

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
WILLIAM CROCCO

INTERVIEWERS:  
JOSEPH PAVLOVICH, ERNEST TEASTER

DATE:  
NOVEMBER 8, 2007

1 BY MR. PAVLOVICH:

2 Q. You're familiar, I guess, with how Ernie and I got involved in this independent  
3 review. We were asked by the secretary's office, I guess, because of Richard and  
4 Kevin both being at the mine, to head up an independent review as they're calling it.  
5 And so that's subsequently how we got into it. And so we're interviewing people that  
6 were present at the mine during the rescue effort, and also will be interviewing Price  
7 people and District people like an internal review prior to the original accident that  
8 happened. And let me read this statement to you just ---.

9 The Secretary of Labor has assigned this group the task of  
10 evaluating MSHA's performance during the period preceding the August 6th, 2007  
11 coal bounce at the Crandall Canyon Mine and the subsequent rescue effort. We will  
12 also be evaluating issues that were raised during this time period regarding Bob  
13 Murray and his interaction with MSHA.

14 This is not an investigation and review of any individual  
15 person. It's an administrative review of MSHA's actions as an agency. This  
16 evaluation will be presented to the Secretary in the near future. And it is intended that  
17 the results of the evaluation will be made public. This interview is being conducted to  
18 gather information for this assignment.

19 We also intend to interview a number of other MSHA  
20 employees. So that we may obtain unbiased information from all persons to be  
21 interviewed, we ask that you not discuss this interview with anyone until all the  
22 interviews have been completed.

23 A. Okay.

24 Q. And you're not a bargaining unit person, Bill, so you're not entitled to union  
25 representation; okay?

1 A. Yeah, I understand that.

2 Q. Would you state your full --- oh, Bill, by the way, we're taping this interview; is  
3 that fine? And this is the microphone, but it picks up well. You don't need to talk into  
4 it or anything. Would you state your full name, please?

5 A. William Crocco.

6 Q. And what is your present job title, Bill?

7 A. Program manager, accident investigations in Arlington, Coal Division.

8 Q. For coal, okay.

9 A. Yeah.

10 Q. And who is your supervisor in that?

11 A. Kevin Strickland.

12 Q. How long have you been in that job, Bill?

13 A. I started acting in that job in 2001.

14 Q. 2001. Was that job just created at that time?

15 A. No. Ernie was in it for a while. And then there was a couple of other people in  
16 it, I think. Al Davis was in it when I --- he left to go to District 9. And I started acting in  
17 2001.

18 Q. What's your total employment with MSHA, Bill?

19 A. I started in 1982, in District 9.

20 Q. And what did you do in District 9 when you started in?

21 A. I was an engineer in the ventilation group in Denver.

22 Q. In Denver.

23 A. Working for Bill Knepp, who was the ventilation supervisor at the time.

24 Q. How long did you stay in Denver?

25 A. Until '89, I think, something like that.

1 Q. And then went to headquarters?

2 A. I went to Department of Interior Bureau of Reclamation for a year and a half  
3 or something. And then from there I went to work for Jack Tisdale in the Division of  
4 Safety in Arlington.

5 Q. Well, how were you first notified of the accident that occurred on August 6th at  
6 Crandall Canyon?

7 A. Al Davis called me. I think it was a Monday morning. And he called me about  
8 7:30 or 7:40 that morning and told me that they had had an event, Crandall Canyon.  
9 He didn't really know everything that was going on out there at that time, but he did  
10 know that there were six miners missing and he knew that there was a number of  
11 stoppings out. There was carbon monoxide, low oxygen detected when people tried to  
12 reenter.

13 Q. He knew it was a bounce, though, or a bump? Or did he not tell you ---?

14 A. No, I don't think it was clear at that time. Right off the bat it wasn't clear  
15 whether it was some kind of an explosion or ---. I didn't hear the word bounce at that  
16 time.

17 Q. Oh, you didn't. Okay.

18 A. Nobody mentioned that.

19 Q. Just they had something happen there.

20 A. Well, actually, I take that back. I think it was a bounce. When it was called  
21 into the call center, I think the guy did say it was a bounce. Now, the call center had  
22 called Bill Denning. And whether Bill Denning had talked with Al, I don't know.

23 Q. Could you kind of describe or explain how that call center works for us?

24 A. Well, there's an 800 number that operators are supposed to report all  
25 accidents to. And they called in to that number. I've never called it myself, but I think

1 there's an option if you speak Spanish, otherwise it's supposed to be picked up by an  
2 English-speaking operator. And then they have a list of questions that they go through  
3 and fill out a form that they have that's supposed to gather the information that MSHA  
4 would want. And then they have a couple of databases that they can look up mine  
5 names or ID numbers and find out where it's located, or just go by state or nearest  
6 city. And then from there, they contact the district.

7 Q. So would this be something that's staffed by an MSHA person or ---?

8 A. No, no, they're not MSHA.

9 Q. It's a contractor?

10 A. It's a contractor that they hired about a year ago when that rule became final,  
11 and they revised Part 50. And at the same time, they put that contract in effect.  
12 They're located out in Fairfax, Virginia somewhere, I think. I never went out to their  
13 site, but some of our people did go out there and give them kind of an introduction to  
14 mining so that they know some of the terms and that.

15 Q. And so that was kind of a result of the  
16 15-minute notification thing?

17 A. Right.

18 Q. And when you say that this is an 800 number the operator reports all accidents  
19 to, is that --- they no longer can call the district or report to the district? You must call  
20 this number?

21 A. The rule don't give any latitude. They are supposed to call that 800 number.  
22 Even if there's an inspector onsite and is right there, I mean, they're still supposed to  
23 call that number.

24 Q. So the rule specifies you call this number if you have an accident?

25 A. We were trying to look up the other day, in fact, Joe, whether they called in for

1 the event that occurred on the 16th. I don't think they did.

2 Q. I bet they didn't.

3 A. No, I don't think ---.

4 Q. Everybody was there.

5 A. I don't think they did, see, but technically, if you just look at that rule, it's a  
6 violation. But it would be ridiculous to call it in with all of our people there.

7 Q. I think it would be a travesty to write a violation for not calling that in.

8 A. I brought you a copy of that original ---

9 Q. Oh, great.

10 A. --- call, because we dug it up for the investigation team the other day. That's  
11 what they look like when they come in. There's something --- I don't know about those  
12 times that are on there, though. It says the event occurred at 3:40 or something.  
13 That's Mountain Time. That would be Mountain Time. And he called it in at three ---  
14 at 5:43 I think, which would be Eastern Time, only three minutes. I don't think they did  
15 it that fast. There's something screwy about that time there.

16 Q. Yeah. This says, 5:51:04, date, time, district office --- oh, district office  
17 notified, I'm sorry.

18 A. Yeah, that's a little bit later.

19 Q. Date, time occurred, 3:40, time notified, 5:43. That would be three minutes  
20 and 38 seconds.

21 A. Yeah, so there is something ---.

22 MR. TEASTER:

23 No, that's hours, three and five; right?

24 A. Well, I think the 3:30 was Mountain Time. That's when he called.

25 MR. PAVLOVICH:

1 This would be Mountain Time. That would be ---.

2 BY MR. PAVLOVICH:

3 Q. Because surely he didn't wait two hours and three minutes to call it in, I  
4 wouldn't think. But he's got details provided by caller. Caller said there was a bounce  
5 described as pillaring in the mine. And they had an unintentional cave-in. They lost  
6 ventilation. The original call to the caller came in and said they couldn't see past  
7 crosscut 92, and they don't know if it knocked out stoppings. So they can't see.  
8 Caller's backup number is, and they ---. Of course, they didn't say here about any  
9 persons, just ---.

10 A. No, no.

11 Q. Is anyone injured, no. How many trapped, not applicable.

12 A. No, they didn't really know.

13 Q. So he didn't know anything yet. He just had the event, somebody called him  
14 and he called it right to the call center.

15 A. And then I think after AI talked to him and found that there was significant CO  
16 and stuff, it appeared that something more than a bounce had occurred. You know,  
17 ordinarily you get a bounce, you don't get a lot of CO.

18 Q. That's surprising that you would get CO. I mean, some of the readings show  
19 300 parts per million coming out of the borehole. You think, where would that come  
20 from.

21 A. Yeah. Well, of course, later we know it came from the sealed area, but at the  
22 time ---.

23 Q. Yeah. You would have thought it would have been some kind of a --- okay.  
24 So then the call center, when they get this information, they have a district contact to  
25 make?

1 A. Yeah. Bill Denning usually ends up --- see, every district was supposed to get  
2 a cell phone. And then they're supposed to take turns passing it around. Allyn  
3 probably knows about that. And then so everybody don't have to get these middle of  
4 the night calls, you know, they pass the phone around a little bit. And they take turns,  
5 but the call center just has the one number to call, so ---.

6 Q. It's always the same phone, it's just passed around?

7 A. Yeah, yeah.

8 Q. And so they're supposed to be --- in the district, they're supposed to be on-call  
9 24 hours if it's your turn to have the phone?

10 A. Right.

11 Q. So they would have then called Bill Denning, you think, call center?

12 A. I think it says called Bill Denning in the district, yeah.

13 Q. And you say Al called you. I guess Bill subsequently got in touch with Al.

14 A. Yeah, I think --- well, I don't know who Bill Denning called first. He might have  
15 called Bill Taylor, the field office supervisor first, or called Al first. I don't know.

16 Q. But about 7:30 Eastern Time you found out about it?

17 A. Right.

18 Q. So that would have been 5:30?

19 A. Well, it was almost 6:00 when Bill Denning got called see. I mean 6:00  
20 Eastern. So then by the time they tried to see what was going on and stuff, that was  
21 about an hour and a half, I guess.

22 Q. Oh, I see. Okay. This is 6:00 Eastern. That's right. All right. That's fine. I  
23 mean, the district doesn't have any particular guidance or instructions on how quickly  
24 to call you other than to have some information available; right?

25 A. Yeah, that's right.

1 Q. I mean, you don't get this same thing or the call center doesn't call you? You  
2 just get called by the district when something happens?

3 A. Right. Well, we get those by e-mail, but ---.

4 Q. Yeah, you wouldn't have been there, maybe --- or 7:30 you might have been,  
5 but at four o'clock in the morning you wouldn't be; right?

6 A. That's right.

7 Q. So when you were called by Al Davis, what was --- what do you do with your  
8 response, Bill? How do you handle that?

9 A. Well, when he called and told me what he had then, what I did was I made my  
10 notifications to --- well, I went --- I tried to reach Kevin first. I think Kevin was --- if I  
11 remember right, he was driving in or something, stuck in traffic. And I called him on  
12 his cell phone and then told Bentley or whoever else was around there, and then I  
13 went downstairs and told Stickler and I can't remember who else was downstairs there.  
14 And then what we had --- at some point I tracked down John Urosek, who I think was  
15 just leaving for vacation or something. And I talked to him a while and told him that  
16 we had a --- well, I just told him what we knew at the time.

17 Q. So is that pretty much your sequence of notification? Do you have, I mean,  
18 like a written guideline to do that or do you just know who to call?

19 A. Well, no, there's not a written guideline. We do have that protocol that we've  
20 always used of, you know, who we get in touch with.

21 Q. So you would always try to notify Kevin first or whoever was acting in that  
22 position ---?

23 A. Well, I try to reach Kevin first and then whoever. If somebody else is acting  
24 for him, of course I'd tell them. And then go down to Stickler next. Or if he's not  
25 there, call him on the phone.

1 Q. So how many people do you have working for you in the ---?

2 A. Well, I'm supposed to have two, but one of them is usually detailed out. Right  
3 now Greg Minkle (phonetic) is detailed out down to District 5. And Marcus spent about  
4 a year and a half on the internal review for Sago. He's the other one I have, so ---.

5 Q. So Marcus works for you?

6 A. Yeah.

7 Q. So if you wouldn't be there, they'd take the call and they would go through that  
8 notification?

9 A. Right. Or I could even do it by cell. If they called me on the cell phone, I  
10 could do it remotely.

11 Q. Oh, okay. Sure. So then I guess what was the next action that was  
12 performed by you? Did you start to gather information or ---?

13 A. Well, once it became clear that there was a significant problem there, then we  
14 started making arrangements to set up a communication center or command room,  
15 whatever you want to call it, there in Arlington. And we did that in the conference  
16 room down the hall there. And we set up a couple of telephones in there and we got  
17 some log books in there. We tried to get some electronic maps from the district,  
18 because everybody wants to see those right away. Stickler and those guys, you know,  
19 they want to see a map right away. So we work with the district in trying to get an  
20 electronic map made available that we could plot out there. And got some log books  
21 back and set up --- got some people back in the command room there to staff that.

22 And in the meantime, we're still trying to get some information  
23 as to, you know, exactly what was going on out there. And we've talked with Urosek  
24 and told him we're going to probably need some support from his folks, you know,  
25 maybe the mine rescue team, the gas van, chromatograph and some people to staff

1 that equipment. And you know, we might need some communication by way of the  
2 satellite dish and that sort of stuff, so we had those conversations, too.

3 Q. So do you usually make those calls, Bill, as part of your routine?

4 A. You mean to Urosek?

5 Q. Yeah, to John.

6 A. Yeah.

7 Q. And John would also be the one then to assign the mine rescue teams to go  
8 now since he's head of the ---?

9 A. Yeah. Well, he would notify --- Kravitz actually calls him out. But John will  
10 take care of that stuff. And if you just call John and tell him what you need, he'll make  
11 those arrangements.

12 Q. Now, did you subsequently go to the mine?

13 A. Yeah, that was --- it occurred on Monday, and then the next morning, me,  
14 Kevin, Stickler and Dirk Fillpot, the media guy, traveled out there, yeah.

15 Q. Are you also the one, Bill, that contacts the --- I guess it's the OPA, Office of  
16 Public Affairs?

17 A. Yeah.

18 Q. I guess that's who Fillpot works for; right?

19 A. Yeah, that's him.

20 Q. So your responsibility then would be to contact the primary communicators or  
21 whoever, I mean, to make that contact with OPA --- or is someone else usually  
22 assigned to that?

23 A. Well, no. I contact them pretty early on, especially for an event like this.

24 Q. So that would be part of your duties ---

25 A. Yeah.

1 Q. --- to contact them? So any time one of these events happened, you'd be  
2 complying with the guidance on contacting the OPA. The district wouldn't be doing  
3 that?

4 A. No, they don't ---.

5 Q. You would do that?

6 A. Yeah.

7 Q. So you left with Kevin and Richard and Dirk Fillpot?

8 A. Yeah, he's --- well, he's gone to another agency now, but he worked for the  
9 Department of Labor. He doesn't actually answer --- he works for MSHA. But he's  
10 paid by Department of Labor. He worked on Stickler's floor, on the 23rd floor down  
11 there. And he was kind of like an MSHA employee. Amy Louviere is in the same  
12 position. She don't actually --- she works with MSHA, but she actually gets paid by  
13 Department of Labor.

14 Q. So they're not really OPA?

15 A. No.

16 Q. They're MSHA?

17 A. I think OPA is a little different group they've got set up down there that's got  
18 Rodney Brown in it and Lane Lathrop (phonetic). They work for MSHA, but they don't  
19 do much in the way of media contacts. All the media contacts come through this other  
20 group that answer to the Department of Labor. I can't tell you exactly how it's set up,  
21 Joe, but ---.

22 Q. Well, there was a guy named Culshevsky (phonetic) or something that was  
23 from Denver, that was also out there.

24 A. Yeah. He was one --- he works for that same organization, the Department of  
25 Labor.

1 Q. So they're in DOL?

2 A. Yeah.

3 MR. PAVLOVICH:

4 Do you have that instruction with you, by any chance?

5 UNIDENTIFIED SPEAKER:

6 No, I don't.

7 MR. PAVLOVICH:

8 Okay.

9 BY MR. PAVLOVICH:

10 Q. That's all right. You know what we're talking about, the guidance on primary  
11 communicators and family liaisons that ---.

12 A. Yeah. Well, it wasn't clear right off the bat, you know, in the first minutes that  
13 we were going to get into that. I mean, things still could have went a different way. I  
14 mean, once it was, we did make arrangements to get Bill Denning out there, because  
15 he's a trained family liaison. And of course, Dirk went out there the next morning,  
16 also.

17 Q. All right. So you left for the mine that next morning, which is the 7th?

18 A. Right.

19 Q. And how did you get there, Bill?

20 A. Well, we took a seven o'clock plane from Dulles and then when we got to Salt  
21 Lake --- well, I had already arranged for a rental car. And then Stickler and Kevin  
22 decided they were going to take a later plane first. And then they moved onto my  
23 flight. So I already had a rental car reserved.

24 But anyway, when we got to Salt Lake, an announcement  
25 came over the PA system paging Stickler. So he went and got the phone. And the

1 Governor had arranged to fly them from Salt Lake down to the mines. But I didn't go  
2 with them. I just got the rental car and went myself anyway.

3 So they took them down on a little plane. I don't know if they  
4 went to Price or to Huntington and then somebody picked them up there and they went  
5 up to the mine. But they just beat me to the mine by about 15 minutes or something  
6 like that. And so that's how we got there, yeah.

7 Q. And I think Kevin said he flew to Price and took a helicopter to the mine and --  
8 -

9 A. Yeah, that's what they did.

10 Q. --- they could have got there driving as quick.

11 A. Well, I stopped in Price for a while, see. I would have beat them there if I  
12 didn't stop.

13 Q. So about what time did you remember getting to the mine, Bill?

14 A. I think it was around 2:00 in the afternoon, maybe 2:30.

15 Q. And what were you assigned to do or what was your role when you got there?

16 A. Well, I tried to help in the command center for the most part. And a lot of my  
17 time was just answering questions for our media people, Dirk, and he had another guy  
18 join him there pretty quick. You know, they don't really understand mining, so they've  
19 got a lot questions. And they've got questions coming to them that they're trying to  
20 respond to. So I helped them quite a bit.

21 And then I took some calls from Arlington when they had  
22 some questions that didn't get answered. The command center talked to them quite a  
23 bit, too. I mean, I wasn't the only one talking to them. I just kind of filled in with what  
24 was needed there.

25 Q. Do you normally respond onsite to these events when they happen?

1 A. It depends. I don't go to every one, no.

2 Q. But you go to some?

3 A. Occasionally, yeah.

4 Q. When's the last time you went to one?

5 A. Well, it depends. I went down to Aracoma when Kenny Murray was just  
6 starting down there and spent a week with him.

7 Q. That was on the accident investigation?

8 A. Yeah.

9 Q. But you didn't respond when the fire first ---?

10 A. No. That was the first one in a while, I would say. I can't think of another one.

11 Q. So this one primarily is one of the first ones that you responded immediately  
12 to go to the mine?

13 A. In this job, yeah. I mean, when I was in District 9, we had a lot of events.

14 Q. Sure. Were you also briefing the people back in headquarters or ---?

15 A. I wasn't doing all of them, but I was responding.

16 Q. By phone or e-mail or ---?

17 A. Phone for the most part.

18 Q. And where was the command center set up at Crandall Canyon, the MSHA  
19 command center?

20 A. Well, we had the Blue Goose set up just kind of outside the shop. It was near  
21 the shop building and their office building.

22 Q. So you had the Western Blue Goose out there?

23 A. Yeah.

24 Q. And the command center was all MSHA people?

25 A. Well, by the time we got there it was. They had had a joint command center

1 when they were working a little bit earlier in the first few hours of the event. But by the  
2 time we got there on the second day, it was --- you know, things were not that hectic  
3 anymore. And it had settled down into more of a recovery operation. So the groups  
4 had kind of split apart. MSHA was in its Blue Goose. And the company was working  
5 in their offices in the building next door for the most part. Of course, if there was  
6 anything to talk about, you know, it was easy to get back together as a group.

7 Q. Is that normal that they normally would separate like that during an event like  
8 this or emergency event?

9 A. Well, if you had mine rescue teams working or something, of course, that  
10 would --- you know, you'd have the joint group working. But that wasn't the case here.  
11 I mean, it was clear what had happened. And there were no mine rescue teams  
12 working underground, and the thing was ventilated up as far as you could travel.  
13 That's why it was more of a recovery job than a rescue effort at that point, practically  
14 speaking.

15 Q. Did somebody assign you these duties when you got there or did you just start  
16 pitching in and help out where you could?

17 A. Well, I don't know. I think Kevin just said, you know, just see what they've got  
18 going here and see what you can do and help them and give them advice or whatever.

19 Q. So he didn't specifically say, Bill, I want you to do X? I mean you just did what  
20 you could to help out?

21 A. Right.

22 MR. TEASTER:

23 How did you know about the previous setup on the command  
24 center, where it was a joint effort?

25 A. Well, just talking to the guys once I got there.

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MR. TEASTER:

What guys?

A. Bill Taylor was in the command center a lot, Ted Farmer, those guys that were there.

MR. TEASTER:

And they had said that the original one was set up in the Blue Goose or what location?

A. I don't know if it was in the Blue Goose, but they did have --- you know, they told me that they had all been together initially there. And that's my understanding.

BY MR. PAVLOVICH:

Q. In your opinion, Bill, or your knowledge, what was the organizational structure during the rescue operation for MSHA? I mean, who would have been in charge and on down?

A. Well, I guess once --- well, of course, Al and his people were there the first day and then --- is that what you mean or ---?

Q. Yeah, yeah.

A. Well, I guess initially the only people up at the mine would have been the couple of supervisors, you know, Bill Taylor and Ted Farmer. And of course, Al had his other people on the way over there pretty quickly. I think Bob --- I don't know what time Bob Cornett got there. Al got held up a little bit and didn't leave 'til later. But he got there later that Monday, you know, so he would have been in charge from then on until I guess Stickler or Kevin got there.

Q. So when Kevin and Stickler showed up, basically they're in charge?

A. Well, they were clearly senior people. I mean, Al was directing his people around the site there, of course. But I guess the final word --- Stickler wanted to be

1 plugged in. I mean, he wasn't, you know, standing off in the corner. He wanted to be  
2 plugged in and know what was going on. Not necessarily that he wanted to give all  
3 the orders, but he wanted to be aware and, you know, have the capability of  
4 questioning, you know, if he didn't like it or something like that.

5 Q. So would he pretty much have been the head decision maker for MSHA there  
6 onsite?

7 A. Yeah, I'd say so.

8 Q. With advisors, of course, but okay.

9 A. Yeah.

10 Q. Was that pretty clear to everyone, you think, Bill, that when Richard and Kevin  
11 showed up, they're basically in charge? Or do you think most people just assumed  
12 that in MSHA, the highest ranking person is in charge?

13 A. Well, I guess you just assume it, Joe. But like I say, I mean, Al had his district  
14 people that he was directing there. I mean, there was no question about that.

15 Q. Well, he knew them, you know, where Kevin and Richard probably wouldn't  
16 know them.

17 A. Right. Right.

18 Q. I mean, Al would be doing that, but if somebody said, we've got a plan, you  
19 know, would Al just say, I'll review the plan to approve it, or was it to Richard?

20 A. Well, I guess it depends on what it was. I mean, if it was something --- if it  
21 was --- if it was something major, you know, then Stickler and Kevin would want to  
22 know about it before Al or anybody else signed off on it for MSHA, I think, yeah.

23 Q. You've been in this job for several years now. Is it common that the assistant  
24 secretary and administrator immediately go to the site when an accident like this  
25 occurs?

1 A. No. Ray went --- Ray used to go to them. But the administrator --- well you  
2 know, when we had the three major events in 2006 of course, we had David Dye there  
3 and **Ex. (b)(6) and Ex. (b)(7)(C)** He wouldn't have wanted to go. So he  
4 wouldn't have done that. Of course when they had Quecreek, Lauriski was in at the  
5 time and he did go up there.

6 Q. So was that really like one of the first times you remember an assistant  
7 secretary responding to an accident like this, is Quecreek?

8 A. Well, I don't know, Joe. I think when South Mountain occurred, it seemed like  
9 to me that Tattersall went down there pretty quickly.

10 Q. Oh, did he? Okay.

11 A. Because I remember he kind of went and jumped in his vehicle and went  
12 down there. He didn't even --- he said later he didn't even have a coat. And it was in  
13 December. It was pretty cold. But he did go down there. I don't know if it was the first  
14 day or second day or something, but I know he went down there pretty quick.

15 Q. So you know that that's happened in the past, I guess. Well, is it pretty much  
16 standard now, Bill, because ---? I mean, you know, it used to be that if you had an  
17 event like this going on at a mine, the district manager was usually in charge of the  
18 event.

19 A. Right.

20 Q. And keeping headquarters informed.

21 A. Right.

22 Q. Whether it be plans, I mean, you know how we used to have to do with  
23 Davette (phonetic).

24 A. Right.

25 Q. But they weren't onsite.

1 A. Yeah, that's right.

2 Q. But it seems like now for the last several, it's the assistant secretary and/or the  
3 administrator are onsite.

4 A. Right.

5 Q. Was there anything that changed that that now causes that to occur or ---?

6 A. Well, I think we get so much more attention and there's so much more media  
7 attention and news attention these days that it just elevates everything to a higher  
8 level. I remember when I was in District 9, I mean, we'd have major mine fires and  
9 events like that going on. And Arlington didn't even --- they weren't even hardly  
10 interested in hearing about it, much less coming out there to participate, you know.  
11 And as the years went by and, you know, you get a lot more attention, a lot more  
12 public scrutiny, a lot more media questions, it just gets elevated further up the line.  
13 That's what I think.

14 MR. TEASTER:

15 The ones you're referencing, the fires, explosions, would that  
16 involve men or people trapped inby or missing?

17 BY MR. PAVLOVICH:

18 Q. You were there when Wilberg happened; right?

19 A. Yeah. When Wilberg happened, I don't recall anybody coming out there right  
20 off the bat. I mean, that was the district handling that. I mean, Arlington was  
21 interested in that one, but they didn't --- they didn't send anybody out there. They  
22 didn't even send any assistance from other districts that I recall. It was just up to  
23 District 9 to handle that.

24 Q. Do you think --- and now, this is just an opinion. Do you think it's a good thing  
25 that the administrator, assistant secretary respond onsite immediately like that or is it

1 better if the district handles it?

2 A. Well, I think there's some things that --- I mean, there was a lot of criticism  
3 and stuff, but I thought it was a pretty good thing that you had the assistant secretary  
4 there to make public statements to the media. I mean, you had, you know,  
5 flamboyant Bob Murray there. But you know, I thought it was a good thing. You had  
6 the assistant secretary there to do those briefings.

7 Q. And I guess what it ended up is he's taking a three-fold role in that he's  
8 briefing the families, briefing the media and managing the operation, all three.

9 A. Well, when you say managing the operation, I don't know that there were any  
10 major delays just waiting for him because he was in a briefing or anything like that.  
11 But he did have his hands full. I mean, there's no doubt about that. But I don't know -  
12 -- there could have been delays, Joe, when he was doing those other things. I don't  
13 know of any, though.

14 Q. Well, maybe even just not in the delay factor, but in evaluating everything  
15 that's happening.

16 A. Well, I guess that depends a lot on the assistant secretary. You know, this  
17 particular one is familiar with coal mining and wants to be involved in everything. If  
18 you've got the other type, like David Dye that we had before, obviously, he didn't want  
19 to be involved in those details. He's not comfortable with it. So I guess it just  
20 depends on the assistant secretary.

21 Q. How long did you stay out there, Bill?

22 A. I think I left the following Monday.

23 Q. So about seven days or so?

24 A. Yeah.

25 Q. Did you go underground at all?

1 A. Yeah.

2 Q. And what day did you go underground; do you remember?

3 A. I don't remember. It was after they had made several crosscuts advance.  
4 And you know, there was a good number of the rock props set in place there. And  
5 that's what we went in to see, just how it looked and how things were going.

6 Q. So you went in to the number one entry?

7 A. Yeah.

8 Q. Where they were loading material at and setting rock props?

9 A. Yes.

10 Q. And I mean, primarily, was it just to familiarize yourself or to see or was there  
11 a particular reason ---?

12 A. Well, Kevin hadn't been in, either. And he wanted to go in, so I went in with  
13 him. And I think we both wanted to see what it looked in there ourselves. And that  
14 was kind of the first opportunity to get in there, so we did.

15 Q. You actually went right up to the, I guess, face of the material where it was  
16 being loaded at?

17 A. Yes.

18 Q. And saw that. You're from District 9 originally. Have you ever seen bumps  
19 before, Bill, or investigated bounces out there?

20 A. Well, I've seen the results of bumps and coal hoppers at other mines. I had  
21 never been to Crandall Canyon before.

22 Q. But I mean other mines, just your general knowledge, you have experienced  
23 bumps before or at least investigated a bump?

24 A. Well, I wouldn't say I investigated one. I saw a lot of the aftermaths. I wasn't  
25 really doing an investigation, per se.

1 Q. But you were in the mine after a bump?

2 A. Yeah.

3 Q. So you saw the results of one?

4 MR. TEASTER:

5 Did you work in any of the mines out there prior to coming in  
6 with MSHA in '82?

7 A. Yeah. I worked at Valley Camp at their Utah Number Two Mine and their  
8 Bolina Mine up by Schuylkill.

9 MR. TEASTER:

10 And did they experience bumps at those mines?

11 A. Well, if they were doing --- if they were pillaring, it would bump quite a bit.  
12 There were no coal hoppers, though, associated with it. It would just be a heavy  
13 bump.

14 MR. TEASTER:

15 What would result from that bump? Coal from the rib or ---?

16 A. Well, no. I guess to me when you say a bump or a bounce, you know, there  
17 may some coal thrown down or not. Or there may be some heaving of the floor and  
18 we may throw down some roof material or something like that. But there's not  
19 necessarily a coal outburst. I mean, a coal outburst is ---.

20 BY MR. PAVLOVICH:

21 Q. Then you're kind of referring to this as an outburst then, not necessarily a  
22 bump?

23 A. It was a heavy bump that resulted in an outburst, I would say, yes.

24 Q. So you've seen outbursts though before where coal was thrown out?

25 A. Yeah.

1 Q. Had you ever seen one of this magnitude, Bill?

2 A. Well, no, I never saw one totally fill the entries like this. But there were places  
3 in Dutch Creek Number Two Mine, you might have seen them when you were there,  
4 Joe, where they had had some outbursts. And you know, they had that massive  
5 sandstorm roof in there. And there were places in that mine you could go in there and  
6 look right over the top of those pillars. And all of the coal had been thrown off those  
7 pillars. And they wouldn't even be touching the roof. And you could see like a couple  
8 hundred feet across that roof there. And there'd be nothing touching the roof, because  
9 the whole tops of the pillars were gone. So I seen stuff like that before. But I've never  
10 seen it fill the entries up to the roof like this.

11 Q. Had you ever known of anybody to attempt to clean one up like this?

12 A. Well, I know people loaded out --- you know, if there's a lot of heaving of the  
13 floor or material thrown often and they needed access, they would load it out or grade  
14 bottom. But I never saw to that scale there.

15 Q. Usually when I --- what experience I'd had in something like this or bumps or  
16 bounces or outbursts, whatever it would be, near a tailgate or head gate on a longwall  
17 or longwall face, and primarily you just mine away from it.

18 A. Right.

19 Q. You don't go in and clean it up.

20 A. Right. There was no need to clean it up.

21 Q. Yeah, no need to clean there, right. And so, I mean, this would be unusual in  
22 the event that we're having to clean this material out.

23 A. Oh, yeah.

24 Q. Were you involved at all in the decision making on plans, Bill, when  
25 management --- mine management would submit plans on how they wanted to

1 proceed or change things?

2 A. Yeah, I participated in some discussions as to --- I mean, initially, there was a  
3 lot of discussion, for example, as to, you know, how they were going to go in. I mean,  
4 there was --- you know that they opened the seals to go in and look and see if there  
5 might be some access through that pillar, for example.

6 There was discussions along those lines. And there was quite  
7 a bit of discussion as to whether it would be better to clean entry number one or  
8 number four or both to maintain ventilation as you went in. And you know, for a  
9 number of reasons, number one was chosen, primarily because it was an intake which  
10 would make it easy to keep air with you as you went in. And you know, the problem  
11 with cleaning two entries up was obviously you're going to invite more bouncing, you  
12 know, the more material you lower down. So you wanted to disturb as little as  
13 possible. So yeah, I participated in some discussions.

14 Q. So was it kind of acknowledged that as you load that material out, it's going to  
15 invite more bouncing?

16 A. Well, I think everybody knew right off the bat that as you disturb that material,  
17 there was, you know, going to be some bouncing. Of course, I don't think anybody  
18 anticipated that there would be another catastrophic bounce. You know, as you work  
19 under deep cover, I mean there's popping and bumping and bouncing pretty  
20 commonly. But you don't see anything like that.

21 Q. So when you were involved in --- I guess you were --- you or the MSHA  
22 command would be asked to come to the company's office to discuss these plans or  
23 would they do it at the Blue Goose or where?

24 A. Well, sometimes they'd come over to the Blue Goose, one or several of them  
25 and want to discuss something. We could discuss it in there. Sometimes we went up

1 to their conference room in their office building or Murray brought another trailer up  
2 there that had kind of a big room in. We met in there once or twice.

3 Q. And were they --- how were those meetings conducted? I mean, was Murray  
4 his ---?

5 A. Well, for the times --- I never saw Murray come into our Blue Goose. But he  
6 was generally present if you were in their office building or in his trailer. He would be  
7 in the meetings.

8 Q. Would he pretty much be running the meeting and introducing the plan or  
9 would it be one of his people?

10 A. Well, he just --- he never really got that --- he never got that involved in the  
11 details of the plan I don't think, Joe. He just started talking --- talking about --- you  
12 know, he just started running off there for a little while. And then he'd say okay, I'm  
13 going to have Laine tell you what he's going to lay out here now or something like that.  
14 He never got that plugged in to the ---.

15 Q. Did he ever get angry and ---?

16 A. Well, he complained about the cost sometimes and stuff like that. And you  
17 know, he said, I committed to drill another hole and, you know, that's going to cost me  
18 another one to one and a half million dollars, he goes, but I'm not complaining about  
19 it. So that's the kind of thing --- you know, he just kind of rambled there a little bit. But  
20 he never talked that much about the details of the plan. Not when I was there,  
21 anyway.

22 Q. When you were underground with Kevin that day, were you underground just  
23 that one time, Bill, or several times?

24 A. Just the once.

25 Q. Just the once? Did you observe or see any bouncing while you were

1 underground?

2 A. It was quiet as a tomb when I was in there.

3 Q. It was?

4 A. Yeah. I was kind of surprised by that. I thought it would be popping, but it  
5 wasn't.

6 Q. It wasn't, huh?

7 MR. TEASTER:

8 Bill, when you said earlier that when you were in that depth of  
9 cover, it was common to have bounces since this was occurring, but not to that  
10 degree, you mean there's like frequently you would have bumps, but necessarily  
11 wouldn't have outbursts, as you described it?

12 A. Right.

13 MR. TEASTER:

14 It was common for that activity to be going on on  
15 development or just retreat?

16 A. Well, every once in a while you heard some popping on development, but  
17 when you're retreating, though, it's working all the time, basically.

18 BY MR. PAVLOVICH:

19 Q. Were you there, Bill, when they attempted to go up into main west through the  
20 seals, or had that already been tried by the time you got there?

21 A. I think --- I don't remember exactly when they did that. We were there when  
22 they did that, I think.

23 Q. You were there when they did that?

24 A. I mean, I wasn't up at the seal.

25 Q. No. I mean you didn't go in, but you were at the mine when they went in and

1 looked. You said earlier they were going to attempt to go all the way up to kind of  
2 where the section would bend or go up to that and see if there was a way to get  
3 through; right?

4 A. Yeah. I mean, people were desperate to see how they could get back in  
5 there. I mean, one thought was you could --- you know, if these conditions in here  
6 weren't too bad, you might be able to go up here and go through the --- I mean, they  
7 even talked about, you know, this is a longwall pillar pillared out here, but there was  
8 some discussion as to whether you could go down this --- whether this entry over here  
9 would still be standing. I mean, people were just desperate to ---

10 Q. Try anything.

11 A. --- think of any way to get back in there.

12 Q. Do you remember anything about the results of that excursion through the  
13 seals?

14 A. Well, my recollection is that they went in and conditions were pretty ratty.  
15 There were a lot of falls and it wasn't a viable way. And then when they were coming  
16 out, there was --- as soon as they got through that seal, there was a fall just  
17 immediately inby the seal that occurred there that, you know, they were fortunate they  
18 had just exited that area. So it was pretty precarious.

19 Q. Do you remember if they took any gas readings when they went in on that first  
20 one?

21 A. I'm sure they did. I don't remember what it was. It was definitely low in  
22 oxygen.

23 Q. In your opinion, Bill, during a normal inspection or normal days, what would  
24 determine if a bump or a bounce was reportable to MSHA?

25 A. Well, the rule says if it interrupts mining for a half hour or hour --- what is it?

1 A half hour?

2 Q. An hour or something, yeah.

3 A. Or if --- what's the other condition? If it interrupts mining or if people have to  
4 be withdrawn or whatever the wording is there.

5 Q. So it's whatever is in Part 50? I mean,  
6 that ---.

7 A. Yeah, yeah.

8 MR. TEASTER:

9 Do you recall whether or not the operators are required to plot  
10 reportable bumps on mine maps?

11 A. Reportable bumps?

12 MR. TEASTER:

13 Uh-huh (yes).

14 A. No. They're supposed to plot the falls, but there's nothing in the rule that  
15 refers to mapping

16 --- that requires mapping bumps, to my knowledge.

17 BY MR. PAVLOVICH:

18 Q. I think it says falls and outbursts; doesn't it? Outburst of ---.

19 UNIDENTIFIED SPEAKER:

20 It's in the roof control ---.

21 MR. TEASTER:

22 It's in the rule, 203 or something.

23 UNIDENTIFIED SPEAKER:

24 223.

25 BY MR. PAVLOVICH:

1 Q. 223, and it actually says --- I didn't know it either, but ---.

2 A. It says to plot that?

3 Q. Yeah. It almost sounds to me, Bill, it's in the same sentence that says roof  
4 falls and outbursts of coal or something is the way it's worded. And of course,  
5 everybody knows roof fall. But I guess if --- you know, most of us have not been  
6 around a whole lot of bumps. But I've had bumps in East Kentucky. I've never asked  
7 anybody to plot them on a map.

8 A. Yeah, I didn't ---.

9 Q. I didn't know either, but ---.

10 A. I hadn't heard that.

11 Q. And we just wondered, you know, you were in District 9, had you ever --- I  
12 mean they had more bump activity there than anywhere, or outbursts.

13 A. Yeah. I've never really seen it plotted on a map.

14 Q. Just wondered. While you were there --- and you were in the command  
15 center, I guess, most days; right?

16 A. Right.

17 Q. They kept a pretty detailed log?

18 A. They did.

19 Q. Did you have occasion to read that log regularly or look at it or ---?

20 A. No. I mean, it was sitting on the table like --- I never did take it and read it.

21 Q. Were you aware that there were bumps continuing pretty much on a regular  
22 basis underground while the people were working?

23 A. Yeah. I was aware it was bumping, yeah.

24 Q. Were you aware that some of them were what appear to be, from reading the  
25 entries in the log, that some of them were pretty severe as far as disrupting

1 ventilation, knocking people down, changing air quality, filling the entries with dust and  
2 even some that would dislodge the jacks and broke the shafts on the miner, those type  
3 of things?

4 A. I didn't know about dislodging the rock props, but I knew they had some  
5 bumps that had maybe disturbed the ventilation controls or raised dust into the air and  
6 that sort of thing.

7 Q. So that was a fairly common occurrence throughout the day's time?

8 A. Yeah, I think it was. That's why I said I was surprised when we went in there  
9 and it was so quiet. I thought it would be working. I expected it to be.

10 Q. I mentioned that. Here's a notation that was in the book, or it's in Barry  
11 Grosely's notes. And it was 2:26 on August the 15th. Corresponded with the  
12 University of Utah's report that showed a seismic event of 1.2 magnitude. And it says,  
13 bounce occurred in cleaning area. Lots of dust, but everyone accounted for. Bounce  
14 was significant as reported by Barry Grosely. Blew out a couple of Kennedy panels  
15 and curtain across panels at 125. Stops mining, rib sloughage across miner. Miner  
16 was 107 feet inby 125 when bounce occurred. Atmosphere black with dust. Appears  
17 rock props have moved out tops and bottom. Question rock props' ability to support.  
18 CM partially covered on the right side, curtains blown out, couple of Kennedy panels.  
19 Both cutter motor shafts on CM sheared as a result of bounce. Had you ever known  
20 about that? Well, on the 15th you wouldn't have been there anymore.

21 A. Yeah.

22 Q. But you were still keeping up with things, I guess.

23 A. Well, I knew that they had had some --- or a couple of, you know, significant  
24 bounces. I mean, yeah.

25 Q. Was anybody ever charting anything or keeping some kind of a special log or

1 chart of how these bumps were occurring, if they were more frequent, if they were  
2 more severe, if there was any intensity like that, or basically were they just entered in  
3 the book and that's it?

4 A. Well, I guess as far as tracking or analysis in the way you're talking, Joe, we  
5 had Joe Zelanko and Mike Gauna out there, who were the roof control guys. And they  
6 did spend a lot of time in the mine looking at conditions. And I think they were  
7 keeping track of the activity that was going on there and the way the ground motion  
8 and what not. So if there was --- whatever analysis there was along the lines of what  
9 you're talking about would have been done by them.

10 Q. So pretty much --- I mean, it's not like anybody had this and would have said,  
11 Bill, look at this. I mean, you're just kind of assuming if those guys think there's too  
12 much, they're going to come and tell somebody; right? Or something to that effect?

13 A. Yeah, I would say so.

14 Q. I mean, it was more like we're relying on them?

15 A. Yes.

16 MR. TEASTER:

17 These type of bumps, is that --- would that fall within the area  
18 that you would talk about would be normal for this depth of cover?

19 A. Well, I think it's kind of unprecedented to try to remove that much material  
20 that had been thrown out. So I wouldn't say it was normal, Ernie, but when you're  
21 pillaring out there in District 9, I mean, you can get some pretty heavy bounces and  
22 bumps that will raise a lot of dust into the air.

23 MR. TEASTER:

24 Break motor shafts, fill the entries and stuff?

25 A. No, it wouldn't fill the entries, but it could damage stoppings and raise a lot of

1 dust. It might damage some machinery.

2 BY MR. PAVLOVICH:

3 Q. Certainly you've seen them or heard of them damaging shears before; right?

4 A. Yeah, that's pretty common.

5 Q. And I mean, they've had injuries and fatalities with bumps?

6 A. That's true.

7 MR. TEASTER:

8 Is most of the bumps that you're familiar with, do they occur  
9 on the face of the longwall?

10 A. Well, like I say, when there's pillaring --- if you're pillaring with a continuous  
11 miner, there could be a lot of bump activity, too.

12 MR. TEASTER:

13 So you've had a lot of bump activity pillaring with the  
14 continuous miner?

15 A. Yes. By the time you go under 1,500 feet or more and you're pillaring,  
16 especially if you get a strong roof, you know, if you get a thick sandstone roof, you can  
17 expect a pretty rough ride.

18 BY MR. PAVLOVICH:

19 Q. Was there ever any talk, Bill, about in the command center or among the  
20 group or top MSHA about discontinuing with this rescuer recovery effort because of  
21 the number of bumps?

22 A. Not that I know of. You know, I told you a little bit that people were  
23 desperately looking for some way to get back in there. And I told you about some of  
24 those. And there was talk about a 30-inch borehole down from the surface and other  
25 things. I think it was kind of a foregone conclusion that it was going to be necessary to

1 get in there, and even if the people were not alive, to recover those bodies. I don't  
2 think ---.

3 It was --- I don't think it was a palatable idea to say early on. I  
4 mean, it's easy to look back now after what happened on the 16th, but at the time, I  
5 don't think it was even on the table that we were just going to abandon those bodies in  
6 there. It was just something that was not --- it was not an option at the time.

7 Q. Of course, you saw the damage when you went in, I mean, how the entries  
8 were filled up. And you knew by looking at the map, for the most part, that this is a  
9 pretty significant event?

10 A. Right.

11 Q. And I imagine if you look at this map and you see all these gobs, mining  
12 between them like that. Also when that first borehole went in and the numbers came  
13 out of it to be seven percent, what did you think about the chances and probability of  
14 survival for those miners?

15 A. Well, of course, when we got those first samples back, it didn't look good. I  
16 mean, it looked --- I want to say it was hopeless. I mean, there was still a hope maybe  
17 they could have went inby and there would have been some good air in the back there  
18 or something like that. So there was still some chance, but I think everybody had a  
19 pretty big letdown when those first samples came back showing very low oxygen the  
20 way they did.

21 Q. So you think there was a good chance then that there probably wasn't any  
22 survivors?

23 A. That's what it looked like.

24 Q. And I think you mentioned earlier that you felt like that low oxygen --- where  
25 did you feel the low oxygen came from up there?

1 A. Well, I think by the time you got in there and looked at the conditions and what  
2 had happened to the --- to that in barrier there and knowing that they were --- while  
3 they were pillaring they were punching into it, so there couldn't have been much  
4 barrier left there. And then if you look at the degree that the coal had been outburst  
5 there, it was easy to see that that CO and low oxygen had come from that sealed  
6 area, because the barrier had failed.

7 Q. Somewhere it breached and it was now communicating with either the gob on  
8 the left or right side, I guess.

9 A. Right.

10 Q. After those borehole readings were obtained and you saw oxygen of seven  
11 percent, do you think at that time anybody put more weight onto the fact that, you  
12 know, maybe we're continuing this effort only for bodies, and therefore we don't want  
13 to take that much risk?

14 A. Well, I guess there was a fair amount of confidence in the support that was  
15 being used there at the time, Joe. And the feeling was generally that it was going to  
16 be possible to get back in there. The ground control guys had a theory that maybe  
17 this affected area was --- didn't go all the way --- I mean, it was just going to be worse  
18 here for several hundred feet and then it was going to be a little bit lighter. And you  
19 know, there was a lot of talk about the ground control measures that are being used  
20 there.

21 And you know, we did have two roof control guys there and  
22 they had a good amount of confidence in this support technique. And they had called  
23 some guy that was supposed to be the greatest Bureau of Mines guru. I can't  
24 remember what his name is. They can tell you that. He's with NIOSH now, but they  
25 had talked to him for a long time. And he was confident that what they were doing

1 was the best support that could be used there and should be adequate.

2 Andalex, I mean, the company itself had used this same  
3 technique at some of their other properties in their other mines out west there. And  
4 they swore by that. They had a great deal of confidence in it, so ---.

5 Q. Was anybody ever aware outside that there were times when the shuttle cars,  
6 ram cars, whatever, struck the rock props and knocked them out?

7 A. I don't know about striking them, but there was a lot of discussion that they  
8 were being thrown into haphazardly and maybe they weren't, you know, put up to  
9 level, and they ought to do a better job of that. And I don't recall any being knocked  
10 out by a shuttle car, but I'm sure ---.

11 Q. The guys underground said that --- I mean, they said, you know, knock them  
12 out pretty easy, you hit one with a shuttle car. But I mean, you weren't aware of that?

13 A. No, I didn't hear that.

14 Q. Were you concerned about the rescue workers working underground or ---?

15 A. Well, yeah, I think everybody was concerned, Joe. There was no doubt  
16 there's a hazard there.

17 Q. Did you ever hear any of them voice any concerns, like, you know, hey, it's  
18 bad down there, we're afraid to be there or anything like that?

19 A. No. I heard a rumor that some of them didn't want to go down there. But I  
20 never actually heard any of them say that or ---.

21 Q. Was it rumored that some MSHA people or some company people didn't want  
22 to go?

23 A. Not MSHA people.

24 Q. Not MSHA people.

25 A. Just the regular miners.

1 Q. The miners?

2 A. Yeah, I guess.

3 Q. Do you know --- was there any action taken because of that? Were they  
4 allowed not to go or you just --- you don't know?

5 A. I don't know.

6 Q. But no person from MSHA that came out at the end of the shift ever  
7 mentioned to you that it's pretty --- getting pretty scary down there?

8 A. I never heard anybody say that.

9 Q. Did you ever meet Mr. Murray? I guess you said you saw him ---.

10 A. You mean before this or ---?

11 Q. Huh?

12 A. You mean before this or ---?

13 Q. Yeah, before this.

14 A. No, I didn't know him before. I mean, I talked to him a little bit out here during  
15 this thing.

16 Q. But you never had met him before?

17 A. No.

18 Q. So you didn't --- you never had any dealings I guess with him personally as far  
19 as meetings or anything like that?

20 A. No.

21 MR. TEASTER:

22 Did any of his mines ever come up in any problems that you  
23 dealt with?

24 A. Well, there was a lot of problems at Galatia with fires on and off a few years  
25 previously. And of course, there's an issue that comes up with the Murray Mine from

1 time to time. So I knew of him, but I had never met him or anything.

2 BY MR. PAVLOVICH:

3 Q. What did you feel about him out there at Crandall Canyon?

4 A. Well, I mean there was two things. I mean, he was bringing a lot of materials  
5 in there. And he was putting the drill holes down. I mean, he wasn't --- you know, that  
6 was definitely --- he was doing what he can --- what he could, I guess, as far as that  
7 goes. But on the other hand, I mean, you know his performance down at the press  
8 conferences or even at the meetings with us was, you know, pretty over the top. I  
9 mean, he was just kind of a blowhard to some extent. I mean, he'd get of on a  
10 tangent.

11 He was telling them in one of those meetings that if Hillary got  
12 elected president, you know, that would be the end of the country, and she was a  
13 communist and that would be the end of business. And you know, he'd get off on stuff  
14 like that and --- you know, so he was kind of --- you know, I mean he was bringing  
15 materials in there to run the recovery, I mean on the one hand. But on the other hand,  
16 he was, you know, kind of a blowhard or whatever you want to call him.

17 Q. Did you go to any of the family briefings with Richard and Kevin or Al or  
18 anybody?

19 A. No.

20 Q. Did you ever go to any of the media briefings?

21 A. Yeah, I was at a couple.

22 Q. You went to some of those. They were held pretty much there at the mine  
23 site; right?

24 A. Yeah, right down at the road.

25 Q. And how did you think those went, Bill?

1 A. When you say how did they went ----?

2 Q. Yeah. I mean, do you think MSHA was successful with getting our message  
3 out during those briefings or do you think ---?

4 A. Well, I guess --- you know, the media wasn't really interested in our message  
5 too much. I mean, our message was just a few basic facts. I mean, what they wanted  
6 was some colorful stories. And they got that from Bob Murray. And that's what they  
7 wanted. They loved him. And he loved doing those entertainment spots that he put  
8 on there and they loved having him. When I was down there one day, Bob Murray  
9 came, you know, and he did his briefing. And he said, I'm going to be quiet now and  
10 let the Governor talk.

11 And so the Governor came up to talk, and then he goes, oh,  
12 let me tell you one more thing, so that Governor stood there, you know, Ex. (b)(6) and Ex. (b)(7)(C)  
13 for about another 20 minutes while Bob Murray kept talking. And then after that when  
14 Ex. (b)(6) and Ex. (b)(7)(C)

15 Ex. (b)(6) and But anyway --- and then so he'd come up there and he'd do his press  
16 (7)(c)ference, you know. And you know how colorful he was, and they were eating him  
17 up.

18 And they say, okay, here's Richard Stickler, and then --- and  
19 there was a lot of them there. So about 30 of them, after Bob Murray steps off, they  
20 go off to the side and stay with Bob Murray. And there was only four or five guys  
21 stayed over at the main podium to even listen to Richard.

22 Q. Really?

23 A. Yes, so they loved Bob Murray. And that's what they wanted.

24 Q. Well, he was --- he was entertaining, and you know the newscasters, after  
25 they would show --- the media would switch back to the newscast, they'd be laughing,

1 you know. I mean, the guy is ---.

2 A. Yeah, so that was --- you know, if the company had a more businesslike  
3 person that they had had there, I think it would have went a lot better, and better for  
4 us, too, if everybody had just stuck to the facts instead of making it an entertainment  
5 circus.

6 Q. Did you think Murray misled the public with his wavings of the ---?

7 A. Oh, he definitely led them. I mean, he called that thing an earthquake, and  
8 that was definitely a bounce that was picked up on that seismic equipment. And then  
9 he went on, I don't know how many days he kept say that there was no pillar mining or  
10 no second mining going on there. How can you say that? So he definitely was not ---.

11 Q. And with your experience out there, I mean, when you saw the seismic and  
12 heard about what happened, you knew it was a bounce; right?

13 A. Yeah.

14 Q. I mean, there wasn't any doubt in your mind that it could be an earthquake or  
15 something else, a bounce or an outburst or something ---?

16 A. Oh, it definitely wasn't. A guy at the seismic knew that, and his wife called the  
17 sheriff and told them, hey, you've got a major event at a mine down there. I can see it  
18 on the seismic. He knew what it was right off the bat.

19 Q. That's the guys at the University of Utah, they called and said it happened.  
20 And I'm sure they see those regularly in that area.

21 A. They do.

22 Q. How do you think we take better control of a situation where you've got a mine  
23 operator like Murray, Bill? Is there anyway to ---?

24 A. Well, I guess --- you know, we're never going to be as colorful and  
25 entertaining as a Bob Murray out there. So you just can't go that way. I think

1 --- when we went over and talked to those congressional staffs a few times, I mean,  
2 they --- what they had in mind was that this be run just like an NTSB thing after an  
3 airline crash. You don't see anybody from United Airlines or from Boeing out there  
4 doing press conferences. You know, the NTSB just comes out and says what's going  
5 on and that's it. That's what they expect.

6 But you know, in our situation here, you had Murray there that  
7 wanted to do the press conferences. And they wanted to have him. You know, it's a  
8 free country. Unless --- I mean, there was really nothing MSHA could do to stop him.  
9 What are they going to do, shoot him? I mean, they --- he wanted to talk and they  
10 wanted to listen to him. And it's a free country. And you know, unless Congress puts  
11 in the next MINER Act that, you know, company's to keep quiet and MSHA will do all  
12 the talking or something --- I don't know. I don't control that, Joe, realistically.

13 Q. What did you think about the news media going underground?

14 A. Well, I was --- I guess I was kind of shocked about that. I didn't think it was  
15 appropriate, in my view.

16 Q. And let me ask you this. Why was that shocking to you?

17 A. Well, it's just inappropriate to permit news media underground when there's a  
18 mine emergency going on like that. And it interferes with the operation. It's not safe  
19 for them and it's a completely inappropriate thing to do all the way around, in my view.

20 Q. And so ---.

21 A. Not only that, it's not --- I don't think it's ---.

22 Q. Is it legal under the K Order to do that?

23 A. Well, that's what I was just going to say. I'm not sure it was even legal.

24 Q. Well, yeah. Our K Orders kind of say you --- the people that go in the mine  
25 are those that are to correct a condition or to assist in the rescue and recovery

1 operation, whatever you're doing, not just somebody ---. So how do we even --- I  
2 mean, do you know if the K Order was modified or a plan made to allow for that?

3 A. I don't believe there was a separate modification to the K Order.

4 Q. You don't think there maybe was a plan submitted either through the K Order  
5 for ---?

6 A. We looked into that one time, and I think if you look through all of that stuff,  
7 they're either in the plans or one of the modifications. There might be a couple of  
8 words in there that say something about that. I can't remember now.

9 Q. I think early on there was a modification that was made concerning --- it was  
10 modified to allow the operator to comply with his photography plan or something.

11 A. Right.

12 Q. But it makes no --- it's almost like --- here it is. Modified to permit the operator  
13 to use a camera underground in accordance with their currently approved photography  
14 plan.

15 A. Yeah.

16 Q. Use of the camera would be limited to photographs depicting underground  
17 conditions for the purpose of informing family members or members of the media of  
18 the current underground conditions. Any other usage of photography equipment will  
19 require specific approval. This was --- what the hell is the date, 8/7. So this is like the  
20 day you got there?

21 A. Yeah.

22 Q. Not the day he took the media in.

23 A. Yeah, that's right. That was already on the record.

24 Q. And I think it was the first --- I mean, you had Gauna and those guys taking  
25 pictures regularly; didn't you?

1 A. Yeah.

2 Q. Of course, I know you left. You were already home when the second accident  
3 happened, Bill. What was your understanding of why the rescue effort was stopped  
4 then?

5 A. Well, I think it was --- it was obvious then that it was just too hazardous to  
6 continue, at least using the same method. So it needed to be suspended.

7 Q. So you think it was just because the guys got killed and injured or you think it  
8 was because of that evaluation by experts that were called in?

9 A. Well, I guess it would be both, I would say.

10 Q. Were the experts just called in to justify?

11 A. Well, no. I think they were called in to give an assessment as to --- you know,  
12 people are still --- there's still a lot of pressure on people to --- you know, those  
13 families don't want their loved ones left in there.

14 Q. You think maybe that's one reason we kept going so long, because the  
15 pressure from families?

16 A. Well, of course, you know, there's no doubt if there were nobody --- if were  
17 there no bodies in there, we would never have went in there to recover machinery or  
18 anything like that.

19 Q. Bill, do you remember the last time MSHA had a MERD training exercise for  
20 its managers like we used to have?

21 A. No. We haven't done one for a long time.

22 Q. Do you know why?

23 A. You know, we had actually planned to do one a couple of times and then other  
24 things just came up and got delayed and pushed back. And you know, never got  
25 done. We had talked to Urosek at least a couple of times. You know, he would help

1 us plan one of those and stuff. But for one reason or another, it just got delayed and  
2 pushed back and never happened.

3 Q. Do you think that all the MSHA managers in place now are knowledgeable  
4 enough where they don't need that training in handling mine emergencies?

5 A. Well, I think it would be useful for all of them, even experienced ones. It's  
6 useful.

7 Q. You only have maybe two or three now that --- I think Kevin said, what, eight  
8 new ones in the last two years or something?

9 A. Could be. I don't know.

10 Q. Something like that.

11 MR. TEASTER:

12 There was a large number of them.

13 MR. PAVLOVICH:

14 Got anything, Ernie? I know you do.

15 BY MR. TEASTER:

16 Q. You commented on the media going underground. What's your thoughts on  
17 the family members going underground?

18 A. Well, the two family people that went underground, I didn't really have a  
19 problem with that. I mean, both of those people had experience  
20 --- they were experienced miners. And they had some knowledge already. And I  
21 didn't think that was inappropriate to let them go in there and see  
22 --- you know, one of the family's things was, of course, why is it taking so long. You  
23 know, it should be going a lot faster. You know, you've got to recognize what they're  
24 going through there.

25 And they did have these two people that had mining

1 experience. I mean, they weren't laymen. So to bring them in there and let them see  
2 what the actual conditions was, I didn't think that was too bad of a thing to do. I mean,  
3 to me, that was completely different than the media, though.

4 Q. Well, you know --- and I understand the reasoning, so the families will have  
5 maybe more confidence in what was being said or better understand it. But if you go  
6 back to what you said earlier, that you only want people under there that's necessary  
7 to fix the situation. And they didn't contribute, as I understand it, to any of that.

8 A. That's right.

9 Q. And also, the more people you've got --- I mean, you try to limit the number of  
10 people, as I understand it, going up there. And then you've got two people just going  
11 up there primarily to look and report back. So how would you have looked at it ---  
12 would you have looked at it any different if those people --- and as I understand it,  
13 they went underground multiple times ---.

14 A. It was more than once. I don't know how many times.

15 Q. I've heard five or six. I don't know what's the number. I just know it was  
16 multiple times. But had they been up there on the 16th, which was possible to have  
17 that any time, you have those, because we know they were occurring, and had  
18 something like that happened with somebody being there that had no part in the  
19 recovery, I think it would have been a lot more difficult to explain why we had those  
20 people down there.

21 And I think any emergency certainly has the potential for  
22 something occurring. I mean, it's an emergency and we all take extra precautions. But  
23 I think you said earlier that the requirements of 103(k) is primarily limited to those  
24 people that can contribute something toward that rescue and recovery.

25 A. Yeah. You're exactly right. You're exactly right. I mean, I can see your

1 argument.

2 Q. Well, it's not an argument. I just wanted to get your thoughts on the facts ---.

3 A. Well, you're right. I mean, technically, they have no business there. I mean,  
4 there's no doubt about that. But on the other hand, you get this large group of family  
5 members down there tearing their hair out. And you know, they're looking for some  
6 reassurance and some firsthand knowledge. You know, they think you're snowing  
7 them to some extent. And you know, if you can do something to help them and allay  
8 that, I mean you can make some little ---. I mean, I think there was a reason for that  
9 one. I mean, to me, that's completely distinct from --- completely the opposite of the  
10 press trip in. But you're right. I mean, technically, they had no business in there. I  
11 mean, I can't argue with that.

12 BY MR. PAVLOVICH:

13 Q. And just to follow up there real quick, do you think that this now sets a  
14 precedent for --- hopefully we never have another one, but if we do have a future  
15 event, that the first thing is family members are going to want to go in just like they did  
16 at Crandall Canyon, reporters are going to want to go in, just like in ---. Now where  
17 are we at?

18 A. Well, that was --- yeah, I thought about that, too. I mean, we're --- that's not a  
19 good precedent to set. Of course, the only thing we can say is that, you know, the  
20 conditions are different this time. It's a different circumstance. And therefore, we're  
21 not going to allow it, is all we can say.

22 Q. I can foresee the news media getting an injunction against us if we tell them  
23 no, and some judge saying, they did it last time.

24 A. Well, ordinarily when you've got one of these events, you've got something  
25 going on like a fire, you get fire gases. I mean, there might be danger of an explosion,

1 something like that. You didn't have any of that kind of stuff here. So you know,  
2 chances ---.

3 BY MR. TEASTER:

4 Q. Why did we limit the number of people underground?

5 A. We limited the number of people that were working up in the hazardous area  
6 there, near the work area. You know, if they needed more people further outby, I don't  
7 think ---.

8 Q. But if it was needed for that, I mean, you wouldn't let them be doing  
9 something that wasn't related that needed to be done at the mine, in other areas of the  
10 mine which ---.

11 A. No. But if they said, you know, we want to take six people in and fix this  
12 pump or something like that, I mean, nobody would question that if they were working  
13 way outby.

14 Q. Okay. If that pump was not needed --- I mean, if that pump was not a factor  
15 to, say, in effecting the mine rescue, you'd let him go up and do that even though ---?

16 A. No. I'm saying if they needed to work on a pump to pump a mud hole that,  
17 you know, was along the travel way or something like that, nobody would quibble  
18 about whether we're going to use two guys or six guys.

19 Q. No, but you would modify the K to allow them to do that?

20 A. Yes.

21 Q. You wouldn't just let them indiscriminately go in and do that. That was my  
22 point. You let them do what's necessary to keep things going.

23 A. Yeah. But all I'm saying is that where we're trying to limit the number of  
24 people was, you know, up in the face area. Not necessarily --- even though we had  
25 control over it, there wasn't a lot of concern about people working just inby the portal,

1 you know. You see what I mean?

2 Q. I see what you mean. And that's fine. I see what you mean. But I think  
3 anytime we've got a K on an entire mine, that we control people in all areas of that  
4 mine and we limit the exposure. And we modify it to allow people based on the risk  
5 and the necessity of that to keep the mine so that we can keep the recovery going.  
6 But I understand where you're coming from.

7 The Governor in his appearance --- testimony at the Senate  
8 hearings, or the House, I can't remember which, but he made a judgment that things  
9 at that rescue and recovery site were not well organized or orderly. And he kept  
10 thinking that MSHA was going to get control of the situation, but to his opinion they  
11 really never did. What's your response to that allegation or those allegations?

12 A. Control at the mine site? Are you talking about the media thing?

13 Q. The mine site.

14 BY MR. PAVLOVICH:

15 Q. Did you see the Governor's testimony?

16 A. No.

17 Q. You didn't. Primarily he didn't --- he doesn't specify. He just says, you know,  
18 things were hectic, but I expected when MSHA came in, that everything would be  
19 orderly and well managed. And it just wasn't like that. Do you have any idea why he's  
20 saying that?

21 A. Well, you know, people always think that those things are kind of chaotic to  
22 some extent. I mean, there's a lot of people trying to do a lot of different things all at  
23 the same time. And you know, there's always a bit of misinformation going around.  
24 And people think that those things are just like another day down at the department  
25 store or something. And it's just not like that.

1 I mean, they're always hectic to some extent I think. And you  
2 know, it might look like organized chaos to a politician that just comes in there and  
3 looks around. But I think there's order, and to the extent that you're able to have it  
4 there

5 --- I don't think it was as chaotic and ---.

6 Q. So in your opinion, it was organized?

7 A. Yeah, I think it was.

8 BY MR. TEASTER:

9 Q. As I understand it, Kevin and Mr. Stickler had a meeting with the Governor  
10 and maybe Bob Murray and some others shortly after they arrived at the mine, at  
11 which you were present. Did you attend that meeting?

12 A. No.

13 Q. I know you didn't have any involvement with briefing the family members, but  
14 several of the family members appeared at this House oversight hearing. And they  
15 were very critical of MSHA's handling and interaction with the families. Did you hear  
16 anything ---?

17 A. I saw a couple of them.

18 Q. Did you hear anything when you was onsite there at the mine, feedback from  
19 anybody that the families were disgruntled or anything with the way MSHA was  
20 interacting with them?

21 A. No, I never heard that. I knew they were very frustrated that it wasn't going  
22 fast enough and stuff like that. But I never heard that they were dissatisfied with  
23 MSHA. I never --- when I heard them testifying at that hearing was the first time I ever  
24 heard that they didn't want to --- I think a couple of them said that they didn't want to  
25 hear anything from Murray. That was the first time I heard that, too. I didn't know

1 that.

2 Q. When you first saw that map and how that mining had been completed on  
3 both sides of the west mains, what were your initial thoughts when you first saw that?

4 A. Well, I'm not really a roof control guy. I never worked in roof control that  
5 much. Of course, I don't --- I've never used the modeling program that they use. But  
6 it does look like a precarious location to be in, in my view.

7 Q. Have you seen mining sections similar to that where it was basically mined  
8 out on both sides and you were up in there --- you went under lesser amount of cover?

9 A. Well, I don't know. You know, if you're down in Appalachia and you get 200  
10 feet of cover or something, you can get away with stuff like that.

11 Q. Have you seen it, though?

12 A. I don't know. I've seen hundreds of maps. It's probably been done.

13 BY MR. PAVLOVICH:

14 Q. Your opinion with looking at that and knowing they had 2,000 foot of cover  
15 there would certainly concern you?

16 A. Yeah.

17 Q. Yes?

18 A. Yes.

19 MR. PAVLOVICH:

20 [REDACTED] do you have anything?

21 [REDACTED]

22 Yeah, I have just a couple of things, Bill.

23 [REDACTED]

24 Q. When you're in Arlington, you don't see everything going on in the field, but  
25 you hear things that are kind of significant, things that may stand out a little bit. But I

1 guess some things have come up since we've been looking at all this stuff, especially  
2 centered around Bob Murray. And I've heard a good description of him, that he was  
3 unpredictable at the mine. And you even mentioned that he would come up with  
4 some statements out in left field that didn't even relate to the mine emergency.

5 But he's also made statements that he has a lot of political  
6 clout. He knows this person, he knows this governor, who knows this senator, who's  
7 representative of ---. I guess on more than one occasion he's bragged about his  
8 power and influence and having people in ---.

9 AUDIO CUTS OUT

10 A. --- then somebody needed to go with him. And I guess it needed to be Kevin.

11 Q. Just in your position and maybe your contacts you've got, what could MSHA  
12 do to have more than one drill going at a time, and not when it's obvious that more  
13 and more might be needed?

14 A. What could we do?

15 Q. Uh-huh (yes).

16 A. Well, I guess if we independently located other drills that were available to  
17 come up there and then ask him to bring them up there. You know, it's up to the  
18 operator to bring those up there and pay for them, unless we're going to do it. So if  
19 they could be used and they were available then we would or should ask the operator  
20 to make the arrangement and get it going.

21 Q. Was there ever talk about using two drills here or the necessity of using two  
22 drills here?

23 A. Well, there were two drills up there, you know. There was a larger one and a  
24 smaller one. And you know, there was some logistics that --- you know, there was  
25 water and stuff that had to be hauled up there to keep them going and that. There

1 was a limited amount --- you know, it's kind of a little road going up there, so there's a  
2 limited amount of haulage that you have in and out of there realistically. So no, I  
3 never heard any talk about needing additional drills.

4 Q. Just one last thing. You mentioned something about Andalex used that  
5 support system and the rock props and stuff. What did they use it for? They weren't -  
6 --.

7 A. Well, they have some --- you know, at their other property over there, they did  
8 have a fatality on the longwall face due to a bounce a few years ago. And in fact, if  
9 you look at the map, that's when they started leaving a barrier between every panel. It  
10 was just to control those outbursts and bumps that they had over there. And they had  
11 used this system over there to protect people from outbursts. I guess that's what they  
12 said. And they were happy with it and had a lot of success with it, according to them.  
13 I never saw it over there.

14 Q. But it wasn't for cleaning a bounce up?

15 A. Oh, no, no, it wasn't for cleaning a bounce up.

16 BY MR. PAVLOVICH:

17 Q. Bill, you're familiar, and we touched on this before, but I just want to ask you  
18 another question about it. The MSHA guidance on family liaisons pretty much says  
19 that the family liaison will --- you're not a counselor. You're to brief the family. It also  
20 says, you know, that MSHA should have a primary communicator that works with the  
21 liaison to make sure that the same information is being disseminated and it gets to the  
22 family first. But they should be the primary communicator with the media.

23 A. Right.

24 Q. Do you ever think that that was written with the intent that whoever is running  
25 the command center should do both of those two?

1 A. Well, I guess initially what I thought for the primary communicator was that it  
2 would be like a press person.

3 Q. Right.

4 A. You know, more so than an MSHA person. So somebody --- not necessarily  
5 Amy Louviere, but somebody like that that's a press person that would have some  
6 facts that MSHA had put together, and that they would come out and give those facts.  
7 And they'd be the communicator to the media. You're right. I mean, the guy running  
8 the command center, running the show, that definitely takes him --- his attention off of  
9 his duties to go down and do that.

10 Q. I would think it'd take half of his time. And I've been in the command center  
11 on several events over the years.

12 A. Yeah, you've been to a lot.

13 Q. And I think it would be extremely hard for me to be trying to manage a  
14 situation like this and yet still be focusing a lot of my time on family briefings and  
15 media briefings. And especially --- I'm not real sure I can be real impartial in making  
16 my decisions when I spend two or three hours with grieving family people.

17 A. Yeah, I think you're right.

18 Q. Because I may not use good, honest judgment then.

19 A. Yeah, you make a good point.

20 Q. And even though we're saying, well, this was like really a slow moving project,  
21 the advance rate was very slow, but if you look at this log and interview the people,  
22 there was a hell of a lot of stuff going on.

23 A. That's right.

24 Q. That your command people are away from the mine for hours and hours.

25 A. That's right.

1 Q. So I guess that's not really a question, it's just a statement. And you  
2 acknowledged that you thought it was --- you were in agreement.

3 A. Well, yeah. I mean, that's the way I originally envisioned it. But you know  
4 what happens is when you get out there, the media people don't really want to do that.

5 Q. Well, they want ---.

6 A. They don't want to really be out there on point like that. So then they say,  
7 well, we need somebody --- you know, one of you guys from MSHA needs to come  
8 out. You know, you Stickler, you're the senior guy here. You need to do that. So  
9 that's how it kind of ended up.

10 Q. I just think that --- I'm not too sure that's what was intended or that ---.

11 A. Oh, I don't think that's what's intended. I mean, there ---.

12 Q. That's what is really good, is a functional ---.

13 A. If you read through all of that stuff when it originally came out, it doesn't sound  
14 like that. You're right.

15 MR. PAVLOVICH:

16 Got anything else for Bill?

17 MR. TEASTER:

18 I've covered it all, thank you.

19 MR. PAVLOVICH:

20 Ex. (b)(6) and Ex. (b)(7)(C)

21 Ex. (b)(6) and Ex. (b)(7)(C)

22 No.

23 MR. PAVLOVICH:

24 Ex. (b)(6) and Ex. (b)(7)(C) Bill, I really appreciate you coming down and taking

25 time to come and talk to us this afternoon. And I think you've been very informative,

1 very helpful. Is this our copy? Can we keep that?

2 A. Yeah, you can have that if you want.

3 MR. PAVLOVICH:

4 And you know, the only thing I'd end is primarily, that's all the  
5 questions we have for you at this time. If something comes up somewhere along the  
6 line and we think of something else, we'll get in touch with you and take care of that.  
7 But if you --- can you think of anything else that you know of or were involved in that  
8 you would like to tell us at this time?

9 A. I can't think of anything.

10 MR. PAVLOVICH:

11 Well, if you do, and you think of anything that you think might  
12 help us, let us know, because we'd like to try and put together a good enough report to  
13 help without getting into a whole lot of little things. But something that's major.

14 A. Do you guys have a deadline, Joe, or are you just going to come out right  
15 after the investigation report or how does that work?

16 MR. PAVLOVICH:

17 We're thinking like three or four years, as long as we can milk  
18 it.

19 A. Oh.

20 MR. PAVLOVICH:

21 No, Allyn says he needs some time to retire. He's not ready  
22 yet.

23

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