 been treated unfairly because
22 of your cooperation in this

1 investigation, you should
2 immediately notify MSHA. If
3 you wish, you may go back over
4 any answer that you have given
5 during this interview and you
6 may also make any statement
7 that you would like to make at
8 this time. Do you have
9 anything?

10 A. No. I don't have anything
11 else to add.

12 MR. SWENTOSKY:

13 All right. We thank
14 you for your cooperation in
15 this matter. And thanks for
16 coming in.

17 * * * * *

18 SWORN STATEMENT

19 CONCLUDED AT 9:08 A.M.

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