

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
CLARENCE WILLARD MOORE, III

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
NOVEMBER 6, 2007

1 BY MR. TEASTER :

2 Q. The secretary has assigned this group the task of evaluating MSHA's
3 performance during the period preceding the August 6th, 2007 coal bump at the
4 Crandall Canyon Mine and the subsequent rescue effort. We will also be evaluating
5 issues that were raised during this time period regarding Bob Murray and his
6 interaction with MSHA. This is not an investigation or review of any individual person.
7 It is an administrative review of MSHA's action as an agency. This evaluation will be
8 presented to the secretary in the near future. It is intended that the results of the
9 evaluation will be made public. This interview is being conducted to gather
10 information for this assignment.

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

14 Are you a union employee?

15 A. No. Bargaining unit.

16 Q. Bargaining unit. I'm sorry.

17 A. Yes.

18 Q. I'm sorry. Bargaining unit. And you obviously opted not to have a
19 representative?

20 A. Yes.

21 Q. Would you state your full name, please?

22 A. Clarence Willard Moore, III.

23 Q. Thank you.

24 A. C.W.

25 Q. Okay. We'll call you C.W. And C.W., what is your current job title?

- 1 A. Mining engineer.
- 2 Q. And who is your supervisor?
- 3 A. Tom Pilosa (phonetic).
- 4 Q. And how long have you been employed by MSHA?
- 5 A. End of the year, it will be 16 years.
- 6 Q. And what was your previous job title?
- 7 A. Mining engineer, ventilation specialist, tech support.
- 8 Q. And who was your supervisor in that position?
- 9 A. Dennis Biter.
- 10 Q. And how long were you in that position?
- 11 A. Twelve (12) and a half years.
- 12 Q. Okay. C.W., how were you notified about the accident at Crandall Canyon
- 13 Mine?
- 14 A. The original bump?
- 15 Q. Yes.
- 16 A. E-mail at work, I believe. We receive e-mail through the group whenever
- 17 there's a mine fire explosion or incident.
- 18 Q. And when did you report to the mine?
- 19 A. One week after the initial bump.
- 20 Q. So it would have been on Monday, August the 6th and you would have went
- 21 out the following Monday, ---
- 22 A. Yes.
- 23 Q. --- reported to the mine?
- 24 A. Yes.
- 25 Q. And who did you report to at the mine?

1 A. John Urosek.

2 Q. And who assigned you to go to the mine?

3 A. Dennis Biter.

4 Q. Did you fly?

5 A. Yes.

6 Q. Who assigned your duties at the mine site?

7 A. John Urosek.

8 Q. Who was in charge there at the rescue operation?

9 A. Mr. Stickler.

10 Q. How did you determine this?

11 A. I just assumed he was in charge.

12 Q. That's fair enough. What ---?

13 MR. PAVLOVICH:

14 And why did you assume that, C.W.?

15 A. Head of MSHA.

16 MR. PAVLOVICH:

17 He's the highest ranking person?

18 A. Yeah. He's the highest ranked person on the property.

19 BY MR. TEASTER:

20 Q. Did you see anything there from the mine site to indicate that? If you had not
21 have known Richard Stickler was the assistant secretary, would you have known by
22 the actions who was in charge?

23 A. No.

24 Q. Did you report to the command center?

25 A. Yes.

1 Q. Who was in the command center at that time you reported?

2 A. Mr. Cornett, Mr. Davis and John Urosek.

3 Q. How did you view the organization? What was the structure of the command
4 center when you reported in?

5 A. Who was in charge?

6 Q. Well, in charge, but how was it set up? Did you have somebody in charge and
7 then you had somebody manning the phones?

8 A. Yeah. They had --- I was working 6:00 p.m. to 6:00 a.m., so did an afternoon
9 shift with Mr. Cornett and midnight shift with, I believe, Don Gibson. And then there
10 were two field office trainees that were still on the same --- that answered the phone
11 and filled in the log book.

12 Q. And did you go underground?

13 A. No.

14 Q. What was your assignment there the first day that you reported to the mine?

15 A. Set up a sampling schedule for any samples that were brought out of the mine
16 or drawn from the bore holes and set up a spreadsheet with a file with all the
17 information on it.

18 Q. So your place of duty was in the command center?

19 A. Correct.

20 Q. In the Blue Goose? And how was these samples fed in to you?

21 A. Samples were taken to the GC people down at the Price field office and they
22 would e-mail us the results back at the Blue Goose.

23 Q. Did you have any involvement at all with the handheld readings that were
24 taken at the bore holes?

25 A. Yes.

1 Q. And what involvement was that?

2 A. Specifically bore hole three was --- I went up on the hill to wait for them to
3 break through on it and then drop the camera down, and then we ran a sample line
4 down the hole and capped it, sealed it as well as we could and pumped the sample
5 until the reading stabilized.

6 Q. And what was the first hole that you performed that activity at?

7 A. Bore hole three.

8 Q. Do you recall what readings you got at the bottom of the bore hole?

9 A. I'm thinking on 6/20, we had about 13 or 14 percent oxygen.

10 Q. Do you remember the void that they had between the top of the coal bed and
11 the material that you had on the mine floor?

12 MR. PAVLOVICH:

13 How much of the entry was open when that hole went through,
14 do you remember?

15 A. I think that one was pretty clear because the camera went down in there and
16 they were able to lower it all the way down and rotate it without any obstructions.

17 BY MR. TEASTER:

18 Q. Were you aware of the oxygen readings that they had gotten at the other bore
19 holes?

20 A. Yes.

21 Q. And how did this compare with those?

22 A. They were comparable. Bore hole one, I believe was around 11 or 12
23 percent, so they were all about --- I thought they were all comparable.

24 Q. What did that mean to you when you had those comparable readings at those
25 bore holes?

1 A. Wasn't enough oxygen for somebody to survive in, where they dropped those
2 bore holes.

3 Q. Do you have any thoughts, C.W., as to what caused those low oxygen
4 readings?

5 A. No.

6 Q. Were you aware of any readings that had been taken behind the seals in the
7 west mains?

8 A. These over here?

9 Q. Yes.

10 A. Yes. The only thing I figure would benefit, breach the barrier pillar.

11 Q. You thought there may have been some communication between those
12 areas?

13 A. Could have been.

14 MR. PAVLOVICH:

15 Did anybody ever ask you about that?

16 A. No.

17 BY MR. TEASTER:

18 Q. Did you ever discuss it with anyone there in the command centers?

19 A. I don't think so.

20 Q. Did you and John ever discuss it, John Urosek?

21 A. No. I was on, like I said, 6:00 p.m. to 6:00 a.m. I didn't see John very often
22 after the first day.

23 Q. Who were your counterparts on the other shift?

24 A. Bill Frankhart.

25 Q. Have you had any experience with mine bumps or bounces?

1 A. Very limited.

2 Q. What limited experience do you have?

3 A. Just being underground at Trail Mountain Mine out in Utah when a couple
4 occurred.

5 Q. Did they happen in close proximity to where you were at?

6 A. Yeah. It scared me.

7 Q. It scared you?

8 A. Yes.

9 Q. Describe what took place.

10 A. I was actually out by the face a little bit when it occurred but it sounded like a
11 bomb went off. I thought there was an explosion.

12 Q. And was it real dusty, a lot of material blown from the ribs or ---?

13 A. I don't know. I wasn't --- I was outby.

14 MR. PAVLOVICH:

15 You were looking outby.

16 BY MR. TEASTER:

17 Q. Were you further outby after the bump? Did you hear any talk of bumps
18 occurring underground while you were there, frequently occurring?

19 A. Not frequently, but had heard of one, I think three days previous to when we
20 had injuries.

21 Q. The injuries occurred on the 16th, so three days before that. What did you
22 hear?

23 A. Just that they had another bump. A couple guys had gotten covered up a little
24 bit but nobody had gotten hurt.

25 Q. Did you hear any discussion about how much coal had been ---?

1 A. No.

2 Q. Had come from the ribs as a result of that bump?

3 A. Not in that one. No.

4 Q. Did you hear anyone from the company refusing to work or not wanting to
5 work underground because of the safety concerns?

6 A. I was there one evening when a couple guys come to get their stuff because
7 they didn't want to go back to work. I don't know if they were on that specific job at the
8 time or not.

9 Q. Did you hear any concerns raised by MSHA employees about the safety of
10 working underground?

11 A. No.

12 Q. Did you hear any safety concerns about people working around the bore
13 holes, about the access roads in particular?

14 A. Uh-uh (no). No.

15 Q. What did you think of the access ways to the bore hole?

16 A. It was a trip. It really wasn't bad. It was just a long, long drive. After it rained
17 a little bit, it got a little bit worse but it wasn't any worse than anything we'd been on
18 before.

19 Q. Were you aware of any SF6 surveys being conducted there at the mine?

20 A. No.

21 Q. Did you have any communication or involvement with Bob Murray during the
22 rescue operation?

23 A. No, just bumped into him in a parking lot one evening and he introduced
24 himself.

25 Q. Did he share anything with you about the ---?

1 A. No.

2 Q. And you had not met him before or dealt with him in any circumstances prior
3 to that?

4 A. No.

5 Q. Did you have any involvement at all with the family members?

6 A. No.

7 Q. Press?

8 A. No.

9 Q. Was you aware that the press went underground?

10 A. Yes.

11 Q. What was your thoughts on that, C.W.?

12 A. Didn't think it should have been allowed.

13 Q. In your opinion, was this operation from an MSHA standpoint well organized
14 and orderly?

15 A. Yes.

16 Q. Did you ever attend any meetings between MSHA and the company?

17 A. No.

18 Q. Do you know of any meetings that were held between them?

19 A. Yes.

20 Q. And where were those meetings held?

21 A. I do not know. I was just told if somebody needed to get a hold of a certain
22 person, they would be in a meeting and they gave us the phone number where to
23 reach them.

24 Q. Were you aware of any --- there was in the notes of a lot of the folks that
25 worked underground, MSHA people, there was notes, references to different bumps,

1 some more significant than others. Are you aware of any discussions that were held
2 with people in the command center about those bumps?

3 A. No.

4 Q. Would you have been in a position from where you worked in the command
5 center there to be privy to calls that came outside from the people underground?

6 A. No. There was a mine phone from the command center up to the CO room,
7 but the calls that came outside from underground just went to the CO room, I believe,
8 or to the company offices.

9 Q. They didn't come to the command center?

10 A. Uh-uh (no).

11 Q. Did you have any thoughts about the survivability of the trapped miners based
12 on the readings that you got at those bore holes?

13 A. I didn't believe they could have survived.

14 Q. Were you involved in any way with the decision to drill the bore holes?

15 A. No.

16 Q. Did you have any thoughts that the bore holes should have been drilled in
17 locations other than the ones they were drilled?

18 A. No.

19 Q. Were you aware of how the roof ribs were being supported during the rescue
20 effort?

21 A. Yes.

22 Q. Did you have any thoughts as to the adequacy or inadequacy of that support
23 system?

24 A. No. I'm not a roof control specialist so I don't know if --- especially those guys
25 from tech support said that was the best way to go. I have to believe it was.

1 Q. Have you ever received any training on how to deal with mine emergencies?

2 A. Yes.

3 Q. What type of training?

4 A. I just first started the ventilation when the first couple mine fires, they'd send
5 you with somebody else to --- you know, they'd already shown you how to use the
6 instruments, show you how to draw the samples and set up the spreadsheets and send
7 off the information to Arlington or whoever wanted it.

8 Q. There was --- in that Number One bore hole, I realized you were not there
9 when the first bore hole drilled through, but there was a reading of 20-plus percent
10 oxygen that was initially reported down to the command center. And then some time
11 later, that was corrected and the reading was somewhere around seven to eight
12 percent oxygen. Do you have any idea how that might have happened?

13 A. Did they draw the sample as soon as the bore hole broke through? Did they
14 run a sample line and seal it off?

15 Q. I think the ---.

16 A. I'm assuming they took it before the hole and line had a chance to be cleared
17 and a drill sample or two samples taken from the mine.

18 Q. When you were at the bore holes, how was the information on the samples,
19 the gas samples that were taken there? How was that relayed to the command
20 center?

21 A. Satellite phone.

22 Q. By you?

23 A. Urosek was doing it when I was over there.

24 Q. So how did that system take place? You would take the readings and then
25 you would report it, or how would --- how did that happen?

1 A. We ran the sample line, capped the hole, ran the sample line and set it up to
2 an instrument and it took about three and a half hours for it to stabilize. And John was
3 standing there with me and I'd take the bag sample and we'd write it down and then
4 he'd call down to the command center to tell them what we had.

5 Q. Was there an inspector from District 9 present there to ---?

6 A. He was --- when I was there, they had the One, Two and Three bore hole
7 down and he was responsible for taking the samples at all three bore holes. We were
8 just up there, like I was just up there when the hole first broke through to get the --- to
9 set it up with the sample line and get the initial reading.

10 Q. And you went back to the command center?

11 A. Yes.

12 Q. And when did you depart from the mine?

13 A. I'm thinking the 22nd.

14 MR. TEASTER:

15 Joe?

16 BY MR. PAVLOVICH:

17 Q. Okay. So primarily most of the time, you were in the command center
18 vehicle, in the Blue Goose, I guess is what your ---?

19 A. Correct.

20 Q. And the Price field office where the GC was set up would fax you the ---?

21 A. E-mail.

22 Q. Or e-mail you the analysis of the --- bottle samples or bag samples that were
23 collected on the bore holes?

24 A. Correct.

25 Q. And also anywhere else?

1 A. Also underground, Number One seal, and anything else they brought up from
2 up here.

3 Q. Okay. So any of those. And then you were asked to do what with those
4 e-mails when you got them?

5 A. I'd just take the information and put it on the spreadsheet and graph it, the
6 explosibility curve, and put it on the W drive.

7 Q. Okay. Were you giving it to anybody there on site?

8 A. In the command center?

9 Q. Yeah.

10 A. Yeah.

11 Q. I mean, what did they want to know? What did they want to do with it? You'd
12 just give it to them?

13 A. Print out a copy and punch it and put it in the log or --- I don't know if that's
14 what they were doing with it this time or not.

15 Q. So did they ever --- well, you know, most of the time that you respond to
16 events like this, it's a fire or explosion or something. So everybody's asking for gas
17 ratings, right?

18 A. Yeah. This one was a little bit different.

19 Q. Okay. So there really wasn't a whole lot of, you know, hurry up ---

20 A. No, there wasn't a whole lot of information.

21 Q. --- give us the charge and run the numbers?

22 A. No.

23 Q. You were just kind of getting numbers and putting them in there?

24 A. Correct.

25 Q. And how often would you get these e-mails from Price where you had to do

1 this charting?

2 A. Twelve (12) hour shift, twice a shift.

3 Q. Twice a shift?

4 A. Yeah.

5 Q. What did you do the rest of the 12 hours or 11 hours?

6 A. Update thermometer, do the forecast for the --- you know, for the
7 spreadsheets. There really wasn't a whole lot to do ventilation wise.

8 Q. So while you were sitting there in the command center, and I assume Mr.
9 Davis was in there quite often, Mr. Stickler, Mr. Stricklin, and that command center
10 vehicle is not that big to where if they're having a discussion, I'm sure you could hear
11 what they were saying; right?

12 A. Mr. Stickler and Mr. Stricklin, they never while I was there had a meeting or a
13 conversation in the Blue Goose.

14 Q. They didn't?

15 A. No.

16 Q. So you never heard anybody say, well, we had a bump down there, we're
17 concerned? Were they in the Blue Goose very much?

18 A. Like I said, I was 6:00 in the evening, 6:00 in the morning, so mostly, you
19 know, I'd catch them right at the end of the day.

20 Q. Okay. So it was in the evening when you ---?

21 A. So the afternoon shift was spent with Bob Cornett and then the second week
22 with Charlie Thomas.

23 Q. How about with Bob and Don? Did they ever discuss the things that were
24 going on underground?

25 A. Not very often. Not with me. They were in the back and I was more toward ---

- 1 Q. Okay.
- 2 A. --- the front.
- 3 Q. If they were talking about it, you really ---
- 4 A. Correct.
- 5 Q. --- didn't hear it and they didn't share it with you? You were just there?
- 6 A. Yeah.
- 7 Q. That bump that you experienced at Trail Mountain, was it on development or
- 8 longwall?
- 9 A. Longwall.
- 10 Q. It was on the longwall?
- 11 A. Yeah.
- 12 Q. Up in the headgate or tailgate?
- 13 A. On the face.
- 14 Q. Bumped on the face?
- 15 A. Yes.
- 16 Q. Were you on the face when it bumped?
- 17 A. No. I was on the head.
- 18 Q. You was on the headgate?
- 19 A. Yeah.
- 20 Q. But the hole --- did the ground shake?
- 21 A. Yes, it did.
- 22 Q. Did you ever go up to see what ---?
- 23 A. I asked the guy, I said, did you just have an explosion? He said no, just a
- 24 bump. We were doing a PQ ---
- 25 Q. Okay.

1 A. --- so we just kind of kept on going.

2 Q. Just kept on going and you didn't go up to see what damage had been done or
3 anything like that?

4 A. No.

5 UNIDENTIFIED SPEAKER:

6 Did this stop mining activity?

7 A. I don't know.

8 UNIDENTIFIED SPEAKER:

9 You didn't go up to look?

10 A. What?

11 UNIDENTIFIED SPEAKER:

12 You didn't go up to look, did you?

13 A. No. I wasn't doing the face.

14 BY MR. PAVLOVICH:

15 Q. When you said that the --- to your understanding, the calls from underground
16 went to the CO room or somewhere where the company was set up? I guess their
17 command center was different, right, than MSHA's?

18 A. Uh-huh (yes). Yes.

19 Q. And was the phone also --- mine phone also coming in to the Blue Goose?

20 A. No.

21 Q. It wasn't?

22 A. I don't think so. Like I said, the only calls that I remember coming in on the
23 mine phone and the Goose was from the CO room because they were calling in
24 because they were continuously monitoring Number One seal.

25 Q. Okay.

1 A. So once every hour, they called that over.

2 Q. Okay. What was the person that was on the log book, where was he getting
3 his information? You said there was a trainee there that was ---.

4 A. He'd taken the phone calls from on top of the hill. They called the bore hole
5 readings down every hour.

6 Q. So he was just taking those ---

7 A. And he was taking those.

8 Q. --- he wasn't getting information from underground to your knowledge.

9 A. Just who was underground when they went in and when they came out, as far
10 as I know.

11 Q. Okay.

12 A. Like I said I'm ---.

13 Q. Now, were you there on the 16th when the second bump occurred?

14 A. Yes.

15 Q. And where were you at the time that bump occurred?

16 A. In the Blue Goose.

17 Q. You were in the Blue Goose?

18 A. Yes.

19 Q. How did you find out that there had been another bump underground?

20 A. We got a call on the mine phone that there was another bump and possible
21 fatalities.

22 Q. Okay. And so what did you do?

23 A. Mr. Cornett asked me to --- right outside the Blue Goose was the staging area,
24 you know, they were backing the ambulances and to try to make sure to get the
25 names of everybody that they brought out and counted what kind of condition.

1 Q. So he asked you to try and get the names of each of the persons that was
2 brought out?

3 A. Yeah. He went up into the company command center and just asked me to
4 make sure --- at least count the people that were brought out and make sure
5 everybody was out.

6 Q. Okay. And to try to give them some assessment of injury, ---

7 A. Yeah.

8 Q. --- what you could?

9 A. Yeah.

10 Q. I realize you're not a doctor. So were the ambulances all there before any of
11 the men came out, or were there ambulances there before any men came out?

12 A. Yes.

13 Q. They were there on site already?

14 A. Yes.

15 Q. Okay. And so then explain to me kind of what you did as the men started to
16 come out.

17 A. I just stood at the back of the ambulance that they brought the guy to, and the
18 --- I believe it was the human resources gentleman from the company was there, and
19 when he would get their name, he would give it to me.

20 Q. Okay. So you didn't ask the guy, what's your ---?

21 A. No.

22 Q. What's your name or anything? You just were working with the human
23 resources?

24 A. Yeah.

25 Q. And if he said this is ---

1 A. Yeah.

2 Q. --- Tom Smith, you wrote down Tom Smith?

3 A. Yeah.

4 Q. How did you get an assessment of injury?

5 A. Just looking at them. I mean, you know, the best I --- you know, covered in
6 blood, you know, what they did to them, when they brought them out.

7 Q. Okay.

8 A. Stuff like that.

9 Q. So did it appear to you that they had severe injuries for the most part or ---?

10 A. A couple of them. The one that appeared the least injured to me was Gary.

11 Q. He appeared to be the least injured?

12 A. Yeah. Didn't have any blood or a scratch on him but they put him in the back
13 of the ambulance and ported off to the side and sat there for about an hour working on
14 him. I figured it wasn't good.

15 Q. Oh, okay.

16 A. And Mr. Black, I believe, was --- he was completely wrapped in blankets and
17 they drove straight past all that and took him to the other side.

18 Q. So you think he was already dead when they got him out?

19 A. Yeah. He was the one that got --- Ex. (b)(6) and Ex. (b)(7)(C) hit him or
20 something.

21 Q. Did they appear that they had all been covered up by loose coal? I mean,
22 were they just covered with coal or not?

23 A. Not all of them.

24 Q. No?

25 A. Like I said, Gary to me looked fine. So I'm not a doctor, so I didn't ---.

1 Q. Well, ---.

2 A. But just like I say, when they brought him out, he looked fine.

3 Q. Did some guys just appear to have real minor injuries?

4 A. Yeah.

5 Q. How about Frank Markosek, from the Price offices?

6 A. He looked bad. He did to me. It looked like he --- I never heard for sure what

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

8

9

MR. TEASTER:

10

Did you talk to either him or Gary when they came out?

11

A. Gary talked. He was just asking how everybody else was and wanted to know
12 if everybody else was okay.

13

MR. TEASTER:

14

Frank didn't talk?

15

BY MR. PAVLOVICH:

16

Q. Was he conscious? Was Frank conscious?

17

A. Frank? I'm not sure if Frank was or not. His face was covered in blood and
18 he was dirty.

19

Q. He'd been covered up. So then after that accident, were you involved in the
20 briefing that was held in the shop area?

21

A. No.

22

Q. So you just went back to the command center?

23

A. Yes.

24

Q. Who did you provide that written information to that you had?

25

A. As they brought each gentleman out, I'd get their name and that and would

1 take it into, I'm guessing Mr. Cornett.

2 Q. Okay.

3 A. Whoever was ---.

4 Q. Do you think Bob was in there?

5 A. No. He went up to the command center for company, so Danny Frye.

6 Q. Danny Frye was in there?

7 A. Danny Frye was in there and I was giving them their names and he was
8 checking them off the list as I gave them to him.

9 Q. Okay. So they were pretty much coming out one at a time, then?

10 A. Yeah.

11 Q. And you had time to write a name down, take it in to give it to Danny and then
12 go back out ---

13 A. Yes.

14 Q. --- and wait on another one? About how long from the time they started to
15 bring them out until they got the last man out, do you remember?

16 A. No idea.

17 Q. Was it just pretty hectic?

18 A. Yeah, but I'll give the --- I guess the sheriff's department and that credit
19 because it was very well, very well organized.

20 Q. Okay. As far as the evacuation was?

21 A. As far as --- yes. They had two ambulances sitting there, ready to go. One
22 would pull out and the next one would pull in. They kept people out of the way. I
23 thought it was very well organized.

24 MR. TEASTER:

25 C.W., do you recall how much time lapse there was from the

1 time you was notified until they brought the first one out?

2 A. Maybe five, five minutes. Ten minutes at the most.

3 BY MR. PAVLOVICH:

4 Q. You said earlier that I guess somewhere along the line, you heard of or saw on
5 a map the extent of the bump that occurred; right?

6 A. The initial one or the ---?

7 Q. Yeah. The initial one. I'm sorry.

8 A. Yes.

9 Q. So someone come in --- I guess when you got there, were you briefed on that?

10 A. No. Me and Bill Frankhart were the first ones out there, that were there for
11 ventilation. So our main thing was to get the sampling schedule set up and all the
12 spreadsheets ready for when we started the samples.

13 Q. Okay. Now, you said you didn't --- actually that you heard about it on the 6th
14 but you didn't go out there until the following Monday, which was a whole week. Why
15 did they not send anyone out earlier?

16 A. Well, Urosek went, and Kim Diederich and Jeff Waggett. And I guess they're
17 working technically with John now in the seals and MEOs division, so they were out
18 there, and at first there wasn't a ventilation issue so they didn't think we were going to
19 be asked to go out.

20 Q. So you know, they just told you about it and nobody said well, we shouldn't be
21 going out here?

22 A. Like I said, Kim and Jeff went with John and they scheduled us to go to the
23 next week to take their place if we were needed.

24 Q. Okay. You know they drove out?

25 A. Yes.

1 Q. Okay. And so Price isn't real close to Pittsburgh.

2 A. I've driven it. I know.

3 UNIDENTIFIED SPEAKER:

4 When was your first day at the mine, C.W.?

5 A. I can't remember. We flew out actually the following Tuesday.

6 UNIDENTIFIED SPEAKER:

7 Would --- have been your first day at the mine?

8 A. Yeah. We went from there and reported directly to the mine.

9 UNIDENTIFIED SPEAKER:

10 Would have been the 14th.

11 BY MR. PAVLOVICH:

12 Q. I'm thinking that would be right [REDACTED] has got a calendar there. I guess that
13 would --- it would be in the ---. The accident happened on the 6th. That was on a
14 Monday and you went the following Tuesday, is when you flew in?

15 A. Correct.

16 Q. And so what did they tell you, Monday we want you to leave tomorrow and go
17 or ---?

18 A. They scheduled it.

19 Q. They scheduled it ---?

20 A. When it happened.

21 Q. So you knew --- when it happened. So you knew you were going to go out
22 Tuesday?

23 A. Yes.

24 Q. Okay. And so after the bump on the 16th --- well, go back. When you got
25 there on that Tuesday or some time after you got there, people briefed you on what

1 the original bump looked like on the 6th or what happened; right?

2 A. John Urosek did. Yes.

3 Q. John Urosek. And what did he tell you about?

4 A. He took me and Bill into a --- up into the CO room where the map was at and
5 just showed, you know, what had happened, where it occurred and where they were
6 drilling --- where they were proposing to drill the bore holes.

7 Q. So did he give you some idea about where they were mining ---

8 A. Yes.

9 Q. --- at the time and where the men might have been?

10 A. We had actually received a map at the office the week before, too.

11 Q. Okay.

12 A. You know, generally showing where they thought it had happened.

13 Q. And how far back the material was bumped to?

14 A. Yes.

15 Q. So you knew how many entries and crosscuts were bumped?

16 A. Generally.

17 Q. And then you also knew the readings that were found in the first bore hole, the
18 low oxygen readings and then ---?

19 A. Correct.

20 Q. And I think you said that you felt like you didn't believe miners would have
21 survived that?

22 A. Correct.

23 Q. So you kind of had that opinion already formulated before you came on site,
24 to the best of your knowledge?

25 A. Yeah. I mean, there's no connections back here, and you know, this was all

1 gobbled off and you got low O2. Just didn't figure there was anywhere to go.

2 UNIDENTIFIED SPEAKER:

3 C.W., did you say somebody was keeping a log in the
4 command center?

5 A. Correct.

6 UNIDENTIFIED SPEAKER:

7 Who was that? Do you know?

8 A. His first name was Tain.

9 MR. PAVLOVICH:

10 Tain Curtis?

11 A. Yes. I can't recall the gentleman on the afternoon shift.

12 UNIDENTIFIED SPEAKER:

13 And that was their primary duty was just to keep ---?

14 A. Yes. Answer the phones and keep the log book up to date.

15 UNIDENTIFIED SPEAKER:

16 Was it a regular telephone or a mine phone?

17 A. We had from the top of the hill, there was a hard line telephone for those guys
18 to call. And from the CO room into the Blue Goose, there was a mine phone.

19 UNIDENTIFIED SPEAKER:

20 Okay. How many emergencies do you think you've worked,
21 C.W., since you've been with ventilation?

22 A. From '95, with the exception of McClain Canyon and Darby, all of them.

23 UNIDENTIFIED SPEAKER:

24 And do you usually see where there's two separate command
25 centers or is it usually a joint command center?

1 A. We're usually in --- we usually have someone in the Blue Goose. Or do you
2 mean between MSHA and the company?

3 UNIDENTIFIED SPEAKER:

4 Yeah. Usually, do you see MSHA and the company
5 together ---

6 A. No.

7 UNIDENTIFIED SPEAKER:

8 --- or separate?

9 A. Separate.

10 UNIDENTIFIED SPEAKER

11 I guess from this mine phone, the company was
12 communicating with the fresh air base, what they called the fresh air base. I guess
13 underground, some people called it the fresh air base. Maybe 119, 120, somewhere
14 in there. The way this was set up, C.W., I guess in your opinion, you being from
15 MSHA, if I was at the fresh air base and I called outside with a question or needed
16 something, who would have answered? Would it have been the company or MSHA?

17 A. The company.

18 UNIDENTIFIED SPEAKER:

19 Was MSHA in contact with the fresh air base at all that you
20 know of or was it just the company?

21 A. I really don't remember any calls from underground coming in the Blue Goose.
22 And when I say we're not usually with the company, that's in the Goose, like in the
23 company command center.

24 BY MR. PAVLOVICH:

25 Q. So usually what you would see is a command center where the decision

1 making is going on, plan approval is going on, and that would be made up of
2 company, MSHA, unions on site ---

3 A. And state.

4 Q. --- and state?

5 A. Correct.

6 Q. And they would all be jointly in there. Then you would have other people in
7 the Blue Goose that may be logging or gas ---

8 A. Yes.

9 Q. --- analysis and other things, but they wouldn't be the decision making portion;
10 right?

11 A. Correct.

12 Q. Okay. But what you're saying in this operation, the MSHA decision makers
13 that were on site, which on the nightshift would have been Bob Cornett because he's
14 the highest ranking person there, but he wasn't with the company, he was in the Blue
15 Goose basically with you guys?

16 A. Yeah. So all the meetings ---.

17 Q. Working together?

18 A. All the meetings that we heard about was Mr. Stickler or Kevin and those guys
19 with Mr. Murray and whoever. Like I said, I don't know where they had those
20 meetings.

21 Q. Okay. They just went somewhere else?

22 A. Yeah.

23 Q. They never did it ---

24 A. They never did it in the Goose.

25 Q. --- together in the Blue Goose?

1 A. No.

2 UNIDENTIFIED SPEAKER:

3 So was the senior MSHA person on site on your shift in the
4 Blue Goose?

5 A. Yes.

6 UNIDENTIFIED SPEAKER:

7 So if I would have called outside, C.W., and said we want to
8 open this regulator, we want this doubled opening in this regulator to try to get more
9 air up from here, is it okay if we do that? Would the company have basically said
10 okay or somebody from MSHA?

11 A. The company, at times, came to the Blue Goose and would ask.

12 UNIDENTIFIED SPEAKER:

13 Okay.

14 A. So you know, if they had to modify the K Order or ask the commission to do
15 something like that, the guy would come in and ask.

16 BY MR. PAVLOVICH:

17 Q. So why do you think it was separate on this event, where as other events
18 you'd been --- do those decision makers would have been together?

19 A. Don't know.

20 Q. You don't know? You don't have any idea?

21 UNIDENTIFIED SPEAKER:

22 Do you know, C.W., if --- and I know you were only there the
23 14th, 15th and 16th, you know, the accident happened on the 16th. But did anybody
24 ever keep track of how many bumps were going on underground or was there any real
25 discussions on the frequency of bumps or was it just not really discussed?

1 A. We had an up-to-date printout from the university of everything that
2 registered.

3 UNIDENTIFIED SPEAKER:

4 Did you guys download that on tech support or was MSHA
5 doing that or the company, if you know?

6 A. We weren't doing it.

7 BY MR. PAVLOVICH:

8 Q. But you did see one?

9 A. Yes.

10 Q. Someone showed it to you at one time? Who did that?

11 A. It was in the Blue Goose somewhere.

12 Q. It was just laying in there?

13 A. Yeah.

14 UNIDENTIFIED SPEAKER:

15 How often were they getting those updates, do you know,

16 C.W.?

17 A. Don't know.

18 UNIDENTIFIED SPEAKER:

19 You just saw more than one?

20 A. Yes.

21 UNIDENTIFIED SPEAKER:

22 I know Joe asked you this, or Ernie did, one of the two, but I
23 just wanted to make sure. Did you ever hear any discussions, you know you pass
24 guys, pass people and you walked into the office and things like that, did anybody
25 ever have any concerns about their safety underground? I know you mentioned two

1 company people.

2 A. I'll say just the gentlemen that came to get their stuff while I was there that
3 one evening. Like I said, I don't know if they were on this job and specifically wanted
4 off of it or if just of what had occurred, they didn't want to go back.

5 UNIDENTIFIED SPEAKER:

6 When you say coming and getting their stuff ---?

7 A. They come to get their underground, their mining gear and hardhat, boots,
8 other gear.

9 UNIDENTIFIED SPEAKER:

10 How did you cross paths with them?

11 A. I was standing outside the Goose talking to the mine foreman, I believe, and
12 he said they were coming to get their stuff.

13 UNIDENTIFIED SPEAKER:

14 They told him?

15 A. Uh-huh (yes).

16 UNIDENTIFIED SPEAKER:

17 What did they tell him?

18 A. Just told him they didn't feel safe going back underground there.

19 UNIDENTIFIED SPEAKER:

20 And you think they were regular miners?

21 A. Yes.

22 UNIDENTIFIED SPEAKER:

23 Maybe they initially --- did they help out or rescue effort at all?

24 A. I don't know.

25 UNIDENTIFIED SPEAKER:

1 A. Yes, he did. You know John.

2 UNIDENTIFIED SPEAKER:

3 He was trying to stay positive?

4 A. Yeah. Everybody was, John especially.

5 MR. PAVLOVICH:

6 Okay. John's a positive guy.

7 UNIDENTIFIED SPEAKER:

8 C.W., I was having trouble hearing you. I misheard you. But
9 on the afternoon of the 16th, did you say it was five to ten minutes between the time
10 they called outside that they had people outside?

11 A. The first guy.

12 UNIDENTIFIED SPEAKER:

13 And the ambulances were already there?

14 A. Correct. There was an ambulance on site.

15 UNIDENTIFIED SPEAKER:

16 There was one already on site?

17 A. Already on site, 24 hours to begin with, and they took the first guy. And before
18 the next guy got out, there were two more there. Plus a helicopter.

19 UNIDENTIFIED SPEAKER:

20 So one was already there.

21 A. Yeah.

22 UNIDENTIFIED SPEAKER:

23 Couldn't figure out how one got there.

24 A. Yeah. There was one there on duty the whole time.

25 UNIDENTIFIED SPEAKER:

1 So Bill was still there from his day shift?

2 A. Yeah.

3 MR. PAVLOVICH:

4 Okay.

5 A. We were going over some things when they called out.

6 MR. TEASTER:

7 You mentioned Danny Frye earlier. Was he in the command
8 center? Where was he at?

9 A. He was still there. He was on dayshift.

10 MR. TEASTER:

11 He was working dayshift?

12 A. He was the Blue Goose dayshift guy.

13 UNIDENTIFIED SPEAKER:

14 Anybody else, C.W., that was in the Blue Goose at the time?

15 A. The trainee that was doing the --- answering the phone, doing the log book,
16 but I can't remember his name.

17 BY MR. PAVLOVICH:

18 Q. When the guys that were going underground, when they showed up for their
19 shift, would they usually come into the Blue Goose and report in?

20 A. Yeah.

21 Q. Like when it was shift change time, that was sometime during your shift
22 because ---

23 A. Yeah.

24 Q. --- you were working 12 hours?

25 A. A couple of them would leave their tennis shoe, car keys and stuff locked up

1 in the Goose.

2 Q. Okay. So they usually come in. Did they ever, when they came out, ever
3 discuss about bumps that had occurred underground or ---?

4 A. Ron Poletta (phonetic), he was underground when one occurred a couple days
5 previous.

6 Q. Okay.

7 A. And he just said that, you know, he was underground when the one before this
8 one had occurred.

9 Q. Had they ever expressed any concerns about the bumping that was going on?
10 Not to you?

11 A. Not to ---.

12 Q. I can't think of anything else to ask.

13 MR. TEASTER:

14 C.W., that's all the questions we have now. If we think of
15 some that we need to get back with you, we'll call and schedule another interview.

16 A. Please do.

17 MR. TEASTER:

18 And we'd likewise like to ask you if you have anything that you
19 come up with if --- or maybe there's something now if we've not asked that you'd like
20 to share with us?

21 A. No, sir.

22 MR. TEASTER:

23 Well, if something should come up down the road that you'd
24 like to share with us, we'd appreciate you getting a hold of us.

25 A. All right.

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MR. TEASTER:

And again, we ask you if you would not share this interview with anyone until we get all of the people interviewed.

MR. PAVLOVICH:

Let me ask him a question.

BY MR. PAVLOVICH:

Q. Ernie asked you a question, I think earlier as did you have any dealings with Mr. Murray on site and you said, well, you met him one time in the parking lot and he introduced himself and that was all he did. Did you ever know of Mr. Murray beforehand?

A. Absolutely.

Q. Oh, you did? And what would have been the circumstances of that?

A. PCMIA. He was a speaker at one of those and I was underground at his Maple Creek Mine in Pennsylvania and Century Mine in Southern Ohio.

Q. And for what reason were you underground at those operations?

A. PQ at Maple Meadow.

Q. Maple Creek?

A. Or Maple Creek. And I was just traveling with a regular inspector, Century.

Q. Century. And where are those mines located?

A. Western PA, Maple Creek and Southern Ohio, Century Mine.

Q. Okay. And was the reason you were there because of any particular safety problems or concerns about ventilation or violations that had been issued?

A. I believe Maple Creek was for bleeders.

Q. Bleeders being blocker or ---

A. Inadequate.

1 Q. --- inadequate? And so did you meet Mr. Murray while you were there?

2 A. No. Just read about it in the paper.

3 Q. And you read about what, the fact that you had been at the mine?

4 A. With no good reason.

5 Q. What now? The fact that you had been at the mine for no good reason?

6 A. That we were picking on him.

7 UNIDENTIFIED SPEAKER:

8 Who was?

9 A. MSHA.

10 BY MR. PAVLOVICH:

11 Q. Okay. So ---.

12 A. By sending us to do a PQ that we were just picking on him because of who he
13 is.

14 UNIDENTIFIED SPEAKER:

15 When was that, C.W.?

16 A. That was a long time ago. That was probably 2000, 2001.

17 BY MR. PAVLOVICH:

18 Q. If you're old like us, C.W., that's not so long ago. It's present day. So when
19 you heard that Mr. Murray had stated that MSHA was picking on him, and part of the
20 picking on him was the fact that you were there doing the PQ survey, was there
21 anything that was ever said to you about that by anybody at MSHA?

22 A. No.

23 Q. Has anybody ever questioned you about why you were out there picking on
24 him?

25 A. No.

1 Q. Did you ever know that he made any allegations against anybody at that time?

2 A. No.

3 Q. Did you ever know of anybody ever being taken off that survey or inspection,
4 or being moved because of him ---?

5 A. Not out of our group. No.

6 Q. So you guys basically did the survey and did what with it?

7 A. No idea what they did with it ---

8 Q. Okay.

9 A. --- on that one. I was just part of the team on that one.

10 Q. How about at Century? Was that also over a violation or a problem at the
11 moment?

12 A. That was on a regular trip way with Jim Casmark (phonetic).

13 Q. Okay.

14 A. We did the --- just longwall. Regular inspection, longwall.

15 Q. Okay. So you were just traveling with an inspector, then?

16 A. Correct.

17 Q. Okay. And were there any problems or concerns that came up?

18 A. No. Not on that one.

19 Q. Okay.

20 MR. TEASTER:

21 Was there any pressure --- on that pressure quantity survey,
22 was there any issues that came up as a result of the survey?

23 A. I don't know. That was the one --- Denny Biter handled that one. Once we got
24 everything back, he did that one. I don't know.

25 UNIDENTIFIED SPEAKER:

1 Does he keep a copy of that, C.W.?

2 A. No.

3 UNIDENTIFIED SPEAKER:

4 Just for your resume.

5 A. Doesn't bother me.

6 UNIDENTIFIED SPEAKER:

7 Do you know what paper that would have been in, in case we
8 try to find him?

9 A. I can check on that. It was Washington or Washington County, something.

10 UNIDENTIFIED SPEAKER:

11 Was that a reporter that maybe ---?

12 A. I'm not familiar with those newspapers up there. I just remember ---.

13 MR. TEASTER:

14 Somebody showed you the article?

15 A. We were picking on him because of who he was.

16 MR. TEASTER:

17 Okay. All right, C.W. Thank you.

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