

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
EDDIE MATTHEWS

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
OCTOBER 30, 2007

1 BY MR. PAVLOVICH:

2 Q. You know we're doing an independent review of the Crandall Canyon event.
3 And for some unknown reason, someone thought Ernie and I had enough expertise to
4 come back out of retirement to do this, so they asked us to come in and do that. And
5 we selected these folks as our team and feel we have a very competent and capable
6 team. But I guess the reason they're doing this one as an independent is because all
7 of the high-ranking officials in headquarters were at the mine. So we're doing that.
8 And we are probably going to interview everybody or most of the people that were at
9 the mine during the rescue effort and then also, you know, inspectors and other people
10 that had been to the mine prior to. So that's why we've called upon you to come in
11 and talk to us today.

12 A. Okay.

13 Q. And you know, I've got a statement here to read to you. If you have any
14 questions at all, please feel free, you know, to ask us. If any time during the interview
15 you need a break or whatever, just let us know, okay? It's casual and we want you to
16 be as candid on this, and I know you will, about anything you saw or anything you did
17 out there.

18 A. Okay.

19 Q. As I said, the Secretary of Labor has assigned this group the task of
20 evaluating MSHA's performance during the period preceding the August 6th, 2007
21 coal bounce at the Crandall Canyon Mine and the subsequent rescue effort. We will
22 also be evaluating issues that were raised during this time period regarding Bob
23 Murray and his interaction with MSHA. This is not an investigation or review of any
24 individual person. It's an administrative review of MSHA's actions as an agency. This
25 evaluation will be presented to the Secretary in the near future, and it's intended that

1 the results of the evaluation will be made public.

2 The interview is being conducted to gather information for this assignment.
3 We also intend to interview a number of other MSHA employees. So that we may
4 obtain unbiased information from all persons to be interviewed, we ask that you not
5 discuss this interview with anyone until all the interviews are completed. Okay?

6 And you are a bargaining-unit person; right? You're an inspector. You have
7 been notified that you are entitled to a representative if you want one. You don't have
8 one, so I guess you've elected not to.

9 A. I talked to him about it. He's doing other things.

10 Q. Okay. All right. Well, if ---.

11 Ex. (b)(6) and Ex. (b)(7)(C)

12 Can I add something? He's doing other things, but do you
13 feel like you would want to maybe postpone and do this later when he's available?

14 A. No, I don't think so because, I mean, ---.

15 BY MR. PAVLOVICH:

16 Q. Well, I'll put it to --- if at any time that we ask you any question here that
17 makes you feel uncomfortable or feel like you need a rep, you just let us know. Okay?
18 I mean, I don't want to put you in any kind of bind or try and take --- you know,
19 disrespect your rights in any way.

20 A. I understand that.

21 Q. I've known you for a long time. I have the greatest respect for you. And
22 certainly I know Mr. Teaster does, too.

23 MR. PAVLOVICH:

24 And notice I called you Mr. Teaster. That will be your official
25 name from now on.

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UNIDENTIFIED SPEAKER:

Otis, I also want to let you know that we are recording your interview.

BY MR. PAVLOVICH:

Q. Is that okay?

A. It's okay.

Q. Okay. All right. Otis, would you give us your --- state your full name?

A. Edward Otis Matthews.

Q. Okay. And what is your present job title?

A. Coal mine inspector.

Q. Coal mine inspector. And what office do you work out of?

A. Mount Carbon.

Q. Mount Carbon?

A. Yes.

Q. And your supervisor is?

A. Thomas Moore.

Q. Tom Moore, okay. How long have you been an inspector with MSHA?

A. Since about '87.

Q. You came in in '87?

A. Well, I worked for MSHA prior to '87, but that's when I took the training to be an inspector.

Q. Oh, okay. And what was your job prior to that?

A. I was a lab technician, physical science ---.

Q. Okay. So was this like an upward-mobility project then?

A. Uh-huh (yes).

1 Q. Okay. So then you took the training in '87, okay. And I understand in the
2 course of reason that you're involved in the interviews as you are a member of the
3 MEO team ---

4 A. Yes, I ---.

5 Q. --- MEU team, I mean? And how long have you been an MEU member?

6 A. Since '98. Mr. Teaster selected me.

7 Q. Oh, very good. Very good. Okay. And so with that selection, you've
8 obviously received a lot of training in mine-rescue events, mine emergencies, ---

9 A. Quite a few.

10 Q. --- have been a regular team member throughout that and have participated in
11 many of these events?

12 A. Yes.

13 Q. Okay. How and when were you notified of the accident at Crandall Canyon?
14 Do you remember?

15 A. By phone.

16 Q. Okay. Who called you?

17 A. I'm not exactly sure whether it was Virgil Brown or Jeff Kravitz.

18 Q. And where were you at when you received that call?

19 A. I was underground at the mines.

20 Q. You were at a mine, underground. And what were the instructions that they
21 gave you?

22 A. Well, let me rephrase that.

23 Q. Okay.

24 A. I got a call from the secretary to the mines stating that I needed to get back to
25 the office to catch a flight somewhere, she don't go on to say.

1 Q. This is the secretary in ---

2 A. In the office.

3 Q. --- in Mount Carbon?

4 A. Yes.

5 Q. Okay. So then you got back to the office. And then how did you talk to
6 Kravitz or Virgil? Did you call them then or ---?

7 A. Well, it was kind of confusing because of the fact that we had --- we was trying
8 to make airplane arrangements, flight arrangements. That never worked out. Then I
9 called, tried to get ahold of Virgil, and he was out of town, up in Pittsburgh or
10 somewhere, doing some training with the Pittsburgh group. So I talked to him, and he
11 was talking to us and telling us that he was going to fly from Pittsburgh out and for us
12 to catch a flight, Mike Shumate and myself, to catch a flight there at Charleston.

13 Q. Okay.

14 A. Well, we didn't make it that day. We had to wait until the next day.

15 Q. So this would have been on the ---

16 A. The 6th.

17 Q. --- 6th?

18 A. Right.

19 Q. And you didn't get to go on the 6th?

20 A. No.

21 Q. Okay. And what was the reason you didn't get to go?

22 A. Couldn't get a flight.

23 Q. Couldn't get the arrangements ---

24 A. Right.

25 Q. --- or something to that effect?

1 A. Right. Our airline said they wouldn't have a flight available until the next day.

2 Q. The airline said?

3 A. Right.

4 Q. Okay. So you actually then arrived in Utah on ---?

5 A. The 7th.

6 Q. On the 7th. Okay. And when did you first --- did you go ---?

7 A. Which I think --- excuse me, which I think is a Tuesday or Wednesday, I'm not
8 exactly sure, ---

9 Q. Okay.

10 A. --- of September ----

11 Q. August.

12 A. --- August, yes.

13 Q. August, okay. Okay. And then when you got to Utah, I guess you guys drove
14 to Price?

15 A. Yes, from Salt Lake.

16 Q. And then when did you first go to the mine?

17 A. The next day. I think Shumate went that night, at midnight, ---

18 Q. Okay.

19 A. --- and I went the next day.

20 Q. On what shift?

21 A. Day.

22 Q. So you were on the dayshift on the 8th?

23 A. You don't care if I look at my notes here, do you?

24 UNIDENTIFIED SPEAKER:

25 Not at all.

1 BY MR. PAVLOVICH:

2 Q. I think that should be your notes. If they're not all inclusive or you have other
3 notes ---.

4 A. No, this is it.

5 Q. Okay.

6 A. This is it.

7 Q. No. Please, feel free ---

8 A. Okay.

9 Q. --- to look at --- refresh your memory with any notes there that you have.

10 A. Okay. Went to the mine on --- I'm thinking it was the 8th, yes.

11 Q. Okay. So you went dayshift on the 8th?

12 A. Yes.

13 Q. Okay. And can you kind of explain to us when you got there, to the mine,
14 what was going on?

15 A. Well, like any, you know, situation like that, a little bit of chaos and --- you
16 know, that's about all you can say. People going to and from, doing their thing.

17 Q. Okay. Who did you report to there at the mine?

18 A. I traveled out to the mines with Virgil and Rodney Adamson.

19 Q. Okay. And so when you got there, did you go to the command center or
20 staging area or where?

21 A. No. I went to the command center. And then I left there and went to the drill
22 site.

23 Q. So the command center was the Western Blue Goose?

24 A. Yes.

25 Q. And it was set up there at the mine?

1 A. Yes.

2 Q. And can you remember who maybe was in the command center when you
3 were there?

4 A. Well, some of the people I didn't know. I think Bob Cornett and the district
5 manager, ---

6 Q. Al Davis.

7 A. --- Al Davis.

8 Q. Okay.

9 A. See, those guys I didn't know, so --- .

10 Q. But were they in the command center at the time?

11 A. I believe so.

12 Q. Okay. Were there any --- was it all MSHA people in there?

13 A. If I recall --- in all honesty, I can't say yes because I don't know everybody.
14 But I would think so.

15 Q. For the most part, it wasn't like an intermingling of company and MSHA?

16 A. I don't think.

17 Q. You think most of them were MSHA, okay.

18 UNIDENTIFIED SPEAKER:

19 Who directed that you go over to the drill site?

20 A. Virgil.

21 BY MR. PAVLOVICH:

22 Q. And was there anything going on underground there on the 8th, when you got
23 there; do you recall?

24 A. I can't say because I don't know.

25 Q. Okay. You don't really ---?

- 1 A. No.
- 2 Q. There wasn't any discussion about that as far as ---?
- 3 A. No, not at the time.
- 4 Q. So ---.
- 5 A. But I do believe there was because Mike Shumate went out that night, and I
6 think those guys went underground.
- 7 Q. Okay. So Virgil asked you to go out to the drill site?
- 8 A. Yes. Rodney, myself and him.
- 9 Q. Okay. So Virgil went with you then?
- 10 A. Yes.
- 11 Q. He said, come with me?
- 12 A. To show us where it was, show me where it was.
- 13 Q. And what was your instructions to do there?
- 14 A. Stay there and observe drilling and call in every hour readings, you know, how
15 many feet they had drilled, ---
- 16 Q. The depth of penetration.
- 17 A. --- depth, and if there's any methane or low oxygen or anything like that.
- 18 Q. Okay. And that was the --- which hole? Was that the first hole?
- 19 A. Yes.
- 20 Q. That was the two-and-a-half-inch hole or ---
- 21 A. Yes.
- 22 Q. --- something like a small diameter?
- 23 A. Right, two inch.
- 24 Q. Okay. Did you stay there your whole shift?
- 25 A. Yes. I stayed there for about a week.

- 1 Q. You didn't get to go back to the hotel?
- 2 A. Oh, yeah.
- 3 Q. You meant every shift that you worked, you were at the drill?
- 4 A. Yes, about a week.
- 5 Q. Okay. All right.
- 6 A. Well, I did work one 24-hour shift there, but that's neither here nor there.
- 7 Q. Okay. Well, we'll get to that.
- 8 A. Sure.
- 9 Q. You can explain. So that first shift you stayed there and just observed the
10 drilling?
- 11 A. The first shift is when I stayed 24 hours.
- 12 Q. Did the hole drill through, happen to drill through at that time?
- 13 A. No, no, no, no. No.
- 14 Q. They weren't close yet?
- 15 A. No, no.
- 16 Q. Okay.
- 17 A. Not that far.
- 18 Q. Okay. So you stayed there how many days, do you think, I mean, after --- I
19 realize you went --- you ended your shift and went back, but how many shifts would
20 you have spent at that hole?
- 21 A. The way this looked, just based on my notes here that I can remember, it
22 would have probably been from about the 8th to about the 15th.
- 23 Q. Okay.
- 24 A. And that's just a guess. I'm not real sure.
- 25 Q. And was it always at the Number One drill hole?

1 A. It was all in the same location.

2 Q. Okay. So when they started with the other holes, did you travel to those also
3 and do some observation?

4 A. Yes, they were all in the same general area.

5 Q. Okay. So you could see one from another?

6 A. Yes. Yes.

7 Q. And so you basically were all around all of them?

8 A. Yes.

9 Q. Okay. And your --- every hour you would get a number from the drillers as to
10 how deep the hole was?

11 A. Right.

12 Q. And then who would you report that to?

13 A. To the command center.

14 Q. And usually who took that call from you?

15 A. It was either Al Davis or Cornett or somebody from that district there.

16 Q. Okay. So you would sometimes personally talk to Al Davis about the depth of
17 the holes?

18 A. Well, I got chewed out once, yeah.

19 Q. And what was that about?

20 A. Well, I shouldn't have even brought that up.

21 Q. Well, that's okay. You did, so you can tell us, if you want to.

22 A. Well, we got confused on the times that I was supposed to call in. They said I
23 didn't call in, and I did. And somebody down there noted it, and the next day they
24 found it in the log that I had called.

25 Q. Okay.

1 A. We just got mixed up.

2 Q. So, therefore, it verified that you did call in, they just thought you hadn't?

3 A. Right.

4 Q. They couldn't find it in the log. Okay. And so as these holes --- do you
5 remember maybe when the first hole drilled through? Would you happen to have
6 been working on the shift then?

7 A. I'm sure I was, ---

8 Q. All right.

9 A. --- but I don't recall.

10 Q. Did you have any involvement in drawing a sample or collecting a sample
11 from that hole?

12 A. Yeah. I worked some with Tech Support while they were doing that, setting
13 the sampling stuff up.

14 Q. Do you remember who that might have been?

15 A. Kim Diederich and Jeff Waggett.

16 Q. Okay. And so they were setting up sampling apparatus, tubing and pump and
17 that sort of thing?

18 A. Uh-huh (yes).

19 Q. Were they using IRs or what kind of detector were they using? Or were they
20 just drawing samples, drawing bottles?

21 A. They were drawing bottles and --- I'm not exactly sure about the hour thing,
22 but I know they had some Tygon tubing that they were using, too.

23 Q. Down the hole?

24 A. Yeah.

25 Q. Okay. Do you remember anything about the first samples that were drawn,

1 Otis?

2 A. No. No, I didn't ---.

3 Q. You didn't have any note or anything about what was drawn or ---?

4 A. No. They took care of that.

5 Q. Okay. Did anybody ever tell you any of the analysis they were getting out ---?

6 A. Well, I heard rumors.

7 Q. And what were those rumors?

8 A. That there was some bad air or bad samples, you know.

9 Q. Okay.

10 A. But I don't know how far it went up the chain.

11 Q. Were you aware --- did you hear that maybe there was some --- the first
12 samples that came out of the hole were clear air, fresh air, 20 percent oxygen, and
13 then later they found that there was low oxygen in that hole?

14 A. I don't recall.

15 Q. You don't remember that specific?

16 A. No.

17 Q. Okay. Do you remember if anybody ever said anything about a lag in
18 providing accurate samples?

19 A. Not to me they didn't.

20 Q. Not to your knowledge. Okay.

21 UNIDENTIFIED SPEAKER:

22 Could you take hand-held readings at those holes with any
23 instruments?

24 A. You could, but you wouldn't get anything because you were basically getting
25 fresh air at the hole.

1 BY MR. PAVLOVICH:

2 Q. When you first got in the command center and I guess the first day maybe you
3 --- did you spend some length of time there at all or did you and Virgil go out to the
4 holes pretty quick?

5 A. Virgil just showed me where it was the first day. The rest of the time, I was
6 pretty much on my own.

7 Q. Okay. So you just drove out there yourself?

8 A. Yes, from the hotel.

9 Q. You had a vehicle that you could get out there in?

10 A. Uh-huh (yes).

11 Q. Was the road pretty bad?

12 A. Well, they cut it with a dozer. And it wasn't paved, so you can just imagine.

13 Q. And those mountains are ---

14 A. Right.

15 Q. --- pretty rugged?

16 UNIDENTIFIED SPEAKER:

17 A lot of rain?

18 A. It didn't rain. Thank God it didn't, because you would have never made it.

19 BY MR. PAVLOVICH:

20 Q. Okay.

21 A. It would have been chuck holes up to your eyeballs.

22 Q. So how long ---?

23 UNIDENTIFIED SPEAKER:

24 Were you working eight-hour shifts?

25 A. Well, I won't say no. I think it was 12, pretty much.

1 BY MR. PAVLOVICH:

2 Q. That included your travel time over to the holes, which was ---?

3 A. Not all the time.

4 Q. No? Sometime you stayed at the hole 12 hours?

5 A. Right.

6 Q. Okay. And then they'd send someone to relieve you. You just stayed there
7 until you got relief?

8 A. Right.

9 Q. Okay. Did what short time you were in the command center or other days --- I
10 don't know if you were ever back in there again other than the first day, but did
11 there ---?

12 A. I was --- excuse me. I was never actually assigned to the command center.
13 The only thing that I ever done there was just go in, maybe look at the map and, you
14 know, the first day I met everybody. But the rest of the time, I wasn't --- very seldom I
15 was ever in there.

16 Q. So you didn't really go in every day when you reported ---

17 A. No.

18 Q. --- for work or anything?

19 A. No.

20 Q. You just went to the hole?

21 A. I went to the site.

22 Q. Okay.

23 A. Because it was an hour and a half out of my way from the drill site to the
24 mines.

25 Q. Can you tell us anything at all about your opinion of the organization at the

1 command center when you got there or the chain of command?

2 A. No.

3 Q. Okay. Did you go underground at all, Otis?

4 A. Yes, sir.

5 Q. Okay. So for the first several days up until the 15th you were pretty much
6 stationed at the bore holes. They were continuing drilling multiple holes then and then
7 when did you go underground?

8 A. I'm thinking it was around the 16th.

9 Q. Okay.

10 A. Somewhere close to that date.

11 Q. Feel free to look into your notes, if you ---.

12 A. I got here, set props, and that was on the --- I'm pretty sure that was on the
13 16th. So started mining coal at 1545, so --- we generally start work around --- we left
14 the motel around --- between one o'clock and ---.

15 UNIDENTIFIED SPEAKER:

16 So you're now on the evening shift or afternoon shift?

17 A. Yes. Yes. And so I put down here in my notes started mining coal. So that
18 was just an observation I made.

19 BY MR. PAVLOVICH:

20 Q. So you think probably the 16th you came out on the evening shift?

21 A. Yes.

22 Q. And then went underground?

23 A. Yes.

24 Q. What kind of briefing or instructions did you receive about going underground
25 that day?

1 A. Well, I was told, you know, I would probably be getting some air readings,
2 observing, setting props, observing, putting up the fence and the cables and stuff.

3 Q. Did they familiarize you with the plan of support that was in place and how
4 they were supposed to be putting up props and all?

5 A. Well, we had a plan, you know, a letter stating how it was to be done.

6 Q. Okay. And they gave you that?

7 A. Yes.

8 Q. You had a copy of it?

9 A. Yes.

10 Q. Did you have --- did they brief you on the map of where the work activity was
11 taking place?

12 A. Well, I pretty much knew that because I had seen it prior to when I went in the
13 mine, so ---.

14 Q. So you'd look at it and see how much progress they had made?

15 A. Right. And they weren't moving that fast, so it wasn't hard to see.

16 Q. Were you aware that there were times when it bumped underground?

17 A. Oh, absolutely.

18 Q. And how did you --- how were you aware of that?

19 A. I felt it and heard it.

20 Q. From the surface?

21 A. No, not from the surface.

22 Q. I mean, while you were --- before you went underground the first time, you
23 knew that there was ---

24 A. No.

25 Q. --- any bumping going on or not?

- 1 A. No, I didn't know.
- 2 Q. Nobody told you there's --- we've had numerous bumps?
- 3 A. Nobody told me, no.
- 4 Q. They didn't?
- 5 A. No.
- 6 Q. So when you went underground, you're just assuming they're just cleaning this
7 up and putting new support and there's no bumping activity going on?
- 8 A. Well, they had told me what happened to the six guys that got ---.
- 9 Q. The original bump?
- 10 A. Right.
- 11 Q. Yeah. Okay.
- 12 A. Now, that part I knew, but the other part, no.
- 13 Q. Okay. So you didn't know there was some bumping going on?
- 14 A. No.
- 15 Q. So when you went underground on the 16th, was there any other MSHA
16 people that went in with that group?
- 17 A. Yes. Scott Johnson and I.
- 18 Q. You and Scott?
- 19 A. Yes.
- 20 Q. Okay. And how about ---?
- 21 A. And I think somebody from the district. It was either Gary Jensen or --- Frank
22 started later, so I don't think he was with us. There may have been somebody else
23 besides them. I don't remember who it was.
- 24 Q. But there was some other MSHA guys, ---
- 25 A. Yes.

1 Q. --- along with the mining crew, the company people? Okay. And when you
2 got underground, what did you do?

3 A. Well, it just depended on what my assignment was.

4 Q. Okay. What was ---?

5 A. Scott and I, generally we would alternate. One day he would take the face
6 and I would take the outby, and vice-versa the next day.

7 Q. But if you went underground the first day on the 16th, on the afternoon shift,
8 how many shifts would you have worked underground?

9 A. How's that?

10 Q. How many shifts do you think --- how many days do you think you went
11 underground? Because I think you're telling me that you went underground several
12 shifts; right?

13 A. Oh, yes.

14 Q. Okay. Well, you must have started then before the 16th, right, because the
15 second bump occurred --- the one that Gary Jensen was killed occurred on the 16th;
16 right?

17 A. You're right. You're absolutely right. Okay.

18 Q. So you must have started going underground ---

19 A. I believe you're right.

20 Q. --- before.

21 A. I got my time mixed up.

22 Q. That's all right. Take your time there and look at it. I understand this isn't
23 easy.

24 A. Yeah, because I left --- I left there on ---.

25 UNIDENTIFIED SPEAKER:

1 A. Yes.

2 Q. Okay. Okay. And do you remember about where you might have been on
3 this map? Here's 120, 121.

4 A. We set props at --- oh, I can't even read my own writing, 1700.

5 Q. Here, look at my note.

6 A. Spad 6784.

7 UNIDENTIFIED SPEAKER:

8 That's all we got for the 12th.

9 MR. PAVLOVICH:

10 Okay.

11 UNIDENTIFIED SPEAKER:

12 No 13th, no 14th.

13 MR. PAVLOVICH:

14 Okay. So you've got ---.

15 UNIDENTIFIED SPEAKER:

16 We've just got ---.

17 MR. PAVLOVICH:

18 Okay.

19 UNIDENTIFIED SPEAKER:

20 We got two sets of notes.

21 A. I must not be in the same place. How can that be? That can't be. Oh, I know
22 what it is. Over here is my times for the day, and this here is my --- where I went
23 underground. That's what it is. I was reading this, and it's got me confused now, but I
24 know what it is. This is my times that I kept to put on my timesheet.

25 BY MR. PAVLOVICH:

- 1 Q. Oh, okay. Okay. So that's where you have the 12 ---
- 2 A. Yes.
- 3 Q. --- and you have two lines that shows whatever?
- 4 A. Yes. Yes.
- 5 Q. And then the 13th, there's two lines, ---
- 6 A. Right.
- 7 Q. --- 0001 to 0300 ---?
- 8 A. Right.
- 9 Q. Okay. And then over on the other side is where you have ---
- 10 A. Right.
- 11 Q. --- notes that says, started mining coal at 1545, set props?
- 12 A. Yes.
- 13 Q. Okay.
- 14 A. That's the reason it's confusing. It had throwed me, too, I admit it, but now I
- 15 understand it.
- 16 Q. Okay. That's all right. It's all right. Take your time. Don't let us confuse you.
- 17 A. Okay.
- 18 Q. So your first day was the 12th?
- 19 A. Right.
- 20 Q. And you remember going underground, and they started mining coal. Did you
- 21 go up and look at the place where they were starting at?
- 22 A. Yes, I did.
- 23 Q. What did you think of it, Otis?
- 24 A. Well, first of all I kept hearing bumps. And you know, they weren't big bumps,
- 25 but they were enough to keep you awake.

1 Q. Like it was a thumping way up in the roof or was it close, close like in the ribs?

2 A. Some like --- some of them were --- most of them were in the roof, it sounded
3 like, ---

4 Q. Okay.

5 A. --- and they were away from us, but you could hear them.

6 Q. Okay. You could hear them?

7 A. Uh-huh (yes).

8 Q. And then when you looked at that coal face where they were loading the coal
9 at, what did it look like to you?

10 A. It just looked like a stockpile of coal.

11 Q. All the way to the roof?

12 A. All the way to the roof.

13 Q. Had you ever seen anything like that before?

14 A. No, I had not. Because the top was supported --- I mean, it had bolts in it, and
15 they were just mining it out like ---.

16 Q. And the entries were full of loose coal?

17 A. Loose coal.

18 Q. So as you were hearing these noises and then you said, you know, some of
19 them were noises way up in the roof, sounded like they were far up, but some of them
20 were closer to you, did you ever feel the vibration?

21 A. Absolutely, and the dust, too. Some of them, you know, they weren't big pops,
22 but they were enough to cause --- you know, to blow out stoppings and, you know,
23 curtains.

24 Q. So you were there when stoppings and curtains were blown out?

25 A. Yes, sir.

1 Q. You've observed that?

2 A. Yeah. Well, the dust from them.

3 Q. Okay.

4 A. You know, sometime they were away from you. And the dust from them, you
5 know, you could see where the dust had --- where it blowed, I guess the ribs had fell
6 in, and the dust would come out in the roadway.

7 Q. Oh. So they might be behind you when the dust would come up? Would you
8 feel the ground shake?

9 A. Well, not really.

10 Q. No.

11 A. Just ---.

12 Q. Mostly just the ribs coming off?

13 A. Uh-huh (yes).

14 Q. Okay. Pretty loud?

15 A. Loud enough that I felt it.

16 Q. Okay. Loud enough to scare you?

17 A. Make you a little apprehensive.

18 Q. Okay. So what did you think about that?

19 A. In what regard?

20 Q. Well, in the regard as why am I here or why are we doing this.

21 A. What did I think about the bumps or ---?

22 Q. The attempt to load that out with it continuing to bump like it was bumping.

23 A. Well, I --- you know, I had never been around that before --- that type of stuff
24 before, so I was a little apprehensive, but I wanted to get the men out.

25 Q. Okay.

1 A. And if that's what it took, I just had to kind of calm myself and try not to think
2 about it and do what I had to do.

3 Q. Okay. Had anybody --- when you were up there, obviously you were taking
4 some gas tests ---

5 A. Uh-huh (yes).

6 Q. --- and air readings ---

7 A. Uh-huh (yes).

8 Q. --- and measuring the quantities, and you were also observing the men
9 installing the props ---

10 A. Uh-huh (yes).

11 Q. --- and the chain link? And were you ever taking any gas tests like in the
12 return or like ---?

13 A. Uh-huh (yes). I believe so.

14 Q. What kind of readings were you getting over there, Otis? Was it always pretty
15 much fresh air or did you ever get lower oxygen?

16 A. According to my notes --- and I know I had some here. And I can't even
17 remember how we were counting these. I'm thinking we were going from left to right.
18 Four entry had to be the return.

19 Q. Number One is where you were cleaning up at.

20 A. Right.

21 Q. Then it would be Two, Three and Four.

22 A. You're right. It would be over in a return. According to my notes, no.

23 Q. You were always getting like 20 percent oxygen ---

24 A. Pretty much, yes.

25 Q. --- on your tests? Even after you had a bump, if it blew a stopping out or

1 something, you were still getting pretty fresh air?

2 A. The lowest I see here is 20.1.

3 Q. Okay. Did anybody ever talk to you about the bore hole readings that came
4 out of the Number One hole being like seven-percent oxygen?

5 A. That was a rumor I heard at one time. Nobody really talked to me.

6 Q. Nobody briefed you on that and they said like, Otis, we got seven-percent
7 oxygen coming out Number One hole?

8 A. No. Like I said, Tech Support, you know, they pretty much took care of that
9 type of stuff, ---

10 Q. Okay.

11 A. --- and we didn't --- I didn't get involved in it.

12 Q. Okay. Would you have liked ot have known that?

13 A. Well, somewhat. But where I was, I was, you know, sometimes at the drill
14 site, one part of the time I was there, and the other time I was underground. But all
15 that was, you know, while I was at the drill site. And I heard a rumor. Then the rumor
16 got changed to something else, that everything was good.

17 Q. Okay. So first you heard the rumor that the air was bad, ---

18 A. Right.

19 Q. --- then the next word someone told you, no, the bore holes were showing
20 good air, fresh air?

21 A. Right.

22 Q. Do you remember who told you that, by any chance?

23 A. No, sir, I don't.

24 Q. Okay. Would it have been an MSHA person or a company man or driller or
25 who, Tech Support?

1 A. It was probably MSHA.

2 Q. Someone from MSHA said that?

3 A. Uh-huh (yes).

4 Q. Let me ask you this, Otis. If you had known when you were going
5 underground there it was bumping and seeing what you saw there, plus knowing that
6 the air up in that place was seven-percent oxygen, how would have you felt about
7 continuing on?

8 A. I would have continued on to the best I could just to try to get the men out.

9 Q. Just more of a recovery effort, though?

10 A. Yes.

11 Q. Would you have felt like there probably was not much chance if you would
12 have known it was seven percent up there?

13 A. Well, the thing about it, nobody could really say.

14 Q. Okay.

15 A. Because number one, they didn't know where they were exactly. And the drill
16 hole was just in one location, ---

17 Q. Okay.

18 A. --- and no one could really say that the men were there in that one spot, even
19 with the seven percent. You know, all I could do was just speculate.

20 Q. Where would you have thought --- if they said, Otis, we got seven-percent
21 oxygen up there, where would you have thought that might be coming from?

22 A. I would say it was, you know, in an area that, you know, that didn't have a
23 whole lot of oxygen simply because I'm sure there was still, you know, some oxygen
24 probably where the men were, but it wasn't a lot, you know, just from the time that it
25 happened up until that point.

- 1 Q. Okay.
- 2 A. It all just left.
- 3 Q. Did you ever think there was a possibility that the barrier between there and
4 the gob might have bumped that?
- 5 A. Yes, I thought about that.
- 6 Q. Okay. You thought maybe it could be coming from the gob?
- 7 A. I wasn't real sure about that because I wasn't that familiar with the mines.
- 8 Q. Okay. So during the days you were underground, I guess the 12th, the 13th,
9 14th, 15th, 16th --- you went underground every day during those days; right?
- 10 A. Except for a couple.
- 11 Q. Okay. What did you do those couple days?
- 12 A. I traded out with Gary Jensen one day or two, I don't remember exactly. The
13 day that he --- you know, he got killed was the day that him and I traded out.
- 14 Q. You and him traded out that day?
- 15 A. Yes.
- 16 Q. So he went in in your place and you stayed outside in his place?
- 17 A. Yes. Well, not so much in his place. I just stayed outside. See, we always
18 had somebody on the surface as backup.
- 19 Q. So he had been staying outside for a few days?
- 20 A. Right. Well, he was doing district stuff.
- 21 Q. Okay.
- 22 A. He was part of the mine rescue team also.
- 23 Q. The western team?
- 24 A. Yes.
- 25 Q. Okay. So he stayed outside a few days you were underground, ---

1 A. Yes, sir.

2 Q. --- and then you and him traded out that day on the 16th?

3 A. Yes, sir.

4 UNIDENTIFIED SPEAKER:

5 What would you do on the outside?

6 A. We'd clean apparatuses, bench some of them.

7 UNIDENTIFIED SPEAKER:

8 Mostly mine rescue apparatus-type work?

9 A. Yes, sir.

10 UNIDENTIFIED SPEAKER:

11 Nothing to do in the command center?

12 A. Well, if they asked me to. You know, if they asked me to look at an area to
13 determine, you know, where I think --- you know, something about it, I would go in and
14 look at it, you know, or if I had to talk to someone or, you know, if I wanted to find out
15 what was going on underground, I would go in there. But I didn't go in there that much
16 because I wasn't outside that much. That one time that I recall, the last day --- you
17 know, the day when Mr. Jensen got killed, that was probably the most time that I was
18 outside, that one day.

19 BY MR. PAVLOVICH:

20 Q. The day of the 16th?

21 A. Right. And I had my clothes on to go underground then. And he decided he
22 wanted to go, I suppose, just to ---.

23 Q. How did he approach that? Did he just come up and talk to you and say, I'll
24 go in, Otis?

25 A. No. What happened, Scott and I had our clothes on and we were coming to

1 the command center because that's where we always met. And he and Frank, I can't
2 remember Frank's last name, ---

3 Q. Markosek?

4 A. --- something like that, ---

5 Q. Okay.

6 A. --- you know, said, you know, that they would like to go in. And so Scott and I
7 talked about it. And Scott said, man, you know, I don't like to stay outside, so why
8 don't you let me go and we'll switch up. I said, well, okay, you can go and I'll stay.
9 Because somebody had to stay outside.

10 Q. Okay.

11 A. So we just decided ---.

12 Q. So you stayed outside that day?

13 A. Right, and Gary went in.

14 Q. Okay. Now, on the days you were underground you said you remembered
15 there being a lot of bumps, bounces, whatever, during the shift. Were they pretty
16 frequent, Otis?

17 A. Well, when you --- I'm going to take frequent to mean every five minutes. No.

18 Q. Okay. How often would they have been? And I realize they're not every hour
19 on the hour, but a couple times a shift maybe?

20 A. Yeah.

21 Q. More than that sometimes?

22 A. I'd say a couple times a shift at least.

23 Q. A couple times a shift?

24 A. Uh-huh (yes).

25 Q. Were you ever in there when anybody was ever knocked down or struck by

1 any coal from the ribs or anything?

2 A. No.

3 Q. Nobody ever said, I got hit by this or ---?

4 A. Not to me they didn't.

5 Q. Were you there when the continuous mining machine was damaged by a coal
6 outburst?

7 A. Was I underground?

8 Q. Yes.

9 A. I don't remember. I may have been there and been outby, ---

10 Q. Okay.

11 A. --- but I don't remember.

12 Q. Well, there was something about the shafts to the cutting head motors, the
13 drive shafts that were broken.

14 A. I remember that. Right.

15 Q. You remember that. Were you underground then and saw that or ---?

16 A. I don't recall.

17 Q. Don't remember?

18 A. Uh-uh (no).

19 Q. Okay. Most of the time would you be like outby taking your air readings and
20 would you occasionally go up to the face where they were setting timbers ---

21 A. Uh-uh (no).

22 Q. --- or props?

23 A. Yes, sir.

24 Q. Okay. But while they were actually loading the coal out, who was just allowed
25 up there?

- 1 A. The miner operator and the --- what did they call them things? It was a ram
2 car, I suppose.
- 3 Q. Ram car operator?
- 4 A. Right.
- 5 Q. How about a helper, would a helper be up there, too?
- 6 A. Yes.
- 7 Q. Okay. So you'd have three people.
- 8 A. And some MSHA people.
- 9 Q. Everybody else would stay outby.
- 10 A. And MSHA people.
- 11 Q. And some MSHA people might be up there, too, ---
- 12 A. Yes.
- 13 Q. --- watching the loading operation?
- 14 A. Uh-huh (yes).
- 15 Q. Okay.
- 16 A. But we would be outby.
- 17 Q. Okay.
- 18 A. You know, the only person who'd really be
19 up --- what we call the face, if you can call it a face, would be the miner operator and
20 the buggy man.
- 21 Q. All right. You might be outby in a crosscut or something, ---
- 22 A. Right.
- 23 Q. --- looking out of the way of the buggy?
- 24 A. Exactly.
- 25 Q. How wide were the roadways they were taking there?

- 1 A. About 12 foot.
- 2 Q. Twelve (12) foot. Did they appear they were ---?
- 3 A. Fourteen (14) at the max, but 12 is generally ---.
- 4 Q. Okay. Did it appear they were pretty much taken down the middle of the entry
5 or a little bit more to the left or a little more to the right? Could you tell?
- 6 A. It appeared who was taking the what now?
- 7 Q. That the miner cut was going down the middle of the entry or was the loading
8 a little more to the left of center line or right of center line?
- 9 A. I think it generally stayed in the middle.
- 10 Q. You think they tried to stay pretty much in the middle?
- 11 A. Right. Occasionally they would cut over to a crosscut, you know, in order to
12 maybe put up a curtain or get better ventilation or something.
- 13 Q. Okay.
- 14 A. And sometimes they would find old parts and stuff that, you know, they
15 thought were in there and they would mine over to it and try to get it out of the way.
16 Some of the stuff they had to move out of the way.
- 17 Q. Okay. You never did go up to the seals there where the rescue team broke
18 the seals to go in under apparatus, do you remember that, early on?
- 19 A. I didn't go and put my hands on them, but I did go within a certain distance of
20 them, yes.
- 21 Q. So you walked over there sometime ---
- 22 A. Yes.
- 23 Q. --- during a shift and looked at them?
- 24 A. Yes.
- 25 Q. And what did the conditions look like to you over there?

1 A. The only one I seen, they had --- I think it had a door in it or something. We
2 had some people go in there. Some of the rescue people went in there. But I didn't
3 get really that close.

4 Q. Okay. Did you ever hear anything about how that excursion went when they
5 went in there?

6 A. Yes, I did, but I can't recall what all was said.

7 Q. Did anybody ever talk to you about it bumping on them or ---

8 A. No.

9 Q. --- a roof fall while they were in there?

10 A. No.

11 UNIDENTIFIED SPEAKER:

12 Otis, do you know why they switched you from the bore holes
13 to underground?

14 A. Not really. No, I don't. I didn't really, you know, think about it. No, sir, I don't.

15 BY MR. PAVLOVICH:

16 Q. Do you know, Otis, was there any consideration or any talk around the
17 command center when you happened to be through there, anything about continuing
18 with this rescue effort while all this bumping was going on underground? Did you ever
19 hear anybody talking about that, well, we should continue or maybe not continue?
20 You never heard anything like that? Did you ever hear any concerns about some of
21 the miners or other MSHA people there about why should we be in here or we're afraid
22 to be in here?

23 A. You hear rumors all the time.

24 Q. Okay. And?

25 A. I mean, you hear people talking. You know, I mean, people talk.

1 Q. Well, what kind of things did you hear?

2 A. Well, you know, some of the men were afraid to run the miner, mine coal.
3 You know, some of their friends were trapped in there, and, you know, the mines was
4 bumping and they were just afraid.

5 Q. Okay. So you heard some of the actual miners say that?

6 A. Yes.

7 Q. The miners from Crandall Canyon that were there?

8 A. Yes.

9 Q. Okay. How about any MSHA people?

10 A. No.

11 Q. No. Do you know if any of that was ever reported to anybody in the command
12 center, that people were --- said they were afraid to be in there?

13 A. Not to my knowledge.

14 Q. Not to your knowledge. Okay. Did you ever voice any concerns like that?

15 A. No.

16 Q. No. Okay. When those bumps occurred, were you ever concerned that the
17 other people that were in there, did anybody get hurt?

18 A. Absolutely.

19 Q. Okay. So what would you --- what steps would you guys take when you had
20 one of those?

21 A. We'd go around and see if everybody was okay.

22 Q. Okay.

23 A. You know, we'd go up to the face and outby and find out if everybody was all
24 right.

25 Q. So normally you would have a fairly large crew of people in there?

1 A. Yes.

2 Q. About how many on an average?

3 A. Just guesstimating, maybe ten.

4 Q. Ten. Okay. So you ---?

5 A. That's including us, too.

6 Q. That's including the MSHA people also. So when something like that would
7 happen, you'd pretty much go around and locate everybody and make sure you guys
8 were okay?

9 A. Yeah, make sure everybody is accounted for.

10 Q. So they were severe enough that you thought there's a possibility somebody
11 could have been hurt?

12 A. Oh, absolutely.

13 Q. Okay. So my question about were you concerned about the safety of rescue
14 workers, I guess the answer to that is yes; ---

15 A. Yes, sir.

16 Q. --- is that right?

17 A. Yes, sir.

18 Q. Okay.

19 UNIDENTIFIED SPEAKER:

20 How did you get a handle on how many people were there?

21 You say normally ten and you'd go check to see if everybody was okay.

22 A. Well, you know, I didn't know all the company people, but I knew the people I
23 was with, the MSHA people. So I would ask the company to --- you know, do they
24 have a count of everybody, is everybody all right, you know, and they would say yes.

25 BY MR. PAVLOVICH;

1 Q. So the company guys pretty much took the same ---

2 A. Right.

3 Q. --- toll that you did or a ---

4 A. Right.

5 Q. --- poll of everybody, and then you'd ask them is everybody accounted for?

6 A. Yeah.

7 UNIDENTIFIED SPEAKER:

8 Otis, did it seem like the companies had a pretty good handle
9 on what that plan required? Was everybody advising what the requirements were of
10 the plan?

11 A. I think so.

12 UNIDENTIFIED SPEAKER:

13 Did you ever encounter any situations where they didn't know
14 and you had to tell them the right way?

15 A. No, not that I can recall.

16 UNIDENTIFIED SPEAKER:

17 Did any MSHA person, to your knowledge, have to do that?

18 A. No. No, not that I can recall.

19 BY MR. PAVLOVICH:

20 Q. Did you ever man the phones from underground to the outside to report
21 conditions, footage that was mined, how many props were set?

22 A. Yes, sir.

23 Q. Okay. And when you had these bumps like this, would you call and report that
24 to the command center, ---

25 A. Yes, sir.

1 Q. --- that you had one and kind of describe the magnitude?

2 A. And, you know, tell them everybody was okay.

3 Q. And let them know everybody is okay?

4 A. Right.

5 Q. Did you make notes of those in your notebook, by any chance, when you did
6 that or when you had one?

7 A. I believe that I did. Now, this is the --- if I can't find it in my notes, I may not
8 have. Oh, 1940, bump on section. That was on the 12th.

9 Q. That was the first day you went in?

10 A. I believe so.

11 Q. Okay. And for you to make a note in there, I imagine that was a pretty good
12 shake?

13 A. Yes, sir.

14 Q. And that was the first one you had ever experienced in your whole life?

15 A. Yes, sir, like that.

16 Q. That didn't draw you up; did it?

17 A. Well, I was a little apprehensive. I won't lie about that.

18 Q. Apprehensive sounds like a pretty nice term there.

19 A. Well, you know, I can't say that I was scared enough to run out of there, but I
20 was keeping an eye on it.

21 MR. PAVLOVICH:

22 Okay. That's fair enough. I don't blame you a bit.

23 UNIDENTIFIED SPEAKER:

24 You'd look in any outby direction; right?

25 A. Yes, sir. And I was wondering why we ain't getting out of here, is what I was

1 wondering.

2 BY MR. PAVLOVICH:

3 Q. Okay. So you were wondering that, ---

4 A. Yes.

5 Q. --- I mean, why are we here with this stuff going on; right?

6 A. Of course, you know, you got mixed emotions. I mean, you're thinking, you
7 know, man, you know, if something would happen, this mountain comes in on you,
8 where are you going to go. Then you're thinking, you know, that you got to get these
9 guys out.

10 Q. Okay. I understand that. I can see. When you first looked at the map, Otis,
11 and you saw that there was like seven or eight longwall gobs here --- and you're
12 familiar with longwall mining.

13 A. Sure.

14 Q. I know you've been --- and also the same thing down there. And then this
15 small barrier is here, and they were mining and pulling pillars in those barriers. What
16 did you think?

17 A. I was wondering --- and you can quote me on this.

18 Q. Okay.

19 A. I was wondering how they got a plan to do that.

20 Q. Okay. And did you know how deep the cover was? If you were at the bore
21 holes, I'm ---

22 A. Yeah.

23 Q. --- assuming you did?

24 A. They told me.

25 Q. They told you?

1 A. Yeah, the engineer.

2 Q. Almost 2,000 feet of cover.

3 A. It's more than that.

4 Q. Okay. And so with that kind of cover and all those gobs and that little area in
5 between, I guess you were apprehensive about that?

6 A. Absolutely. And like I said, I wondered how they got a plan to do that. But,
7 you know, I figured that they just do things different in that part of the country than
8 they do in the east.

9 Q. Did they ever tell you that, this is the west, we do things different?

10 A. No, they never told me.

11 Q. You never heard that out there?

12 A. No. But I just assumed that on my own.

13 Q. Okay. So let's go back to the 16th now. I guess that's the day that Gary
14 Jensen said, I'll go in and Scott told you, he said, well, I'd just as soon go in, Otis.
15 Why don't you stay outside? So you stayed outside.

16 A. Well, it was more or less --- you know, we discussed it, you know. And he
17 said, you know, I'll go and I'll stay outside the next day.

18 Q. All right. So you stayed outside that day. And this was on the evening shift,
19 okay. And do you remember kind of what you did outside?

20 A. Well, I was working on apparatuses and I might have been discussing ---
21 talking to some of the people outside. I don't remember.

22 Q. Some of the miners, maybe?

23 A. Right.

24 Q. Okay. And do you ever remember any miners that absolutely refused to go in
25 or withdrew themselves from the underground? Have you ever heard about that?

1 Never heard a rumor about it or anything?

2 A. Of course, yeah, like I said, a rumor --- there's always rumors ---

3 Q. Okay.

4 A. --- about different things.

5 Q. Okay.

6 A. But, you know, it just depends on how far you want to take them.

7 Q. Okay. So when did you hear that they had the bump on the 16th in which Mr.
8 Jensen and the other two gentlemen were killed?

9 A. I don't remember whether I wrote that down or not, but I'm thinking it was
10 around 1630 --- I mean, 1830.

11 Q. And how did you hear about it, do you remember?

12 A. Yes. I was in the command center at the time.

13 Q. Oh, you were right in the command center?

14 A. Right.

15 Q. Okay. And what did you hear?

16 A. I heard that they had a bump and they was trying to find some people because
17 they couldn't figure out how severe it was. And, you know, some people were missing.
18 They were trying to get a handle on who was actually missing or hurt or whatever.
19 And it was just --- it was chaos.

20 Q. So it was --- you would describe it as a chaotic ---

21 A. Yes.

22 Q. --- event? When they first called out and told them, what was the attitude?

23 A. Of who?

24 Q. Everybody in the command center.

25 A. Well, the guy on the --- of course, you know, they only had one --- well, they

1 had a couple phones, but one mine phone from the inside to the outside.

2 Q. Okay.

3 A. So the guy was trying to get a --- a guy on the other end of our line on the
4 outside was trying to get a handle on what happened, you know, and if anybody was
5 actually hurt.

6 Q. So it wasn't a speaker phone that everybody could hear, it was just like a mine
7 phone?

8 A. Right.

9 UNIDENTIFIED SPEAKER:

10 Who called out? Was it an MSHA person?

11 A. I'm not sure. I don't remember --- I don't know whether Scott called out or not.
12 I think Scott may have, but I'm not positive.

13 BY MR. PAVLOVICH:

14 Q. And so when whoever was on the phone said, we've had another bump and
15 we can't find people or whatever, then there was kind of panic and chaos in the
16 command center?

17 A. Oh, absolutely. Well, I don't --- you know, it was --- I won't say it was calm
18 chaotic, but what I'm saying it wasn't like everybody was standing there pulling their
19 hair out.

20 Q. Okay.

21 A. But they was trying to get a handle on what was going on so they could find
22 out what they needed --- what we needed to do.

23 Q. Okay.

24 A. And, you know, one guy taking all this information and then other people
25 talking to him, trying to --- they're trying to find out ---. They want to know what's going

1 on. And this guy is on the phone, he's trying to get information, yet he's trying to get
2 information from underground and plus talk to people in the command center to relay
3 back to them what these people on the outside are wanting to tell the people on the
4 inside, so ---. Then you got company people on the phone, too, you know, because
5 it's only one line. I mean, there's only one phone line.

6 Q. Okay. So you had one phone line that was coming from underground ---

7 A. Yes, sir.

8 Q. --- that went into the MSHA command center and then somewhere to where
9 the company people were?

10 A. Yeah.

11 Q. So they could all talk at the same time to underground, but with a pager
12 phone?

13 A. Well, you can't ---.

14 Q. You had to press a button ---

15 A. Right.

16 Q. --- to talk? So you're trying to talk and somebody else got the button pressed
17 and they're talking. You can't talk.

18 A. Right.

19 Q. Okay.

20 A. So, you know, like I say, that's --- to me, it was a little chaotic. But under
21 those type of circumstances you got to understand when something like that happens,
22 you just --- everybody is trying to get a handle on the situation, and you're trying to get
23 information from underground and you're trying to pass information from the outside
24 back underground.

25 Q. Okay.

1 A. And then the company people, they're trying to get their say in, too.

2 Q. Okay.

3 UNIDENTIFIED SPEAKER:

4 Do you remember who was on the surface for MSHA, who
5 was taking the call?

6 A. I'm not sure if Bob Cornett was outside at the time or not. I'm not real sure. I
7 can't remember.

8 BY MR. PAVLOVICH:

9 Q. Okay. So ---.

10 A. I do know it was --- I can't think of his name now. He's a trainee from Utah,
11 big guy.

12 UNIDENTIFIED SPEAKER:

13 Russ?

14 A. Who?

15 UNIDENTIFIED SPEAKER:

16 Russ Bloom (phonetic)?

17 A. I know him when I see him, but I can't think of his name. Big boy.

18 UNIDENTIFIED SPEAKER:

19 Russ is big, but I don't know, it might be another guy.

20 A. This is a big guy. If you seen him, you would never forget him. I can't
21 remember what his name is, but he might even still be in training now.

22 BY MR. PAVLOVICH:

23 Q. But he was on the phone --- he was the one on the phone?

24 A. Uh-huh (yes).

25 Q. Okay. So did they give you any instructions then like to go underground?

1 A. Yes.

2 Q. They did?

3 A. I was to gather apparatus, get my stuff on, gather up apparatus and take them
4 inside in case they needed them to help the people that were hurt and needed some
5 oxygen or something to come out.

6 Q. Okay. So then what did you do?

7 A. I went and got the apparatuses ready and throwed them in the back of one of
8 those little Isuzu trucks. And I don't remember the guy's name that took me
9 underground.

10 Q. Company man or ---

11 A. Yes, sir.

12 Q. --- or one of the miners or something?

13 A. Right.

14 Q. Okay. And so actually you rode in underground?

15 A. Yes, sir.

16 Q. And how far did you get?

17 A. All the way to where they were.

18 Q. You got all the way up there?

19 A. Yes, sir.

20 Q. What did you do then?

21 A. I went up. It was Scott and I. Like I say, it was still kind of chaotic. Scott and
22 I went up to the face and tried to help them, you know, what we could do to get things
23 under control.

24 Q. Were any of the men still ---

25 A. Yes.

- 1 Q. --- trapped in the coal?
- 2 A. Two guys were.
- 3 Q. Two guys were still trapped in the coal?
- 4 A. Right.
- 5 Q. Okay. So you were in the command center and heard the call?
- 6 A. Yes.
- 7 Q. They told you, go get your apparatus and get in the mine. You went over,
8 loaded the apparatus in the truck and drove in with the miner?
- 9 A. Rode in.
- 10 Q. Okay. Rode in with him. He was driving?
- 11 A. Right.
- 12 Q. But about how long would that have taken you? What was normally a drive to
13 the working place from the surface?
- 14 A. You mean between the time I got the call, got ready and went underground or
15 how long it would take to get outside to underground?
- 16 Q. You could just, you know, when they told you, Otis, get ready and get the
17 apparatus ready, how long did it take you to get the apparatus loaded in the truck
18 about?
- 19 A. Probably 30 minutes because I had to go put my clothes on.
- 20 Q. Okay. So you had to get your clothes on, then you had to load apparatus in
21 the truck. And did they back the truck up?
- 22 A. Well, plus we had to find a vehicle ---
- 23 Q. Had to find a vehicle?
- 24 A. --- to get --- and somebody to take me underground.
- 25 Q. Okay. So we're talking maybe 30 minutes total on that?

- 1 A. Maybe a little more.
- 2 Q. Okay. So 30 to 45, maybe?
- 3 A. Right.
- 4 Q. Okay. Then once you got in the truck, how long did it normally take you to
5 ride from the surface to where the truck's parked on the section on a normal day?
- 6 A. Well, on a normal, they have what they call zones, and you have to stop and
7 call ---
- 8 Q. Okay.
- 9 A. --- at each zone.
- 10 Q. Okay.
- 11 A. So you're looking at a minute to just doing that. That's on a normal day. So
12 we're looking at probably, to get to where we were, 15, 20 minutes ---
- 13 Q. Of riding time?
- 14 A. --- of riding time.
- 15 Q. Normally. How long did it take you that time?
- 16 A. I'd say probably between 10 and 12.
- 17 Q. Okay.
- 18 A. Because there was traffic --- you know, visualize this is a coal mine, so it ain't
19 no four-lane highway. So you got to kind of stop, move aside, go in a breakthrough,
20 let somebody else pass.
- 21 Q. Were they bringing some of the guys out already?
- 22 A. Yes. Yes.
- 23 Q. So you actually passed some vehicles ---
- 24 A. That had people in them.
- 25 Q. --- that had people being evacuated?

1 A. Right.

2 Q. Okay. But yet when you got up on the section, it took you 10 or 15, 12
3 minutes, something, whatever, to get up there?

4 A. Right.

5 Q. So we're talking almost an hour from the time you got the call to get your
6 clothes on, get your apparatus loaded and drive in? And there was still two people
7 buried yet?

8 A. Yes.

9 Q. Now, did you assist in getting them out?

10 A. What I could, because there was people already there, you know, EMTs, the
11 company people and so forth. They really didn't need my ---.

12 Ex. (b)(6) and Ex. (b)(7)(C)
13
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19 Q. Okay. So they kind of could locate where they were, it just took a lot of
20 digging to get them out?

21 A. Right.

22 MR. PAVLOVICH:

23 Okay.

24 UNIDENTIFIED SPEAKER:

25 Do you know who the last two were?

1 A. The miner operator. He was a foreman. I just had met him the evening
2 before.

3 UNIDENTIFIED SPEAKER:

4 Dale Black?

5 A. That's him. And I think it was --- let me see. I'm not sure if it was a young boy
6 foreman. I just had met him, too. I met them both the same --- the previous evening.
7 He was a young boy, about 29, 28 years old.

8 UNIDENTIFIED SPEAKER:

9 Brandon Kimber?

10 A. Yeah. Now, I can't recall whether he was --- I know those two died, but I can't
11 remember whether

Ex. (b)(6) and Ex. (b)(7)(C)

12 Ex. (b)(6) and Ex. (b)(7)(C)

13 BY MR. PAVLOVICH:

14 Ex. (b)(6) and Ex. (b)(7)(C)

15
16
17 UNIDENTIFIED SPEAKER:

18 I think you're right.

19 UNIDENTIFIED SPEAKER:

20 How far were they outby the miner?

21 A. They were right at the boom just about.

22 UNIDENTIFIED SPEAKER:

23 Right at the boom?

24 A. Right. Pretty close to the boom. Maybe three or four feet away from it.

25 UNIDENTIFIED SPEAKER:

1 Do you know how far inby they were mining when them water
2 props were set?

3 A. No farther than the length of the miner.

4 UNIDENTIFIED SPEAKER:

5 They just had advanced to set ---?

6 A. That's the way it looked to me. Because see, I wasn't ---.

7 UNIDENTIFIED SPEAKER:

8 Because you weren't there.

9 A. I wasn't there. But just from observation when I got there, the way it looked,
10 you know, the boom was right there at the props, pretty close.

11 UNIDENTIFIED SPEAKER:

12 Do you know how long, Otis, it took to get a ride
13 underground?

14 A. For me or for anybody?

15 UNIDENTIFIED SPEAKER:

16 That particular time to get the apparatuses underground.

17 A. No, I didn't time it. It shouldn't have took no more than 30 minutes at the
18 most. That's getting them and getting them underground.

19 UNIDENTIFIED SPEAKER:

20 Was it normally a problem getting a ride underground?

21 A. Well, let me see. How should I say this? Yes and no, because there was
22 always traffic going back and forth underground. But taking in mind that I don't really
23 know these people and some of the guys --- some of the people did know them, and it
24 was somewhat easier for them, so what we generally done is tried to get some of the
25 people --- the company people that we did know to get us a ride. And sometimes they

1 had to round them up.

2 BY MR. PAVLOVICH:

3 Q. And you guys weren't going in always necessarily with the mantrip going? I
4 guess there was just ---

5 A. No, we'd go ---.

6 Q. --- a lot of changing?

7 A. Most of the time we'd go in before the mantrip.

8 Q. Before the mantrips, okay.

9 UNIDENTIFIED SPEAKER:

10 Otis, ---

11 A. Yes.

12 UNIDENTIFIED SPEAKER:

13 --- who asked you to get the apparatus together to go
14 underground?

15 A. Bob Cornett.

16 BY MR. PAVLOVICH:

17 Q. Okay. So then as they were recovering these two men when you got there,
18 then what happened, Otis?

19 A. Okay. You want me to --- what you want me to say, what happened after ---?

20 Q. Yeah. I mean, you got there and you did what you could to help. But there
21 were so many people ---.

22 A. First of all, I asked them did they need any oxygen, need the apparatus put
23 on. And they said no, because they had those little small bottles, ---

24 Q. Okay.

25 A. --- portable bottles with the mask and stuff on it. So they didn't need them.

1 Q. Okay.

2 A. So then I said --- you know, I asked, can I be of any assistance to anybody.
3 And they said --- you know, there was already probably five, six people in it, and
4 you're talking about an area probably no bigger than this table here, so ---.

5 Q. Yeah. Okay.

6 A. So they really didn't need me, so I just kind of observed.

7 Q. Okay. So did they then carry them out and load them on a pickup or ---?

8 Ex. (b)(6) and Ex. (b)(7)(C)

9

10

11

12

13

A. Yes. Yeah.

14

Q. What kind of hoist?

15

A. Like a come-along or something?

16

A. Yeah, like a little come-along.

17

Q. From the roof --- from a roof bolt?

18

A. Like a come-along, yeah.

19

Ex. (b)(6) and Ex. (b)(7)(C)

20

21

A. Well, I'm not saying they couldn't move the coal. It was just the fact that they
22 were ---.

23

Q. Trying to get him out as quick as they could?

24

A. Right.

25

Q. Because they figured --- okay.

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UNIDENTIFIED SPEAKER:

When you went up there, Otis, was it real dusty? Was the air clear?

A. It was still a little bit dusty, but there was --- you know, there was decent ventilation. And I got to give kudos to Scott Johnson. He handled the situation pretty well. You know, things were kind of --- you know, like I said, it was still a little bit chaotic, but they were kind of a little bit calmer then because most of the guys that was injured and hurt had already been transferred out.

BY MR. PAVLOVICH:

Q. So you didn't see Gary Jensen or Frank?

A. No.

Q. I mean, they were already on their way out ---

A. They were already on their way out.

Q. --- or gone? Okay.

A. I'm sure I passed them on the road, but they were already gone.

Q. So the only two left still in there was Black and the other guy, ---

UNIDENTIFIED SPEAKER:

Brandon.

BY MR. PAVLOVICH:

Q. --- Brandon Kimber?

A. I believe so.

Q. Okay. All right. And was Scott pretty much taking charge of the operation?

A. Yes. Uh-huh (yes). At the time, yes.

Q. Okay. And I guess he was --- he had been in there the whole shift with them?

A. Yes. But see, Scott, he --- like I said, I mean, let me explain something to

1 you. Like I said, we generally flip-flop, one do the face for four hours or so and the
2 other one go outby. Then we go up and one of the other ones go to the face and so
3 on. Well, Scott was doing the outby. That was the only reason he wasn't up at the
4 face at the time it happened.

5 Q. And Gary was in ---

6 A. Huh?

7 Q. --- or Gary or Frank was ---?

8 A. Frank and Gary both were at the face.

9 Q. They were both in the face?

10 A. Right, at that time.

11 Q. Otis, if you would, can you kind of just draw me an entry and like your boom of
12 the miner? And then you say these guys were somewhere here, but how far back in
13 here was the coal actually bumped to? I mean, when you came up Number One
14 entry, where did you start seeing the coal filling up again?

15 A. It was about 30 feet back.

16 Q. So from the back of the miner, ---

17 A. Right.

18 Q. --- back for about 30 feet is where you started to see the rubblized coal that
19 bumped off the ribs. Okay. And then the miners were located, what, on which side of
20 the entry, over here or ---?

21 A. Looking inby this way?

22 Q. Yeah. Yeah. This is inby to the face.

23 A. Okay.

24 Q. Here's the miner up here.

25 A. Okay. They were right along in here.

1 Q. Almost on this rib over here?

2 A. One of them was. Dale was about right along in there. And I can't remember
3 that boy's name.

4 Q. Kimber.

5 A. Yeah.

6 Q. So this would have been Black.

7 A. And take it for granted this is all speculation. I'm not --- I don't remember
8 exactly how far it was. And the other boy was about right along in here somewhere.

9 Q. So like right here?

10 A. Right.

11 Q. Were the posts, these jacks, were they blown across the entry?

12 A. You couldn't tell that they'd even been installed.

13 Q. You couldn't even see them up there?

14 A. No, because there was probably no more than three feet of height from the
15 coal ---.

16 Q. So how deep would you say the coal was there?

17 A. I'd say at least three to four feet.

18 Q. Three to four feet.

19 UNIDENTIFIED SPEAKER:

20 Over top of ---?

21 A. Because you could stand up and walk pretty much in the entry.

22 BY MR. PAVLOVICH:

23 Q. Okay. Six, seven foot high in the entry?

24 A. At least six.

25 Q. Okay. And so you think it was about half full of coal ---

1 A. Yes.

2 Q. --- where it bumped out?

3 A. Yes. All the way across.

4 Q. Okay. So you think Black was running the miner, and he would have been up
5 here somewhere. And Kimber would have been maybe the helper?

6 A. The way they do things, the miner --- like I said, the miner operator and the
7 buggy man comes up in here and he gets a load, and the miner man then comes back
8 out of there to this break here. The MSHA people, while he's loading, usually stand in
9 this break right here, back here.

10 Q. Would be standing in a break outby?

11 A. Right.

12 Q. Okay.

13 A. Once the buggy leaves and if the miner has advanced maybe four or five feet,
14 then you got three or four, maybe five men will come up here, set props, cables and
15 the fencing on both sides.

16 Q. Okay.

17 A. So that was ---.

18 Q. So it would have extended every so many feet?

19 A. Right. And we would call out how many props were set, how far it was, you
20 know, the miner had advanced inby. And that's the reason so many got hurt on that
21 bump because there's generally between four or five guys up here setting props and
22 the fencing.

23 Q. Okay. So you think at the time, when it bumped, they were ---

24 A. Yes.

25 Q. --- because they had not been mining, they were up here setting props?

1 A. Yes. Yes. Because that's the reason that Frank and Gary got hurt, is because
2 they were probably up here observing them doing that.

3 Q. I see. Because if --- had bumped ---

4 A. While they were mining.

5 Q. --- while they were mining, there would have only been two or three men in
6 there?

7 A. Right.

8 Q. Everybody else would have been outby the crosscut.

9 A. Been outby, right.

10 Q. And you didn't see any damage outby in the crosscuts?

11 A. No. Well, there was --- I think there was --- some ventilation curtains might
12 have got blowed out or something, ---

13 Q. Okay.

14 A. --- but other than that, no.

15 Q. So it was just right up here in this place, and they were all up in there getting
16 ready or setting props or something?

17 A. I can't say that with a hundred-percent clarity, but ---.

18 Q. I understand. You weren't there, but you're assuming that based on what you
19 know and how you saw the operation?

20 A. That's what I had seen them do the prior times when I was in there, ---

21 Q. Okay.

22 A. --- is what I just told you.

23 Q. And there would have been eight or nine guys in there every time?

24 A. Right.

25 MR. PAVLOVICH:

1 Okay.

2 UNIDENTIFIED SPEAKER:

3 You just had one ram car or scoop, whatever they were
4 hauling with?

5 A. No. They had three.

6 UNIDENTIFIED SPEAKER:

7 They had three of them.

8 A. Most of the time, at least two, but sometimes three.

9 BY MR. PAVLOVICH:

10 Q. So they had three? They had room for three?

11 A. Well, not really.

12 Q. Okay. More in the way than they were a help?

13 A. You got to realize, you're only in one entry.

14 Q. Yeah. Too much switching there.

15 A. Those are big machines.

16 Q. They were diesel ram cars?

17 A. Uh-huh (yes).

18 Q. Let's switch track here. Did you ever meet Bob Murray?

19 A. Yes, I did.

20 Q. Do you remember what the circumstances of that were?

21 A. It was the same night when --- this last --- on the 16th. He was there.

22 Q. That was the first time you met him?

23 A. Yes, sir.

24 Q. The first time you saw him or ---?

25 A. No.

1 Q. You had seen him before, but never talked to him?

2 A. Right.

3 Q. So did you talk to him this night?

4 A. Yes, sir.

5 Q. What were the circumstances of that?

6 A. He just introduced himself because, I mean, he didn't know me and I didn't
7 know him. But he seen me with --- you know, with the MSHA clothing and stuff on,
8 you know, and, you know, he just shook my hand and told me who he was, and I told
9 him who I was and we just, you know, passed amenities, as you might say.

10 Q. Okay. So this was after you came outside?

11 A. No. This was underground.

12 Q. Oh, you were still underground at the time?

13 A. Yes.

14 Q. Still recovery?

15 A. Yes.

16 Q. And Murray showed up?

17 A. No. He was there when I got there.

18 Q. Murray was in there when you got in there? He was already there?

19 UNIDENTIFIED SPEAKER:

20 Had he been up there, do you think, or did he come in after
21 the bump?

22 A. I don't know.

23 BY MR. PAVLOVICH:

24 Q. Don't know. You just know he was already in there, and so that's where he
25 greeted you at and introduced himself. Okay. Ex. (b)(6) and Ex. (b)(7)(C)

1 time or had they --- were they getting them out or ---?

2 A. They were getting them out. And I'm not sure if they were already out or not.

3 Q. Okay. What did Murray say to you?

4 A. Like I said, I don't recall. It wasn't --- you know, it was more or less, how you
5 doing, and so forth and so on and more or less, you know, about it being a tragic
6 situation.

7 Q. Okay. So he expressed to you that this is a tragedy?

8 A. I can honestly say just from my observation that he looked like he was a deep
9 person.

10 Q. Okay.

11 A. I mean, I honestly felt that he took it pretty tough.

12 Q. So did he ever say, you know, this shouldn't have happened or anything like
13 that? I mean ---?

14 A. He never said --- he never said nothing like that to me. But like I said, just in
15 my own words, he looked like he was pretty tore up.

16 Q. Did you ever talk to him after that or see him after that?

17 A. No.

18 Q. No.

19 A. Of course, I think I left the next day.

20 Q. Okay. You left the 17th then. How were the company people to work with,
21 Otis? Were they pretty competent people or were they agreeable, I mean, like the
22 shift foreman, the mine foreman, people you worked with underground?

23 A. They seemed to be to me, I mean, just regular coal miners.

24 Q. Okay.

25 A. They're just there to do a job.

1 Q. Okay. They were pretty agreeable if you said, hey, we need to fix this or you
2 need to stop here and work on this, did they argue much or ---?

3 A. No. No.

4 Q. Okay. Did you ever meet any of the family members or have any
5 communication with any family members from any of the miners that were injured or
6 lost?

7 A. Uh-uh (no).

8 Q. No. How about the press, did the media ever stop you on the road and ask
9 you for an interview?

10 A. No, sir.

11 Q. Okay.

12 A. I learned my lesson on that.

13 Q. Were you familiar that the press went underground with Mr. Murray during the
14 operation?

15 A. You know, I didn't even know anything about that until I seen it on TV. No, I
16 didn't know any ---.

17 Q. You didn't know while you were there?

18 A. I think it must have happened while I was up at the drill site, but I never did
19 see it.

20 Q. When you saw it on TV, what did you think about that?

21 A. Well, I thought it was just a sales pitch to kind of direct attention away from
22 everything that was going on.

23 Q. Okay. Of course you knew that there was a K order. And I'm sure you've
24 issued ---

25 A. Oh, yes.

1 Q. --- many K orders in your career.

2 A. Uh-huh (yes).

3 Q. And how did you feel about taking media in under a K order?

4 A. Well, I had mixed feelings about it, to tell you the truth, Joe. I thought it was
5 the wrong thing to do, but I kind of felt that he was trying to, like I said, direct attention
6 from the situation. And, you know, that, too, was based on what I kept hearing him
7 say, that it was an earthquake or an act of God and things of that nature, you know.
8 And I just felt it was a ploy to try to get the media away from him, you know, try not to
9 appear to be the bad guy and to show the media that he run a pretty good safe
10 operation. I may have been wrong, but that's my opinion.

11 Q. I mean, that's your opinion. That's what we asked for.

12 A. Right.

13 Q. So I guess you saw on TV some of Murray's media briefings even while ---
14 before you went underground and while you were going underground and you heard
15 the claims of an earthquake and all this --- what did you think about that, Otis?

16 A. I thought it was a bunch of junk is exactly what I thought, you know. I mean,
17 there was nothing to base it on, you know, other than the fact they had a bump. I
18 mean, all the experts said no way.

19 Q. So when you saw what you saw underground, you ---

20 A. Right.

21 Q. --- then talked to the people. They all said it was a bounce, too, ---

22 A. Right.

23 Q. --- or a bump or whatever?

24 A. And most of them were used to that. You know, it wasn't their first time. Most
25 of the men that worked there were used to it.

1 Q. They had said they saw bumps before?

2 A. Oh, yes.

3 Q. But never one of that size?

4 A. Well, they never told me if they did, ---

5 Q. Okay.

6 A. --- but I'm sure they probably had. It was just maybe probably nobody got hurt
7 or anything.

8 Q. Okay. Do you think with your training that you've had, Otis, and I know you've
9 been in the agency a long time, you've had a lot of training, you've had a lot of MEU
10 training, that you were properly trained to handle the situation at Crandall Canyon?

11 A. Well enough.

12 Q. Okay. You felt competent in what you were doing?

13 A. Well enough. I don't think, Joe, that you can really get that kind of training. I
14 mean, that's just something, you know, that --- you know, I may, I may not ever run
15 into it again.

16 Q. Well, I realize I don't think you could train every person for everything that can
17 possibly happen.

18 A. Right.

19 Q. But overall, your emergency training was enough to help you to deal with ---

20 A. I think so, yes.

21 Q. --- the organization ---? Okay. When you looked at the plan that they had in
22 place to set the roof props with the chain-link fence behind it and the wire ropes, did
23 you feel pretty comfortable with that as being the safety protection, or were you
24 concerned about it?

25 A. I felt pretty good about it. I thought that that would make everything ---.

1 Q. You figured that would hold the ribs in?

2 A. Uh-huh (yes).

3 Q. Even after --- when you walked up to the face the first time and seen all that
4 coal in there?

5 A. No, I didn't feel too good about it then, no.

6 Q. Okay.

7 A. Because I couldn't even see any bumps. I couldn't even see them, no.

8 Q. No. But I mean, you know, the first time you went in the mine and walked up
9 there and seen that entry filled with coal that way ---?

10 A. No. Well, the thing about it is you --- it just looks like a face.

11 Q. Yeah. That's what I mean.

12 A. Right.

13 Q. Because you think --- but the roof bolts are in place?

14 A. Right. Well, you know what I mean, you know, you figure like the roof bolts
15 that are there are going to protect the roof. So you're not really concerned about the
16 rest until you hear it start bumping, and that's it.

17 Q. But when you saw those guys setting those props and the cable, you felt fairly
18 comfortable or ---?

19 A. Yes.

20 Q. I guess after the event that happened on the 16th they sent you home on the
21 17th. Did anybody explain to you why they were stopping the rescue operation at that
22 time?

23 A. No, not really, but I just --- you know, I just figured on my own.

24 Q. You figured after that ---

25 A. Right.

1 Q. --- they wouldn't go back in?

2 A. Well, I figured that they'd be crazy if they did.

3 Q. So you think because of the bumps and this bump and three more men killed,
4 plus the other guys injured, that there was no way they were going to go in, you felt
5 that?

6 A. Well, I just felt that they couldn't go in that way.

7 Q. Okay.

8 A. Now, they may go in another way, ---

9 Q. Okay.

10 A. --- but they couldn't go that way.

11 Q. Okay.

12 A. Not without getting some more people hurt.

13 Q. I realize, you know, hindsight is --- but when you heard about rumors about the
14 bad air, okay, when you were up there and saw the damage that the first bump did to
15 the pillars with all that coal and when you heard these continuous bumps, did you ever
16 feel like we need to stop doing this right now, even before the accident on the 16th?

17 A. No.

18 Q. No? You felt like we need to keep on going?

19 A. Uh-huh (yes). I was just hoping that we could get the men, whether they were
20 dead or alive, you know, and get to them and find out for sure.

21 Q. Did you think as the days went on there was a pretty good possibility they
22 didn't survive the original bump, ---

23 A. Yeah.

24 Q. --- that you were basically looking for bodies now?

25 A. Yeah. Well, I --- of course, this is my own thinking because all the entries

1 were filled up. And, you know, my way of thinking, there was no way that they could
2 get air back there unless they pumped it down one of those drill holes. And, you
3 know, especially after day after day went by, you know ---. The first couple of days I
4 said, yes, you know, you could probably survive on just mine water or whatever, you
5 know, and just a little bit of oxygen. But I looked at the mines and I checked all those
6 entries across there and they were all full of gob, coal and ---. I mean, there was no
7 way, you know, that I could see that any air of any kind could even get through there.

8 Q. Well, not only air, but what about the material?

9 A. Right. I mean --- so I just felt that they were --- after a certain period of time
10 they were probably gone.

11 UNIDENTIFIED SPEAKER:

12 Otis, other than the injuries and the fatalities on the 16th with
13 that bump, with the knowledge of the bumps that you're aware of that occurred there
14 at the mine, how did that bump differ from the other bumps?

15 A. This one took people's lives.

16 UNIDENTIFIED SPEAKER:

17 I'm saying absent that. I realize that. But I mean, is that the
18 only difference than the other bumps, that this one had injuries and fatalities?

19 A. Yes. This one I felt was of a greater magnitude than the others. Now, when I
20 was in there, it bumped once, and I think it may have took out a stopping or a curtain
21 or something. And of course, you know, you might say that's bad enough, but it
22 happened --- I won't say outby, but it may have --- it wasn't at the face at the time.
23 And you kind of just check, make sure you were okay and maybe everybody else was
24 all right and hung the curtain back and drove on. But this one --- I wasn't there when it
25 happened, but just from appearance and looking, once I got up there and looked at it,

1 it was a real good one. It was a real good one.

2 BY MR. PAVLOVICH:

3 Q. So you never --- the other bumps you experienced, you never saw really the
4 entry ---

5 A. No.

6 Q. --- fill up with coal like that?

7 A. No.

8 Q. Or blow any of the props out or anything?

9 A. No. But like you said, I did hear when that torque shaft or whatever got --- on
10 the miner. Now, that may have been one in a similar fashion to do that to a miner.
11 But it didn't hurt anybody ---

12 Q. Right.

13 A. --- so, you know, I guess everybody said, okay, we'll just let that go and drive
14 on.

15 UNIDENTIFIED SPEAKER:

16 Have you been at other mine emergency sites?

17 A. Like?

18 UNIDENTIFIED SPEAKER:

19 Like Sago?

20 A. No, I wasn't up at Sago. I've been to Alabama. Been to Darby.

21 UNIDENTIFIED SPEAKER:

22 Jim Walter?

23 A. Yes, sir. Darby. Willow Creek. Bunches of them.

24 UNIDENTIFIED SPEAKER:

25 So you've been to a bunch of them?

1 A. Yes, sir, I have.

2 BY MR. PAVLOVICH:

3 Q. Otis, let me follow up a little bit on where I was talking to you before about ---
4 and you said that after you had been in there a few days and saw those entries full of
5 coal that you felt like this is not a rescue anymore, this is a recovery; ---

6 A. Uh-huh (yes).

7 Q. --- is that true? Did you then kind of ask yourself, you know, if we're just going
8 here to find bodies, why are we exposing ourselves to these bumps and these
9 dangers? Did you ever think that?

10 A. Well, yeah, sure, I did, but you know, I'm --- you know, I'm here with these
11 guys and, you know, I want to try to do all I can to get them out.

12 Q. Okay.

13 A. So I try to place all the fear and apprehension as much as I possibly can in the
14 back and just keep driving on because what we do, you know --- I mean, to say you're
15 not afraid, I'd be lying.

16 Q. I understand.

17 A. But you can't let fear stop you.

18 Q. Okay.

19 A. You got to --- you know, you got to kind of put fear here and then try to think
20 along the lines, can you --- do what you can to help.

21 Q. Do you think if you knew the men were alive that you'd be willing to take more
22 risk, but yet if you knew they --- or felt they weren't alive, you'd want to take less risk?
23 Did you ever kind of put that into perspective?

24 A. Well, no, I don't. You know, I just never really encountered that that much.

25 Q. Okay. I already asked you about your training. Do you think that MSHA

1 people, in general, have adequate training to deal with emergencies of this type? And
2 I'm not talking a bump. I'm just talking a mine emergency.

3 A. Adequate, yes. Great, no, but adequate, yes.

4 Q. You think it is adequate for the overall population of MSHA?

5 A. Yes.

6 Q. And obviously as an MEU member, you guys get a lot more training in dealing
7 with these, ---

8 A. Uh-huh (yes).

9 Q. --- but the average inspector, you think they get enough to deal with
10 emergencies?

11 A. Probably not.

12 Q. They don't then?

13 A. No.

14 Q. So you're saying as a MEU team member you think it's adequate?

15 A. Yes, it's adequate.

16 Q. As a regular inspector, the training you receive is probably not adequate?

17 A. Well, it may be, Joe, but simply because how much involved are you going to
18 be, you know? You're not going to strap on an apparatus and go underground.
19 Generally, as a regular inspector, you're only doing what you're told because of
20 the --- you know, from your supervisors, the people above you.

21 Q. How about MSHA management people, do you think they're trained well
22 enough to manage operations like this? And I realize it's an opinion on your part,
23 but ---.

24 A. Sure. I think ---.

25 Q. You've been in a lot --- you've been around a lot of them, okay.

1 A. Right.

2 Q. Probably as much as anybody in the country.

3 A. I think, like I'll say once again, it's adequate. I mean, we can all use more
4 knowledge. But because, you know, we prepare against these types of situations,
5 there's always something that comes about that we just ain't ready for.

6 Q. Okay. So we have to kind of expect the unexpected then because it always
7 happens?

8 A. Exactly.

9 Q. There's always somebody that's better at it, or at least they appear to be
10 anyway.

11 UNIDENTIFIED SPEAKER:

12 Let's go back to that experience that you've acquired over
13 there. As far as organization and control of the situation, how would you compare the
14 one out there ---

15 A. At Crandall Canyon?

16 UNIDENTIFIED SPEAKER:

17 --- at Crandall Canyon compared to some of the others?

18 A. You mean as a whole or just MSHA ---?

19 UNIDENTIFIED SPEAKER:

20 Just MSHA.

21 A. I thought that it would --- it was adequate. It was all right. It was okay. It was
22 okay, I thought.

23 UNIDENTIFIED SPEAKER:

24 It was okay in comparison to the others or about the same, or
25 a little bit better?

1 A. I thought it was a little bit better, you know, because a lot of these you go to,
2 you know, you got the State to deal with, you got the union and different organizations.
3 And I didn't see, you know --- I think the people I seen were company people and
4 MSHA people. And the press was not --- you know, they were down at the bottom of
5 the hill, away from everybody. They didn't stop you, you know, bother you or anything
6 like that. So I felt that we've learned some things from previous situations. And it
7 may have been just the area, the state itself. I don't know. But I think we've learned
8 some things from Sago to Aracoma. And like I said, the press, they were there, but
9 they never, to my knowledge, you know, stood in the middle of the road and not let
10 you pass or ---.

11 UNIDENTIFIED SPEAKER:

12 Kept them a good distance from the mine?

13 A. Yes.

14 BY MR. PAVLOVICH:

15 Q. Do you think that pressure from the media, the TV stuff you saw, the reporters
16 and the press conferences and also the pressure from the family caused maybe this
17 operation to continue longer than it should have? Did you ever feel that?

18 A. Somewhat.

19 Q. Did you?

20 A. Somewhat. Yes, sir, somewhat.

21 Q. And obviously you understand, I guess, why; correct?

22 A. Right.

23 Q. I mean, you said even kind of the pressure from --- peer pressure from the
24 miners working there, wanting to get their buddies out, ---

25 A. Right.

1 Q. --- influenced you to ---

2 A. Sure.

3 Q. --- say, ---

4 A. Yes.

5 Q. --- I'll stay longer?

6 A. Right. I mean, we wanted to help. We wanted to get them out, go get them
7 out, whether they were dead or alive.

8 MR. PAVLOVICH:

9 I understand.

10 Ex. (b)(6) and Ex. (b)(7)(C)

11 Otis, I have one question for you.

12 A. Yes, sir.

13 Ex. (b)(6) and Ex. (b)(7)(C)

14 You had mentioned that when you were underground ---

15 A. Uh-huh (yes).

16 Ex. (b)(6) and Ex. (b)(7)(C)

17 --- you may average two bumps an hour. Of course, it varied.

18 A. Uh-huh (yes).

19 Ex. (b)(6) and Ex. (b)(7)(C)

20 Sometimes more, sometimes less. But that you would be on
21 the mine phone or someone from MSHA would and call that outside to the command
22 center?

23 A. I think so, Al. I think so. Now, I'm not going to say that everybody did, but I
24 think so.

25 Ex. (b)(6) and Ex. (b)(7)(C)

1 I guess my question, Otis, is we looked through the command
2 center log and it would have on occasion it had a bump at the face, everyone okay.
3 Our question was, do you think all the bumps were called out or just the major ones, or
4 did you have minor bumps that occurred all the time that everybody just kind of
5 shrugged off and moved on?

6 A. I would say the last thing you said, you'd have minor ones and people would --
7 - because some of them would occur outby, like over in the return or entries on over
8 away from me, and you just didn't --- you know, they were --- you noted them in your
9 mind, more or less, but you didn't call them out.

10 BY MR. PAVLOVICH:

11 Q. Did anybody give you instructions, Otis, in the command center of what they
12 did want you to call out?

13 A. Yes.

14 Q. And what kind of instructions were those?

15 A. Well, they wanted air readings. They wanted the length of the miner, how
16 much footage to mine, how many props to set, different things at different times.

17 Q. Did they ever say, call out every bump?

18 A. No, no one ever ---.

19 Q. And they never made any reference about reporting that kind of activity?

20 A. No.

21 Q. None.

22 Ex. (b)(6) and Ex. (b)(7)(C)

23 So maybe, Otis, say you were underground for the entire shift,
24 it would be a guess on how many bumps would actually occur and how many you
25 would actually put in your notes depending on --- I guess you would record the large ---

1 anything that was pretty significant?

2 A. Well, the ones that --- I recorded usually the ones that were close to me, what
3 I felt like at the face or outby where I was and pretty much if they were significant.

4 BY MR. PAVLOVICH:

5 Q. So Otis, would these --- these bumps might occur two crosscuts over ---

6 A. Yeah.

7 Q. --- and the coal would bump off the pillar?

8 A. Well, you don't really know.

9 Q. Well, you hear it over there?

10 A. You hear it.

11 Q. So they might be behind you, ---

12 A. Might be behind you.

13 Q. --- might be in front of you?

14 A. Might be in front of you.

15 Q. They were just happening all over the place, ---

16 A. Yes.

17 Q. --- not just where they were loading at?

18 A. Right.

19 Ex. (b)(6) and Ex. (b)(7)(C)

20 How frequent would you say those were, Otis, if you --- in your
21 mind, if you went back to a shift underground? How frequent would you say you would
22 hear bumps, but maybe you didn't think they were significant enough?

23 A. A couple times a shift.

24 Ex. (b)(6) and Ex. (b)(7)(C)

25 Okay.

1 A. See, the thing, you know --- the way it was told to me --- now, Frank told me
2 this because I've never been around this kind of condition. He worked there, he said,
3 over 30 years, even so before he came with MSHA. He said, and it proved to be
4 pretty much close to being right, he said when it gets real quiet, that's when you'll get a
5 good one. And him and I were at the face and it probably wasn't five minutes after he
6 said that, we got one. And I said, oh, you must know what you're talking about. But I
7 don't know where he was on the 16th or what happened, but like I said, I'm assuming
8 he was up there in the face, Gary and him both. Because if they weren't, they would
9 have never got hurt.

10 Ex. (b)(6) and Ex. (b)(7)(C)

11 Otis, when you were at the drill site ---

12 A. Yes, sir.

13 Ex. (b)(6) and Ex. (b)(7)(C)

14 Yes, sir.

15 Ex. (b)(6) and Ex. (b)(7)(C)

16 ---- and you had to call the command center, how did you get
17 a hold of them?

18 A. Over the --- I had a land-line phone. Well, I had Virgil's cell phone for a while,
19 then they got ---.

20 BY MR. PAVLOVICH:

21 Q. Is that like a satellite phone?

22 A. Yeah. A bag phone or something they called it.

23 Q. And then they put a land line out there, like a telephone like this?

24 A. They put a bag-type --- bag phone. I don't know. Some kind of phone they
25 called it.

1 Q. Okay. But you did have communications?

2 UNIDENTIFIED SPEAKER:

3 Was there a hard wire?

4 A. Uh-uh (no).

5 UNIDENTIFIED SPEAKER:

6 Some kind of cell ---.

7 A. Well, the cell phone --- I used Virgil's cell phone the first day or two. Then
8 they got a ---

9 UNIDENTIFIED SPEAKER:

10 A satellite phone.

11 A. Yeah.

12 UNIDENTIFIED SPEAKER:

13 Okay. Did you call readings --- you just called the hole depth?

14 A. Hole depth and readings.

15 UNIDENTIFIED SPEAKER:

16 You took readings, too?

17 A. Yeah.

18 MR. PAVLOVICH:

19 Ex. (b)(6) and Ex. (b)(7)(C)

20 Ex. (b)(6) and Ex. (b)(7)(C)

21 Hey, Otis?

22 A. Yes, sir.

23 MR. PAVLOVICH:

24 Oh, do you have something else? Were you done or --- I'm
25 sorry.

1 UNIDENTIFIED SPEAKER:

2 No, I wasn't done.

3 MR. PAVLOVICH:

4 I'm sorry.

5 A. Go ahead.

6 UNIDENTIFIED SPEAKER:

7 I was just wondering, so you just called them straight in, like
8 21-percent oxygen or seven percent, just straight whatever it was?

9 A. Uh-huh (yes). Yeah, I had to go down --- every hour on the hour I had to go
10 down and get a --- sometimes I could call down there. But because the drill was
11 making so much noise you couldn't communicate, really, so you had to go down there.
12 And I'd say it was probably from here out to that guard shack right out here from the
13 drill site where I was. Because down in the hole where they were drilling you couldn't
14 talk on the phone, so you had to come --- you had to go down there, get a depth
15 reading and whatever --- oxygen or whatever else, you know, you needed to call them
16 and tell them, you had to come back up the hill, up on top, in order to talk on the
17 phone. So you had to do that every hour.

18 UNIDENTIFIED SPEAKER:

19 And one more on those props. How do they blow them up
20 underground?

21 A. Water. Motion or something. Water, I believe. I think water.

22 UNIDENTIFIED SPEAKER:

23 Off the miner they have a separate line or ---?

24 A. I think they had a separate line. I remember there was water and motion or
25 something they put in to make them go up, but I don't know if it was on the miner or

1 not.

2 MR. PAVLOVICH:

3 **Ex. (b)(6) and Ex. (b)(7)(C)**

4 **Ex. (b)(6) and Ex. (b)(7)(C)**

5 Yes. Has anyone mentioned, up Number One there, when
6 you get closer and closer, like Crosscut 126, where the second bump happened, did
7 anybody ever mention, hey, we're getting closer and closer to the maximum cover?

8 A. Not to me they didn't.

9 **Ex. (b)(6) and Ex. (b)(7)(C)**

10 Okay. So you didn't hear nothing in the command center or
11 there was no concern that, hey, we're getting under deeper cover here?

12 A. Well, you know, in their defense, guys, I'm not saying that they didn't mention
13 it. It wasn't mentioned to me. But the way the situation was, I felt, and this is, of
14 course, in my opinion once again, we were in the mode of trying to do all we could as
15 fast as we could to get in there and get the guys out. And of course, maybe there's
16 something that we could have done better or thought about. I don't know.

17 **Ex. (b)(6) and Ex. (b)(7)(C)**

18 Okay. Why were there two command centers? Did anybody
19 ever mention that might be a problem or something when you had them in the Blue
20 Goose? It was like you was talking about on the 16th it happened, there's people
21 talking on both phones. Why was there not one central command center, everybody
22 making decisions together?

23 A. That's out of my --- that's way over my head. You got to work it out with these
24 guys.

25 MR. PAVLOVICH:

1 Ex. (b)(6) and Ex. (b)(7)(C)

2 Ex. (b)(6) and Ex. (b)(7)(C)

3 Let me ask one more.

4 MR. PAVLOVICH:

5 Oh, you got one more, Ex. (b)(6) and Ex. (b)(7)(C) I'm sorry.

6 Ex. (b)(6) and Ex. (b)(7)(C)

7 Just one more. And because it's just curious to me, did ---
8 after this event happened on the 16th or any time like that, did you ever hear anybody
9 say or did you hear that somebody said, I knew this was going to happen if we kept up,
10 I knew somebody was going to get hurt because of all the bumps that had been
11 occurring? Did it come as a complete surprise that, oh, gosh, we got people hurt?

12 A. I think it did because I feel that everybody was --- you know, with the props
13 being set --- now, if we weren't setting props and using the chain-link fencing and the
14 wire and all those things, I do feel that more people would have probably decided, no,
15 we're not going to do this. But with the props being set and the chain-link fencing, I
16 felt, you know --- most of us felt that that was a degree of safety that would allow us to
17 continue on at the time. But now we know better.

18 Ex. (b)(6) and Ex. (b)(7)(C)

19 Okay.

20 Ex. (b)(6) and Ex. (b)(7)(C)

21 I have just one quick question that I wanted you to clarify.
22 You said that your delay in getting a flight was attributed to the airlines because they
23 didn't have anything available for an entire day. I just wanted to make sure that none
24 of your delay was attributable to getting a travel authorization or any problems with E2
25 or anything like that, it was solely because the airlines didn't have a flight.

1 A. Well, do you work for them?

2 Ex. (b)(6) and Ex. (b)(7)(C)

3 No.

4 A. Well, the only thing I got to say is that this government travels --- I hope I
5 don't offend nobody, but it can be a pain sometimes. And I can't really tell you where
6 the problem really lies, whether it was with E2 travel or the airlines or what. But we
7 had a really hard time getting the two to connect up.

8 Ex. (b)(6) and Ex. (b)(7)(C)

9 And you left out of Charleston?

10 A. Yes.

11 Ex. (b)(6) and Ex. (b)(7)(C)

12 What time did you leave on the 7th, do you recall?

13 A. I think I --- I got here at eight o'clock, but I'm not real sure.

14 Ex. (b)(6) and Ex. (b)(7)(C)

15 Okay.

16 A. Eight o'clock in the evening.

17 Ex. (b)(6) and Ex. (b)(7)(C)

18 Okay.

19 BY MR. PAVLOVICH:

20 Q. Okay. Well, Otis, I just want to thank you, okay?

21 A. You're welcome.

22 MR. PAVLOVICH:

23 And I want to tell you that, you know, I know -- Ex. (b)(6) and Ex. (b)(7)(C) has been
24 a rescue team member. I know Ernie has been a rescue team member. I've been a
25 rescue team member with the company and had a lot of involvement over the years

1 with the rescue teams, but we certainly have the highest respect for you and your
2 compatriots on that team and the things that you do and the effort you put forth. And I
3 thank you for coming in and talking to us today, being candid and giving us your
4 honest opinions and feelings, and we're certainly impressed with that and appreciate
5 that. Right now, that's all the questions we have. But if we would have some more
6 questions that come up from other things, we may want to talk to you again. But we'll
7 certainly notify you of that. And, you know, if you think of anything else you'd like to
8 tell us, please, you can get in touch with any of us.

9 A. Okay.

10 MR. PAVLOVICH:

11 And that's no problem. But I would ask you again, please not
12 to discuss your interview until after we complete all our interviews so that, you know,
13 everybody can give us their own opinion. Because you know yourself from doing
14 accident investigations, if you talk to ten people and they've not talked to each other,
15 you get ten different stories.

16 A. Right.

17 MR. PAVLOVICH:

18 But if they've talked to each other, you get one story. So you
19 know, that's just life, I guess. Other than that, thanks for your time. We appreciate it.

20 A. Well, I will ask you all not to get my travel times confused with my notes. I
21 would ask you not to do that.

22 MR. PAVLOVICH:

23 That's no problem at all.
24
25

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