

STATEMENT UNDER OATH

OF

CLYDE M. TENNEY

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the U.S. Bankruptcy  
Courthouse, 324 West Main Street,  
Clarksburg, West Virginia, on  
Tuesday, March 28, 2006, at 12:08  
p.m.

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## 1 A P P E A R A N C E S

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A P P E A R A N C E S (continued)

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P R O C E E D I N G S

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MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Tim Williams from the Solicitor's office, Mike Rutledge and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to  
2 determine the cause of the  
3 accident, and these interviews  
4 are an important part of the  
5 investigation.

6 At this time, the  
7 accident investigation team  
8 intends to interview a number  
9 of people to discuss anything  
10 that may be relevant to the  
11 cause of the accident. After  
12 the investigation is  
13 completed, MSHA will issue a  
14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future. The information  
23 obtained through witness  
24 interviews is frequently  
25 included in these reports.

1           Your statement may also be  
2           used in other enforcement  
3           proceedings.

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

19                      This interview with Mr.  
20          Clyde Tenney is being  
21          conducted under Section 103(a)  
22          of the Federal Mine Safety &  
23          Health Act of 1977 as part of  
24          an investigation by the Mine  
25          Safety & Health Administration



1           and the West Virginia Office  
2           of Miners' Health, Safety &  
3           Training into the conditions,  
4           events and circumstances  
5           surrounding the fatalities  
6           that occurred at the Sago  
7           Mine, owned by International  
8           Coal Group in Buckhannon, West  
9           Virginia, on January the 2nd,  
10          2006. This interview is being  
11          conducted at the U.S.  
12          Bankruptcy Court in  
13          Clarksburg, West Virginia on  
14          March 28th, 2006.

15                    Questioning will be  
16                    conducted by representatives  
17                    of MSHA and the Office of  
18                    Miners' Health, Safety &  
19                    Training. Mr. Tenney, this  
20                    interview will begin by my  
21                    asking you a series of  
22                    questions. If you don't  
23                    understand a question, please  
24                    ask me to rephrase it. Feel  
25                    free at any time to clarify

1           any statements that you make  
2           in response to the questions.  
3           After we've finished asking  
4           questions, you'll have an  
5           opportunity to make a  
6           statement of and provide us  
7           with any other information you  
8           believe may be important. If  
9           at any time after the  
10          interview you recall any  
11          additional information that  
12          you believe may be useful in  
13          the investigation, please  
14          contact Mr. Richard Gates at  
15          the phone number or e-mail  
16          address provided to you.  
17          We'll get that to you.

18                   Your statement is  
19                   completely voluntary. You may  
20                   refuse to answer any question,  
21                   and you may terminate your  
22                   interview at any time. If you  
23                   need a break for any reason,  
24                   please let me know.

25                   A court reporter will

1 record your interview and will  
2 later produce a written  
3 transcript of the interview.  
4 Please try and respond to all  
5 questions verbally, since the  
6 court reporter cannot record  
7 nonverbal responses. And try  
8 to keep your voice up. Copies  
9 of the written transcript will  
10 be available at a later time.

11 If any part of your  
12 statement is based not on your  
13 own firsthand knowledge, but  
14 on information that you  
15 learned from someone else,  
16 please let us know. Please  
17 answer each question as fully  
18 as you can, including any  
19 information that you learned  
20 from someone else. We may not  
21 ask the right question to  
22 learn of the information that  
23 you have, so don't feel  
24 limited by the precise  
25 question asked. If you have

1 any information about a  
2 subject area of a question,  
3 please provide us that  
4 information.

5 At this time, Mr.  
6 Rutledge, do you have anything  
7 you'd like to add on behalf of  
8 the Office of Miner's Health,  
9 Safety & Training?

10 MR. RUTLEDGE:

11 Good morning. Mr.  
12 Tenney, I'll tell you that the  
13 Office of Miners' Health,  
14 Safety & Training is  
15 conducting this interview  
16 session jointly with MSHA and  
17 is in agreement with the  
18 procedures outlined by Mr.  
19 O'Donnell for the interviews  
20 conducted here today.  
21 However, the Director of  
22 Office of Miners' Health,  
23 Safety & Training reserves the  
24 right, if necessary, to call  
25 or subpoena witnesses or

1           require the production of any  
2           record, document, photograph  
3           or other relevant materials  
4           necessary to conduct this  
5           investigation. We appreciate  
6           you taking the time to come  
7           out here today. If you have  
8           any questions concerning the  
9           State's part of this, you can  
10          contact Mr. Mills there at  
11          those numbers or address  
12          there.

13                   MR. O'DONNELL:

14                   Mr. Tenney, are you  
15                   aware that you may have a  
16                   personal representative  
17                   present during the taking of  
18                   your statement?

19                   MR. TENNEY:

20                   Yes, sir.

21                   MR. O'DONNELL:

22                   And do you have a  
23                   representative today?

24                   MR. TENNEY:

25                   No, sir.

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MR. O'DONNELL:

Okay. Thank you. Do you have any questions regarding the manner in which we're going to conduct the interview?

MR. TENNEY:

No, sir.

MR. O'DONNELL:

Okay. Will you please swear in Mr. Tenney?

-----  
CLYDE M. TENNEY, HAVING FIRST BEEN  
DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

BY MR. O'DONNELL:

Q. Please state your full name and spell your last name.

A. Clyde, middle initial, M., Tenney, T-E-N-N-E-Y.

Q. And your address and telephone number, please?

A. 14 High School Street, Buckhannon, West Virginia 26201. Phone number, 304-472-0698.

1 Q. And are you appearing here  
2 today voluntarily?

3 A. Yes, sir.

4 Q. Okay. What mining company do  
5 you work for?

6 A. ICG, Wolf Run Mining, Sentinel  
7 Mines.

8 Q. Sentinel Mine. So where's  
9 that located?

10 A. Philippi.

11 Q. Oh, okay. And how long have  
12 you worked there?

13 A. At the mines or for ICG? I've  
14 been at the mines pretty near five  
15 years. But I've been with ICG since  
16 they partnered up with Anker.

17 Q. Okay. And what mine rescue  
18 team are you on?

19 A. Barbour County.

20 Q. And how many people are on  
21 your team? What does the team  
22 consist of?

23 A. We have two six-man teams in  
24 the association.

25 Q. Okay. And just go through

1 your whole --- the course of events  
2 that brought you through the --- your  
3 activity at the Sago Mine, from the  
4 time that you were notified until the  
5 time that you left the property.

6 A. Well, we started out --- like  
7 I said, it was a few minutes after  
8 8:00. Now, precise times, I don't  
9 have.

10 Q. Okay.

11 A. But it was a few minutes after  
12 8:00 when we were notified at home.  
13 We all assembled at Volga, where the  
14 mine rescue station is located. And  
15 loaded all of our equipment,  
16 everything. We were instructed to  
17 assemble at the church, which was a  
18 bad mistake. We ended up in the  
19 church, walked in with the families,  
20 walked out, went on to the mines.  
21 And I simply started preparing our  
22 apparatuses, testing them and getting  
23 everything ready. And once we got  
24 the first team ready, we started  
25 pulling samples, or taking samples at



1 each opening at the mines. And they  
2 moved us out of the bathhouse, moved  
3 us out into the parking lot, because  
4 the CO levels in the bathhouse ---  
5 like I say, I had a lot of the notes  
6 and things we lost in the rain and in  
7 the process. And like I said, we  
8 continued on. We established a tube  
9 into the return entry of the mines,  
10 approximately 12 feet, so they could  
11 continually sample everything coming  
12 out the return.

13 Later on the evening --- like  
14 I said, I don't have precise times.  
15 But that tube stopped up and we had  
16 to replace it. And then we just  
17 continued to monitor the air --- the  
18 mine openings. Mostly every 15  
19 minutes up until somewhere around  
20 7:00 that evening. And then we  
21 spread them out to 30-minute  
22 intervals, mostly throughout the  
23 night. And like I said, that was  
24 pretty much what Barbour County did.  
25 Q. Okay.

1 A. And once Robinson Run's team  
2 came, like I said, then Consol's  
3 teams, and they continued on with  
4 everything that went on underground.

5 Q. And did you continue to sample  
6 into the next day?

7 A. Up until --- we was supposed  
8 to have sampled until 10:00 and we  
9 was supposed to have had a relief  
10 team, but it was closer to 12:00 by  
11 the time --- I think it was  
12 Tri-County relieved us. At that  
13 time, we returned to the station,  
14 refilled our bottles and got our  
15 apparatus and everything ready. We  
16 didn't return to the mines until they  
17 went back for the recovery of the  
18 mines itself.

19 Q. Okay. So do you remember what  
20 time you got called? Who called you  
21 that morning?

22 A. Trainer, Jeff Rice.

23 Q. And he's your team trainer?

24 A. He's our team trainer. He was  
25 notified at two minutes after 8:00 at

1 the station.

2 Q. Uh-huh (yes).

3 A. And like I said, it was  
4 shortly after that when I received a  
5 call and headed toward the station.

6 Q. And you said that --- did he  
7 tell you to go to the church or ---?

8 A. No. No.

9 Q. Okay.

10 A. The instructions that he got  
11 from whoever the representative from  
12 the company was from the mines,  
13 whoever called him instructed us to  
14 assemble at the church. And that was  
15 our first stop and a bad mistake.

16 Q. When you left --- now, your  
17 station, did you have to load --- did  
18 you have bottle pumps and stuff like  
19 that, all your gear?

20 A. We had our gear and extra  
21 bottles. We didn't take our pump and  
22 everything until later. They came  
23 back and got it.

24 Q. Now, how do you transport  
25 that? Do you have a truck, a team

1 truck?

2 A. No.

3 Q. How do you transport it?

4 A. Personal --- our personal  
5 vehicles. We transport everything in  
6 our own personal vehicles. We don't  
7 have a team truck or van or nothing.

8 Q. Okay. And when did --- you  
9 said you --- about what time did you  
10 arrive at the mine?

11 A. I'm guessing a few minutes  
12 after 11:00. I don't know exactly  
13 what time it was. But somewhere in  
14 the neighborhood of a few minutes  
15 after 11:00.

16 Q. And who was in charge at the  
17 mine site that gave you instructions?

18 A. The first person we talked to  
19 at the mines, if I'm not mistaken,  
20 was Barry Fletcher, the state mine  
21 inspector. Then we talked with a  
22 representative at --- the company  
23 representatives. Ty Coleman was  
24 there. Raymond Coleman. Tim Barton  
25 was the third person that we stayed

1 in touch with.

2 Q. Okay. So what did they do?  
3 Did they give you a briefing on what  
4 they knew had happened so far and  
5 what your responsibilities were going  
6 to be?

7 A. Yes, sir. Just mainly that  
8 the explosion --- or they felt an  
9 explosion had occurred. And like I  
10 said, everything that surrounded the  
11 incident up to the point that we got  
12 there.

13 Q. Was there any other teams  
14 there when you arrived?

15 A. No.

16 Q. So you were the first team on  
17 site?

18 A. Right.

19 Q. Okay. And did you personally  
20 go down to the mine openings to do  
21 the sampling?

22 A. Yes, sir. I was the first one  
23 down.

24 Q. Okay.

25 A. Me and a team member.

1 Q. And - - - .

2 A. From my team.

3 Q. Did they instruct you to go  
4 into the return for the samples?

5 A. The first go around, no. We  
6 took everything, just what we could  
7 reach inside.

8 Q. Okay. And did you have your  
9 apparatus with you?

10 A. Yes, sir. We had them on.

11 Q. Oh, you did?

12 A. We never went to the opening  
13 without being under oxygen.

14 Q. Okay. And what kind of  
15 detectors do you use?

16 A. We was using iTX company  
17 detectors at that point.

18 Q. Okay. So initially, though,  
19 you just went across those openings?

20 A. Right.

21 Q. What were some of your  
22 readings?

23 A. I think CO, if I'm not  
24 mistaken, the CO was in excess of  
25 1,400. Methane was real, real small.

1 It runs in my mind it was a .3, like  
2 I said. And a lot of the notes and  
3 everything, after we got out in the  
4 rain and everything, we lost a lot of  
5 our notes. And the oxygen content  
6 there at that time was 14, I do  
7 believe. I could be mistaken on  
8 that.

9 Q. Was there any smoke coming out  
10 yet?

11 A. They called it smoke. I  
12 called it a mist. It's just a light  
13 grey vapor like a mist.

14 Q. And is that the way it stayed,  
15 or did it ever intensify?

16 A. It got somewhat worse, but it  
17 never got real --- I never did feel  
18 that it got real smoky or real bad,  
19 no.

20 Q. Okay. Besides your handheld  
21 samples, did you take any bottle  
22 samples?

23 A. Yes, sir.

24 Q. Right from the beginning?

25 A. Okay. The first trip down,

1 no. The second trip down, Ron  
2 Tulanowski from federal brought  
3 bottle samples for us to pull  
4 samples. And like I said, from then  
5 on, he and I communicated with the  
6 bottle samples. The others took  
7 handheld samples.

8 Q. Okay. So you went over the  
9 --- into the mine opening, took them,  
10 and then exited the pit; right?

11 A. Right.

12 Q. Okay. And how often did you  
13 do that?

14 A. Like I said, for the first few  
15 hours, it was every 15 minutes.

16 Q. And that same process  
17 continued?

18 A. Yes, sir.

19 Q. And when did it change where  
20 you had to put the sample tube in the  
21 return?

22 A. Somewhere around the fourth  
23 trip down, because it was shortly  
24 after 2:00 when we put the first tube  
25 in. But like I said, it didn't work



1 but a short time until it stopped up  
2 or got pinched off or something, for  
3 we was using a rubber --- a black  
4 rubber, plastic --- a black rubber  
5 tube, coming over the highwall or  
6 something, I don't know if it  
7 collapsed or got stopped up somehow.  
8 And then, like I said, somewhere  
9 around 5:00, we had to replace it  
10 with a clear neoprene tube.

11 Q. So what did you do? Just go  
12 straight up the return?

13 A. Yes. Come off the highwall to  
14 the left of the mine opening, dropped  
15 the sampling tubes off, took them up  
16 and took them 12 foot back up in the  
17 return.

18 Q. Twelve (12) foot?

19 A. Yes, sir.

20 Q. Okay.

21 A. Twelve (12) inches from the  
22 top, as near center to the entry as  
23 we could get it.

24 Q. And was somebody else pulling  
25 that sample from a remote area?

1 A. Yes.

2 Q. Okay. Okay. And after you  
3 got the sample tube in, did you have  
4 to resample, verify samples with your  
5 handhelds?

6 A. Yes, sir.

7 Q. Okay.

8 A. Every 30 minutes.

9 Q. Every 30 minutes?

10 A. Yes, sir.

11 Q. And how often did you continue  
12 that now?

13 A. Every 30 minutes.

14 Q. For how long into the day?

15 A. Like I said, it was --- we was  
16 supposed to have been relieved at ten  
17 o'clock and it was closer to 12:00  
18 the following day there.

19 Q. Okay. And your teams just  
20 relieved each other out?

21 A. Right.

22 Q. And you didn't --- other than  
23 the 12 feet to 15 feet that you had  
24 to go in to hang the tube twice, that  
25 was the only time that you actually

1 had to go into the mine opening?

2 A. Up until they got ready to go  
3 underground. When they went  
4 underground to break the belt and  
5 break the track, separate the track,  
6 I went in with them then.

7 Q. Okay. How far did you go in?

8 A. Not sure of the centers they  
9 run up there. But it was somewhere  
10 in the neighborhood of five block.  
11 So I'm saying roughly 300 feet.

12 Q. Okay. And you went in, you  
13 broke the belt line?

14 A. I took the belt apart,  
15 structure and belt. Cut the belt,  
16 took the metal structure apart and  
17 separated the track.

18 Q. Okay. And how was the track  
19 separated? Just taking a section of  
20 rail out?

21 A. Unbolted, laid apart and  
22 belting or rubber put down between to  
23 where nothing could ever make  
24 continuity.

25 Q. Okay. And so then you exited

1 the mine after you got that job done?

2 A. Yes, sir.

3 Q. And when did your team leave  
4 the mine property?

5 A. Like I said, it was somewhere  
6 around noon the day following.

7 Q. In the next day?

8 A. January 3rd, yes, sir.

9 Q. And the only time you returned  
10 was for the ---?

11 A. Recovery.

12 Q. Once the mines --- went back  
13 to recover the mines or re-establish  
14 what little bit of ventilation they  
15 did, we returned then. But we  
16 never ---.

17 A. Reconstructing seals and  
18 overcast, is that right?

19 A. Well, we didn't go back. I  
20 mean, we temporaryed everything when  
21 we went back.

22 Q. You did the reventilation of  
23 the mine?

24 A. Right.

25 Q. Okay.

1       A.       As far as recovering the  
2       bodies or anything of that, like I  
3       said, we hadn't done that. Wasn't  
4       called back until after everything  
5       was bled down and they was ready to  
6       go back under and recover the mines.

7                   MR. O'DONNELL:

8                   Mike?

9       BY MR. RUTLEDGE:

10       Q.       Mr. Tenney, who else on the  
11       two Barbour County teams that you  
12       know of that --- or is there anybody  
13       else on the two teams that went  
14       underground?

15       A.       Roger Hedrick from the other  
16       team employed by ICG at Sago went  
17       with Consol's team.

18       Q.       Okay. And ---?

19       A.       Teddy Hickman went with ---  
20       I'm not sure if they went with  
21       Eastern or Consol. I think it was an  
22       Eastern team he was with.

23       Q.       Okay. And do you know what  
24       these guys did?

25       A.       No.

1 Q. You hadn't talked to them  
2 since then or talked about with them  
3 any about what they ---?

4 A. I never talked anything about  
5 what went on, no, sir.

6 Q. Okay. And were you with a  
7 specific team? You said you went to  
8 break the belt and track?

9 A. No. I stayed. Like I said, I  
10 stayed with my own team. I am  
11 captain of Team One --- or Team Two.  
12 So I stayed with my team.

13 Q. Okay. But you said you went  
14 underground ---

15 A. Yes, sir.

16 Q. --- to do the --- to break the  
17 belt and track.

18 A. Yeah.

19 Q. But did your whole team go do  
20 that?

21 A. No, sir.

22 Q. Just you by yourself or ---?

23 A. They sent people in barefaced  
24 and one mine rescue person with them.

25 Q. Okay. I understand now. So

1       you were barefaced at that time?

2       A.       Yes, sir. At that time, we  
3       were barefaced, when we went  
4       underground to break the track and  
5       belt.

6       Q.       Okay. And you stated earlier  
7       that your Barbour County Team One and  
8       Team Two were the first teams to  
9       arrive at the mine?

10      A.       Yes, sir.

11      Q.       And do you know who the next  
12      team was to arrive?

13      A.       Robinson Run, 95. From that  
14      point, I don't know what order they  
15      came.

16      Q.       Okay. And do you have any  
17      idea what time Robinson Run got  
18      there?

19      A.       No. I really don't.

20      Q.       Okay. But you're pretty  
21      positive that they were the very next  
22      team to arrive?

23      A.       Yeah. I know they were the  
24      next team. I do know that. I was on  
25      the hill. We just come back from

1 pulling our samples and I was talking  
2 to Ron when Robinson Run's team came.

3 Q. Uh-huh (yes). Okay. You  
4 stated twice that you were in --- or  
5 whoever called, Jeff Rice, instructed  
6 you all to assemble at the church.  
7 And you've said twice that that was a  
8 bad thing. Can you explain a little  
9 bit more about ---? I mean, was it  
10 just ---?

11 A. Well, I mean, it's just not  
12 good to ---. I don't know how to put  
13 it. But it's just not good to get  
14 involved with families when something  
15 like this happens 'til everything's  
16 over.

17 Q. Were they wanting to ask you  
18 questions and ---?

19 A. Well, you know that. Everyone  
20 wants to --- when you start in,  
21 everybody wants to know something.  
22 And I mean, you don't know nothing  
23 yourself, so ---.

24 Q. Right. So basically, I mean,  
25 you had a lot of people asking you



1 questions and ---?

2 A. Yeah. About what went on.

3 Q. And you're trying to ---?

4 A. We knew nothing ourselves.

5 Q. Right.

6 A. Like I said, we were just  
7 getting there ourselves. They had  
8 been there more and probably knew  
9 more than what we did.

10 Q. Uh-huh (yes). And did you  
11 start to try to get any of your  
12 equipment ready over there at the  
13 church or not?

14 A. No. No.

15 Q. Okay.

16 A. No. Once we --- I walked in.  
17 There was no one there that I  
18 recognized from the company. We just  
19 got out and left, went on to the  
20 mines.

21 Q. Okay. So you came straight on  
22 across the bridge and up to the mine?

23 A. Yes. Yes, sir.

24 Q. Were there police or guards or  
25 anybody out at the mine at that time?

1 A. Yeah. Uh-huh (yes). At the  
2 main road and also at the gate ---

3 Q. Uh-huh (yes).

4 A. --- at the other gate where  
5 you go into the mines itself.

6 Q. Uh-huh (yes).

7 A. They were at both locations.

8 Q. And did they ask you to  
9 identify yourself or what your  
10 business was or what?

11 A. Asked who we were with, who we  
12 represented, and once we showed the  
13 police line card, then we went on in.

14 Q. Okay. Do you happen to have  
15 that police line card with you right  
16 now? I'm just --- I'm curious.

17 A. Probably so. Yeah. Probably  
18 somewhere. I don't go too many  
19 places without it.

20 Q. That's probably a pretty good  
21 practice. And you said some people  
22 --- when you all were doing the  
23 samples in the returns, some people  
24 would classify what you would see as  
25 light smoke, you just seem to think

1 it was a ---?

2 A. I consider it more of a  
3 mist ---

4 Q. A mist?

5 A. --- than I did --- than smoke.

6 Q. Uh-huh (yes).

7 A. I carry too many cards. I  
8 can't never find what I'm looking  
9 for.

10 MR. RUTLEDGE:

11 Take your time. Okay.  
12 For the record, if you wish to  
13 identify that, that's a card  
14 issued by the West Virginia  
15 Office of Miners' Health,  
16 Safety & Training, identifying  
17 Mr. Tenney as a member of the  
18 rescue team, and it's signed  
19 by Mark Wilfong, who's the  
20 Assistant Inspector at Large  
21 for Region One of Miners'  
22 Health, Safety & Training. I  
23 appreciate that. I don't have  
24 any other questions.

25 BY MR. O'DONNELL:

1 Q. Mr. Tenney, do you have  
2 anything you'd like to add that may  
3 be relevant to the investigation?

4 A. Not at this time.

5 MR. O'DONNELL:

6 Okay. On behalf of  
7 MSHA, I want to thank you for  
8 appearing and answering  
9 questions today. Your  
10 cooperation is very important  
11 in the investigation as we  
12 work to determine the cause of  
13 the accident.

14 We ask that you not  
15 discuss your testimony with  
16 any person who may have  
17 already been interviewed or  
18 who may be interviewed in the  
19 future. This will ensure that  
20 we obtain everyone's  
21 independent recollection of  
22 the events surrounding the  
23 accident. After questioning  
24 other witnesses, we may call  
25 you if we have any other

1 follow-up questions. If at  
2 any time you have additional  
3 information regarding the  
4 accident that you'd like to  
5 provide us with, please  
6 contact us at the contact  
7 information that we have  
8 provided for you. And we'll  
9 get you Mr. Gates'  
10 information. Okay?

11 The Mine Act provides  
12 certain protections to miners  
13 who provide information to  
14 MSHA and, as a result, are  
15 treated adversely. If at any  
16 time you believe that you've  
17 been treated unfairly because  
18 of your cooperation in this  
19 investigation, you should  
20 immediately notify MSHA. If  
21 you wish, now, you can go back  
22 over any of your answers. And  
23 if you'd like to make a  
24 statement, now's the time.

25 A. Not at this time.

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MR. O'DONNELL:

All right. Mr. Tenney,  
thank you for coming forward.

A. Thank you.

MR. O'DONNELL:

We appreciate your  
help.

\* \* \* \* \*

SWORN STATEMENT

CONCLUDED AT 12:32 P.M.

\* \* \* \* \*