

STATEMENT UNDER OATH

OF

LYLE CHRISTENSEN

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, November 1, 2007 beginning at 8:00 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.)

R. KENT WESTBERRY, ESQUIRE  
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ALSO PRESENT:  
Kelly C. Kirkwood, Notary Public

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## P R O C E E D I N G S

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MR. O'DONNELL:

1  
2  
3  
4                   Good morning. My name  
5                   is Joe O'Donnell. I'm an  
6                   accident investigator with the  
7                   Mine Safety & Health  
8                   Administration (MSHA), an  
9                   agency of the United States  
10                  Department of Labor. With me  
11                  is Mr. Richard Gates and also  
12                  Sherrie Hayashi, with the Utah  
13                  Commission of Labor. We'll be  
14                  conducting the questioning  
15                  today.

16                         I, together with other  
17                         government investigators and  
18                         specialists, have been  
19                         assigned to investigate the  
20                         conditions, events and  
21                         circumstances surrounding the  
22                         fatalities that occurred at  
23                         the Crandall Canyon Mine in  
24                         Utah in August of 2007. The  
25                         investigation is being

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

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

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

1 Your statement is completely  
2 voluntary. You may refuse to  
3 answer any question. You may  
4 terminate the interview at any  
5 time. And when you need a  
6 break, just let us know.  
7 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 and I'll  
20 rephrase it. Please answer  
21 each question as fully as you  
22 can, including any information  
23 that you've learned from  
24 someone else.

25 I'd like to thank you

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

8                         After we have finished  
9           asking questions, you'll have  
10          an opportunity to make a  
11          statement and provide us with  
12          any other information that you  
13          believe to be important. If  
14          at any time after the  
15          interview you recall any  
16          additional information that  
17          you believe may be useful,  
18          please contact Mr. Richard  
19          Gates at the telephone number  
20          and email address on his  
21          business card.

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

24                         MS. KIRKWOOD:

25                         Please raise your right

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hand.

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LYLE CHRISTENSEN, HAVING FIRST BEEN  
DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

MR. O'DONNELL:

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

MS. KIRKWOOD:

I am.

MR. O'DONNELL:

And when does your  
commission expire?

MS. KIRKWOOD:

August 15th, 2008.

MR. O'DONNELL:

Have you sworn in Mr.  
Christensen?

MS. KIRKWOOD:

I have.

BY MR. O'DONNELL:

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

A. Kenneth Lyle Christensen (b) (7)(C)

1 (b) (7)(C)

2 Q. And Mr. Christensen, do you  
3 have any questions about the  
4 interview process as I've described  
5 it?

6 A. No.

7 Q. Okay. Do you have a personal  
8 representative with you today?

9 A. Yes.

10 MR. O'DONNELL:

11 And would your personal  
12 representative identify  
13 himself by his name and  
14 address for the record.

15 ATTORNEY WESTBERRY:

16 Sure. Kent Westberry,  
17 220 West Main Street, Suite  
18 1900, Louisville, Kentucky,  
19 40202. Our law firm's name is  
20 Landrum & Shouse. Thank you.

21 BY MR. O'DONNELL:

22 Q. Are you aware that your  
23 representative may have a conflict of  
24 interest in representing you while  
25 being provided by someone else, such

1 as the company?

2 ATTORNEY WESTBERRY:

3 And I'll give the same  
4 answer I've given about three  
5 times to that. I think we  
6 understand I don't believe  
7 it's a conflict. I think  
8 under most states, assuming  
9 that what someone like Mr.  
10 Christensen is being asked to  
11 testify involved his  
12 employment, most state laws  
13 require, including Kentucky  
14 --- I don't now about Utah ---  
15 require that he be indemnified  
16 for any expense that he got.

17 But I've explained to  
18 Lyle that regardless of how  
19 the billing is handled, it's  
20 his interest that I look to  
21 and no one else's. But having  
22 said that, I won't say any  
23 more on that subject, and I'll  
24 let Lyle respond any way that  
25 he thinks he needs to respond.

1                   MR. O'DONNELL:

2                   Mr. Westberry, would  
3                   you state whether you  
4                   represent the mine operator in  
5                   these matters.

6                   ATTORNEY WESTBERRY:

7                   Help me with  
8                   terminology, Joe. The mine  
9                   operator would be  
10                  UtahAmerican?

11                  MR. GATES:

12                  That's correct.

13                  MR. O'DONNELL:

14                  Yes.

15                  ATTORNEY WESTBERRY:

16                  I do not represent  
17                  UtahAmerican.

18                  BY MR. O'DONNELL:

19                  Q.           With this understanding, do  
20                  you still want this person as your  
21                  representative?

22                  A.           Yes.

23                  Q.           Okay. Lyle, are you appearing  
24                  here voluntarily?

25                  A.           What?

1 Q. Are you appearing here ---

2 A. Appearing here, yes.

3 Q. --- voluntarily?

4 A. Yes.

5 Q. How many years of mining  
6 experience do you have?

7 A. Twenty-six (26).

8 Q. And give us a brief  
9 description of your coal mine  
10 employment history.

11 A. I started in Hiawatha, went  
12 into Maintenance. Stayed there for  
13 approximately six years,  
14 six-and-a-half years. Went from  
15 there to Soldier Creek, stayed there  
16 for about eight-and-a-half or so.  
17 Went from there to Deserado in  
18 Colorado. Was there for about  
19 three-and-a-half. Went from there  
20 back to Soldier Creek. And from  
21 there I went to Crandall.

22 Q. And how many years have you  
23 been at Crandall?

24 A. Twelve (12). Andalex,  
25 actually. Twelve (12) years with the

1 company.

2 Q. Twelve (12) years.

3 A. I worked at West Ridge for a  
4 few years.

5 Q. What have you done at Crandall  
6 since you've been there, what type of  
7 job?

8 A. I was a maintenance foreman.  
9 I was a shift foreman, maintenance  
10 foreman on graveyard, and then I was  
11 a master mechanic on dayshift.

12 Q. So the whole time you've been  
13 there you've been in management?

14 A. No, sir. No. About the last  
15 eight years.

16 Q. Okay. So those are the ---  
17 you're primarily maintenance?

18 A. Yes.

19 Q. Okay. Help me with the  
20 management structure. You say you're  
21 the master mechanic. What is the  
22 maintenance --- or the management  
23 structure at the mine?

24 A. I would be over like the  
25 maintenance foremen.

1 Q. And who are the maintenance  
2 foremen?

3 A. The people or just ---?

4 Q. Yeah.

5 A. The maintenance foremen under  
6 me?

7 Q. Yes.

8 A. There's four of them.

9 Q. And who are they?

10 A. Ryan Mann, Jesse Gilbert,  
11 Isreal Petersen and Larry Powell.

12 Q. Okay. And who is your  
13 supervisor?

14 A. Gary Sitterud and Gary Peacock  
15 and Laine Adair.

16 MR. O'DONNELL:

17 Okay.

18 ATTORNEY WESTBERRY:

19 One clarifying  
20 question. I'm not going to  
21 interrupt much. You know,  
22 he's moved on to a different  
23 mine. I think Richard knows  
24 that.

25 MR. O'DONNELL:

1                   Yeah.

2                   ATTORNEY WESTBERRY:

3                   Excuse me.

4                   MR. O'DONNELL:

5                   Yeah, I was going to  
6                   get into that.

7                   ATTORNEY WESTBERRY:

8                   Sorry.

9                   BY MR. O'DONNELL:

10                  Q.           And where do you work now?

11                  A.           Deer Creek.

12                  Q.           Okay. And what's your  
13                  position at Deer Creek?

14                  A.           I'm a mechanic.

15                  Q.           Regular mechanic? Do you have  
16                  any mining certificates?

17                  A.           Yeah. Do you want to know  
18                  what they are?

19                  Q.           Sure.

20                  A.           Mine foreman, fireboss papers  
21                  and electrical papers.

22                  Q.           Okay. The week of the  
23                  accident, what was your schedule?

24                  A.           I was on dayshift.

25                  Q.           Do you work all dayshifts?

1 A. Yes. I did up there, yes.

2 Q. And what kind of schedule, how  
3 many days a week?

4 A. Five.

5 Q. Five days?

6 A. Five to six.

7 Q. And what's your regular hours?

8 A. 5:00 in the morning until 4:00  
9 or 5:00 in the afternoon.

10 Q. Okay.

11 A. Between 11 and 12-hour shifts.

12 Q. So you start at five o'clock  
13 every day?

14 A. Yeah.

15 Q. Okay. What's your primary  
16 responsibilities at the mine? What  
17 is your job?

18 A. Maintenance. I was in charge  
19 of all the maintenance on the whole  
20 property, so everything.

21 Q. Ordering equipment?

22 A. Some, yeah. Not a whole bunch  
23 of that. Gary Sitterud took care of  
24 most of that.

25 Q. So let's just go to the day of

1 the accident. How were you notified  
2 that there was an accident at the  
3 mine?

4 A. Gary Peacock called me at my  
5 house.

6 Q. About what time did he call  
7 you?

8 A. About ten minutes after 3:00.

9 Q. From that time that you got  
10 the call from Gary, how about just  
11 walking us through your whole day as  
12 the events unfolded until the time  
13 that you left that day, what you can  
14 remember.

15 A. I went to work, got dressed.  
16 We went underground, tried to go in  
17 there as far as we could. We  
18 couldn't make it in there that far.  
19 Had to turn around, come back out.  
20 The mine rescue team showed up. We  
21 went in again with them, tried to go  
22 through again. Made it to about the  
23 same place we did. Come back out.

24 Gary and them left, decided  
25 what we was going to do, and then we

1 started the recovery after we decided  
2 that we couldn't make it without some  
3 form of machinery. Then we started  
4 getting set up to get the equipment  
5 and stuff in there for that day. And  
6 it was pretty quick. We had those  
7 two machines in there cleaning. We  
8 started that.

9 I went outside probably about  
10 seven, eight o'clock that night. And  
11 then we did some more planning and  
12 more setting up and then I went home.  
13 And everybody else stayed there, but  
14 I went home.

15 Q. So you got the call at 3:30  
16 and you got to the mine about what  
17 time?

18 A. I was there and dressed by  
19 4:00.

20 Q. And who was at the mine when  
21 you got there?

22 A. Gary.

23 Q. And ---?

24 A. Gary and the shift before.  
25 The shift was there, but they was all

1 underground. Me and Gary was the  
2 only ones on the surface.

3 Q. Okay. So what was his ---  
4 what did he tell you? What kind of  
5 information did he give you when he  
6 was outside there? Had he been  
7 underground yet?

8 A. No.

9 Q. Okay. So ---?

10 A. No. He was actually home when  
11 he called me.

12 Q. Okay. And you said you got  
13 dressed and you went underground.  
14 Who did you go underground with?

15 A. Gary.

16 Q. Okay.

17 A. Gary Peacock.

18 Q. Yeah. I know. So you get to  
19 the section; right?

20 A. Uh-huh (yes).

21 Q. Did you stop anywhere else on  
22 your way in?

23 A. I stopped and talked to the  
24 crew that was there and lined those  
25 guys out.

1 Q. What were some of his  
2 instructions, do you remember?

3 A. To get the stopping lines back  
4 up.

5 Q. Okay. So there had been  
6 ventilation controls that were  
7 damaged?

8 A. Right.

9 Q. And then where was your next  
10 stop?

11 A. 116 or so.

12 Q. Would it help --- I have a map  
13 of that section that I'd like to lay  
14 out, and that would give you --- that  
15 may help you remember some of the  
16 locations.

17 OFF RECORD DISCUSSION

18 BY MR. O'DONNELL:

19 Q. Okay. Let's lay this out. Do  
20 you recognize this as a map of the  
21 section, the west mains area of the  
22 mine, this being the north barrier  
23 pillar, south barrier pillar, west  
24 mains up here?

25 A. Uh-huh (yes).

1 Q. Okay. And we've obtained ---  
2 we've reproduced this map from  
3 AutoCAD files that were provided to  
4 us by the company. So this is the  
5 company's map.

6 MR. O'DONNELL:

7 Let's mark this  
8 Christensen Exhibit One,  
9 please.

10 (Christensen Exhibit  
11 One marked for  
12 identification.)

13 BY MR. O'DONNELL:

14 Q. And if you would, just --- do  
15 you remember where you were able to  
16 drive your truck to?

17 A. 116, somewhere in there.

18 Q. Okay. And is there any  
19 particular reason why you had to stop  
20 at 116?

21 A. There was another truck in the  
22 road, actually.

23 Q. Did you meet anybody there?

24 A. No.

25 Q. And what happened after you

1 parked your truck?

2 A. We got out and went in as far  
3 as we could.

4 Q. How far did you get in?

5 A. 125.

6 Q. Crosscut 125. When you got to  
7 Crosscut 125, did you meet anyone  
8 there?

9 A. No.

10 Q. What did you do then, you and  
11 Gary?

12 A. We turned around and went back  
13 out.

14 Q. You didn't try to take a look  
15 and see what you had or tried to get  
16 in?

17 A. Oh, yeah, we did.

18 Q. Okay. That's what I want to  
19 know.

20 A. This was --- from here ---

21 Q. From here is ---?

22 A. --- to 125 was ---.

23 Q. Where did you start, because  
24 we have to refer to the crosscuts?

25 A. 116 is where we parked the

1 truck.

2 Q. Okay.

3 A. We went up the intake to  
4 either 120, 121 and then went over  
5 and just tried to make it all the way  
6 up through here, ---

7 Q. Okay.

8 A. --- in all the entries, and  
9 couldn't.

10 Q. How far did you get in, Lyle?

11 A. To 125.

12 Q. 125. And where did you first  
13 start noticing the debris on the  
14 road?

15 A. 120.

16 Q. 120. The reason you couldn't  
17 get in was --- did you have to crawl?

18 A. Uh-huh (yes), part of it.

19 Q. And the material was thrown  
20 from both sides of the rib; is that  
21 right?

22 A. Yeah.

23 Q. Okay. Did you have a detector  
24 with you?

25 A. Yes.

1 Q. And what did you --- did you  
2 find any low oxygen?

3 A. Yes.

4 Q. And where did you find that  
5 at?

6 A. Clear out here, about 123.

7 Q. And what kind of oxygen did  
8 you have?

9 A. Like 17, 16 percent.

10 Q. Okay.

11 A. Didn't go beyond 16 percent.

12 Q. Okay. Well, ventilation had  
13 not been restored yet?

14 A. No.

15 Q. Was there somebody working on  
16 it?

17 A. Yes.

18 Q. Okay. And did you ever have  
19 to do an SCSR ---

20 A. No.

21 Q. --- or an apparatus or  
22 anything?

23 A. No.

24 Q. So you hit the 16 --- 15, 16  
25 percent at 120?

1 A. 123.

2 Q. 123. And then you advanced  
3 in. Is that as far as you went?

4 A. No. We went to 125.

5 Q. 125. How did you feel?

6 A. How did I feel?

7 Q. Did you feel okay? I mean,  
8 did it affect you at all, ---

9 A. No.

10 Q. --- the low oxygen?

11 A. No.

12 Q. Okay. So you guys determined  
13 that you couldn't get in any further;  
14 right?

15 A. Right.

16 Q. What were some of the --- and  
17 then you pulled back. What was the  
18 conversation? What did you think had  
19 happened? What were some of your  
20 thoughts?

21 A. I had no idea at that point in  
22 time what had actually took place.

23 Q. Okay. The roof was okay?

24 A. It was, yeah, pretty much all  
25 up.

1 Q. So the material was --- had  
2 you ever seen anything like that  
3 before?

4 A. Like what?

5 Q. What you observed?

6 A. You mean the devastation of  
7 it?

8 Q. Yes.

9 A. No, never.

10 Q. Have you ever seen similar  
11 conditions?

12 A. Not to this magnitude, no.

13 Q. To a lower magnitude?

14 A. Not anything like this. I  
15 mean, I'm --- you know.

16 Q. What would cause something  
17 like this?

18 A. That was an earthquake, as far  
19 as I'm concerned.

20 Q. It was an earthquake?

21 A. Yeah.

22 Q. Okay. Have you ever  
23 experienced a bounce in a mine?

24 A. Oh, yeah.

25 Q. What would you describe a

1 bounce to be? What's a bounce, in  
2 your --- just your definition.

3 A. It's just a bounce. I  
4 mean ---.

5 Q. Do you hear it?

6 A. Yeah.

7 Q. Okay.

8 A. Hear it, feel it.

9 Q. You feel it?

10 A. Sure.

11 Q. Ever knock you down?

12 A. Yeah.

13 Q. Does it ---?

14 A. Move pieces of equipment, you  
15 know, depending on how bad the bounce  
16 was.

17 Q. Does it throw coal?

18 A. Yes.

19 Q. Okay. Have you ever  
20 experienced a bounce that was severe  
21 enough that it knocked you down or  
22 moved equipment?

23 A. So now is this just in this  
24 mine I'm supposed to be answering  
25 this or ---?

1 Q. Well, in this mine. We'll say  
2 in this mine.

3 A. No, never ---

4 Q. Okay.

5 A. --- a bad enough bounce to be  
6 knocked down, no.

7 Q. But based on your past  
8 experience, you have experienced it?

9 A. Yes.

10 Q. Okay. So you had some point  
11 of reference to ---

12 A. Yes.

13 Q. --- know what --- it gave you  
14 a feel of what you may be looking at;  
15 right?

16 A. (Indicates yes).

17 COURT REPORTER:

18 Is that a yes, sir?

19 A. Yes.

20 BY MR. O'DONNELL:

21 Q. So after you and Gary got  
22 back, what was your next move? What  
23 did you do next?

24 A. We went and checked on the  
25 ventilation and started putting up

1 the ventilation is what we did.

2 Q. And how far back was the  
3 ventilation disrupted?

4 A. 109.

5 Q. Did you and Gary physically do  
6 the work or did you assign people to  
7 do the work?

8 A. On the ventilation?

9 Q. Yes.

10 A. We was quite a ways, about ---  
11 down in here by the time we was done  
12 up there, and they was putting these  
13 back in.

14 ATTORNEY WESTBERRY:

15 111, 112.

16 BY MR. O'DONNELL:

17 Q. You're referring to 111 and  
18 112. And would that be the return?

19 A. That was the return and the  
20 belt line.

21 Q. Okay. After you --- what was  
22 your conversation, then, you and  
23 Gary, after you got this ventilation,  
24 these guys assigned, now what?

25 A. Then we needed to get the

1 equipment headed in.

2 Q. And knowing that the equipment  
3 that you had in the section was in by,  
4 you pretty much had to start  
5 from ---?

6 A. Right. We had none there.

7 Q. And did you have that  
8 equipment on the property?

9 A. Yes, part of it.

10 Q. Okay. So tell me what you did  
11 next. What did you get into the  
12 section ---? Did you decide where  
13 you wanted to start cleaning?

14 A. Yeah. We was going to clean  
15 in the return.

16 Q. Which would be the number what  
17 entry?

18 A. Four.

19 Q. Number Four entry.

20 A. Starting from 120.

21 Q. Why was Number Four selected  
22 as the place to begin?

23 A. There was less debris in  
24 there ---

25 Q. Okay.

1 A. --- and no high-voltage cable.  
2 None of that stuff was in the return.

3 Q. So it would have been a lot  
4 easier to clean?

5 A. Yes.

6 Q. Okay. So what kind of  
7 equipment --- did you go outside,  
8 then, or was the equipment  
9 underground already, you just  
10 had ---?

11 A. We started moving it from  
12 another section down to there.

13 Q. Where was that equipment at?

14 A. Third North.

15 Q. It was at Third North. And  
16 was that a spare section in the mine?

17 A. Yes.

18 Q. Okay. Tell me what equipment  
19 you moved from Three North.

20 A. Shuttle car, roof bolter,  
21 miner. Then the feeder, but the  
22 feeder come later.

23 Q. So what did you do? Did you  
24 assign ---?

25 A. Assigned to get them moving in

1       there.

2       Q.       Okay.    So you had people  
3       outside waiting to come in?

4       A.       Yeah.

5       Q.       And who were some of those  
6       people that helped you?

7       A.       I don't remember people that  
8       was there.

9       Q.       Were they your section  
10      mechanics?

11      A.       Regular miners that was there.

12      Q.       All right.

13      Q.       About what time are we at now  
14      in the morning?   Do you have an idea?

15      A.       I don't.   I really don't.

16      Q.       If you don't, you don't.  
17      That's fine.   How long did it take to  
18      get --- I mean, you had a lot of  
19      moving.   It was quite a distance.  
20      How long did it take you to get set  
21      up into the section?

22      A.       With the mining equipment, it  
23      was quite some time.   But we had ---  
24      we got two large machines from Deer  
25      Creek that Deer Creek brought up

1       there that we actually took in there  
2       and started mucking with them.

3       Q.       Okay.  What were these ---?

4       A.       Diesel --- I don't know, 913s  
5       or ---.

6       Q.       Diesel scoops?

7       A.       Yeah.

8       Q.       Okay.  So you were able to  
9       just drive those right up ---

10      A.       Right.

11      Q.       --- to the area where you  
12      needed to work?

13      A.       Right.  Then we started  
14      cleaning in that Number Four entry.

15      Q.       In what crosscut did they  
16      start?

17      A.       120.

18      Q.       Okay.  So in 120, Number Four.  
19      Was the equipment in pretty good  
20      condition?

21      A.       The scoops?

22      Q.       Yes.

23      A.       Yes.

24      Q.       I mean, you were able to just  
25      fire them up and get going?

1 A. Yes.

2 Q. Okay. So how many scoops were  
3 running, two?

4 A. Two.

5 Q. And once that got set up, did  
6 you stay with the scoops?

7 A. I didn't.

8 Q. Okay.

9 A. I didn't. I went and got with  
10 the other people outside and decided  
11 what we was going to do there.

12 Q. And who did you get together  
13 with?

14 A. My boss, Gary Sitterud.

15 Q. Okay. And tell me, what was  
16 the game plan? What ---?

17 A. To get the mining equipment in  
18 there so we could use the mining  
19 equipment to get in.

20 Q. Did you ever go up into Number  
21 Four entry, where the scoops were  
22 running?

23 A. Yeah.

24 Q. And that whole shift that day,  
25 is that what they did, ---

1 A. Yes.

2 Q. --- they continued to clean?  
3 Did they have any problems with the  
4 equipment that day?

5 A. No, not to my knowledge.

6 Q. Okay. So when you left that  
7 day, about how much did you have set  
8 up?

9 A. Scoops was in there. The  
10 miner was in there. Shuttle car was  
11 on its way when I left.

12 Q. Okay. So from the --- is  
13 there anything that you'd like to add  
14 about that whole situation that maybe  
15 I didn't ask you?

16 A. No.

17 Q. Pretty much just set up the  
18 equipment, go in, find out what you  
19 had and get it ready to start the  
20 rescue operation?

21 A. (Indicates yes).

22 COURT REPORTER:

23 Is that a yes, sir?

24 A. Yes.

25 BY MR. O'DONNELL:

1 Q. The next day, were you  
2 assigned to work the next day?

3 A. Yep.

4 Q. Walk me through the time from  
5 the 7th through the 16th. What did  
6 you do? What was your job?

7 A. My job was just to make sure  
8 the equipment was there and running,  
9 getting the cable ordered, stuff like  
10 that, just so that we didn't have no  
11 more delays.

12 Q. Did you go into the mine much?

13 A. Every day.

14 Q. Every day. And how far did  
15 you go in?

16 A. All the way to the face.

17 Q. Were there any major  
18 breakdowns during this whole  
19 operation?

20 A. We lost the mining pump during  
21 the --- I don't even remember what  
22 day that was. We lost our main mine  
23 pump for the water, was the only  
24 major downtime that we had.

25 Q. Okay. Any other minor

1 problems with the miner?

2 A. No. Oh, your essential, you  
3 know, normal stuff.

4 Q. I'm talking about if you had a  
5 breakdown, ---

6 A. No.

7 Q. --- not just greasing and  
8 oiling ---

9 A. No. Actually, everything ran  
10 really well.

11 Q. --- bits and things like that,  
12 or just normal ---.

13 A. Right.

14 Q. Were you in the --- were you  
15 working on the day of the 16th, the  
16 day of the second accident?

17 A. I had just left. I had just  
18 left.

19 Q. Just left the section?

20 A. Just left the property.

21 Q. Oh. So you were in your  
22 truck, going home?

23 A. Yes. I turned around and come  
24 back.

25 Q. Okay.

1 A. But I was not there when it  
2 actually place.

3 Q. All right. Did you go back in  
4 the mine that day?

5 A. No.

6 Q. So you stayed on the surface  
7 and ---?

8 A. I was the guy up at the portal  
9 taking the names of the people that  
10 was coming out.

11 Q. Okay. How much time do you  
12 spend in the mine each day? Do you  
13 go in every day?

14 A. Yes.

15 Q. And where do you usually  
16 travel to?

17 A. It depends on what's taking  
18 place. I would go in that section  
19 --- try to make it in that section  
20 about every day for a few hours.

21 Q. Okay.

22 A. An hour or so. Your typical  
23 maintenance guy.

24 Q. Yeah. Were you in the section  
25 during any of the development of the

1 south main barrier pillaring?

2 A. This you mean?

3 Q. Yes.

4 A. Yeah.

5 Q. I mean when they developed the  
6 entries.

7 A. This?

8 Q. Yes.

9 A. Yes.

10 Q. Okay. Is there anything ---  
11 you know, you're an experienced  
12 miner. You saw the conditions as  
13 they were developing. Did you notice  
14 anything unusual or areas that were  
15 noteworthy?

16 A. No.

17 Q. Were there any areas of that  
18 entire development that ground  
19 conditions changed?

20 A. There was a heave on the belt  
21 line, the floor heaved. And I don't  
22 remember where it was at.

23 Q. Okay. What about the bounce  
24 activity there?

25 A. As far as the development of

1 it?

2 Q. Yeah.

3 A. It wasn't bad.

4 Q. Do you remember any?

5 A. Yeah, there was a few.

6 Q. Any that caused coal to be  
7 thrown?

8 A. Not that I seen, not to my  
9 knowledge.

10 Q. What about the development of  
11 the north barrier pillar compared to  
12 the south barrier pillar?

13 A. The ribs was a little bit  
14 worse in the north, ---

15 Q. Were they?

16 A. --- but not bad, not bad bad.

17 Q. You were in both of those  
18 areas when it was developed. What  
19 about when you were pillaring, did it  
20 --- how were they --- were they the  
21 same or were they different?

22 A. They wasn't much different.  
23 Like I said, the ribs was worse up  
24 there in the north.

25 Q. Okay. Do you remember ---

1        were you working in the section or  
2        were you in the section when the  
3        bounce occurred?

4        A.        I was not there.

5        Q.        Did you happen to see it?

6        A.        I didn't. In fact, they was  
7        moved out of there when I came back.

8        Q.        Were you on your --- were you  
9        off work? Let me say ---.

10       A.        Honestly, I don't even  
11       remember what day it was. I remember  
12       them --- I didn't have anything to do  
13       with them pulling out of the north  
14       section.

15       Q.        Okay.

16       A.        I wasn't there. When I got  
17       back, their equipment was moved down.

18       Q.        Was any of your equipment ---?

19       A.        In fact, I've never even been  
20       back in there since the bounce  
21       hit, ---

22       Q.        Okay.

23       A.        --- so I really don't  
24       know ---.

25       Q.        But you heard about it?

1 A. Yeah.

2 Q. What did you hear?

3 A. That it bounced and they  
4 pulled out of there.

5 Q. And what about the equipment?

6 A. They brought the equipment  
7 out. That's basically all I heard.

8 Q. Did you lose any equipment?

9 A. No.

10 Q. What about the condition of  
11 the equipment? Did it require any  
12 kind of repair?

13 A. No.

14 Q. So you just --- when you got  
15 back ---?

16 A. It bounced on the weekend, and  
17 they went up and shut it down and  
18 they pulled the equipment out. When  
19 I got there, we were setting up this  
20 other section.

21 Q. Were you involved in any of  
22 the plans involved in development or  
23 retreat in the mine?

24 A. No.

25 Q. So you were just maintenance?

1 A. Right.

2 Q. Okay. Let me ask you about  
3 the MRS, okay? What type of MRS was  
4 used?

5 A. Fletcher.

6 Q. And what was the maximum  
7 extension of the MRS?

8 A. Height-wise, I would guess I  
9 think it is 11.6 or 12 feet,  
10 something like that.

11 Q. What about with extenders?

12 A. The roof extensions?

13 Q. Yes.

14 A. They wasn't on there.

15 Q. They weren't?

16 A. No.

17 Q. Were they ever on there?

18 A. Yeah, they was on there when  
19 we was in the south, clear down here  
20 when we pulled them pillars out of  
21 the south.

22 Q. Lyle, how far did they extend  
23 that?

24 A. Two feet.

25 Q. Two feet over the 11.5?

1 A. Yes.

2 Q. Okay.

3 A. The canopies is what you're  
4 talking about.

5 Q. Yes.

6 A. Yeah, they was two feet, 24  
7 inches.

8 Q. Okay. Were you ever involved  
9 in any of the mining at all, the  
10 mining operation, the running of the  
11 miner, shuttle car, scoops? Did you  
12 ever fill in as a section foreman?

13 A. No.

14 Q. None of that stuff?

15 A. No.

16 MR. O'DONNELL:

17 Let's take a short  
18 break.

19 SHORT BREAK TAKEN

20 BY MR. O'DONNELL:

21 Q. Just some follow-up questions,  
22 Lyle. Are you aware of any other  
23 bounces at any time since you've been  
24 there that affected production, where  
25 they had to pull out?

1 A. No.

2 Q. And did you ever have any  
3 equipment that was covered up or  
4 damaged from bounces?

5 A. No.

6 Q. Where did you keep the  
7 canopies for the MRSs?

8 A. Where was they?

9 Q. Yeah.

10 A. Was on the intake in the main  
11 west, outby the section, like  
12 Crosscut 60.

13 Q. Okay. Do you know why the  
14 section pulled back in the north  
15 barrier?

16 A. You mean on the --- in this  
17 section?

18 Q. Yes.

19 A. Because it was bouncing too  
20 hard.

21 Q. So there was other bounce  
22 activity before the big one?

23 A. That's what I was told.

24 Q. Okay. So it was a progressive  
25 thing then?

1       A.       I actually was never in there  
2       when it bounced hard enough to pull  
3       back myself.

4       Q.       Was there ever occasions where  
5       the MRS would not reach the roof?

6       A.       No.

7       Q.       Okay.

8       A.       Never in neither one of them  
9       sections, either one.

10      Q.       So they stayed pretty good all  
11      the way through?

12      A.       Yeah, it was fine. There was  
13      places down here in the south where  
14      we went through overcasts and stuff  
15      that we had up there that we put them  
16      canopies on. We didn't need them up  
17      in here at all.

18      Q.       Okay. Were you ever working  
19      at the face or observed while you  
20      were at the face, them mining --- the  
21      mining of bottom coal?

22      A.       No.

23      Q.       Do you know if they did?

24      A.       I don't know if they did.

25      Q.       Never saw it?

1 A. I was never in there when they  
2 was mining coal, ---

3 Q. Okay.

4 A. --- mining the bottom.

5 MR. GATES:

6 Would they leave bottom  
7 coal anywhere?

8 A. I got to change that question.

9 MR. GATES:

10 Question or answer?

11 A. Answer. They take bottom coal  
12 where they would pull the pillars.

13 BY MR. O'DONNELL:

14 Q. Okay. That's what's ---.

15 A. Was that the question?

16 Q. Yeah. Anywhere.

17 A. Okay.

18 Q. Anywhere you saw it. So you  
19 know they took ---?

20 A. When they'd take the pillar,  
21 then they'd take the bottom coal out  
22 of the pillar.

23 Q. Okay.

24 A. Yes. They did take bottom  
25 coal.

1 Q. And what about on the  
2 straights?

3 A. Explain the straights.

4 Q. Straight is the entries, like  
5 One, Two, Three or Four.

6 A. Not to my knowledge, no. I  
7 did see 'em taking bottom coal out  
8 from pulling the pillars, which is  
9 common practice ---

10 Q. Okay.

11 A. --- from every pillar section  
12 I ever been in.

13 MR. GATES:

14 Did you see them moving  
15 the MRSS then back out in the  
16 entries? I mean, did you see  
17 it moved where you knew that  
18 they weren't taking the bottom  
19 coal, or did you actually ever  
20 see the MRSS as they were  
21 being moved out in the ---  
22 moved outby in the entries to  
23 be set up?

24 A. I don't understand the  
25 question.

1                   MR. GATES:

2                   Well, you said that you  
3                   never did see anybody taking  
4                   any bottom coal in the entry?

5           A.       Right. I never seen it out of  
6           the entries.

7                   MR. GATES:

8                   Okay. Did you ever see  
9                   them move the MRSSs when they  
10                  would move them outby to reset  
11                  them to move over and start  
12                  mining again?

13          A.       I seen them move the MRSSs,  
14          yeah.

15                  MR. GATES:

16                  So that bottom coal was  
17                  still in place when they ---?

18          A.       It would have to be there or  
19          they wouldn't have been able to get  
20          them out. Yeah.

21          BY MR. O'DONNELL:

22          Q.       Did anyone ever express any  
23          concerns about the mining conditions  
24          underground to you?

25          A.       No.

1 Q. Do you know who the  
2 responsible person is whenever they  
3 --- for each shift?

4 A. It changes. Shift foreman is  
5 usually who it is.

6 Q. Okay. Were you ever the  
7 responsible person?

8 A. Occasionally, yes.

9 Q. Okay. And how did that work?  
10 Was someone off or ---?

11 A. The shift foreman went home  
12 one day and I was the --- took his  
13 place.

14 Q. So how did they --- what did  
15 they do, hang a tag or ---?

16 A. Uh-huh (yes).

17 Q. And what about the miners  
18 underground, how were they notified  
19 that you were the designated  
20 responsible person?

21 A. I don't know. I didn't call  
22 them and tell them that I was.

23 Q. But somebody --- where was it  
24 in the shift? Did the guy get sick  
25 and go home or what?

1 A. Yeah.

2 Q. And he says, now you're the  
3 designated responsible person if  
4 something happens?

5 A. Right.

6 Q. You're the main man. And do  
7 you know what those responsibilities  
8 are?

9 A. As an RP?

10 Q. Yes.

11 A. You're just the responsible  
12 person over the mine.

13 Q. And you're familiar with all  
14 the ventilation of this mine and ---?

15 A. (Indicates yes).

16 COURT REPORTER:

17 Is that a yes, sir?

18 A. As far as moving the  
19 regulators and stuff, no. But yeah,  
20 I know how the ventilation works.

21 BY MR. GATES:

22 Q. Just maybe a couple questions  
23 about the mining up in the north  
24 barrier. You had mentioned that ---  
25 I think you did, that it was your

1       understanding that there had been  
2       some bounce activity that prompted  
3       the section to be moved from 137 to  
4       139 and leave those two rows of  
5       pillars?

6       A.       Right.

7       Q.       Did folks tell you? How did  
8       you know that?

9       A.       I was actually not there. But  
10      I mean, when you go in the section  
11      you know that they've left them.  
12      There's communication throughout the  
13      mine that they left them two pillars  
14      and move back.

15     Q.       When you went back in there, I  
16     mean, yeah, you saw the pillars. Did  
17     you see any evidence of any bump or  
18     bounce activity?

19     A.       Uh-uh (no).

20     Q.       So it had been cleaned up by  
21     then or ---?

22     A.       It was past. We left. We  
23     moved from here to there, so I didn't  
24     see it.

25     Q.       Did you ever go inby in that

1 bleeder entry, ---

2 A. I didn't.

3 Q. --- up in the top?

4 A. I didn't.

5 BY MR. O'DONNELL:

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

10 ATTORNEY WESTBERRY:

11 Other than he and I  
12 talked. I don't believe you  
13 have.

14 A. No.

15 MR. O'DONNELL:

16 Okay.

17 ATTORNEY WESTBERRY:

18 Not that I've seen.

19 MR. GATES:

20 I mean, you said no?

21 A. Right.

22 BY MR. O'DONNELL:

23 Q. Has anyone offered you  
24 anything or made a promise to you in  
25 exchange for you appearing here or

1 not appearing here today?

2 A. No.

3 Q. During your employment at the  
4 Crandall Canyon Mine, did you have  
5 any concerns for your personal safety  
6 that you'd like to discuss?

7 A. No.

8 Q. Is there anything you'd like  
9 to add that may be relevant to the  
10 investigation?

11 A. It ain't relevant to the  
12 investigation, but that --- it was a  
13 safe mine, like I said. It ain't the  
14 only mine I've ever been in. It was  
15 actually the best mine I've ever been  
16 in, so --- in my opinion.

17 Q. What do you think happened?

18 A. I think there was an  
19 earthquake that come through there,  
20 honestly.

21 Q. Well, that's ---.

22 A. I don't think anything we was  
23 doing up here had anything to do with  
24 it. I mean, it was devastation for a  
25 long ways.

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MR. O'DONNELL:

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

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

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

1 information regarding the  
2 accident that you'd like to  
3 provide us, just call Mr.  
4 Richard Gates at the contact  
5 information that we gave you.

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

16 If you wish, you may  
17 now go back over any answer  
18 that you gave us during this  
19 interview and make a  
20 statement, if you choose to.

21 A. I'm good with it.

22 MR. O'DONNELL:

23 Okay. Thanks, Lyle.

24 \* \* \* \* \*

25 STATEMENT CONCLUDED AT 8:49 A.M.