

STATEMENT UNDER OATH

OF

LARRY POWELL

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, September 20, 2007, beginning at 8:09 a.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 (cont.)

SHERRIE HAYASHI
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Labor Commission
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ALSO PRESENT:
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24/7 Mobile Notary Services
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P R O C E E D I N G S

MR. O'DONNELL:

My name's Joe
O'Donnell. I'm an accident
investigator with the Mine
Safety & Health
Administration, an agency of
the United States Department
of Labor. With me is James
Crawford from the Solicitor's
Office and Sherrie Hayashi
with the Utah Labor
Commission. 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

1 investigation is being
2 conducted by MSHA under
3 Section 103(a) of the Federal
4 Mine Safety & Health Act, and
5 the Utah Commission of Labor.
6 We appreciate your assistance
7 in this investigation.

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

22 You may have a personal
23 representative present during
24 the taking of this statement
25 and may consult with the

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

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

24 I would like to thank
25 you in advance for your

1 appearance here today. We
 2 appreciate your assistance in
 3 this investigation. Your
 4 cooperation is critical in
 5 making the nation's mines
 6 safer.

7 After we have finished
 8 asking questions, you will
 9 have an opportunity to make a
 10 statement and provide us with
 11 any other information that you
 12 believe to be important. If
 13 at any time after the
 14 interview you recall any
 15 additional information that
 16 you believe might be useful,
 17 please contact Mr. Richard
 18 Gates at the telephone number
 19 or e-mail address on this
 20 card.

21 Ms. Kirkwood, would you
 22 swear in the witness?

23 -----
 24 LARRY POWELL, HAVING FIRST BEEN DULY
 25 SWORN, TESTIFIED AS FOLLOWS:

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MR. O'DONNELL:

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

MS. KIRKWOOD:

I am.

MR. O'DONNELL:

When does your
commission expire?

MS. KIRKWOOD:

August 15th, 2008.

MR. O'DONNELL:

And have you sworn in
Mr. Powell?

MS. KIRKWOOD:

I have.

BY MR. O'DONNELL:

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

A. Larry Kevin Powell. My street
address, (b) (7)(C)

(b) (7)(C)

Q. Mr. Powell, do you have any
questions about the interview process

1 as I described it? Mr. Powell, do
2 you have a personal representative
3 with you today?

4 A. Yeah.

5 MR. O'DONNELL:

6 And would your personal
7 representative identify
8 himself by name?

9 ATTORNEY RAJKOVICH:

10 Marco Rajkovich, 2333
11 Alumni Park Plaza, Suite 310,
12 Lexington, Kentucky, 40517.

13 BY MR. O'DONNELL:

14 Q. Are you aware that your
15 representative may have a conflict of
16 interest in representing you while
17 being provided by someone else, such
18 as the company?

19 MR. O'DONNELL:

20 Mr. Rajkovich, would
21 you state for the record
22 whether you also represent the
23 mine operator in these
24 matters?

25 ATTORNEY RAJKOVICH:

1 I do.

2 BY MR. O'DONNELL:

3 Q. With this understanding, do
4 you still want this person as your
5 representative?

6 A. Yeah.

7 Q. Are you appearing here today
8 voluntarily?

9 A. Yeah.

10 Q. And how many years of mining
11 experience do you have, Larry?

12 A. It's over 25.

13 Q. Okay. And what companies have
14 you worked for as far as your coal
15 mine employment history?

16 A. I worked for U.S. Steel,
17 Hiawatha, Kaiser, Plateau, Trail
18 Mountain, Genwal.

19 Q. How long have you worked at
20 Crandall Canyon?

21 A. I've worked there around 14
22 years.

23 Q. Fourteen (14) years. Okay.
24 And what's your present position
25 there?

1 A. A maintenance foreman.

2 Q. Okay. And did you hold that
3 same job on August the 6th?

4 A. Yeah.

5 Q. So how long have you been the
6 maintenance foreman at Crandall
7 Canyon?

8 A. Two or three years. I'm not
9 real sure on exact numbers.

10 Q. What did you do before that?

11 A. I was just a mechanic.

12 Q. And you were a mechanic the
13 rest of your time there?

14 A. Uh-huh (yes).

15 Q. Okay. Do you have any mining
16 certificates?

17 A. Yeah.

18 Q. And what do you have?

19 A. I got electrical papers and
20 fireboss papers.

21 Q. Fireboss papers from the State
22 of Utah?

23 A. Yeah.

24 Q. Okay. Who's your immediate
25 supervisor?

1 A. You mean like ---

2 Q. Your boss.

3 A. --- shift foreman?

4 Q. Yeah.

5 A. Gale Anderson was my
6 supervisor.

7 Q. Okay. And has he been your
8 supervisor the whole time you've been
9 there or ---?

10 A. No. I had lots of
11 supervisors.

12 Q. Have you? Okay. What was
13 your work schedule the week of the
14 accident?

15 A. It was four on, three off,
16 four on, three off, 12-hour shifts.

17 Q. Okay. And what's your start
18 time?

19 A. It was at --- mine was at
20 5:00, 5:00 to 5:00.

21 Q. 5:00 ---?

22 A. If we was on dayshift, it was
23 5:00 a.m. On afternoons, it's 5:00
24 p.m.

25 Q. Okay. So you did a 5:00 a.m.

1 to 5:00 p.m. that day?

2 A. I can't remember if we was on
3 afternoons or dayshift.

4 Q. Okay. Well, if you can
5 remember. Let's see. If you worked
6 on --- what did you start on, the
7 5th, and then you worked ---?

8 A. That would have been an
9 afternoon, because we --- yeah, we
10 was on afternoon that day, 5:00 p.m.

11 Q. So you started at 5:00 p.m.?

12 A. Yeah.

13 Q. Okay. And then worked all the
14 way through until the morning?

15 A. I only worked until --- it was
16 10:00 --- between 9:00 and 10:00, and
17 then I left because they was having a
18 bosses meeting the next morning.

19 Q. Did you go home?

20 A. Yeah.

21 Q. At 10:00. Okay. And did you
22 start your --- what time do you
23 usually get at the mine?

24 A. I usually get there about a
25 half hour before the shift starts.

1 Q. Okay. And did you work the
2 day before also?

3 A. Yeah.

4 Q. Okay. When you got to work at
5 5:00 p.m. that evening, could you
6 just walk through what you did and
7 where you traveled until the time you
8 left the mine that morning --- that
9 evening?

10 A. I got there and looked at our
11 --- what we had to do, our
12 maintenance reports, got with the
13 other shift boss. He had said that
14 they had trouble with that scoop,
15 still having trouble with it. We had
16 trouble the day before and they still
17 had it down. So I got a book or the
18 prints for it and went in there, went
19 in the section and worked on that
20 scoop until it was time to leave.
21 That's all. I drove back out,
22 showered and went home.

23 Q. Okay. How long were you
24 outside before you went into the
25 mine?

1 A. I'll bet it was at least an
2 hour, maybe.

3 Q. So say around six o'clock you
4 went in underground?

5 A. Yeah, around there.

6 Q. And did you travel with
7 anyone?

8 A. No, I was with my --- by
9 myself.

10 Q. Okay. And was there a crew
11 inside the mine?

12 A. Yeah.

13 Q. What crew was that?

14 A. The afternoon shift crew was
15 in there.

16 Q. Okay.

17 A. Do you want all their names?

18 Q. No. We know who was there.
19 But anyway, so you go into the
20 section. Did you go to the face at
21 all?

22 A. No. I never went past the
23 scoop. I went right to the scoop and
24 worked on it the whole time.

25 Q. And where was the scoop

1 parked?

2 A. I'm not exactly sure what
3 crosscut. It was where the charger
4 station was. They drug it up and
5 pushed it into the charger station.

6 Q. Okay. And was there a
7 mechanic in the section who you
8 worked with?

9 A. Yeah. Jameson Ward was --- he
10 was in there.

11 Q. Uh-huh (yes). And did you
12 work together with him?

13 A. Yeah.

14 Q. So the entire shift you stayed
15 there?

16 A. I stayed there. He seemed
17 like he had to go fix something, but
18 I can't even remember --- recall what
19 it was. I'm not sure what it was,
20 but he had left for something for a
21 little bit and then he come back
22 there.

23 Q. So how far from the face is
24 the scoop charging station?

25 A. They're usually at least three

1 or four crosscuts, but like I said,
2 I'm not positive what crosscut it
3 was, you know, where the scoop
4 charger was.

5 Q. Well, it's a pillar section;
6 right?

7 A. Uh-huh (yes).

8 Q. So they move it back pretty
9 often?

10 A. Yeah, when they move power,
11 then they'll move the scoop charger
12 back. It's got to be at least 150
13 feet outby.

14 Q. Do you think it was probably
15 within 150 feet then, outby 150 feet?

16 A. Yeah, it was I think more than
17 that.

18 Q. Well, did you hear them mining
19 whenever you were working?

20 A. When I --- I heard it cave
21 down there at one time, but I ---.

22 Q. I mean, were you close enough
23 were you could hear the miner
24 running?

25 A. I should have been able to,

1 but I'm not --- I don't know for
2 sure.

3 Q. Okay. So you never did travel
4 to the --- did you have any
5 conversations with anybody in the
6 section other than Jameson Ward?

7 A. I talked to Jameson. I talked
8 to Don a little bit. He come back.
9 He was filling out his --- doing his
10 pre-shift, and I talked to him for a
11 few minutes. And Brandon Phillips,
12 he come back looking for some wire,
13 and I told him there might be some in
14 my truck, to go out there and look.
15 And he walked up and looked in my
16 truck, and he said there wasn't none
17 there. I said, well, there might be
18 some on that other piece of
19 equipment, and he found some there.

20 Q. Okay. Who was the section
21 foreman that night?

22 A. It was Benny Allred, but Don
23 was --- when we all left, Don was
24 taking over the section foreman.

25 Q. Okay. So when you left the

1 section, you left with who?

2 A. I just left by myself.

3 Q. Oh, you had your own ride?

4 A. I had my own ride.

5 Q. Did Benny leave for the
6 meeting also?

7 A. Uh-huh (yes). Benny and Gale
8 Anderson both left.

9 Q. Gale Anderson. Who would he
10 be?

11 A. He would have been the mine
12 foreman.

13 Q. What brought him to the
14 section?

15 A. As far as I know, he was just
16 going in to look it over and to pick
17 up Benny and give him a ride out.

18 Q. So was he in the section
19 before?

20 A. Before I was? I can't
21 remember if he come after, or --- I
22 think he come after I --- I think I'd
23 been in there before he got in there.

24 Q. Okay.

25 A. I'm not positive.

1 Q. You don't know what time he
2 got there ---

3 A. No.

4 Q. --- or did he just come in to
5 pick up Benny and leave? If you
6 don't know, it's fine.

7 A. Yeah, I don't know for sure
8 what he had going. I was on that
9 scoop. Most of my thoughts was on
10 trying to get that thing fixed.

11 Q. Did you get it fixed?

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

13 Q. While you were working on the
14 scoop, did you notice or did you hear
15 anything in the section?

16 A. I just heard that one cave,
17 and it was a pretty good cave. And
18 Don was up there filling out his book
19 there, and I mentioned to him, boy,
20 that was a pretty good one. And then
21 he headed down to check it out.

22 Q. Towards the face?

23 A. Towards the face.

24 Q. Okay. Is there anything that
25 was eventful that night?

1 A. No. It was just a regular
2 night for me.

3 Q. Have you spent much time in
4 the section?

5 A. I don't spend a lot of time in
6 there. Jameson usually took care of
7 most of it. If he had a problem,
8 then he'd call me and I'd go in and
9 help him. Or if he needed parts,
10 then I'd take parts to him. I did
11 most of my work outby.

12 Q. So you left the section,
13 traveled by yourself, and what time
14 did you leave the property?

15 A. It was right around 10:00.
16 I'm not exactly sure what time it
17 was.

18 Q. So you were to report where
19 the next day?

20 A. Over here, there's a training
21 center up on the other side of
22 Helper, up Indian Canyon there.

23 Q. Did you report there?

24 A. Uh-huh (yes). Yeah.

25 Q. And what did you do the day of

1 the 6th, August 6th? Did they call
2 you to the mine?

3 A. When I got over there to the
4 training, I called up there because
5 I'd heard about it there. That's
6 where I heard about it. And I called
7 up to the mine. They said, you
8 better get some sleep, because we
9 might need you tonight. And then I
10 reported that night.

11 Q. At what time did you come that
12 night?

13 A. Five o'clock.

14 Q. Five o'clock. If you would
15 --- now, let's start from the time
16 that you got called back after the
17 first accident and tell me what you
18 did up until August 16th, the day of
19 the second accident. What was your
20 work assignments?

21 A. Just the same stuff, keep
22 things running and ---.

23 Q. Did you ever go to the rescue
24 area where they were cleaning up with
25 the miner?

1 A. Yeah, I did.

2 Q. And when did you first go up
3 there?

4 A. The first day I went in there
5 to --- they was wanting to get the
6 belts running and get everything
7 moved in there and that.

8 Q. So you were there for the
9 initial start. Where did they start
10 their cleanup work?

11 A. Right there where they had the
12 feeder breaker. They was knocking it
13 out right there, and we needed to get
14 the feeder breaker running and the
15 belts running.

16 Q. Do you remember what entry
17 that was?

18 A. The entry they was cleaning,
19 or ---?

20 Q. Yeah, where they were mucking
21 out.

22 A. The belts is entry two, so
23 would have been in entry two and
24 three there.

25 Q. Would a map help you out? Let

1 me get a map for you.

2 MR. O'DONNELL:

3 We'll mark this Powell
4 Exhibit One.

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

8 ATTORNEY RAJKOVICH:

9 Same map?

10 MR. O'DONNELL:

11 Same map.

12 BY MR. O'DONNELL:

13 Q. If you would, just use this
14 --- use a marker pen. If you can,
15 maybe as a point of reference, do you
16 know where the recharging station was
17 that you were working on, where the
18 scoop charger was?

19 A. This is where they were
20 mining. You don't show the
21 transformer ---.

22 Q. No, we don't have --- we just
23 have the crosscuts, so if you
24 could ---.

25 A. I'm not really sure enough to

1 make a mark on it.

2 Q. Okay. All right. Well, then
3 maybe let's go back to where you set
4 the feeder up. Do you remember when
5 you said you came back in ---?

6 A. That was back down here.

7 ATTORNEY CRAWFORD:

8 When you say down here,
9 what are you referring to?

10 A. Crosscut 117, in that area. I
11 think that transformer at 117, but
12 I'm not real positive on crosscuts.
13 I just don't pay enough attention to
14 the crosscut number.

15 BY MR. O'DONNELL:

16 Q. Okay. So it was, you think,
17 somewhere around 117, 119, somewhere
18 in that area?

19 A. Yeah, somewhere in that area.

20 Q. And you say the feeder was in
21 what entry?

22 A. It was in this --- this is the
23 belt line?

24 Q. No.

25 A. No. This is the belt line?

1 Q. Yes. Number two.

2 A. Number two entry.

3 Q. It was number two entry.

4 Somewhere between 118 and 119. And
5 where were they mucking out?

6 A. Well, the little bit I seen of
7 them mucking, they was mucking up in
8 here and here.

9 Q. Here and here is between ---
10 is in 118 crosscut, number two to
11 number three entry, somewhere in
12 there. Did you go anywhere inby
13 where they were cleaning? Do you
14 know --- observe any of the cleaning?

15 A. I didn't. I went to the tail
16 piece of the beltline and was trying
17 to get the remote switch working
18 there. And I looked at the feeder
19 breaker a little bit. And when they
20 had that second bounce there, I was
21 up here --- they pulled everybody out
22 of there, but I was already up to six
23 drive.

24 Q. When was that?

25 A. That was shortly after we got

1 in there. We hadn't been in there
2 that long.

3 Q. And that's the next day;
4 right?

5 A. Yeah, the next day.

6 Q. So what happened with --- you
7 were where when the bounce hit?

8 A. I was up to the six drive.

9 Q. Six drive would be?

10 A. What's that?

11 Q. These are drives.

12 A. Oh, okay. I was up to this
13 drive.

14 Q. And that drive is at 110,
15 crosscut 110 between the number seven
16 entry of the belt. So you were where
17 now?

18 A. I was right here trying to get
19 this drive started.

20 Q. Okay.

21 A. And it bounced and knocked the
22 ventilation down. So me and another
23 guy started hanging curtain.

24 Q. And you're pointing at the
25 return walls between the stop ---

1 between the beltline and the return;
2 is that right?

3 A. Yeah.

4 Q. And that would be in crosscut
5 111 to 110?

6 A. Uh-huh (yes).

7 Q. The entries from number four,
8 five, six and seven; is that right?

9 A. Yeah.

10 Q. Okay. So you were hanging
11 curtain?

12 A. Yeah. We was hanging
13 curtains, and I can't even remember
14 who it was. Somebody come around the
15 corner and said, the inspector wants
16 everybody to meet down here to check
17 on them, make sure everybody ---
18 nobody got hurt.

19 Q. What did you feel? Did you
20 feel anything? Did you get knocked
21 down?

22 A. No. It wasn't ---.

23 Q. You didn't get hurt or
24 anything?

25 A. No.

1 Q. What was it like?

2 A. Just a big bang is what I
3 heard.

4 Q. Was any coal thrown down
5 there?

6 A. No.

7 Q. How about a concussion? Did
8 you feel a concussion that knocked
9 the walls out?

10 A. Yeah. I felt a little air
11 concussion.

12 Q. You did? You said a bump ---
13 is that what you said? Did you say
14 bump or ---?

15 A. Bounce.

16 Q. Bounce. You call it a bounce.
17 What's a bounce?

18 A. When the mine settles or
19 whatever it's doing.

20 Q. What happens?

21 A. Usually it blows stuff out
22 or ---.

23 Q. Okay. Blows stuff out like
24 coal?

25 A. Yeah. Yeah.

1 Q. Stoppings? So did you ---
2 after you --- who directed you ---
3 how did you know that the ventilation
4 controls were out? What ---?

5 A. We was right there and seen it
6 out.

7 Q. You watched them go out?

8 A. Yeah. We seen them go out and
9 kind of dusty there, so we just
10 started hanging curtains back up to
11 get them --- to re-establish the air
12 back into there.

13 Q. And who was with you?

14 A. It was Brent Hardee ---

15 Q. Brent Hardee.

16 A. --- that was with me.

17 Q. Did you just start putting up
18 the curtains, or did you go somewhere
19 and check it out first or ---?

20 A. We just started putting
21 curtains up.

22 Q. So you kind of knew it
23 happened; is that right?

24 A. Yeah, we knew something
25 happened because it blew the curtains

1 out. We never knew how severe it was
2 down there or what had happened.

3 Q. How many curtains did you get
4 up before someone else came down and
5 told you ---?

6 A. We probably got three of them
7 up, and then they come up and said,
8 don't do that, the inspector wants
9 you to come down and group everybody
10 up. So we just left and went right
11 down there.

12 Q. Who's the person that told you
13 that?

14 A. I don't ---.

15 Q. You said they ---.

16 A. Yeah, I'm not sure who come up
17 and told me that.

18 Q. Where did you get the material
19 to put the curtains up?

20 A. It was still right there.

21 Q. Oh, it was ---?

22 A. You know, it never --- they'd
23 already had these brattice lines put
24 in, and we just started putting them
25 back up.

1 Q. All right. So it was curtain
2 that was blown over?

3 A. Yeah. It was just the
4 curtains blew over.

5 Q. Okay. And shortly after that,
6 did you ever happen to go up to the
7 area where this happened?

8 A. That day?

9 Q. Any time.

10 A. I think the next day. They
11 wouldn't let us go back in there that
12 day, back up to that area. The next
13 day I went up there.

14 Q. And what did you see the next
15 day? Where did you go?

16 A. I went up to the transformer
17 and then back up to the feeder
18 breaker, because I hadn't got that
19 remote switch fixed.

20 Q. Okay.

21 A. Went back in and finished
22 doing that.

23 Q. Were they still loading in the
24 same place?

25 A. They still had the mucking

1 material there, but they wasn't
2 loading there no more.

3 Q. Where did they move to?

4 A. That's when they moved down to
5 one entry.

6 Q. Okay. Were you involved at
7 all with any of the prop setting
8 and ---?

9 A. No, I never got into none of
10 that.

11 Q. So were you --- didn't have
12 any part of that?

13 A. No.

14 Q. What about the accident on the
15 16th? Where were you when that
16 happened?

17 A. I was just outside setting a D
18 box up when that happened.

19 Q. And when it happened, what did
20 you do? Did you go in to assist,
21 or ---?

22 A. Yeah.

23 Q. You did?

24 A. Yes.

25 Q. Could you tell me about that?

1 A. Gary Peacock come over and
2 says, get some brattice and pogos and
3 chains and get in there and help
4 them, you know, help, we've got
5 miners trapped and hurt in there. So
6 I went over, loaded the brattice and
7 pogos. And while I was loading that,
8 the EMTs come over and asked me if
9 they could ride in with me. So I
10 gave them a ride in as I was going.

11 I went up to the face taking
12 the EMTs up there, and I mostly just
13 watched the EMT so she wouldn't get
14 hurt while she was up there. I never
15 helped dig them out or none of that.
16 I was --- that's what I did that day.

17 Q. About how long did you stay
18 there?

19 A. Until they was all --- until
20 they got the last guy out.

21 Q. About how long was that that
22 you were underground?

23 A. I don't know for sure.

24 Q. When you traveled outside, did
25 you take anybody with you?

1 A. I picked up Benny Allred. He
2 rode out with me. And on the way
3 out, we picked up four or five guys.
4 I'm not even sure some of them who
5 they was. They was walking up.
6 Because they told everybody, we want
7 everybody outside ---.

8 Q. So that was the last time that
9 you were up there?

10 A. Uh-huh (yes).

11 Q. Okay. How far did you get to
12 the --- you brought the EMT. Who was
13 the EMT? You said that you brought
14 EMTs. Were they mining people or
15 were they ---?

16 A. One of them was, but I can't
17 remember his name. I don't work with
18 him. He was over there for the
19 rescue, but I can't remember what his
20 name is. And then the lady EMT, she
21 told me her name, but I'm terrible at
22 names.

23 Q. Was she someone from the
24 ambulance company ---

25 A. Yeah.

1 Q. --- that went in to help? Was
2 she the only, say, professional or
3 outside --- other than a mining
4 person that traveled in?

5 A. Yeah.

6 Q. Okay. Now, when you got to
7 that area and you drove her up, where
8 did you park your car at, or truck?

9 A. I parked it --- I'm not sure
10 what entry. It was back behind the
11 --- no, it was in front of the
12 transformer, one break in front.
13 There was a guy standing there, so we
14 just walked in from there.

15 Q. Okay. And you went up to the
16 accident scene then?

17 A. Uh-huh (yes).

18 Q. And how far were you from the
19 actual accident scene?

20 A. We was right there.

21 Q. Can you remember where the ---
22 where people were located at in any
23 way?

24 A. No. Like I said, I kind of
25 stood back and kept her --- made sure

1 she never got up there and got hurt.

2 Q. Okay.

3 A. She was looking for oxygen and
4 that, and I was helping her find
5 medical supplies.

6 Q. Did you assist in any way?

7 A. I helped one guy, they was
8 bringing him down, and help pack him
9 into a truck.

10 Q. Who would that be? If you
11 don't know, you don't know. That's
12 all. And anybody else?

13 A. No. That's the only one I
14 helped with.

15 Q. And you didn't do anything
16 else other than just that one time,
17 watch the EMT and ---?

18 A. That's all I did. I was
19 afraid she might try to wander off
20 and get hurt. I didn't want her to
21 get up there where she probably
22 shouldn't be.

23 Q. Okay. Let's take a short
24 break, bathroom break.

25 SHORT BREAK TAKEN

1 BY MR. O'DONNELL:

2 Q. Just to go back on a couple of
3 points, you said that when you were
4 in the section, you heard a fall.
5 How long had you been in the section
6 when you heard that?

7 A. Before I heard that. Oh, I'd
8 probably been in there a couple
9 hours.

10 Q. So we're looking --- was it
11 near the time that you left the
12 section?

13 A. Yeah, it was just before I
14 left.

15 Q. Just before you left. And you
16 left the section at what time?

17 A. It was a little after 9:00.

18 Q. Okay. A little after 9:00.
19 And whenever you were at the feeder
20 before the second bump, that would be
21 on August 7th; right, the next day
22 you worked? You were there before
23 that?

24 A. On August what?

25 Q. When you were first there ---

1 when they were mucking; right?

2 A. Oh, okay. The 17th.

3 Q. What was it like around the
4 feeder? What did the rib look like?
5 How much material was in the entry?

6 A. You know, they cleaned that up
7 pretty good. It looked really good
8 that day.

9 Q. Okay. And then the bump
10 happened after that. What did it
11 look like after the bump?

12 A. The ribs had come in on the
13 feeder.

14 Q. On the feeder?

15 A. Uh-huh (yes).

16 Q. Did it fill the entries up
17 again?

18 A. It never filled them clear up,
19 but it had --- all the mucking they'd
20 done, they had to start over again.

21 Q. Okay.

22 A. I think that's why they
23 decided to go with the other entry.

24 Q. Did they ever start over
25 again?

1 A. I don't know.

2 Q. Okay. So would you say that
3 things got --- went back to the way
4 it was before, or did it get worse?
5 Or was it worse?

6 A. I don't think it was worse.

7 Q. Okay. But it looked the same?
8 All the work that they had done was
9 for naught?

10 A. Yeah.

11 Q. Okay. Now, if --- because the
12 stopping went out inby the feeders;
13 is that right? Was there a stopping
14 inby the feeder?

15 A. I don't know for sure. I know
16 they was --- brattice is what I seen,
17 rag lines.

18 Q. But did you ever happen to
19 look inby that feeder in number three
20 entry, two entry?

21 A. In the beltline?

22 Q. Yeah. Did you ever look up
23 the entry?

24 A. They just had a piece of
25 curtain hung there.

1 Q. But without ---?

2 A. I don't even think they had
3 the curtain there then.

4 Q. Okay. So ---.

5 A. Because there wasn't nothing
6 down through there from what I seen.

7 Q. What did it look like at that
8 entry?

9 A. It wasn't that bad. You know,
10 I walked up through there trying to
11 get that belt to go. It wasn't the
12 next day. That was the day after
13 that.

14 Q. Right. Was there --- how deep
15 was the coal? Now, we're looking
16 inby towards the face area; right?

17 A. Oh, okay. You're looking the
18 other way.

19 Q. Yes.

20 A. Okay. It was --- yeah, it was
21 bad that way. I'm not sure how tall
22 the coal was. It was enough to where
23 you wouldn't want to go that way.

24 Q. How high would you say that
25 the coal had been thrown?

1 A. I don't know, four foot, five
2 foot.

3 Q. How high was the entry? What
4 was the mining height?

5 A. Eight foot, I think.

6 Q. Okay. And then how much of
7 the entry had coal in it?

8 A. Probably three-quarters of it.

9 Q. Okay. Three-quarters of it.
10 Do you remember who was running the
11 diesel muckers on the 7th? Do you
12 have any idea who they were?

13 A. No. I don't. I have no idea.

14 Q. And when the EMT was standing
15 inby, you were how far from the pile?

16 A. Oh, I bet we was between
17 probably six and ten feet.

18 Q. So you were never on the pile,
19 and was she?

20 A. No.

21 Q. So she ---?

22 A. I didn't see her go up on the
23 pile.

24 Q. She stayed back and took care
25 of people as they were uncovered?

1 A. Yeah. That other guy that
2 went in with her, he had been up on
3 the pile, the other EMT.

4 Q. And you don't remember who he
5 was?

6 A. I can't remember his name.

7 Q. Did he work at the mine, or
8 was he from another mine?

9 A. He was from one of these other
10 mines.

11 Q. He wasn't from Crandall
12 Canyon?

13 A. No.

14 Q. The EMT?

15 A. No.

16 Q. Okay. Do you ever keep
17 records of your activities?

18 A. No.

19 Q. No notes or ---?

20 A. I'd make notes if they told me
21 I need to go fix something or
22 something's down. I'd write myself a
23 note. But I never kept them.

24 Q. Now, you said you were in the
25 south barrier section off and on just

1 to help out; right?

2 A. Uh-huh (yes).

3 Q. What were the conditions like
4 there? You said you worked there how
5 many years at Crandall Canyon?

6 A. I worked there about 14.

7 Q. Fourteen (14) years. So you
8 had a pretty good idea of the ---
9 were you in the mine when they
10 developed the west mains?

11 A. Uh-huh (yes).

12 Q. And the south?

13 A. Yeah.

14 Q. Just about --- well, then
15 you'd be 14. You'd be all the way
16 back to the longwall panel then;
17 right?

18 A. Yeah.

19 Q. So how would you compare the
20 conditions in the barrier pillar
21 sections to each other in the north
22 and the south?

23 A. I don't know. I'm in
24 maintenance. You know, if it was
25 broke down, I'd fix it. But I never

1 really paid that much attention to
2 the roof control, roof and ribs and
3 that, unless something was broke down
4 that I need to look at the rib to
5 make sure I could go in there to fix
6 it.

7 Q. In your immediate area?

8 A. In the area that I was in.

9 Q. Well, you know, equipment
10 breaks down all over the place;
11 right?

12 A. Yeah.

13 Q. So when things broke down,
14 what gave you the most concern?
15 Where was the conditions that
16 probably you ---?

17 A. Bothered me the worst?

18 Q. Uh-huh (yes).

19 A. If they was broke down along
20 the rib, rib line.

21 Q. But were other parts of the
22 mine better?

23 A. No.

24 Q. Okay.

25 A. I don't think so.

1 Q. Most of your work is outby
2 then?

3 A. Most of my work is outby.
4 Even before I took the maintenance
5 job, I was an outby mechanic for a
6 lot of years.

7 Q. Okay. Do you ever do any
8 exams, like pre-shifts or on-shifts?

9 A. A few. I've done a few times
10 over the years.

11 Q. And what part of the mine ---
12 what kind of exams did you do?

13 A. Just the fireboss, examining
14 --- you know, examine whatever you'd
15 exam.

16 Q. Faces? Did you do --- no
17 pre-shift sections?

18 A. Never done faces.

19 Q. What about bleeders?

20 A. I've done them over the years.

21 Q. Seals ---?

22 A. Check bleeders, check pumps in
23 the bleeders.

24 Q. Do you remember where those
25 were?

1 A. The bleeders? We had bleeders
2 up in the second north country and
3 around. I've walked them a few
4 times. And then bleeders down here
5 in first south, in that country down
6 there.

7 Q. Did you ever do the bleeder in
8 the west main?

9 A. Is that the bleeder that goes
10 clear in the back and around? I'd
11 have to see that one, I guess.

12 Q. This west main --- this is the
13 west main, and this is the south
14 barrier, the north barrier. This is
15 west main section. And the bleeder
16 at one time wrapped around the ---.

17 A. Oh, yeah. It went down here
18 all the way around here.

19 Q. Yeah.

20 A. Yeah. I've been through there
21 on the bumps. I don't know if I ever
22 pre-shifted that, or examined that.
23 I never done the --- but I've been
24 around ---.

25 Q. You went around the whole

1 bleeder?

2 A. I went around ---.

3 Q. And did you ever detect any
4 methane or low oxygen?

5 A. There was one spot I got low
6 oxygen where the --- where one of the
7 longwalls had ended. And they had a
8 stopping there. And I started
9 through that door and my meter went
10 off, so I just backed off and went
11 the other way.

12 Q. Do you remember where that
13 was?

14 A. That was either 13 or 14.

15 Q. You're referring to the panel,
16 13 panel or 14 panel?

17 A. Yeah.

18 Q. On the back end of the panel?

19 A. It was right at the front of
20 the panel.

21 Q. The front of the panel? Front
22 meaning where it started, or
23 where ---?

24 A. Where it started, yeah.

25 Q. Where it started. Okay.

1 A. That's the only time I've ever
2 picked up any blackdamp or any gas or
3 anything.

4 Q. And what was done?

5 A. What was done ---?

6 Q. Did you report it or put it in
7 the book, or ---?

8 A. I wasn't pre-shifting. I was
9 just checking pumps when I seen that.

10 Q. Okay. So you weren't on an
11 examination?

12 A. No, I wasn't on an exam.

13 Q. Would you let somebody know
14 about it?

15 A. No. And that's been quite a
16 few years ago.

17 Q. Oh, yeah, if you were able to
18 walk the bleeder there. Yeah. Did
19 you ever open up any of the seals
20 when you were at --- you said you
21 were at some seals; right? Did you
22 ever open up the sample, the line
23 that was there with the belt?

24 A. I didn't open it.

25 Q. Okay. Do you get annual

1 retraining, too?

2 A. Oh, yeah.

3 Q. When was the last time you got
4 it?

5 A. It seems like it was in
6 January.

7 Q. How did they designate the
8 responsible person on each shift?
9 How's that done?

10 A. I guess mine foreman is.

11 Q. Do you know who the
12 responsible person is in case of an
13 emergency?

14 A. Yeah. They got a board out
15 there that you can look and see who's
16 responsible for that shift.

17 Q. Okay. And who was it that
18 night of the 5th?

19 A. As far as I know, it was Gale
20 Anderson.

21 Q. Gale Anderson.

22 A. Until I left. As far as I
23 know.

24 Q. Okay. Then you three guys
25 went home then?

1 A. Yeah.

2 Q. You and Benny and Gale all
3 left the property at ten o'clock?
4 Okay.

5 A. Yeah.

6 Q. Have you given a written
7 statement or interview to anyone
8 before this interview regarding the
9 accident?

10 A. No.

11 Q. Has anyone offered you
12 anything, or made any promise to you
13 in exchange for you to appear or not
14 appear here today?

15 ATTORNEY RAJKOVICH:

16 Other than to talk to
17 me.

18 A. Yeah, I talked to him.

19 ATTORNEY RAJKOVICH:

20 Not the offer, but ---.

21 MR. O'DONNELL:

22 To the previous
23 question?

24 ATTORNEY RAJKOVICH:

25 To the previous

1 question. Right. Statement.

2 We talked.

3 BY MR. O'DONNELL:

4 Q. Do you have anything you would
5 like to add that may be relevant to
6 our investigation?

7 A. I can't think of nothing.

8 Q. Anything that would help us
9 out?

10 A. Nothing.

11 MR. O'DONNELL:

12 On behalf of MSHA, I
13 want to thank you for
14 appearing and answering the
15 questions today. Your
16 cooperation is very important
17 to the investigation as we
18 work to determine the cause of
19 the accident.

20 We ask that you not
21 disclose your testimony with
22 any person who may have
23 already been interviewed, or
24 who may be interviewed in the
25 future. This will ensure that

1 we obtain everyone's
2 independent recollection of
3 the events that surrounded the
4 accident.

5 After questioning other
6 witnesses, we may call you if
7 we have any other follow-up
8 questions that we feel that we
9 may need to ask you. If at
10 any time you have additional
11 information regarding the
12 accident that you'd like to
13 provide to us, please contact
14 us at the contact information
15 that we gave you.

16 The Act provides
17 certain protections to miners
18 who provide information to
19 MSHA, and as a result, are
20 treated adversely. If at any
21 time you believe that you've
22 been treated unfairly because
23 of your cooperation in this
24 investigation, you should
25 immediately notify MSHA.

1 If you wish, you may
2 now go back over any of your
3 answers during the interview
4 and you can make a statement
5 if you'd like at this time.

6 A. No.

7 MR. O'DONNELL:

8 Okay. Thank you,
9 Larry. We appreciate you
10 coming forward.

11

12

* * * * *

13

STATEMENT UNDER OATH

14

CONCLUDED AT 9:07 A.M.

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