

0001

1 STATEMENT UNDER OATH
2 OF
3 CLYDE M. TENNEY

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6
7 Taken pursuant to Notice by Miranda
8 D. Elkins, a Court Reporter and
9 Notary Public in and for the State of
10 West Virginia, at the U.S. Bankruptcy
11 Courthouse, 324 West Main Street,
12 Clarksburg, West Virginia, on
13 Tuesday, March 28, 2006, at 12:08
14 p.m.

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

2
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13 West Virginia Office of
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17
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1 A P P E A R A N C E S (continued)

2

3 DAVE STUART
4 1507 Stonehenge Road
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1 P R O C E E D I N G S

2 -----
3 MR. O'DONNELL:
4 My name is Joe
5 O'Donnell. I'm an accident
6 investigator with the Mine
7 Safety & Health
8 Administration, an agency of
9 the United States Department
10 of Labor. With me is Tim
11 Williams from the Solicitor's
12 office, Mike Rutledge and Dave
13 Stuart with the West Virginia
14 Office of Miners' Health,
15 Safety & Training.
16 I've been assigned to
17 conduct an investigation into
18 the accident that occurred at
19 the Sago Mine on January the
20 2nd, 2006, in which 12 miners
21 died and one was injured. The
22 investigation is being
23 conducted by MSHA and the West
24 Virginia Office of Miners'
25 Health, Safety & Training to

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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.

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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

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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

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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

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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

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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

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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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1 MR. O'DONNELL:

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

7 MR. TENNEY:

8 No, sir.

9 MR. O'DONNELL:

10 Okay. Will you please
11 swear in Mr. Tenney?

12 -----
13 CLYDE M. TENNEY, HAVING FIRST BEEN
14 DULY SWORN, TESTIFIED AS FOLLOWS:
15 -----

16 BY MR. O'DONNELL:

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

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

21 Q. And your address and telephone
22 number, please?

23 A. [REDACTED]
24 [REDACTED]
25 [REDACTED]

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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

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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

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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.

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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

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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

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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

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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.

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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.

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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,

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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

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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?

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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

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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

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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 temporaried everything when
21 we went back.
22 Q. You did the reventilation of
23 the mine?
24 A. Right.
25 Q. Okay.

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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.

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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

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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

0032

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

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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?

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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

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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:

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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

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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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1 MR. O'DONNELL:

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

4 A. Thank you.

5 MR. O'DONNELL:
6 We appreciate your
7 help.

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SWORN STATEMENT
CONCLUDED AT 12:32 P.M.
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