

STATEMENT UNDER OATH  
OF  
WILLIAM TAYLOR

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Thursday, October 4, 2007, at 1:04 p.m.

Any reproduction of this transcript is prohibited without authorization by the certifying agency.

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

2 MICHAEL GAUNA

3 Mine Safety and Health Administration

4 Industrial Park Drive

5 Triadelphia, WV 26059

6

7 RICHARD A. GATES

8 U.S. Department of Labor

9 District Manager, District 11

10 135 Gemini Circle

11 Suite 213

12 Birmingham, AL 35209

13

14 GARY SMITH

15 Mine, Safety &amp; Health Administration

16 619 Paintersville Road

17 Hunker, PA 15639

18

19 THOMAS MORLEY

20 Mine Safety &amp; Health Administration

21 Industrial Park Drive

22 Triadelphia, WV 26059

23

24 ALSO PRESENT:

25 Kelly C. Kirkwood, Notary Public

INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INTRODUCTION	5 - 9
WITNESS: WILLIAM TAYLOR	
QUESTIONS	
By Mr. Gauna	9 - 54
CONCLUDING REMARKS	54 - 56
CERTIFICATE	57

EXHIBIT PAGE

PAGE

NUMBER      DESCRIPTION      IDENTIFIED

NONE OFFERED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

-----

MR. GAUNA:

My name is Mike Gauna.  
I'm an accident investigator  
with the Mine Safety & Health  
Administration (MSHA), an  
agency of the United States  
Department of Labor. With me  
is Richard Gates. We'll be  
conducting the questioning  
today.

I, together with other  
government investigators and  
specialists, have been  
assigned to investigate the  
conditions, events and  
circumstances surrounding the  
fatalities that occurred at  
the Crandall Canyon Mine in  
Utah in August 2007. The  
investigation is being  
conducted by MSHA under  
Section 103(a) of the Federal  
Mine Safety & Health Act and

1 the Utah Commission of Labor.  
2 We appreciate your assistance  
3 in this investigation.

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

18 You may have a personal  
19 representative present during  
20 the taking of this statement  
21 and you may consult with your  
22 representative at any time.  
23 Your statement is completely  
24 voluntary. You may refuse to  
25 answer any questions and may

1 terminate your interview at  
2 any time or request a break at  
3 any time. Since this is not  
4 an adversarial proceeding,  
5 formal Cross Examination will  
6 not be permitted. However,  
7 your personal representative  
8 may ask clarifying questions  
9 as appropriate.

10 A court reporter will  
11 record your interview. Please  
12 speak loudly and clearly. If  
13 you do not understand the  
14 question asked, please ask me  
15 to rephrase it. Please answer  
16 each question as fully as you  
17 can, including any information  
18 you have learned from someone  
19 else.

20 I would like to thank  
21 you in advance for your  
22 appearance here. We  
23 appreciate your assistance in  
24 this investigation. Your  
25 cooperation is critical in

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

making the nation's mines  
safer.

After we have finished  
asking questions, you will  
have an opportunity to make  
any statement and provide us  
with any other information you  
believe to be important. If  
at any time after the  
interview you recall any  
additional information that  
you believe might be useful,  
please contact Richard Gates  
at the telephone number or  
e-mail address provided on  
this card.

Ms. Kirkwood, would you  
swear in the witness?

MS. KIRKWOOD:

Please raise your right  
hand.

-----  
WILLIAM TAYLOR, HAVING FIRST BEEN  
DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

1                   MR. GAUNA:

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

5                   MS. KIRKWOOD:

6                   I am.

7                   MR. GAUNA:

8                   When does your  
9                   commission expire?

10                  MS. KIRKWOOD:

11                  August 15th, 2008.

12                  MR. GAUNA:

13                  Have you sworn in Mr.  
14                  Taylor?

15                  MS. KIRKWOOD:

16                  I have.

17                  BY MR. GAUNA:

18                  Q.           Is it okay to call you Bill?

19                  A.           Sure.

20                  Q.           You can refer to me as Mike  
21                  and Richard here. Bill, please state  
22                  your full name and address for the  
23                  record.

24                  A.           William M. Taylor, **(b) (7)(C)**  
25                  **(b) (7)(C)**

1 Q. Bill, do you have any  
2 questions about the interview process  
3 as I described it?

4 A. No.

5 Q. Do you have a personal  
6 representative with you today?

7 A. No.

8 Q. Are you appearing here today  
9 voluntarily?

10 A. Yes.

11 Q. And how long have you worked  
12 with MSHA?

13 A. Since 1982.

14 Q. And what is your current duty  
15 station?

16 A. Price, Utah.

17 Q. And how long have you worked  
18 at that location?

19 A. I have to think about that for  
20 a minute because this is the third  
21 time I've been here. Let's see. I  
22 originally worked in Price in 1984.  
23 Transferred from District Six to  
24 District Nine in 1984. Transferred  
25 to Delta, Colorado in 1992 as a field

1 office supervisor. And transferred  
2 --- I had a lateral transfer back  
3 here in 19 --- I think it was 1997, I  
4 think, transferred back to Price. So  
5 I've been back in Price since 1997.

6 Q. And what is your present  
7 position?

8 A. Field office supervisor.

9 Q. And how long have you been in  
10 that position?

11 A. You mean in Price?

12 Q. In Price, in the Price field  
13 office as the ---.

14 A. In the Price field office  
15 since 1997.

16 Q. Okay. Can you briefly tell us  
17 about your mining history and  
18 experience?

19 A. Yes. I worked at Plateau Mine  
20 from 1975 to 1979, Soldier Creek Coal  
21 Company from 1979 to 1981, and Price  
22 River Coal Company from 1981 until I  
23 came to work for the government.

24 Q. Okay. Is the Crandall Canyon  
25 Mine assigned to your workgroup?

1 A. It was assigned to my  
2 workgroup on October 1st of 2006.

3 Q. Okay. And have you visited  
4 the mine since it's been assigned to  
5 your workgroup?

6 A. Yes. I was off. I had back  
7 surgery in the first quarter of FY  
8 '06 and returned on light duty in the  
9 latter part of January and was given  
10 a release to return to full duty at  
11 the end of March of 2007. And so  
12 after that, I did travel to Crandall  
13 Canyon on company activity with Jim  
14 Martin. That was in June. I think  
15 the dates were probably around the  
16 18th of June, 18th and the 20th. I  
17 traveled with him two days.

18 Q. Okay. And while you were at  
19 the mine on that inspection, who  
20 accompanied you?

21 A. Jim Martin.

22 Q. And from the company, do you  
23 recall who you were with?

24 A. I don't recall.

25 Q. Okay. And can you recall any

1 just a general idea of any general  
2 conditions you observed during that  
3 visit?

4 A. Yeah. We were concerned about  
5 the rock dust, and we traveled down  
6 the section checking for imminent  
7 dangers on the section. And we took  
8 some samples and wrote some  
9 violations. It seems like we wrote a  
10 violation on the transformer and ---  
11 I can't remember what else we wrote,  
12 but the critical one was rock dust.  
13 And we took samples to substantiate  
14 inadequate rock dust.

15 Q. Okay. And did you have any  
16 conversations with workers or  
17 management on those inspections,  
18 those two inspections?

19 A. Most often what I do is when I  
20 travel on company activity, I just  
21 observe the interaction of the  
22 inspector, you know. So he has  
23 conversations with them, and I just  
24 check to see if he's, in fact, citing  
25 what he should be citing and if he's

1 explaining to them how he arrived at  
2 the gravity and the negligence, those  
3 kind of things.

4 Q. And can you recall what  
5 section you were on and where the  
6 section was at that time?

7 A. Well, let's see. Do you have  
8 a map?

9 Q. Yes. There's a mine map  
10 there.

11 A. It was this section. This is  
12 the only section that was active on  
13 the first day we came in. We came in  
14 the intake and went into the section  
15 to check and see where it is. I'm  
16 not sure what crosscut it was at at  
17 that time, but they were --- at that  
18 time they were developing. They had  
19 not reached the extent of it, so they  
20 were still in the process of  
21 developing.

22 We wrote those violations and  
23 then --- I don't know why we didn't  
24 go back the next day. Something had  
25 took place.

1           But at any rate, there was one  
2 day --- I traveled with him one day,  
3 then there was one day that I wasn't  
4 there. And then the next day after  
5 that, I traveled with him and we went  
6 back in and traveled the Number Six  
7 belt in and determined if there were  
8 any violations that were on the  
9 section and traveled this return out,  
10 came up along here, checked the  
11 seals. Then we came out and traveled  
12 back out.

13           I wanted to take a look at the  
14 Third North section. So we went up  
15 in here and I went across the faces  
16 up in the section. I wanted to see  
17 what that looked --- it was a viable  
18 section. I wanted to see what it  
19 looked like.

20                           MR. GAUNA:

21           For the record, Bill  
22 indicated that he went on the  
23 south barrier development  
24 section --- or what we've been  
25 referring to as the south

1 barrier section, the old Main  
2 West, during that inspection.

3 BY MR. GAUNA:

4 Q. So you said you walked the  
5 return out of that section to where  
6 the seal line is on the old Main  
7 West?

8 A. Yeah, then we came --- and I'm  
9 not exactly sure without looking at  
10 notes, but we came back out into the  
11 intake after we went and looked at  
12 that. We came out and then traveled  
13 back up and went into Third North.

14 Q. Okay. And just give me your  
15 general impression of the conditions  
16 you encountered on that visit, roof  
17 conditions, rib conditions.

18 A. I didn't see any adverse roof  
19 conditions. The ribs had pressure, I  
20 mean, where the ribs come out, but  
21 it's not --- that's not uncommon for  
22 this area around here to have ribs  
23 that are coming out. But there was  
24 no bounces, there was no bursting,  
25 there was no bumping. I mean, it was

1 quiet. It was extremely quiet. On  
2 both days that I was there it was  
3 quiet.

4 MR. GATES:

5 Were they mining?

6 A. That's a good question,  
7 Richard. You know, we went across  
8 the faces. I'd have to check and see  
9 because I don't remember. I mean, we  
10 went up there to look at it, but I  
11 don't remember because I travel with  
12 other inspectors at other mines, too,  
13 so I don't want to confuse what I saw.  
14 I know where we traveled into, but I  
15 can't remember, you know ---.

16 BY MR. GAUNA:

17 Q. Just for clarification for the  
18 record, from other testimony --- you  
19 had mentioned you walked the Number  
20 Six belt. But from other testimony  
21 of the other miners that were up  
22 there called the section belt going  
23 east to west the Number Seven belt.

24 A. Oh, that's right. That's what  
25 it was. It's that last belt. That's

1 the belt that I walked in.

2 Q. The Seven section belt?

3 A. Yeah.

4 Q. Okay. And just briefly, what  
5 were your conditions like when you  
6 went to Six East?

7 A. We probably actually walked  
8 Six to there because I think Six was  
9 just a short belt.

10 Q. Six is a short section?

11 A. Yeah. We probably got dropped  
12 off here so we could walk this belt,  
13 walk this short belt in, walk this  
14 Number Six, so that when we walked  
15 the return out we can tie back into  
16 this point. That's ---.

17 Q. So you tied back in near the  
18 Six belt drive?

19 A. Yeah, and then came across out  
20 in the intake, where we left our  
21 vehicle because we figured we'd walk  
22 in and walk back out to here to pick  
23 up our vehicle, then we rode back out  
24 to here to check Third North.

25 Q. And what were the general

1 conditions of the seal area you  
2 visited?

3 A. It looked pretty normal to me.  
4 I mean, I didn't see anything  
5 unusual.

6 Q. Okay. Was there any evidence  
7 of any floor heave in that traverse  
8 that you walked those two days?

9 A. I really don't remember  
10 because, you know, you do get some  
11 minor floor heave, but there's  
12 nothing that would have been notable.  
13 I'm not saying that there wasn't  
14 floor heave because I honestly don't  
15 --- I'm just saying that around here  
16 you can have some floor heave or have  
17 some rib swelling, but that --- it's  
18 so common that it's not something  
19 that I would take note of as being  
20 unusual.

21 Q. How did the conditions --- can  
22 you recall the conditions on that  
23 working section in the Main West, how  
24 they compared to the spare section  
25 you looked at on the Third North?

1 A. Well, of course it was very  
2 quiet up in Third North, and it's  
3 very low. It's only about five-feet  
4 high. I noticed that because it just  
5 about killed me by the time I got out  
6 of there.

7 Q. Okay.

8 A. But it was --- I mean, it was  
9 well rock dusted up there. They had  
10 --- the equipment was still sitting  
11 up there, but there was ---  
12 everything was idle. There was ---.

13 Q. Did the roof conditions appear  
14 similar or dissimilar to what you saw  
15 in the west?

16 A. The roof conditions up there  
17 were very solid because it was right  
18 up to the rock.

19 Q. Okay.

20 A. It was mined rock to rock.  
21 And so that up there, I mean, the  
22 roof looked very solid. In fact, the  
23 ribs looked solid up in there because  
24 the height is lower.

25 Q. Okay. Were you able to be

1 involved in any of the plan approval  
2 processes that took place for the  
3 mining in the north barrier of the  
4 old Main West or for the plan  
5 approvals for the mining in the south  
6 development, south barrier  
7 development?

8 A. Actually, I'm not sure how to  
9 answer that because inspectors go in  
10 and they review roof plans. We, at  
11 the field office, though, we don't  
12 approve plans. So if someone would  
13 call and say is there some reason why  
14 it shouldn't be approved, you know,  
15 we'd give our response. But we ---  
16 to our knowledge, there wasn't any  
17 reason not to have that approved, not  
18 to my knowledge. But like I say, we  
19 got this mine in October, and I was  
20 off most of that time. Didn't come  
21 back until January, and then was not  
22 released to go out to the mine until  
23 the latter part of March. So I  
24 actually went out and started  
25 traveling as soon as I got released.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GATES:

I guess is it common for you to have the opportunity to provide input on a proposed mining plan before it is approved?

A. I would have to say the majority of the plans we get, as they send them over to us, is approved. We review them, put them in a uniform mine file and distribute them to the employees. I would say that is the common practice.

If someone in the district had a real question on something, it would not be uncommon for them to call a field office supervisor or an inspector and say, do you have a problem with this. But I would say most often we would just get a plan that's approved. We'd get it at our office and we'd put it in the uniform mine file and make sure the inspectors were aware of it.

MR. GATES:

1                   And I know you were off  
2                   --- or it sounded like you  
3                   were away from the office for  
4                   some time. Do you know if ---  
5                   did you or anybody filling in  
6                   for you have the opportunity  
7                   to comment on any of the  
8                   mining plans for the north  
9                   barrier or the south barrier,  
10                  be it development or the  
11                  retreat mining in any of those  
12                  sections?

13           A.           I'm not aware of any. But  
14           when you go back through the reports,  
15           they did have 2000 --- 204 forms, so  
16           inspectors, you know, had an  
17           opportunity to have that input.

18                           MR. GATES:

19                           After the fact?

20           A.           Well, yes, that's right. That  
21           would have been after. Yeah, that is  
22           right.

23                           BY MR. GAUNA:

24           Q.           When and how did you hear  
25           about the August 6th accident?

1       A.       I got a call from Bill  
2       Denning.   The exact times are in that  
3       little green log, so --- I don't  
4       remember exact times, but they're in  
5       that little green log.   That would  
6       have been Monday morning.   Actually,  
7       I was on leave.   I was just scheduled  
8       to return to the office on Monday  
9       morning.

10      Q.       Okay.   And did Mr. Denning  
11      assign you any duties related to the  
12      accident?

13      A.       When he first got the call, he  
14      wasn't even sure the extent of it  
15      because they were pretty vague.   You  
16      know, they said they had had a  
17      bounce, but it didn't say people were  
18      trapped.   It didn't say they had an  
19      ignition, explosion, you know, the  
20      little items that they fill out when  
21      they normally call back there.   Those  
22      items were not addressed, and so he  
23      really didn't know the extent of it  
24      when he called me.

25                   And so I called Barry Grosley

1 and told Barry Grosley that he needed  
2 to go right in the office, pick up  
3 his stuff, that I would go down to  
4 the office and that I wanted him to  
5 call me back as soon as he got to the  
6 mine to let me know what the status  
7 was. And I went into the office, got  
8 my stuff ready and I got --- I have a  
9 little kit there that I take for mine  
10 accidents. I got it loaded and I was  
11 actually getting ready to leave.

12 That was about five minutes to  
13 6:00 when they called me back in  
14 because Barry was calling from the  
15 mine. So I went back into the office  
16 and talked with him on the phone. He  
17 said, yeah, it's pretty serious, and  
18 so I said, well, I'm on my way out.

19 Q. Okay.

20 A. Ted was coming in, so I told  
21 Ted. And I think actually Bill  
22 Denning had actually called Ted first  
23 because he thought it was Ted's mine.  
24 So Ted was already aware of it, too.

25 Q. Okay. What time did you

1 arrive at the mine? And if you can  
2 recall, just walk me through the  
3 steps there, if you can.

4 A. Well, I'm not sure I can give  
5 you an exact time I arrived, but I  
6 talked with him on the phone about  
7 five minutes to 6:00. And I'm not  
8 sure how long I talked to him on the  
9 phone, but it's about a 45-minute  
10 drive from the office. So if I  
11 talked to him until five minutes  
12 until after 6:00, it would have been  
13 somewhere around ten minutes to 7:00  
14 by the time I hit the mine, you know,  
15 approximately. Because I don't think  
16 I actually recorded the exact time  
17 that I arrived.

18 Q. Okay.

19 MR. GATES:

20 Do you remember what  
21 Barry told you when he called?

22 A. I actually don't remember,  
23 except that he said it was more  
24 serious than we had thought. It  
25 seems to me that he said something

1       about people were unaccounted for,  
2       but I don't remember the extent.

3       BY MR. GAUNA:

4       Q.       If you can recall, can you  
5       explain the tasks and duties or what  
6       you were doing on the 6th, after you  
7       arrived at the mine? Can you recall  
8       what the sequence may have been?

9       A.       It was kind of a madhouse  
10      because when you get to --- any time  
11      you go on a scene like that and  
12      you're virtually the only person  
13      there --- Barry was out trying to get  
14      things organized. I was in trying to  
15      meet with the company. We were  
16      trying to establish communications  
17      and see what was going on on the  
18      ground, trying to look and see what  
19      mine rescue teams were available.  
20      And in the midst of that, they had a  
21      few of the people that came out, and  
22      that's when I got some notes on where  
23      they were at last and what was  
24      happening.

25                   And all of this stuff is

1       happening simultaneously, at the same  
2       time I was getting calls. I got all  
3       those calls from headquarters. I got  
4       all those calls from the district  
5       office. They were asking me whether  
6       the MEO vehicle was up there. I said  
7       no. Ted Farmer was aware of that,  
8       and he was going to bring out the MEO  
9       vehicle.

10               So we were trying to determine  
11       what was happening underground. We  
12       could not establish any communication  
13       with anybody underground. The bounce  
14       was large enough that it apparently  
15       blew out ventilation devices back to,  
16       I believe, Crosscut 95. I believe  
17       the initial bounce blew out  
18       ventilation devices back to Crosscut  
19       95.

20       Q.       Okay.

21       A.       And they tried to establish  
22       communication. We did have two  
23       communication lines previously. One  
24       was on the intake and one was on the  
25       return. We had two separate

1 communication lines, but we couldn't  
2 get communication on either one of  
3 those. So then when I talked with  
4 the one guy who came out, he said  
5 he'd actually been on the section, at  
6 Crosscut --- you know, whether this  
7 is accurate or not, I don't know, but  
8 it's what he told me.

9 Q. We got a bigger map, if you  
10 want to use it. There's a blowup of  
11 the area, if you want to look at it  
12 here. And this is a map of the west  
13 end of the mine, the old Main West.  
14 There's a south barrier. This is the  
15 north barrier mine. And here's the  
16 neck, where they opened up in the  
17 area, the development, if you want to  
18 use this to refresh your memory.

19 A. I can't remember the guy's  
20 name. I'd have to look in that  
21 logbook. He was on the section, and  
22 he told me --- this is not on this  
23 map, but he told me that the  
24 electrician out on Third North had  
25 completed his work out there, but he

1       couldn't get his diesel pickup to  
2       start. So he called into the section  
3       --- I don't remember the time on  
4       that, but it's in that logbook. He  
5       called into the section, and this guy  
6       said at that time he thought they  
7       were mining into the barrier around  
8       --- just inby 139, somewhere right in  
9       this area.

10      Q.        Okay.

11      A.        And he was the last one that  
12      had communication with anybody on the  
13      section. After he left that section,  
14      that bounce occurred, and there never  
15      was any more communication with  
16      anybody on that section. But he said  
17      at the time he left he didn't see  
18      anything that you would not normally  
19      see on a pillar section.

20      Q.        Okay. Do you recall how the  
21      day progressed after you got that  
22      information, your activities?

23      A.        I don't remember what time,  
24      but --- I don't remember the times  
25      because things were very hectic that

1 first day. People started showing  
2 up. You know, Ted brought the MEO  
3 vehicle up. And Bob Murray was  
4 there. I remember him. He's hard to  
5 forget. He was there. I really  
6 can't remember the sequence of how  
7 people arrived.

8 You know, we had --- people  
9 started coming in from Denver. We  
10 had mine rescue people --- our mine  
11 rescue people, like Larry and  
12 --- we already had people up there.  
13 We would have had --- Randy Gunderson  
14 would have been coming out because  
15 he's on the MSHA mine rescue team,  
16 Gary Jensen, Jim Martin. But the  
17 exact times that those guys arrived,  
18 you know, ---

19 Q. Okay.

20 A. --- I don't know.

21 Q. How long did you stay there  
22 that day, do you recall?

23 A. I don't even recall that. It  
24 seemed like it was a long day, I  
25 remember that, because I couldn't

1       leave until there was someone there  
2       who could, you know, see what was  
3       going on to get things to where there  
4       would be someone that would relieve  
5       us. I actually don't remember how  
6       long I was there, but I remember  
7       thinking it was a long day.

8       Q.       Did you go underground on the  
9       6th?

10      A.       No. No, I never went  
11      underground. They had --- they  
12      assigned me --- once Al got over, I  
13      was assigned on the dayshift and  
14      there were --- on the dayshift out  
15      there on the MEO vehicle, it was all  
16      they could do to answer the phones as  
17      fast as you could get anything done.  
18      So on dayshift, the people at the  
19      command center didn't go underground.

20             But on the other shifts, when  
21      things were not as active, then  
22      people did go underground. I think  
23      Ted went underground. And I'm not  
24      sure about on the graveyard shift.  
25      On the graveyard shift at that time,

1 I think it was Tommy Hooker and Don  
2 Gibson. I don't think either one of  
3 them went underground either, but I  
4 could be wrong.

5 Q. Okay.

6 A. You'd have to ask them that  
7 one. But on dayshift I know we  
8 didn't. Well, now when I say we,  
9 there were people that went  
10 underground. I know Kevin Stricklin  
11 went underground. I know Mr.  
12 Stickler went underground and Al  
13 Davis went underground. But  
14 sometimes when they got together and  
15 went underground, I don't remember if  
16 it was to look at the conditions or  
17 if they were trying to deal with  
18 Murray on issues. Some of that stuff  
19 I wasn't privileged to. You know,  
20 they would just say, we're going  
21 underground.

22 Q. Okay. Can you describe the  
23 duties or tasks you were assigned  
24 while you'd be working on the  
25 dayshift?

1       A.       I don't know that anybody  
2       actually assigned any duties.  They  
3       just expected me to coordinate things  
4       when they weren't there.  Oftentimes  
5       on dayshift it was difficult because  
6       every day they had a meeting with the  
7       media, and sometimes Richard Stickler  
8       or Kevin Stricklin and Al Davis would  
9       all be down at those meetings.  And  
10      sometimes they met with the media.  
11      Sometimes they met with the families.  
12      And so there was times when we had to  
13      wait to get clarification on approval  
14      of plans or those kind of things, you  
15      know, when they would come back.

16                   MR. GATES:

17                   Did you have the  
18                   authority to approve the plans  
19                   when others were away?

20      A.       Well, technically, the way the  
21      K Order was written was the senior  
22      official on --- the senior MSHA  
23      official could approve those plans.  
24      But I never approved a plan that  
25      wasn't reviewed.  I think you'll see

1 my name signed on a plan, but that  
2 plan already was previously reviewed  
3 by Al Davis before I ever signed it.  
4 I signed it because he wasn't on the  
5 property at the time.

6 BY MR. GAUNA:

7 Q. Were you involved in any of  
8 the plan formulation or the plan  
9 reviews?

10 A. Well, there were times when  
11 they would come and ask me something,  
12 but they got tired of asking me  
13 because I usually just told them no.  
14 I mean, there were things that I saw  
15 that I didn't agree with, and I  
16 simply told them you needed to have  
17 more people look at it than just me.  
18 So I had some involvement, but to the  
19 extent of me saying, yes, you can do  
20 this, that wasn't the case without  
21 other people being involved.

22 Q. Did you get an opportunity to  
23 get in planning meetings with the  
24 company?

25 A. Well, in the morning meetings,

1 I would go up and meet with them, and  
2 they would give us a list of things  
3 that they were planning on doing  
4 through the day. And if we had any  
5 questions on those, I would tell them  
6 that we have to wait until people get  
7 back from the meeting downtown so  
8 they can be reviewed with Al Davis.

9 In most of those meetings they  
10 would tell me, well, we've already  
11 reviewed this with Al. Then I would  
12 say, well, then I need to review it  
13 with him, because I wanted to make  
14 sure that the same thing they were  
15 telling me was the same thing that,  
16 in fact, had been reviewed.

17 MR. GATES:

18 Who were you meeting  
19 with?

20 A. It would be like Gary Peacock,  
21 Laine Adair. Bruce Hill would  
22 sometimes attend. But they got to be  
23 --- the ones I attended, you know, if  
24 I would tell them, look, I don't  
25 agree with this, they got to where

1 they really didn't want to do much  
2 because I wasn't going to tell them  
3 they could do something if I didn't  
4 feel comfortable with it and that it  
5 would have to be reviewed. And in  
6 most cases they were just a daily  
7 list that said, okay, you know, this  
8 is what we're going to work on today  
9 and this is what equipment is going  
10 to be taken underground. These are  
11 the types of props that we're going  
12 to set or this is the kind of roof  
13 material, we're going to try and work  
14 on moving a feeder breaker in or we  
15 need to adjust a regulator here, we  
16 need to change these from --- we're  
17 going to have X number of people  
18 working on changing from curtains to  
19 Kennedy stoppings.

20 They were pretty basic lists  
21 on them. We just wanted to know  
22 where people were at and what their  
23 job assignments were going to be so  
24 we had some control of how many  
25 people were underground and what kind

1 of jobs they were doing.

2 MR. GATES:

3 Do you remember what  
4 pieces or what parts of the  
5 plan that you didn't agree  
6 with or that you didn't think  
7 were appropriate?

8 A. Well, I didn't think anybody  
9 should work inby where they had props  
10 set. I didn't think anybody should  
11 work inby. I believed that when we  
12 advanced to a point where we needed  
13 to advance the props, then no one  
14 should go inby that until those props  
15 were advanced.

16 MR. GATES:

17 Why would anybody go  
18 inby those points?

19 A. Well, I didn't think there was  
20 any need.

21 MR. GATES:

22 Do you know what they  
23 did when they were inby those  
24 points?

25 A. Well, I don't know because I

1       wasn't underground.

2                               MR. GATES:

3                               Okay.

4       A.           But what I stressed to them is  
5       I felt there was no need to have  
6       anybody go in by where they had  
7       support, where they had protection  
8       from the ribs, you know, where those  
9       --- it was supposed to protect the  
10      miner operator so that he would  
11      always be protected from that rib.  
12      But my point was, if he has mined in  
13      far enough with that miner that he  
14      can't see what he's doing, then it's  
15      time to stop and advance the props.

16      BY MR GAUNA:

17      Q.           Were you able to attend any of  
18      the briefings that the company did  
19      with their workforce?

20      A.           Actually, I didn't attend  
21      those.   They did those separately.  
22      Bruce Hill met with his people, and  
23      then he would come down and just have  
24      a few of his people, like Gary  
25      Peacock, Bruce Hill and Laine Adair.

1 It would be a very limited group.  
2 And they might have had an engineer  
3 or somebody once in a while that  
4 would attend those, but ---. I don't  
5 know what they did with their  
6 meetings, but they wanted to hold  
7 those separately. And then they  
8 would come down and give us a  
9 briefing on what their --- a list of  
10 the items that they were planning on  
11 accomplishing for the day and other  
12 people, so we had an idea of what  
13 they were doing. But they had their  
14 meeting --- they would assign their  
15 workgroup on what was --- needed to  
16 be done. Then when they met with us,  
17 they would give us a list showing,  
18 you know, what they were going to do.

19 Q. Okay. Were you involved in  
20 any of the briefings of the MSHA  
21 personnel for the incoming/oncoming  
22 work?

23 A. When they came to the --- my  
24 primary --- primarily what I would  
25 do, because of --- sometimes the

1 shifts were a little bit different,  
2 but I always made sure that I got a  
3 --- when I came on, I made sure I got  
4 a debriefing from the supervisors who  
5 were there in the MEO vehicle. And  
6 then any plans that were approved  
7 that needed to be given to inspectors  
8 before they went underground, I made  
9 sure that we got copies of those so  
10 they had a copy of the current  
11 approved plan before they went  
12 underground. And then when I left at  
13 the end of my shift, I gave a  
14 debriefing of how far we had  
15 advanced, what kind of things we had  
16 done, what their work progress was.  
17 And I gave that debriefing to the  
18 oncoming supervisors before I left.

19

MR. GATES:

20

Were the inspectors

21

present during that briefing

22

or was that just between ---?

23

I guess maybe the same thing

24

for you. When you were

25

briefed in the morning, did

1           you then get with the  
2           inspectors who were on the  
3           crew with you or did it all  
4           take place at one time?

5       A.       It wasn't all at the same time  
6       because the schedules were different  
7       from when we were arriving. I  
8       usually tried to go up early so I was  
9       there, because that's the only way I  
10      could get to that early morning  
11      briefing with the company so that I  
12      could get back to --- before our  
13      inspectors went underground. And  
14      that's when I would --- if there was  
15      any change, I would get on that, our  
16      little fax machine there, and just  
17      make a copy of that so they had a  
18      copy of what the work list was. Or  
19      if there was a change in the plan,  
20      then I would copy that plan so that  
21      they had a copy of the plan with them  
22      when they went underground.

23                               MR. GATES:

24                               How did that seem to  
25                               work? Did everybody seem to

1           have a pretty good feel for  
2           what was going on?

3       A.       Well, I suppose you could ---  
4       things could always be better. You  
5       could always improve from what you're  
6       doing. Of course, I'm kind of a  
7       person that believes in asking  
8       questions. In fact, when I came up,  
9       I wouldn't allow the people to leave.  
10      In fact, Tommy Hooker and Don Gibson  
11      got upset with me. They said, look,  
12      why are you interrogating us? I  
13      said, I'm not interrogating you. But  
14      before you leave, I want to know  
15      everything I need to know. And so my  
16      point is, is that a person coming on  
17      the shift has some responsibility to  
18      make sure that they have --- if they  
19      have any questions, they should ask  
20      those before they, you know, relieve  
21      somebody.

22      BY MR. GAUNA:

23      Q.       Would you describe the  
24      activities that you logged in the  
25      logbooks, just examples of things

1 that were being kept track of?

2 A. Yeah, we logged --- Mr.  
3 Stickler wanted to know exactly where  
4 the advance was of the miner and the  
5 --- I tried to give him some  
6 different details at different times.  
7 And I was told emphatically, I want  
8 to know the advance of the miner and  
9 the advance of the rock props.

10 So we made sure that every  
11 hour, even if there was no advance,  
12 we entered that into the log. But  
13 when they would call out if they had  
14 a bounce --- if they had something  
15 significant happen, we would not only  
16 include that in the log, but we would  
17 notify --- if the MSHA --- if the  
18 senior MSHA officials weren't on the  
19 property, we had their numbers on the  
20 board, and we would call them. If  
21 they were right there --- sometimes  
22 they would sit out --- right outside  
23 the mine emergency vehicle. If they  
24 would, we'd just go out and tell  
25 them.

1           So any time there was anything  
2 significant --- in fact, we would put  
3 on the board up there any significant  
4 things that happened underground,  
5 call Kevin Stricklin immediately.  
6 Because they had bounces that  
7 occurred on the afternoon shift, and  
8 apparently he didn't get notified  
9 immediately. So he was concerned  
10 about that, and so he made a point of  
11 any significant activity, that they  
12 would notify him either by cell phone  
13 if they were off the property, or if  
14 they were on the property they would  
15 locate him and notify him.

16 Q.       Did you only record  
17 underground activities?

18 A.       Well, there were --- once they  
19 started drilling holes in, then we  
20 also recorded what was taking place  
21 at the bore holes.

22 Q.       What type of bore hole  
23 information was put in the log?

24 A.       They would put when they  
25 started, when the pad was completed.

1       They would put when the drill hole  
2       was started. They would put the  
3       depth of the drill, when the drill  
4       hole was completed. There was coded  
5       information on how that was to be  
6       handled for security reasons, because  
7       they had a call from the top.  
8       Sometimes you don't know how secure a  
9       cell phone is, and so information  
10      that was provided when the bore holes  
11      would break through were coded.

12                 And then when they put a  
13      camera down in, how far the camera is  
14      down in, what kind of things they  
15      would see, gas readings that they  
16      got, either handheld or if they got  
17      bottle samples, you know, we would  
18      put those gas readings in there.  
19      Anything that was significant with  
20      those holes, you know, if there was  
21      an interruption or the hole blocked  
22      off or --- those kind of things.  
23      We'd enter those in the log.

24      Q.         You mentioned gas readings.  
25      Were there also gas readings from

1 underground recorded in the logbook?

2 A. Yes.

3 Q. Were there any gas readings?

4 A. I think there were. Usually  
5 the person listening to the phone  
6 would --- they would call out and he  
7 would just record the progress. I'm  
8 trying to remember now if they  
9 recorded gas readings from  
10 underground. It's a non-gassy mine,  
11 so I don't think there was much to  
12 record. I mean, there wasn't any  
13 methane. It seems to me at times  
14 like if they had a bounce and there  
15 was --- the oxygen level lowered, it  
16 seems to me that that might have been  
17 recorded. They didn't have methane,  
18 so ---.

19 Q. Do you know if any of the ---  
20 someone had mentioned previously that  
21 there were ---.

22 A. The CO levels --- I know CO  
23 levels were recorded in there because  
24 we monitored that. In fact, we even  
25 actually had the mine monitoring

1 system set up so that we could track  
2 that and see what the --- since we  
3 didn't have methane, we looked  
4 primarily at oxygen and CO levels.  
5 Those were the two primary gases.

6 Q. And during that time frame, up  
7 through the --- I guess between the  
8 first and second accident, did you  
9 have any indications of people  
10 expressing safety concerns working in  
11 the areas? Did you get any reports?

12 A. Well, Ron Paletta worked  
13 afternoon shift. See, he would have  
14 come out on afternoon shift, before I  
15 left on dayshift. But he would have  
16 been gone before I got back because  
17 his afternoon shift would have gone  
18 into graveyard. But I talked to Ron  
19 after that bounce --- was it on the  
20 7th? The accident happened on the  
21 6th, so he would have been on  
22 afternoon shift the next day because  
23 he talked to me about that. He said  
24 that it was significant enough that  
25 it knocked him off his feet. And

1       that was reviewed with MSHA  
2       management personnel. I mean, there  
3       was a concern there. But the  
4       consensus seemed to be that the roof  
5       support was adequate to be able to  
6       protect the people.

7       Q.       Okay.

8       A.       Now, I did note on the map,  
9       but I don't know --- initially we had  
10      a map because the concern --- after  
11      Ron Paletta talked to me, I brought  
12      Al Davis in and I showed him exactly  
13      what Ron had showed me on the map.  
14      And I can't remember where the  
15      crosscuts were, but Ron showed me  
16      wherever they were at. I'm not sure  
17      where they were at in this  
18      developmental process, this  
19      rehabilitation process, but Ron  
20      showed me where he was standing, and  
21      he showed me where the areas were  
22      completely blocked off. And I showed  
23      those to Al. And I said, you know,  
24      Al, if anybody had been in one of  
25      these locations, they could not have

1 survived it. And, you know, --- but  
2 we were still looking at the  
3 possibility that people were alive  
4 back there. And the general  
5 consensus was is that the roof  
6 support that was in place would  
7 protect the people.

8 Q. Were you working the day of  
9 the second accident, August 16th?

10 A. I had left. We had been  
11 relieved by Bob Cornett and Ted  
12 Farmer.

13 MR. GATES:

14 After you had talked  
15 with Ron about the event of  
16 the 7th, do you know what  
17 happened after that?

18 A. All Ron told me is that he  
19 withdrew people out until they could  
20 check and do a head count and make  
21 sure everybody was all right and that  
22 they had to restore some ventilation  
23 in places. So what exactly are you  
24 asking?

25 MR. GATES:

1                   Well, I mean, I think  
2                   that when the event happened  
3                   on the 7th, that the recovery  
4                   activities had been focusing  
5                   on the Number Four entry, is  
6                   where the cleaning had been  
7                   taking place.

8           A.       That's right. And then they  
9           moved down and focused on the Number  
10          One entry.

11                                   MR. GATES:

12                   I mean, did you ---  
13                   were you involved in any of  
14                   the discussions as to why that  
15                   move occurred?

16          A.       Well, it seemed logical. It  
17          seemed logical because they felt like  
18          --- I don't know if there was more  
19          stress up in the Number Four entry,  
20          but it didn't look as good. The  
21          people who looked at it --- and I  
22          didn't go underground to look at it,  
23          but the people that looked at it  
24          seemed to think that rehabilitation  
25          on the Number One entry was the

1       safest way to go.

2                               MR. GAUNA:

3                               We'll take a break and  
4                               see if they have any  
5                               questions.

6                               MR. GATES:

7                               Yeah, let's take a  
8                               break.

9       SHORT BREAK TAKEN

10      BY MR. GAUNA:

11      Q.       Bill, did you have an  
12               opportunity to attend any of the  
13               family briefings?

14      A.       No, I didn't. There were  
15               times when I stopped by and picked up  
16               Bill Denning, but it was just went  
17               down, picked him up to give him a  
18               ride back to his motel.

19      Q.       Okay. And were there any maps  
20               that kept up of the advance of the  
21               miner or advance of the rock props?

22      A.       I didn't physically see that,  
23               but it was my understanding that  
24               there was because when Bill Denning  
25               would call he would ask. I think he

1 was marking a map, but I think you  
2 would have to ask him because I  
3 didn't physically see it. But from  
4 the questions he asked, it would  
5 appear --- I think he was marking a  
6 map, but I don't know that for a  
7 fact.

8 Q. What about in the command  
9 center at the ---?

10 A. The command center, we had a  
11 map that was marked and we kept it up  
12 to date.

13 MR. GATES:

14 Where was Denning  
15 calling from?

16 A. From the family center.  
17 That's where he was at, with the  
18 family ---. That was --- I think  
19 they rotated people. I don't  
20 remember the names of everybody, but  
21 he was on the dayshift. He would be  
22 there every day and give the  
23 briefings. He would call up --- he  
24 would ask us where the advance of the  
25 miner was, where the advance of the

1 rock props were. When the holes  
2 broke through, he would call and ask,  
3 you know, have you heard anything up  
4 there or, you know, has there been  
5 any communication. Anything that we  
6 were authorized to tell him, we  
7 would.

8 BY MR. GAUNA:

9 Q. Do you have anything you would  
10 like to add that may be relevant to  
11 this investigation?

12 A. I think from a safety  
13 standpoint, and I'm saying this  
14 because I really believe it, that  
15 when we have multiple senior MSHA  
16 officials on the site of a serious  
17 accident, that I know we have to be  
18 involved in media briefings, but it  
19 would seem to me that we should limit  
20 the number of senior management  
21 officials that attend those briefings  
22 so that at least some of those senior  
23 management officials can actually be  
24 at the mine site, where the actual  
25 recovery efforts are taking place.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GAUNA:

Well, on behalf of MSHA, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident.

We ask that you not discuss your testimony with any person who may have already been interviewed or who may be interviewed in the future. This will ensure that we obtain everyone's independent recollection of events surrounding the accident.

After questioning other witnesses, we may call you if we have any follow-up questions that we feel that we need to ask you. If at any time you have additional

1 information regarding the  
2 accident that you would like  
3 to provide to us, please  
4 contact us at the contact  
5 information that was  
6 previously provided to you.  
7 If you wish, you may now go  
8 back over any answer you have  
9 given during this interview.  
10 You may also make any  
11 statement that you would like  
12 to make at this time.

13 A. I can't think of anything. I  
14 had a hard enough time thinking of  
15 things you asked me.

16 MR. GAUNA:

17 Again, I want to thank  
18 you for your cooperation in  
19 this matter.

20 A. Thank you.

21 \* \* \* \* \*

22 STATEMENT CONCLUDED AT 1:57 P.M.

23 \* \* \* \* \*

24

25