

STATEMENT UNDER OATH

OF

RONALD PALETTA

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Tuesday, September 25, 2007, beginning at 1:34 p.m.

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21

22 ALSO PRESENT:

23 Kelly C. Kirkwood, Notary Public

24

25

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Derek Baxter from the Solicitor's Office and Sherrie Hayashi from the Utah Commission of Labor. We'll be conducting the questioning today.

I, together with other government investigators and specialists, have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August of 2007. The investigation is being

1 conducted by MSHA under
2 Section 103(a) of the Federal
3 Mine Safety & Health Act, and
4 the Utah Commission of Labor.
5 We appreciate your assistance
6 in this investigation.

7 After the investigation
8 is complete, MSHA will issue a
9 public report detailing the
10 nature and causes of the
11 fatalities in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future. Information obtained
16 through witness interviews is
17 frequently included in these
18 reports. Your statement may
19 also be used in other
20 proceedings.

21 A court reporter will
22 record your interview, so
23 please speak loudly and
24 clearly. If you do not
25 understand a question asked,

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we'll rephrase it. Please answer each question as fully as you can, including any information that you have learned from someone else.

I would like to thank you in advance for your appearance here. We appreciate your assistance in this investigation. Your cooperation is critical in making the nation's mines safe.

After we finish asking questions, you will have an opportunity to make a statement and provide us with any other information that you believe to be important.

Ms. Kirkwood, would you swear in the witness?

RONALD PALETTA, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

1 MR. O'DONNELL:

2 Ms. Kirkwood, are you
3 empowered as a notary in the
4 State of Utah?

5 MS. KIRKWOOD:

6 I am.

7 MR. O'DONNELL:

8 And when does your
9 commission expire?

10 MS. KIRKWOOD:

11 August 15th, 2008.

12 MR. O'DONNELL:

13 Have you sworn in Mr.
14 Paletta?

15 MS. KIRKWOOD:

16 I have.

17 BY MR. O'DONNELL:

18 Q. Please state your full name
19 and address for the record.

20 A. Ronald Fred Paletta, (b) (7)(C)
21 (b) (7)(C) .

22 Q. And are you appearing here
23 voluntarily today?

24 A. Yes.

25 Q. And how long have you worked

1 for MSHA?

2 A. Since January of 1993.

3 Q. And what is your current duty
4 station?

5 A. Price, Utah, Price Field
6 Office.

7 Q. And have you worked there ---
8 how long have you worked at that
9 location?

10 A. Oh, heck. I started out in
11 Delta, Colorado at the field office
12 for two years, I think, and
13 thereafter I came back here.

14 Q. Okay. So since 1995?

15 A. Yeah, basically. That would
16 be roughly.

17 ATTORNEY BAXTER:

18 Were you in the mining
19 industry before that?

20 A. Yeah, I was --- I was acting
21 safety director up at Valley Camp in
22 Utah. And then they finally closed.

23 BY MR. O'DONNELL:

24 Q. What's your present position?

25 A. CMI.

1 Q. What is a CMI?

2 A. It's an inspector.

3 Q. Okay. And how long have you
4 been a coal mine inspector?

5 A. Since '93. Well, if you're
6 counting the training, it's about
7 '93.

8 Q. Okay. Who's your current
9 supervisor?

10 A. Bill Taylor.

11 Q. I guess this question was
12 already asked about your mining
13 history and experience.

14 A. Well, a little bit of it, I
15 started out in Kaiser Steel working
16 on shoveling longwall face. That's
17 when they first developed on it.
18 That's where I started out, and then
19 I went truck driving. And then from
20 there I went to the mines.

21 Q. Okay. Have you ever been
22 assigned to inspect Crandall Canyon
23 Mine?

24 A. No.

25 Q. Never?

1 A. Never. Except --- well, not
2 to do the AAA or what we called the
3 AAA before, EO1. But I think I ran
4 dust about --- oh, when McIntyre was
5 in charge. He had that dust
6 initiative. I ran dust up there on
7 the wall. I think there were walling
8 on the south side where --- on the
9 south panels, they call the south. I
10 think I ran dust down there. That
11 was ---.

12 Q. You said EO1 inspection. Is
13 that one of the four mandatory
14 inspections?

15 A. Yeah. That took the place of
16 the AAA.

17 Q. Okay. And you said the wall.
18 Did you mean the longwall?

19 A. Longwall.

20 Q. Other than the respirable dust
21 surveys, have you conducted any other
22 inspection activities?

23 A. I can't remember none.

24 Q. So when was the last time that
25 you did any inspection work in

1 Crandall Canyon Mine?

2 A. Eight, nine, ten years ago.

3 And that's a guess.

4 Q. Just talking about the August
5 6th accident, how were you notified
6 and what was your involvement in any
7 of the operation between the time the
8 accident happened and to and through
9 August 16th, the time of the second
10 accident?

11 A. Well, Bill Taylor called me
12 and arranged the schedule and said I
13 was to report up there on the
14 graveyard shift. I believe it was
15 6th and 7th. The only thing I'm
16 using is just the dates on this
17 thing. Yeah, I think it was the 6th
18 and 7th.

19 ATTORNEY BAXTER:

20 There's a calendar
21 here, too, if that helps.

22 A. Yeah, it was the 6th and 7th.
23 It was on a Monday. And then I went
24 on the graveyard shift.

25 BY MR. O'DONNELL:

1 Q. What was the hours of that
2 shift?

3 A. It was from 11:00 to 7:00.

4 Q. Okay. So go ahead. Tell me
5 the rest of ---.

6 A. And then the hours that we got
7 relieved --- and sometimes you didn't
8 get relieved on time, so sometimes
9 you got extended. But anyway, when I
10 first got there, they just said to go
11 in there and relieve the guy that was
12 in there. I can't remember who that
13 was. We didn't have nothing else.
14 There was no plans or nothing. So I
15 went in there, and I really didn't
16 know, you know, what we were doing.
17 I just figured that whatever it was,
18 I'd be able to play off of that.

19 So I got down there.
20 Surprisingly to me, the fresh air
21 base was inby 121 --- or 120. And it
22 kind of surprised me, because that
23 --- usually you don't have the air
24 base that close to the action. And
25 we had one guy standing down there,

1 and we had a miner sitting in the
2 crosscut between one and two. The
3 muckers were mucking and going
4 through crosscut --- from two to four
5 and mucking four. I never did go
6 down four because I never had the
7 time.

8 I walked by the miner and I
9 asked what was wrong with it, and
10 they said it was still being
11 repaired. They had to change
12 something out. So I really felt
13 uneasy about the area because you
14 could see the separation in the roof
15 from the rib a certain distance. So
16 I decided to stand kind of in the
17 intersection. And about that time, a
18 few other guys --- I think there was
19 Gale Anderson and the faceboss was
20 supposed to be in that accident, but
21 was called outside. He was there
22 also. His name was Benny Allred.

23 Anyway, I can't remember what
24 time it was, but the phones were
25 messing up and I was real concerned

1 with that, because we didn't have
2 enough communication. So I kept on
3 them to get that done. And then a
4 big bounce hit. And see, by that
5 time, it threw --- I think it threw
6 me on the ground. And by the time we
7 crawled over the miner, we couldn't
8 see. It was just thick with powdered
9 dust.

10 So we finally got to where ---
11 I think it was at 109 where it
12 started clearing up. And we had a
13 head count before we got to that
14 point. And we were missing three
15 guys. Let me see. Gale Anderson
16 went after one. Benny Allred went
17 after another. And we stayed there
18 in that location until we was all
19 together. And then I wouldn't let
20 nobody go back in except to
21 straighten up the ventilation,
22 because it knocked ventilation out at
23 least at 109, and then I was told
24 that it went all the way to 95.

25 And that kind of summed the

1 night up. And then I made sure that
2 they was getting that phone system
3 working, because we couldn't report
4 outside.

5 Q. So that was the end of your
6 shift there?

7 A. Basically, where I was at,
8 yeah.

9 Q. Okay.

10 A. We didn't do much more than
11 just that.

12 Q. Let me ask you some follow-up
13 questions. You say a bounce. What's
14 your definition of a bounce?

15 A. Well, there's several. One,
16 you get thrown around. Another one
17 you just get knocked down. And that
18 was one bounce --- I had never
19 experienced that one because I didn't
20 get thrown. It wasn't a physical
21 push. It was just kind of everything
22 just dropped. Now, I could have
23 tripped, but I don't know.

24 Benny Allred grabbed me when I
25 was heading to the feeder breaker.

1 He said, no, not that way, because he
2 was --- he jumped in the feeder
3 breaker and he knew that that was
4 covered. I didn't know that. So we
5 crawled over the miner on our hands
6 and knees. And I can't --- I don't
7 know who was on the side of me, but
8 they was walking on the side of us.
9 Well, the whole thing filled the
10 miner up on both walkways.

11 Q. You're saying the miner was
12 between one and two at crosscut?

13 A. The crosscut, I think it was
14 120 or 121. I can't remember the
15 number.

16 Q. And it was --- when the bump
17 happened, it bumped the coal out?

18 A. Oh, boy, did it bump the coal
19 out. It filled that miner completely
20 flat. I didn't know that at the
21 time, though.

22 Q. You couldn't see the miner?

23 A. Only that far --- only a few
24 feet in front of me I could see the
25 bits. And that's --- I knew it was

1 the miner.

2 Q. So when the bump occurred, you
3 were standing in one?

4 A. We was standing in two just
5 ahead of the feeder breaker.

6 Q. Right in front of the feeder
7 breaker?

8 A. But on the corner of it. I
9 wouldn't get on the sides. I just
10 felt something funny about that area,
11 so I went --- I stayed in the
12 intersection for some reason. And
13 that's really --- you don't do that,
14 either. But up there, I seen all the
15 problems were by the ribs, so I
16 couldn't get there.

17 Q. Ron, did it knock anyone else
18 over?

19 A. The fresh air base man.

20 Q. And who was that?

21 A. That was Ronnie Coterias
22 (phonetic), I think.

23 Q. Who is he?

24 A. He was a miner from one of the
25 mines.

1 Q. Okay. He wasn't from Crandall
2 Canyon?

3 A. I don't think so. I think I
4 seen him over at West Ridge, but I'm
5 not sure.

6 Q. So when you went into the
7 section, you say you weren't briefed
8 or debriefed? No one told you what
9 was going on?

10 A. No. It wasn't like I
11 experienced it in the past. It was
12 more or less, go down there and
13 relieve this guy now. That's all.

14 Q. Who told you that?

15 A. I can't remember now.

16 Q. Was it a ---?

17 A. It was somebody in the command
18 center ---

19 Q. Okay.

20 A. --- that told me that, but I
21 can't remember who it was.

22 Q. How many Mine Safety and
23 Health Administration guys were
24 assigned on your shift?

25 A. Well, the first night, I was

1 by myself.

2 Q. Yeah. Let's just talk about
3 the 6th.

4 A. I was by myself.

5 Q. Okay. So had not --- there
6 was no mine --- federal mine rescue
7 team members there yet?

8 A. No.

9 Q. Okay.

10 A. If there was, they wasn't with
11 me.

12 Q. Okay.

13 A. I was by myself. I think Don
14 Gibson was outside in the command
15 center in charge of that.

16 Q. Okay. So you're saying that
17 the --- you know, the accident
18 happened. You were told to go to the
19 mine. You went to the mine. They
20 told you to relieve the guy out
21 inside.

22 A. That we would be relieving
23 inside and we had to find our own
24 ride in there.

25 Q. But didn't they tell you how

1 this --- how the K-Order had been
2 modified to allow certain work done?

3 A. No. I think they said the
4 K-Order was modified, not to let
5 anybody go inby the 121 or 120
6 crosscut. I can't remember which.

7 Q. Okay.

8 ATTORNEY BAXTER:

9 Who told that to you?

10 A. Somebody at the command
11 center. I can't remember. I don't
12 know who was on duty. Whoever was on
13 duty.

14 BY MR. O'DONNELL:

15 Q. Now, were there other mine
16 rescue teams in the mine?

17 A. I wasn't aware if they were.
18 They could have been.

19 Q. Okay.

20 A. The graveyard shift, I don't
21 --- I don't know.

22 Q. So you were on the midnight
23 shift. So there had already been a
24 whole daylight and an afternoon shift
25 in before you?

1 A. Yeah. Whenever it happened.

2 Q. So it happened in the middle
3 of the night. That morning somebody
4 would have been there, afternoon. So
5 you relieved the afternoon guy?

6 A. Yeah. Let's see. The crews
7 worked different hours. They worked
8 --- I think they worked 12, and a new
9 crew came on at 6:00.

10 Q. Okay.

11 A. And then we went in and
12 relieved the --- they didn't want us
13 working 12s. They wanted us working
14 eights. So we went in there ---

15 Q. Mid shift?

16 A. --- for them, for that crew.

17 Q. You say they were mucking over
18 in number three?

19 A. Four.

20 Q. Number four.

21 A. Yeah, they were mucking. And
22 I seen them working there. And they
23 decided to pull out of there for some
24 reason, and they started to clean the
25 crosscut between two and three. But

1 we were standing in two where the
2 feeder was. The feeder wasn't
3 running yet. It was still broke
4 down. And I noticed that he was
5 getting ahold of the rib too much. I
6 stopped him. I said, look, don't
7 touch the ribs. That's another thing
8 that somebody told me, not to let
9 them touch the ribs.

10 Q. Now, there ---.

11 A. That was said outside as well.

12 Q. Okay. They were single
13 passing in the entry?

14 A. There were supposed to be,
15 yeah. I never went in four until the
16 next night.

17 Q. Also, that whole --- how much
18 mucking did they do that night?

19 A. Well, the machine disappeared
20 several times and I couldn't hear it
21 no more, so they were pretty far in
22 there.

23 Q. Okay.

24 A. And the next night ---.

25 Q. The bump happened the first

1 night; right?

2 A. Yeah.

3 Q. So when the bump happened,
4 where were the muckers at?

5 A. Well, that was the strangest
6 part about it all, is they pulled
7 themselves out. One was up in the
8 return and the other one stayed in
9 that crosscut that we were in. But
10 he got out of it. The other mucker
11 stayed in his machine. And then I
12 was told by, I think either Gale or
13 Benny that when they went --- he was
14 still in that machine when they had
15 to go get him. He didn't get out of
16 that machine. And then I heard
17 somebody say that it knocked him ---
18 kind of knocked him out a little,
19 this here bounce did.

20 Q. Was any of the muckers buried?

21 A. No.

22 Q. Okay.

23 A. The one up in the return was
24 --- I think it was on one side, but
25 it wasn't buried.

1 Q. Okay.

2 ATTORNEY BAXTER:

3 Do you know the ---
4 sorry. Do you know the names
5 of the people that they were
6 looking for?

7 A. No. I just --- we didn't get
8 the names because they have the shift
9 lift. It was the two muckers. I
10 don't recall their names.

11 BY MR. O'DONNELL:

12 Q. I lost my train of thought.

13 A. But anyway, you'll get it
14 back. So the first night, that's
15 what --- just prior to it bumping,
16 that's what was going on. And he
17 pulled in there, and I had to talk to
18 him and that's what detained him, or
19 he would have been --- or he would
20 have been in there. And we would
21 have one guy probably most likely, I
22 would say, covered up by that.

23 Q. Yeah. You said you were never
24 over in four?

25 A. I never --- not that night. I

1 didn't walk up there because ---.

2 Q. Did they tell you that it had
3 --- the whole entry --- they lost
4 everything they had cleaned?

5 A. The next night?

6 Q. Yeah.

7 A. No, we knew that night.

8 Q. Okay. How did you know?

9 A. Gary Peacock came in later
10 that morning and made sure everybody
11 was all right. And I said, man,
12 we've been trying to call you guys.
13 But he --- I let him go down there,
14 because somebody had to evaluate what
15 we had down there in the ventilation.
16 So he went down there. He evaluated
17 it. He came back, and he says,
18 everything's filled up that we
19 cleaned. He walked all through that
20 area --- not all through it, but he
21 walked ---.

22 Q. Did anybody get hurt that
23 night?

24 A. No. The fresh air man got
25 knocked down. We was looking for

1 him. He finally heard us holler at
2 him, and then he came to us.

3 Q. Okay. So you got knocked
4 down, the fresh air base buy from
5 West Elk; is that right?

6 A. No, from West Ridge.

7 Q. From West Ridge. West
8 Elk ---.

9 A. That's easy to ---.

10 Q. I don't know where that ---
11 anyway ---.

12 A. Now, I asked him if he was all
13 right. He said, I got knocked down.
14 He said, I'm all right. That's why I
15 knew he got knocked down. We didn't
16 see --- in fact, we couldn't see each
17 other there for a while.

18 Q. So you had the --- you found
19 it odd that the fresh air base ---
20 how did you know it was the fresh air
21 base?

22 A. He told me. I asked where the
23 fresh air base was.

24 Q. Well, who established the
25 fresh air base?

1 A. I don't know.

2 Q. Okay.

3 A. It was already established
4 before I got here. And I asked where
5 it was at, so they took me to it.

6 Q. And they kept somebody posted
7 there at all times?

8 A. Yeah, ---

9 Q. Now, you said you had ---.

10 A. --- as far as I know. It was
11 the phone --- the phone was there.

12 Q. Okay. You said that they had
13 problems with communication?

14 A. Yeah. I found out later ---
15 several days later why. Somebody out
16 in the engineering room on the
17 surface --- something was wrong with
18 his phone that caused that whole
19 problem.

20 Q. Okay. So you couldn't talk to
21 anyone?

22 A. We could hear them, but they
23 couldn't hear us. And then sometimes
24 we couldn't hear them. It was really
25 hard. We couldn't understand what

1 they were saying sometimes. So it
2 was really difficult. And I told
3 them, you know, if they didn't get
4 that thing fixed the next night, that
5 nobody --- everything was going to
6 stop, because, you know, ---.

7 Q. That night they didn't
8 withdraw anybody because of the
9 communications? They left them work?

10 A. No, no. Well, I just got
11 there. It was just a short time when
12 I started when that thing went off.
13 So I pulled everybody back to where
14 there was communications, and that's
15 where we stayed at.

16 Q. That's whenever you got the
17 bump?

18 A. Yeah.

19 Q. When the bump happened, you
20 pulled everybody out and it was ---?

21 A. That was it.

22 Q. That was it for the night?

23 A. Uh-huh (yes). There was
24 nobody --- except for --- I don't
25 know how many people. They started

1 at 95 and started redoing the
2 ventilation.

3 Q. So everything they had put in
4 got knocked out again?

5 A. Yeah. For sure to 109, and
6 then I heard rumors that --- from I
7 think it was Gale that 95, from there
8 down started, had been knocked out,
9 too. But not all of it. Well, he
10 put it this way. He put it the solid
11 stoppings are the only ones that are
12 standing.

13 Q. Okay.

14 A. Now, what I did see on the ---
15 this is another thing that surprised
16 me. I noticed all the Kennedy
17 stoppings that they had installed
18 were laid down flat even. There was
19 nothing holding them for them not to
20 stand up. And you know, like an
21 explosion, you have that immediate
22 energy that just flies everything
23 everywhere. These just laid down.

24 Q. When you got knocked down, did
25 you feel any air, too?

1 A. Yeah. Initially, I felt a
2 gust. But everything --- I was
3 engulfed in coal dust. I couldn't
4 see nothing. So it kind of
5 disorientated me.

6 Q. Have you ever experienced
7 anything like that before?

8 A. Not like that. In Kaiser, I
9 was thrown to the roof in a major
10 bounce there, but this one beats it.
11 Let's see. Kaiser. What else? At
12 Valley Camp, I wasn't in this one,
13 but we had an air blast that was ---
14 we called an air blast where our
15 pillar section somewhere in the back
16 had fell down and it knocked
17 stoppings out, sucked stoppings in
18 like an explosion. And so I was well
19 aware of --- you know, that something
20 like that could happen. But this
21 here superseded that.

22 Q. You say the next day that you
23 went in?

24 A. Yeah, the next night I went
25 in.

1 Q. Did you get a briefing before
2 the next night?

3 A. I went in there and demanded a
4 plan.

5 Q. So there was a plan?

6 A. There was. Yeah, I didn't
7 know it, but there was. And I said,
8 I need a plan. I need to know what I
9 --- what to do. And so ---.

10 Q. Who did you see about that?

11 A. That was Bob Cornett. And he
12 reached down and opened the drawer
13 and made me a copy.

14 Q. Okay.

15 A. So that was the first night I
16 had a --- I knew about a plan. Maybe
17 they didn't have one the night
18 before. I don't know.

19 Q. The second night you went
20 there was --- were mine rescue teams
21 there?

22 A. Yeah. I went in there with
23 --- seven, eight with Scott Johnson
24 and Schmidt --- Mike Schmidt.

25 Q. Sumate?

1 A. Sumate. That's who I went in
2 there with.

3 Q. Okay. And what was --- what
4 had changed from the first night to
5 the second night?

6 A. Well, the miner was still
7 broke down. They wanted us to take
8 air reads and monitor all entries.
9 And that's about basically all. And
10 they was working on the
11 communications again.

12 Q. Okay. Was there any mucking
13 being done?

14 A. No mucking.

15 Q. So that was suspended?

16 A. Uh-huh (yes).

17 Q. And did the plan change, what
18 entry you were going to clean up?

19 A. Yeah. Somebody said it was
20 going to be in one.

21 Q. Okay.

22 A. But they hadn't done that yet.
23 I think it was the third night that
24 that started. It was started ---.

25 Q. So after the first night bump,

1 you pulled everybody back and
2 stopped. The next day you go in, it
3 looked the same; right?

4 A. Uh-huh (yes).

5 Q. Okay.

6 A. I looked at all --- I went
7 over to four and it was covered. It
8 was right up to the roof. I think
9 there was maybe a foot of gap in the
10 top there, basically close to that.
11 I didn't measure it, but ---.

12 Q. You're talking about between
13 the top of the pillar and the roof?

14 A. Yeah. And then we walked back
15 there --- Johnson --- Scott Johnson,
16 he's going to CMI school, and then
17 Sumate, we walked back there and we
18 could not believe our eyes in the
19 return. At that time, I told them
20 they had to start rock dusting. It
21 was so black back there that there
22 was no way that they wasn't going to
23 go any more than ---.

24 Q. What about the air quality?
25 Did it ---?

1 A. We found good quality all the
2 time. We never had --- we never
3 found any bad stuff there.

4 Q. Even from day one?

5 A. Not us. The only thing we
6 could do was check out the openings,
7 which, you know, I basically didn't
8 think we would get too much there
9 anyway. I don't know ---.

10 Q. So you say they had pretty
11 decent air after ventilation was
12 restored?

13 A. We did.

14 Q. Okay.

15 A. Yeah. When we restored
16 ventilation, we walked out and --- we
17 walked up to 109. How far is that?
18 And it was completely --- I mean, we
19 were following each other out of
20 there because we could not see. And
21 closer to 109, it started to ease up
22 to where we could see, and we started
23 --- looked to do something different
24 than what we was doing.

25 Q. Ron, did you work any other

1 shifts after that?

2 A. I worked all the way until ---
3 let's see. They told me to go home
4 on 8/11. I went up to the mine, and
5 they said they didn't need us ---
6 need me, and so they sent us home.

7 Q. And that was the last time you
8 worked at the mine?

9 A. Up until last week or so.

10 Q. No, I mean ---

11 A. Yeah, on the ---.

12 Q. --- up to and through August
13 16th, the second accident?

14 A. Yeah, I wasn't in on the
15 second. I didn't work.

16 Q. So you worked up until the
17 11th. Was the section --- you were
18 there when they were --- so what was
19 your job primarily at the time that
20 you were in there? Was it to
21 monitor?

22 A. Not to let anybody --- not to
23 let anybody in by while they were
24 mining. I was there when they
25 started mining up to 123. I think it

1 was 123, 124.

2 Q. Okay. So you were there. You
3 limited the number of people that
4 were working; is that right?

5 A. Uh-huh (yes). I even stopped
6 Mr. Murray from going in there.

7 Q. Did ---?

8 A. He had a crew with him.

9 Q. You say that --- well, he was
10 the operator. He should have known
11 the rules; right?

12 A. That's how I convinced him not
13 to go in there. I told him he wrote
14 the plan and he agreed with it and he
15 had to watch the rest of these guys.

16 Q. And how many people did he
17 bring in?

18 A. I think he had --- let's see,
19 two --- I was told they were family
20 members. I'm not sure. I never did
21 talk to them. There were two of
22 them. He had a guy taking pictures
23 of him. And I think there was him.
24 There might have been maybe one more.

25 Q. So he was not there to assist

1 in any way; was he?

2 A. It looked like to me he was
3 there for showboating. That's what I
4 thought.

5 Q. What do you mean by
6 showboating?

7 A. You know, make sure he had his
8 pictures taken and going in there and
9 making a big deal out of something.
10 He shouldn't be there.

11 Q. But he served absolutely no
12 purpose by being there?

13 A. Actually, he got in the road.

14 Q. He did? Did he kind of hinder
15 the operation at that time?

16 A. Well, no, because I wouldn't
17 let him go up. I thought I was --- I
18 didn't know what I was going to do,
19 but he wasn't going to go up there.
20 He wanted to go up while they were
21 mining to show the family, you know,
22 how things were working.

23 Q. Okay.

24 A. So he didn't do that on my
25 shift. In fact, no one did. But you

1 know, I did find --- let's see,
2 Konakis, Angelo Konakis. He was also
3 one of the --- he was also there when
4 they started mining the number one
5 entry. And I had --- I didn't have a
6 hard time with him, but some of those
7 people wanted to do their own thing
8 all the time. So I had reign them
9 back in all the time.

10 Q. Who's Angelo Konakis?

11 A. He was a supervisor.

12 Q. From where?

13 A. From West Ridge.

14 Q. You mean like taking chances
15 --- unnecessary chances?

16 A. Well, in my opinion, he was
17 --- they wasn't watching their people
18 well enough and they wasn't ---. I
19 had that plan and I followed it. You
20 know, I was making them follow it.
21 And they always wanted to use that
22 excuse, well, we need to muck the
23 rest. No, you don't. So myself, I
24 wouldn't go up there. The only thing
25 that did bother me, it seemed like as

1 time went on, more and more people,
2 after they got through mining, was up
3 there. They had to cut the wires off
4 the miner head. I mean, there was so
5 many people at one time up there I
6 told them that they needed to get
7 some of them out of there because,
8 you know, we didn't know what was
9 going to happen.

10 Q. And who were these people that
11 were continuing to try to ---?

12 A. His crew. I don't know their
13 names, but his crew. One stayed by
14 the feeder breaker, which he wasn't
15 supposed to be up there.

16 Q. These were management people?

17 A. No, no. They were laborers
18 looking for the people.

19 Q. Okay. Let's take a short
20 break.

21 A. Sure.

22 SHORT BREAK TAKEN

23 BY MR. O'DONNELL:

24 Q. Just a couple clarifying
25 questions. On the muckers that were

1 over in number four entry, did you
2 know why the scoops were parked
3 before the first night bump?

4 A. Before the first --- you mean
5 the one I was in?

6 Q. Yeah.

7 A. Well, they were --- when I
8 first got there, they were running.
9 And one went back --- they were
10 taking turns to go in and out,
11 because they only had the one
12 roadway. So one was waiting for the
13 other one. But when one left, the
14 other one came out of there and then
15 the other one came in. But he turned
16 and come in towards us.

17 Q. See, we had heard that they
18 ran out of water and just stalled.

19 A. Not that I know. Not that I
20 know of. That might have been at the
21 end there where they were in there
22 and they wasn't using them no more.

23 Q. You know, when they run out of
24 water, the water shut off?

25 A. Yeah.

1 Q. That's what we had heard, so
2 I'm just trying to see if that ---.

3 A. Well, if --- one could have
4 done that. But the one that stayed
5 with us, he was still running. He
6 wasn't stalled out, because he kept
7 pushing towards us. He'd push and
8 back up and push it again.

9 Q. But when you left, they were
10 parked and they were all outby?

11 A. When I left --- when that
12 happened, one was outby in the number
13 four entry or three. I don't know
14 which one he was in. And the other
15 one stayed in the crosscut between
16 two and three.

17 Q. Okay. Where did you tell them
18 that they needed to get off that rib?
19 What was that location?

20 A. That was between two and
21 three.

22 Q. Between two and three, the
23 crosscut?

24 A. Yeah. He kept backing into
25 there and taking some of that rib.

1 The machine was too big for what they
2 were doing to leave that --- just to
3 take the center coal out.

4 Q. Okay. Ron, how many people
5 were allowed into the face area when
6 setting props?

7 A. It was supposed to be just
8 enough to set the props, but they
9 kept adding people down there. And
10 pretty soon --- geez, I never did get
11 a full head count, but there was four
12 people taking off --- taking the
13 screen off the head. There was about
14 five people setting props. That's
15 all an estimate now. And then there
16 was myself, but I wouldn't stay up
17 there very long. And then Scott
18 Johnson was up there and Mike. And
19 then we'd leave and go take air
20 readings once we found that, you
21 know, these guys weren't mining
22 anymore until they set the props.

23 But there was even more than
24 that at times. It seemed like these
25 guys would just come from nowhere.

1 And we never did have a handle on
2 that very well. See, there was never
3 --- I don't think there was ever an
4 amount of people, just the people
5 necessary. That turn there got too
6 many people in the area.

7 Q. There wasn't a maximum number
8 set?

9 A. No.

10 Q. Is there any people that were
11 involved in the rescue operation that
12 you would think we should interview?

13 A. You can interview them and
14 they'll tell you. I don't know.
15 You've got a big list, hey. Oh,
16 heck.

17 Q. Well, you don't have to come
18 up with those right now. But if you
19 think about it, you can get back to
20 us.

21 A. I think you should --- yeah,
22 you'd probably got Gale Anderson.

23 Q. Yes.

24 A. They call him Rat. Konakis.

25 Q. Who's Konakis?

1 A. He was that --- Angelo
2 Konakis. He was with me.

3 Q. And he's one of the
4 supervisors?

5 A. Yeah. Benny Allred. You got
6 him?

7 Q. Yeah.

8 A. Let's see. I don't know.
9 Jack Marinos.

10 Q. Who?

11 A. Jack Marinos.

12 Q. Jack Marinos.

13 A. He wasn't up there, but he was
14 there before --- in fact, he was
15 mining the other side, I understand,
16 the right side where they sealed. He
17 was involved in that side.

18 Q. Okay.

19 ATTORNEY BAXTER:

20 Did you take any notes
21 at all during the rescue
22 operations?

23 A. Yeah. Well, we were all
24 taking notes, so I only did what
25 little --- what I'd done, you know,

1 so --- but I did. I took some each
2 day.

3 ATTORNEY BAXTER:

4 Is there anything
5 relevant there about ---?

6 A. Just mostly the first night.
7 I thought that was --- the rest of it
8 was just kind of routine. You know,
9 the props, how many props was set,
10 stuff like that. As we were mining,
11 we'd run into things and we'd call
12 them out, like the oil station or
13 whatever that was, you know. We'd
14 call them outside, but that was all.

15 BY MR. O'DONNELL:

16 Q. Do you have anything that
17 you'd like to add that may be
18 relevant to the investigation?

19 A. Yeah. I think --- you know,
20 at Willow Creek, we had command
21 stations separated from outside,
22 separated from where the inspectors
23 were in --- we call it the Blue
24 Goose. But we call that a command
25 center, too. But it seemed like it

1 was --- you know, it was more
2 structured to where everybody knew
3 the plans were submitted and agreed
4 with the higher-ups and we'd take
5 them and make sure they got
6 administered properly. And it seemed
7 like that wasn't too well done up
8 there. And I thought that would be
9 detrimental.

10 You know, if we inspectors
11 know what to do underground, what
12 they want us to do, then we can
13 implement things better and watch
14 things closer. But I didn't see that
15 happening too much. I finally got
16 ahold of plans. Every night I knew I
17 was going out there, so I asked for
18 them. I wouldn't go in there without
19 it. Basically, that's probably all
20 that I would suggest.

21 MR. O'DONNELL:

22 On behalf of MSHA, I
23 want to thank you for
24 appearing and answering
25 questions today. Your

1 cooperation is very important
2 to the investigation as we
3 work to determine the cause of
4 the accident.

5 We ask that you not
6 discuss your testimony with
7 any person who may have
8 already been interviewed or
9 may be interviewed in the
10 future. This will ensure that
11 we obtain everyone's
12 independent recollection of
13 the events surrounding the
14 accident.

15 After questioning other
16 witnesses, we may call you if
17 we have any other follow-up
18 questions to ask. If at any
19 time you have any additional
20 information regarding the
21 accident that you'd like to
22 provide to us, just contact
23 us.

24 If you wish, you can go
25 back now over any answer and

1 make a statement.

2 A. Yeah. I just thought of
3 something. I had a meeting on
4 Sunday, up there on one of the
5 Sundays with all of the higher-ups.
6 And they said that they had mucked
7 out the number four entry 310 feet.
8 So that had to be just shortly ---
9 that had to be where I was at.

10 BY MR. O'DONNELL:

11 Q. Who told you that?

12 A. I don't know if it was ---
13 Murray brought it up. When they were
14 meeting with a bunch of experts, they
15 had brought that up and said they had
16 mined that --- mucked that distance
17 out. But until then, I didn't know
18 how --- just how much stuff had
19 actually filled back up in that area.

20 Q. Okay. And all of that was the
21 bump? It bumped closed --- bounced
22 closed?

23 A. Yeah. I was really shocked
24 when I seen that. That probably
25 might be important.

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MR. O'DONNELL:

Again, I'd like to
thank you for your
cooperation.

A. Sure.

* * * * *

STATEMENT CONCLUDED AT 2:20 P.M.

* * * * *