

STATEMENT UNDER OATH

OF

ISRAEL PETERSEN

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 Friday, September 21, 2007 beginning at 12:04 p.m.

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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)

SHERRIE HAYASHI

State of Utah

Labor Commission

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P.O. Box 146600

Salt Lake City, UT 84114-6600

ALSO PRESENT: Kelly C. Kirkwood

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P R O C E E D I N G S

MR. SMITH:

My name is Gary Smith. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the Department of Labor. With me is Derek Baxter from the Solicitor's Department and Sherrie Hayashi with the Utah Commission of Labor. We will 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

1 Section 103 of the Federal
2 Mine Safety & Health Act and
3 the Utah Commission of Labor.
4 We appreciate your assistance
5 in this investigation.

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

20 You may have a personal
21 representative present during
22 the taking of this statement
23 and may consult with the
24 representative at any time.
25 Your statement is completely

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

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

22 I would like to thank
23 you in advance for your
24 appearance here. We
25 appreciate your assistance in

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this investigation. Your cooperation is critical in making the nation's mines safer.

After we have finished asking questions, you will have an opportunity to make a statement and provide us with any other information that 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 on this card here.

Mr. Kirkwood, would you swear in the witness?

ISRAEL PETERSEN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

MR. SMITH:

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

4 MS. KIRKWOOD:

5 I am.

6 MR. SMITH:

7 When does your
8 commission expire?

9 MS. KIRKWOOD:

10 August 15th, 2008.

11 MR. SMITH:

12 Have you sworn in Mr.
13 Petersen?

14 MS. KIRKWOOD:

15 I have.

16 BY MR. SMITH:

17 Q. Please state your full name
18 and address for the record.

19 A. Israel Marlo Petersen.

20 Q. And the address?

21 A. Physical or mailing? Physical
22 address is (b) (7)(C)

23 (b) (7)(C)

24 Q. Okay. Can I address you as
25 Israel or how do you want me to

1 address you?

2 A. Yeah, that's ---.

3 Q. Or Mr. Petersen?

4 A. Israel's fine.

5 Q. Okay. Israel, do you have any
6 questions about the interview process
7 as I described it?

8 A. No.

9 Q. And you can address me as
10 Gary. Okay. Israel, do you have a
11 personal representative with you here
12 today?

13 A. Yes.

14 MR. SMITH:

15 Would your personal
16 representative identify
17 himself by name and address
18 for the record?

19 ATTORNEY RAJKOVICH:

20 Marco Rajkovich, 2333
21 Alumni Park Plaza, Suite 310,
22 Lexington, Kentucky, 40517.

23 BY MR. SMITH:

24 Q. Are you aware that your
25 representative may have a conflict of

1 interest in representing you while
2 being provided by someone else, such
3 as the company?

4 A. Yes.

5 MR. SMITH:

6 Mr. Rajkovich, would
7 you state for the record
8 whether you also represent the
9 mine operator in these
10 matters?

11 ATTORNEY RAJKOVICH:

12 I do.

13 BY MR. SMITH:

14 Q. With this understanding, do
15 you still want this person as your
16 representative?

17 A. I do.

18 Q. Okay. Israel, are you
19 appearing here today voluntarily?

20 A. Yes.

21 Q. How many years of mining
22 experience do you have?

23 A. Approximately 16.

24 Q. And how many of those are at
25 Crandall Canyon?

1 A. About three.

2 Q. Okay. Can you please give a
3 brief description of your employment
4 history, what other mines you worked
5 at?

6 A. I worked at Co-Op, White Oak,
7 Horizon, Plateau, Tower, West Ridge,
8 Genwal, Twenty Mile.

9 Q. You've been around. Okay.
10 Well, what is --- what was your
11 position on August the 5th, 2007?

12 A. I was maintenance foreman.

13 Q. Okay. And how long have you
14 worked in that position?

15 A. I don't know exactly, but
16 approximately a year.

17 Q. Okay. What other positions
18 have you held while at this mine?

19 A. Just general mechanic,
20 electrician, mechanic electrician,
21 basically.

22 Q. Okay.

23 MR. BAXTER:

24 Are you presently a
25 maintenance foreman, sir?

1 What's your current job?

2 A. I'm a general mine mechanic at
3 West Ridge.

4 BY MR. SMITH:

5 Q. Do you have any mining
6 certifications?

7 A. Yes. I currently have mine
8 foreman papers and all my electrical
9 papers.

10 Q. And are these papers from the
11 --- in the State of Utah?

12 A. Yes.

13 Q. Okay. Who was your immediate
14 supervisor on August the 5th?

15 A. Lyle Christensen.

16 Q. Okay. And how long had that
17 person been your supervisor?

18 A. Every since I worked at
19 Crandall. He's the master mechanic.

20 Q. Okay. What was your work
21 schedule that you were on that week?

22 A. What do you mean? Hours or
23 the days or ---?

24 Q. Yeah. What shift and what
25 days? Yeah.

1 A. I was on dayshift August the
2 5th.

3 Q. Okay. And I heard you guys
4 worked four days off and three ---
5 four on and three off.

6 A. We worked four on and three
7 off.

8 Q. And what part of that schedule
9 were you in there?

10 A. That was my Thursday, I guess
11 you could say.

12 Q. Let's see. The 5th, that
13 would have been ---?

14 A. August the 6th was my Friday.

15 Q. Okay. So that would have been
16 your last day, August the 6th?

17 A. Yeah.

18 Q. Okay. And what time did you
19 start on the 5th?

20 A. 5:00 a.m.

21 Q. Okay. I'm going to ask you
22 some questions starting with the
23 shift before the accident on the 6th
24 and going through when the second
25 accident occurred, and then some

1 general questions about other areas
2 in the mine. Okay. Starting with
3 the time you arrived at the mine,
4 please tell us what you did that day
5 until you left the mine. Just a
6 general description from whenever you
7 arrived there until you left.

8 A. Basically, got information
9 from the previous shift of what
10 needed to be done maintenance-wise.
11 And I only had one guy working for
12 me, one mechanic. And he basically
13 was in the section all the time
14 unless I needed him outby.

15 Q. And who was that person?

16 A. Darwon Stansfield.

17 Q. Okay.

18 A. And I don't remember really
19 what went on that day other than I
20 remember there was a scoop broke down
21 in the intake a few crosscuts outby
22 where they were mining, and we were
23 working on it is the last thing I
24 remember. I don't remember anything
25 during the day that I did.

1 Q. Okay. And did you go up and
2 help Darwon out with the scoop?

3 A. Yes.

4 Q. Okay.

5 A. We were troubleshooting.

6 Q. Okay. Did you get up into the
7 face on that day?

8 A. I don't remember going to the
9 face that day.

10 Q. Okay. Do you go up onto that
11 section regularly?

12 A. Yeah, pretty much every day.
13 It's the only section in the mine
14 that we were running.

15 Q. What kind of section was it as
16 far as the roof and ribs and floor
17 are concerned?

18 A. The roof was good. The ribs
19 were a little --- you know, not
20 anything out of the ordinary as far
21 as a pillar section goes. Nothing
22 abnormal that I noticed.

23 Q. Okay. And any bounces that
24 you remember hearing?

25 A. Yeah. There was regular

1 bounces, but nothing major that
2 concerned me.

3 Q. That's one thing. People have
4 different definitions of bounces and
5 bumps, I guess. I guess back in the
6 east, we call them bumps a lot of
7 times. I think you refer to bounces
8 out in the west here. Can you
9 describe what a bounce is, and is
10 there different degrees of bounces
11 that you are aware of?

12 A. I don't know.

13 Q. I know. It's kind of ---.

14 A. There's bounces that you feel
15 in your chest and bounces that pop
16 your ears. It depends on how big of
17 a bounce, I guess you could say.

18 Q. And what would you consider
19 --- say if I say a light to medium
20 and a hard bounce, what would you
21 consider a light bounce?

22 A. A light bounce is just
23 basically something you hear.

24 Q. Okay.

25 A. A medium bounce is something

1 you feel in your ears. Kind of you
2 feel the air movement. And a hard
3 bounce would be something you feel,
4 concussion.

5 Q. In any of these bounces, would
6 coal be shot off the rib or sloughed
7 off the rib?

8 A. Yeah, but not a whole lot.

9 Q. I mean, with a medium bounce
10 or hard bounce, would coal come off
11 the rib?

12 A. Yes.

13 Q. Okay. And you said on that
14 day the only thing you remember doing
15 was going up and helping out with the
16 shuttle car that was --- or the scoop
17 that was broke down?

18 A. The scoop, yeah.

19 Q. Okay. Nothing unusual ---
20 more unusual than any other day that
21 you've been up there?

22 A. No. I was really surprised to
23 even hear about it, because
24 everything was normal to me.

25 Q. Okay. Let's go to the next

1 day, I guess. Let's see. Before
2 that day --- on the 5th, do you know
3 where the different pieces of
4 machinery and equipment was on the
5 section if I gave you map?

6 A. I didn't go in the section. I
7 mean, I don't remember where anything
8 was.

9 Q. As far as the staging ---?

10 A. I know they were in number one
11 entry, but I don't know exactly which
12 crosscut or anything like that.

13 Q. As far as the feeder or power
14 center?

15 A. I believe I knew where the
16 feeder was and the power center, but
17 I don't remember --- I don't know
18 where they were mining. I don't know
19 where the MRSS were sitting exactly.

20 Q. You never went up into the
21 face area?

22 A. That I remember, no.

23 Q. Let me get out a map. Maybe
24 you could put some of that
25 information down for us.

1 A. Okay.

2 MR. SMITH:

3 Mark this as Petersen
4 Exhibit One.

5 (Petersen Exhibit One
6 marked for
7 identification.)

8 BY MR. SMITH:

9 Q. Okay. Do you recognize this
10 as the section map here?

11 A. I believe the transformer was
12 right there.

13 Q. Okay. Could you mark
14 transformer on that?

15 WITNESS COMPLIES

16 MR. SMITH:

17 Israel's putting that
18 mark between crosscuts 139 and
19 140 in the number three entry.

20 BY MR. SMITH:

21 Q. And the feeder?

22 A. If I remember right --- if I
23 remember right, the feeder was about
24 here.

25 WITNESS COMPLIES

1 MR. SMITH:

2 Okay. Israel marked
3 that between 139 and 140
4 crosscut, the number two
5 entry.

6 BY MR. SMITH:

7 Q. And the charging station?

8 A. I don't know where the charger
9 was exactly.

10 Q. Okay.

11 A. It was outby somewhere.

12 Q. Okay. Showing outby the
13 number one entry, one of those
14 crosscuts?

15 A. Uh-huh (yes).

16 Q. Outby crosscut 139?

17 A. Uh-huh (yes).

18 Q. Okay. Do you know if those
19 stopping lines are correct on the map
20 shown that's there, or were any of
21 the stoppings taken out up around the
22 face area here?

23 A. I don't know.

24 Q. Okay. Do you know how many
25 shuttle cars were ---

1 A. There was ---.

2 Q. --- working that day?

3 A. I'm not --- there was, I
4 think, two.

5 Q. Okay.

6 A. And there was also one outby
7 parked in the crosscut, and I'm not
8 sure which crosscut.

9 Q. Okay. You know where they
10 were anchored?

11 A. I do not.

12 Q. Okay.

13 MR. BAXTER:

14 Do you remember where
15 the scoop that you worked on
16 was?

17 A. It was outby --- I would say
18 outby like 138, somewhere in the
19 number one entry. Somewhere, you
20 know, definitely outby the feeder. I
21 don't know exactly where.

22 BY MR. SMITH:

23 Q. Okay. Do you know what --- I
24 guess they had moved this section
25 just recently. Do you know where

1 they moved it from?

2 A. What do you mean? As far as a
3 belt move or a power move?

4 Q. Yeah, the feeder, the power
5 area.

6 A. I don't know that. I don't
7 know when they moved the belt and
8 power.

9 Q. Okay.

10 A. Or if they were about to or
11 --- I don't know.

12 Q. Okay.

13 A. I never really got into that
14 kind of things. I was mostly just
15 strictly maintenance.

16 Q. Okay. All right. Do you have
17 any idea of how they were mining the
18 pillars or the barriers up in that
19 area?

20 A. As far as? What do you mean?

21 Q. Which pillars were being
22 mined, and this barrier block, if it
23 was being mined out through this
24 area.

25 A. I'm sure they were mining ---

1 I know there were in this entry,
2 number one entry, but I couldn't say
3 where.

4 Q. Okay. Thanks. Let's go to
5 the next day then, the day of the
6 accident on August the 6th. When did
7 you find out about the accident?

8 A. When I got to the WE Tech
9 Center.

10 Q. What center?

11 A. The WE Tech Center. It's the
12 old Willow Creek offices where they
13 have training classes now.

14 COURT REPORTER:

15 Could you spell that?

16 A. I think it's the Western
17 Energy Training Center, I think is
18 what it is.

19 BY MR. SMITH:

20 Q. I guess I should have asked
21 you, what was your work plans for
22 that day on August the 6th?

23 A. On August 6th, I was to go to
24 a supervisor training class on August
25 the 6th.

1 Q. Okay. Before I go --- when
2 did you leave the mine on August the
3 5th?

4 A. August the 5th was around ---
5 leave the section or the property?

6 Q. Leave the mine portal.

7 A. Probably around 5:00 p.m.

8 Q. Okay. And on the 6th, your
9 --- could you go through that? Could
10 you go through your whole day on
11 August the 6th?

12 A. Yeah. I went to the training
13 center. I believe it was at 7:00
14 a.m. was when it was supposed to
15 start. And there wasn't nobody
16 there, only a few people. And we
17 were wondering what was going on. We
18 hadn't heard about the incident. And
19 me and the other guys was wondering,
20 you know, where everybody was,
21 because all of the supervisors were
22 supposed to have training that day at
23 Crandall.

24 Q. Okay.

25 A. And another guy pulled up that

1 currently works at West Ridge. He
2 said that there's six guys trapped in
3 Crandall, and so we went in the
4 building, and even our instructor
5 didn't even know. And he was a
6 company guy. So we started making
7 phone calls, and they basically said,
8 go home and wait by the phone and
9 they'll let us know.

10 So we went home. Or I went
11 home. I don't know --- I assume the
12 other guys did, too. And I called
13 the mine when I got home, and they
14 says, just stay by the phone and
15 we'll call you. And a couple minutes
16 later, they called and said come up.
17 And that would probably be around
18 10:00 a.m.

19 Q. Okay. And then what happened?

20 A. Geez, I don't remember where
21 --- I got dressed and --- all I
22 remember is trying to get equipment
23 in there.

24 Q. Okay. How about this? What
25 time did you --- about what time did

1 you arrive at the mine then?

2 A. Probably around 10:00 a.m.

3 Q. You arrived at 10:00?

4 A. On August the 6th.

5 Q. Okay. And then did you talk
6 to someone about what happened? Who
7 did you talk to when you got to the
8 mine?

9 A. I don't recall.

10 Q. Okay. But did someone assign
11 you to do some work then? What work
12 did you do after you ---?

13 A. The only thing I can remember
14 was trying to get equipment in there
15 to start cleaning up all the debris
16 that was in the way.

17 Q. And what type of equipment did
18 you take in?

19 A. We brought the miner out of
20 our third north section. I remember
21 getting that out of there.

22 Q. Okay.

23 A. And then I don't remember
24 exactly what happened. I mean, I
25 wish I would have taken notes or

1 something, but I didn't.

2 Q. No. That's fine. You're
3 doing fine. I know it's hard to
4 remember things after a while.
5 That's why we try to do it as soon as
6 possible. The miner out of third
7 north, did you take that up to the
8 accident scene?

9 A. I didn't personally tram it.

10 Q. Okay. What other type of
11 equipment did you ---?

12 A. I remember getting a roof
13 bolter that was located about
14 crosscut 88 ready. It needed a
15 canopy jack. And I don't --- that
16 wasn't the first day, but it was in
17 those days.

18 Q. Let's see. On August 6th, did
19 you go up to the section at all?

20 A. I think so. Up to where we
21 could go, you know, just to look at
22 the debris and what not. I didn't
23 try and climb through the debris or
24 anything like that. I know they had
25 already tried that.

1 Q. Let me get another map out
2 here that shows a bigger area of the
3 section, and maybe you can show on
4 there approximately where you made it
5 to and what the conditions were
6 there.

7 MR. SMITH:

8 This is the same map,
9 Marco.

10 ATTORNEY RAJKOVICH:

11 Okay.

12 MR. SMITH:

13 Mark that as Petersen
14 Exhibit Two.
15 (Petersen Exhibit Two
16 marked for
17 identification.)

18 BY MR. SMITH:

19 Q. And you recognize this ---

20 A. Uh-huh (yes).

21 Q. --- map right here?

22 A. Yes, I do.

23 Q. Okay. Do you know
24 approximately when you did go up onto
25 the section?

1 A. I went that day, August 6th.

2 I don't --- let me think here.

3 Q. You don't know about what
4 time?

5 A. No.

6 Q. Okay. And how far up in there
7 did you make it?

8 A. I believe the fresh air base
9 they had established was at 121.

10 Q. Okay.

11 A. I'm not for sure, but it seems
12 like 120 to 121. And they had it
13 timbered off.

14 Q. That's in entry number one?

15 A. Yes.

16 Q. Okay.

17 A. And that's as far as I went.
18 I went and looked at it, and you
19 know, you couldn't see very far in
20 it. And I think that was the first
21 day. And then after that --- I'm
22 sorry. After that, then we moved it
23 back to, I believe 119.

24 Q. Okay. Did you make it into
25 any of the other entries while you

1 were out there?

2 A. I did not.

3 Q. Can you tell us what type of
4 support they were putting in, roof
5 support or rib support in that area?

6 A. Rock props, chain link fence
7 and with --- they were tying them
8 with wire rope.

9 Q. Okay. Was that on the 6th or
10 was that on ---?

11 A. No, that was --- they were
12 using wood, square, basically
13 pre-blocks, and they were putting
14 those along the ribs. I believe they
15 started even clear back here in one
16 of these crosscuts.

17 Q. And what are those crosscuts
18 you're pointing at?

19 A. Around 117, 116, somewhere in
20 there, 118 maybe. And they started
21 putting wood square sets in along the
22 ribs.

23 Q. Do you know if this was on the
24 day of the accident, or could this
25 have been in future days? Did you

1 see that the first day you were up
2 there or was this maybe ---?

3 A. I don't recall. I don't
4 remember if it was the first day. I
5 know I remember the second day they
6 were, I believe.

7 Q. Okay. Let's see. Could you
8 just mark on there where you had
9 indicated the fresh air base was?

10 A. I'm not sure if it was 121 or
11 120.

12 Q. Okay.

13 A. I would say 120.

14 Q. Okay. Just put an FAB for
15 fresh air base there.

16 WITNESS COMPLIES

17 A. It was dangered and timbered
18 off.

19 BY MR. SMITH:

20 Q. Okay.

21 A. They had run a phone. There
22 was a phone there.

23 Q. Okay. Could you mark --- put
24 phone and dangered off and timbered
25 off in another mark right at crosscut

1 120 in the number one entry?

2 WITNESS COMPLIES

3 BY MR. SMITH:

4 Q. Okay. At any time from the
5 6th to the 16th, did you get into any
6 of those other entries there?

7 A. Yes. When we got the feeder
8 in here.

9 Q. Okay. You helped put the
10 feeder in then?

11 A. No. I don't know exactly ---
12 I was involved with most of the
13 equipment --- with the first
14 equipment.

15 Q. Okay. Do you know what other
16 equipment was taken up there on the
17 first day?

18 A. On the first day --- I don't
19 believe any equipment made it there
20 the first day that I remember.

21 Q. Okay.

22 A. I think we were just preparing
23 to get the equipment ready.

24 Q. You're saying you really
25 didn't get up there any other time

1 except the first --- were you up
2 there any other time except the first
3 day where they were trying to
4 recover?

5 A. On the 16th?

6 Q. Well ---.

7 A. Up to the 16th?

8 Q. Yeah. Any time between ---?

9 A. After they got all those
10 people from the other mines, you
11 know, to help, I was the section
12 maintenance foreman. And I stayed in
13 there and kept everything running.

14 Q. Okay. And did you hear any
15 bounces during that time?

16 A. A couple. I don't remember
17 exactly how many or how severe they
18 were. None that were significant to
19 me.

20 Q. Were you up there on August
21 the 7th, the second day after the
22 accident?

23 A. I believe so.

24 Q. Okay. Were you aware that
25 they moved their recovery operations

1 from the number three and four
2 entries over to the number one entry
3 at that time?

4 A. I don't know when they did
5 that.

6 Q. Were you aware that they did
7 do that, though?

8 A. Yeah, because they were trying
9 to clean --- I believe in the number
10 four entry they were trying to clean
11 the debris up with diesel scoops.
12 But I don't know which day that
13 was ---

14 Q. Okay.

15 A. --- that they started that.

16 Q. And did you know why they
17 moved from the number four entry to
18 the number one entry?

19 A. I don't know why.

20 Q. Okay.

21 A. I assumed ventilation
22 purposes.

23 Q. Okay. Do you know who was
24 directing the recovery operations up
25 there when you were on your shift?

1 A. Management. I don't know. I
2 don't know any one person that was.
3 I'm sure it was a bunch of people.

4 Q. Okay. Were you up there on
5 the 16th, the day of the second
6 accident?

7 A. Yes.

8 Q. Okay. Could you just start at
9 the beginning of your shift just like
10 you did the other days and go through
11 what all happened on that day?

12 A. Me and my mechanic went in the
13 mine to the miner.

14 Q. What time did you go into the
15 mine that day?

16 A. I don't remember. I believe
17 it was around 6:00 a.m.

18 Q. Okay. Then just go ahead
19 through your whole day then.

20 A. Okay. I remember starting
21 towards the first of the shift, we
22 went in. The miner had an oil leak
23 around the tram motor area. And we
24 went in and the tram motor was loose,
25 and we tightened the tram motor on

1 the miner. And we also had got part
2 numbers off of the pump motor for the
3 bolter. One of --- the one side was
4 slow on the roof bolter, and so we
5 thought that the pump was bad.

6 And I remember going back and
7 calling them numbers to get a pump
8 coming in. And it was --- I remember
9 that probably took several hours.
10 I'd say three or four hours. And
11 then I remember adding some cable to
12 --- I believe it was a D-box that we
13 were going to run I think a shuttle
14 car off of. And then they changed
15 their mind and wanted to set it up to
16 run a face fan if they wanted --- if
17 they needed it.

18 Q. Okay.

19 A. I think as far as I remember
20 --- everything's kind of vague.

21 Q. I can understand.

22 A. And then around --- I would
23 say around 5:00 p.m., I was at
24 crosscut 107 adding a spool of cable
25 to the face fan in case they needed

1 it. The face fan, I believe, was
2 right here.

3 MR. SMITH:

4 Israel is marking that
5 at crosscut 107, just outby
6 107 in the number one entry.

7 A. And that's when we --- we were
8 just about to finish that up when the
9 bounce happened up here.

10 BY MR. SMITH:

11 Q. Okay.

12 A. And me and my mechanic
13 gathered up our stuff and went in to
14 help.

15 Q. Okay. And who was your
16 mechanic?

17 A. Darwon Stansfield.

18 Q. Okay. Can you describe
19 anything? What happened after you
20 got into the area of the accident?

21 A. There was like --- I don't
22 know how many. There was a bunch of
23 trucks that were parked along here
24 that were right in the road.

25 Q. Let's see. I guess before

1 that --- I'm sorry. Did they call
2 you up to tell you to come in, or did
3 you feel ---?

4 A. I felt --- we felt the bounce.
5 And it was even --- at 107, it was
6 pretty severe. I would say it was a
7 heavy --- a big bounce.

8 Q. How would you describe that as
9 far as hearing and what you felt?

10 A. You could feel the concussion
11 of it.

12 Q. Did you have any wind or
13 debris coming ---?

14 A. No, not debris. Just felt the
15 air and concussion of it.

16 Q. Okay.

17 A. You could hear it. And to me,
18 it actually sounded closer to us than
19 what it was.

20 Q. Okay. And no one called you
21 after that? You just went in by
22 yourself?

23 A. When I seen trucks rounding
24 the corner to come in, I knew
25 something was wrong.

1 Q. Okay. I'm sorry. Continue
2 with your story.

3 A. Okay. There was several
4 trucks along here, and there was ---
5 bringing one of those diesel shuttle
6 cars out so they could get vehicles
7 in there. And I don't remember
8 exactly --- I think the feeder ---
9 let's see. I think they had the
10 feeder breaker right there.

11 Q. Okay. That's ---.

12 MR. SMITH:

13 Israel marked that at
14 crosscut --- just outby
15 crosscut 120, the number two
16 entry, the feeder.

17 A. So on the 16th, there were ---
18 when I arrived in there, they were
19 bringing the shuttle car out. And
20 they couldn't get it out of the way
21 far enough. I helped pack the first
22 guy up over that shuttle car and
23 loaded him in a truck.

24 BY MR. SMITH:

25 Q. Do you know who that was?

1 A. That was Brandon.

2 Q. Okay.

3 A. And I was helping to
4 coordinate moving all them trucks and
5 stuff that were all in the way so
6 that we could get other people out.
7 I didn't know how many people was
8 hurt. There was a first aid trailer
9 right here at the --- the fresh air
10 base where it was on the 16th.

11 Q. And what crosscut was that at?

12 A. 119.

13 Q. Okay.

14 A. And I was working on getting
15 stretchers out of it and working
16 oxygen out to those guys. And
17 somewhere, I didn't make --- I didn't
18 make it past, I would say 122, and
19 somehow I ended up in a truck hauling
20 people outside.

21 Q. Okay.

22 A. So I believe I hauled an MSHA
23 inspector outside, and then I believe
24 it was Gary Jensen.

25 Q. Okay.

1 A. And then they turned me around
2 and said they needed me back in. So
3 I cruised back in, and at that point,
4 I passed several trucks going out. I
5 don't know who was in those trucks.
6 And I turned around and backed all
7 the way up to where they were digging
8 those guys out. And everybody was
9 out except for the last guy, and he
10 was already deceased. And I hauled
11 him out after they got him out.
12 There was I don't know how many
13 people. There was a lot of people in
14 there.

15 Q. Okay. Was there any noises in
16 the roof while you were ---

17 A. No.

18 Q. --- up in there that last
19 time?

20 A. Uh-uh (no). I didn't notice
21 anything.

22 Q. Okay. Thanks for going
23 through all that. Can we take a
24 five-minute break and then I'll ask
25 you some questions about the rest of

1 the mine then and maybe some
2 follow-up questions on this?

3 A. Okay.

4 SHORT BREAK TAKEN

5 BY MR. SMITH:

6 Q. Just one thing before we go
7 into the rest of the mine there. Do
8 you recognize where these pillars are
9 right here as far as this section
10 here?

11 A. Yes.

12 Q. Okay. Were you up in there
13 whenever they were removing those
14 pillars?

15 A. A little bit, yeah, if
16 something was broke down.

17 Q. Okay. Do you ever remember
18 anyone saying or did you see that
19 there was a bounce on one of those
20 pillars there?

21 A. What do you mean?

22 Q. Well, did you ever hear a
23 bounce in this section whenever you
24 were removing ---?

25 A. Yes.

1 Q. You heard a bounce? Did you
2 see the effects of that bounce?

3 A. Yeah. You could see several.

4 Q. What was the conditions you
5 seen in there?

6 A. Just the rib --- you know,
7 bounce on the rib and the coal would
8 fall.

9 Q. And do you know which pillar
10 they were removing whenever the
11 bounce occurred?

12 A. No. That was just pretty much
13 from when we started pulling pillars.
14 It was almost a constant bouncing.

15 Q. Okay.

16 A. I don't know how frequent.
17 Maybe one an hour, two an hour. I
18 couldn't say.

19 Q. Do you remember the week of
20 the accident during the first part of
21 your week working, if you heard any
22 significant bounce at the beginning
23 of that week?

24 A. No. There was nothing out of
25 the ordinary that I remember.

1 Q. Okay.

2 MR. BAXTER:

3 And for the record,
4 we're looking back at Exhibit
5 One. And Gary, where were
6 those pillars that you were
7 questioning him about?

8 MR. SMITH:

9 Those were pillars
10 between 142 and 143, the row
11 pillars. Between 142 and 143
12 crosscut.

13 BY MR. SMITH:

14 Q. Okay. Were you on the south
15 barrier block whenever they were
16 developing it? And when ---?

17 COURT REPORTER:

18 What was your answer?

19 A. I thought he was still asking
20 the question.

21 BY MR. SMITH:

22 Q. Yeah. Were you on the south
23 barrier block whenever they were
24 developing the entries?

25 A. This panel here?

1 Q. Yes.

2 A. Yes.

3 Q. Okay. What kind of conditions
4 did you have whenever they were
5 developing? Did you have a lot of
6 rib sloughage, any floor heave or any
7 bounces whenever you were in there?

8 A. It seems like around ---
9 between I would say 126 and 133,
10 somewhere in that area, the ribs did
11 seem a little worse than they were
12 else in that section.

13 Q. Okay. Was there any floor
14 heave in that area?

15 A. Yes. In the beltline I didn't
16 personally see it, but I had heard
17 the floor had heaved up ---

18 Q. Whenever ---.

19 A. --- under the belt.

20 Q. Whenever they were developing
21 it?

22 A. Yes.

23 Q. Okay.

24 MR. BAXTER:

25 Do you remember who you

1 heard that from?

2 A. I do not. I don't remember
3 who I heard it from, and I don't know
4 exactly where it was. But I do
5 remember something about the floor
6 heaving under the belt, and they had
7 to lift --- raise the belt. In fact,
8 they may have even gotten a violation
9 because of that.

10 BY MR. SMITH:

11 Q. Okay. You say that floor
12 heave was between 126 and 132,
13 somewhere in there?

14 A. Somewhere in the middle. I
15 don't know exactly where.

16 Q. Okay. But that's the area
17 that you seem to remember that they
18 --- the ribs were a little bit worse
19 in that area?

20 A. Yeah.

21 Q. Okay.

22 A. And I believe the cover was
23 --- there was more cover in that
24 area.

25 Q. Okay. Was there any ruts

1 conditions in the section whenever
2 you were driving?

3 A. No. In fact, they had to
4 water the roads.

5 Q. Okay. How high were they
6 mining and how wide were they mining
7 in that area?

8 A. On development?

9 Q. Yes.

10 A. I believe it was around eight
11 or nine feet high.

12 Q. Okay.

13 A. And I think they were around
14 17, 18 feet wide.

15 Q. Okay. And what did the ribs
16 look like in the section in general,
17 but --- and how did they differ
18 between the section in general as
19 compared to where you said they were
20 taking more weight?

21 A. They looked not as bad a
22 sloughage, the ribs, not as bad a
23 sloughage as out in the middle of the
24 panel where the cover was deeper.

25 Q. Did the rib --- were the ribs

1 sloughing everywhere in the section?

2 A. Pretty much, yeah.

3 Q. But not quite as bad as in
4 that area?

5 A. Right.

6 Q. Okay.

7 A. Nothing abnormal to me.

8 Q. And was there bounces while
9 they were developing?

10 A. Yeah. Nothing significant.

11 Q. Any areas that had more
12 bounces than the others?

13 A. I would say there would be
14 more bounces out here in the middle,
15 and then when we ---. After we got
16 past that deeper cover, it didn't
17 seem like it was as bad. Even when
18 they were developing up in here at
19 the end of the panel, it would still
20 bounce around this area a little bit.

21 Q. Okay.

22 MR. BAXTER:

23 And where's this area
24 that you're indicating?

25 A. In the middle of the panel. I

1 would say between probably 126 and
2 135. I would say that was the worst
3 from what I seen. I was mostly
4 outby, you know.

5 MR. BAXTER:

6 And when you said they
7 were developing up here, where
8 were you pointing to?

9 A. When they were developing
10 towards the end of the panel. Even
11 when they were pulling it, it seemed
12 like it would bounce in the middle
13 real good.

14 BY MR. SMITH:

15 Q. Okay. And I guess from what
16 you said, you were on the section
17 whenever they were pillar mining ---

18 A. Occasionally.

19 Q. --- that section also? Were
20 the conditions any worse once they
21 started pillar mining? Did you see
22 any more worse rib sloughage or floor
23 heave?

24 A. No, no floor heaving that I
25 noticed. The bounces were, to me,

1 consistent with pillar mining.

2 Q. So you had more bounces
3 whenever they were pillar mining as
4 compared to whenever they were
5 developing the section?

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

7 Q. I don't know if you'd notice
8 or not, but whenever they were
9 removing the pillars, were they able
10 to take them clean and not leave any
11 stumps or anything, any part of the
12 coal, in the pillars?

13 A. I don't know. I believe they
14 were leaving a stump after every
15 lift, but I'm not sure.

16 Q. Was there any pillars that
17 they had to leave completely because
18 of bad conditions?

19 A. I don't know.

20 Q. Okay. Did you also work in
21 the north barrier pillar?

22 A. Yes. You mean this section up
23 here?

24 Q. Yes.

25 MR. SMITH:

1 And Israel was pointing
2 to what we're calling the
3 north barrier pillar.

4 BY MR. SMITH:

5 Q. On development, was that ---
6 the conditions in the north barrier
7 pillar any different than when they
8 were developing the south barrier
9 pillar?

10 A. From what I remember, the ---
11 it seemed like the ribs were worse
12 --- or no --- the top was worse in
13 the north, and we hit a lot of water
14 up towards the ---. That's why we
15 didn't develop it up here, to my
16 knowledge, because there was a lot of
17 water here. But there wasn't a lot
18 of water in this --- in the south
19 barrier.

20 Q. Okay.

21 A. We expected to hit a lot of
22 water in that one, but we didn't.

23 Q. Was the mining heights and
24 widths about the same, or were they
25 different than the south barrier?

1 A. Up in this panel?

2 Q. Yeah, whenever you're mining
3 the north ---?

4 A. No. I think they were pretty
5 much the same.

6 Q. Pretty much the same. Okay.

7 A. I know the pillars were
8 smaller up here than down here.

9 Q. Was there any areas in the
10 north that had different conditions
11 than other areas in the north barrier
12 pillar whenever you were developing
13 it as far as hearing more bounces or
14 more rib sloughage or floor heave?

15 A. I'm sorry. I didn't get the
16 first of that question.

17 Q. Whenever you were developing
18 the north barrier pillar, were
19 conditions different from one area to
20 the next? Were they worse in one
21 area than another area as far as, you
22 know, more bounces --- having more
23 bounces or ---?

24 A. I don't remember if there was
25 or not.

1 Q. Okay. Were they getting any
2 bounces when you were up in the north
3 barrier pillar when they were
4 developing it?

5 A. I'm sure they were, but I
6 don't remember.

7 Q. Okay. Whenever they were
8 removing the pillars, retreat mining
9 the north barrier pillar, what were
10 the conditions like there? Were they
11 different than whenever they were
12 retreat mining the south barrier
13 pillar?

14 A. No. I would say they were
15 pretty much the same.

16 Q. Okay.

17 A. Typical pillar sections is
18 what it was like.

19 Q. Okay. I see that they skipped
20 a couple blocks in the north barrier
21 pillar. They didn't remove blocks
22 between crosscuts 135 and 137. Do
23 you know the reason for that?

24 A. I don't know exactly. I can
25 only speculate.

1 Q. Okay. I guess go ahead and
2 speculate.

3 A. I think what --- they pulled
4 back a couple blocks because the
5 pillars --- it was getting worse
6 conditions.

7 Q. What conditions were getting
8 worse?

9 A. I would say the ribs were
10 getting worse.

11 Q. Okay.

12 A. And they were probably having
13 a lot of pretty heavy bounces, and so
14 they pulled back a couple. From what
15 I remember, I think that's what they
16 did.

17 Q. Okay. And then I see that
18 they mined --- it looks like they
19 mined three more blocks starting at
20 135 to crosscut 133, and then they
21 stopped mining again. Can you ---?

22 A. I believe they had a big
23 bounce, and they basically said it's
24 not safe no more.

25 Q. Okay. Were you on that

1 section at the time?

2 A. I wasn't, no.

3 MR. BAXTER:

4 Do you remember who
5 said it wasn't safe anymore?

6 A. I don't think anybody said it
7 wasn't safe. I just think they ---
8 any one person said that. From what
9 I remember, basically, that was the
10 feeling, so they decided to abandon
11 the section.

12 BY MR. SMITH:

13 Q. Okay. Let's see. We're just
14 about done here. When was your last
15 annual refresher training?

16 A. I believe it was in January
17 last year.

18 Q. Okay.

19 A. It was around there.

20 Q. Okay. And who conducted the
21 training?

22 A. Several people. They had it
23 at the College of Eastern Utah.

24 Q. Okay.

25 A. And it was company-wide. The

1 whole --- Tower, West Ridge and
2 Genwal was there.

3 Q. Did you go over the
4 ventilation plan, the roof control
5 plan and SCSRs, ---

6 A. Yes.

7 Q. --- donning SCSRs? Okay.
8 Have you given a written statement or
9 interview to any management official,
10 or let me say anyone, before this
11 interview regarding the accident?

12 A. I had an interview with Marco.

13 Q. Okay.

14 A. And that's it.

15 Q. Okay. Has anyone offered you
16 anything or made any promise to you
17 in exchange for you to appear or not
18 to appear here today?

19 A. No.

20 Q. Okay. Do you have anything
21 that you would like to add that may
22 be relevant to the investigation?

23 A. I can't think of anything.

24 Q. Okay.

25 MR. SMITH:

1 On behalf of MSHA, I
2 want to thank you for
3 appearing and answering the
4 questions today. Your
5 cooperation is very important
6 to the investigation as we
7 work to determine the cause of
8 the accident.

9 We ask that you not
10 discuss your testimony with
11 any person who may have
12 already been interviewed or
13 who may be interviewed in the
14 future. This will ensure that
15 we obtain everyone's
16 independent recollection of
17 the events surrounding the
18 accident.

19 After questioning other
20 witnesses, we may call you if
21 we have any follow-up
22 questions that we feel that we
23 need to ask you. If at any
24 time you have additional
25 information regarding the

1 accident that you would like
2 to provide to us, please
3 contact us at the contact
4 information that was
5 previously given to you, that
6 card that I gave you.

7 The Mine Act provides
8 certain protections to miners
9 who provide information to
10 MSHA, and as a result, are
11 treated adversely. If at any
12 time you believe that you have
13 been treated unfairly because
14 of your cooperation in this
15 investigation, you should
16 immediately notify MSHA.

17 If you wish, you may
18 now go back over any answer
19 you have given during the
20 interview and you may also
21 make any statement that you
22 would like to make at this
23 time.

24 A. I don't have anything.

25 MR. SMITH:

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Okay. Again, I want to
thank you for your cooperation
in this matter.

* * * * *

STATEMENT CONCLUDED AT 1:15 P.M.

* * * * *