

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
BARRY GROSELY

INTERVIEWERS:
ERNEST TEASTER, JOE PAVLOVICH

DATE:
February 7, 2008

1 BY MR. TEASTER:

2 Q. Well, we had hope you will. We had told you at the end of the
3 interview the last time when we last talked, if we had any further questions we'd be
4 getting back and of course, we said if you had anything you wanted to share, you get a
5 hold of us and that's why we're here. We learn stuff as we go through the process that
6 we didn't have knowledge of when we interviewed you before. And we just want to get
7 some things clarified and that's why we've asked you to come back and clear up some
8 of these things for us. We're going to continue taping the interview unless you've got
9 a problem with it.

10 A. I don't have a problem with it. No.

11 Q. If you would, just for the record, just state your full name.

12 A. My name is Barry George Grosely. I'm Coal Mine Safety and Health
13 Inspector in the Price field office.

14 Q. And Barry, have you thought of anything since then that you didn't tell us that
15 you'd like to share with us before we start in with the questioning.

16 A. The things that I've thought about are things that you learn after the fact.
17 There were --- the papers that you showed me last time of the bounce which occurred
18 for the north of where they were mining in August. There's a number of questions
19 that they had pictures. You hear people talk about and no one, you know, they just
20 had equipment in there. They --- according to the BLM report they felt it wasn't wise to
21 reestablish the ventilation, but they apparently got the equipment out. There's a
22 question on, you know, how they went about it. That wasn't --- you know, that
23 information wasn't --- even the pictures --- I don't think MSHA was aware of it, at least,
24 at my level. I was not aware of it.

25 With that thought in mind, being someone that would be involved in approving

1 a roof control plan, I would hope that I would, you know ---being approached with a
2 plan knowing that there hasn't been any substantial subsidence that has --- in that
3 area, that the main entries that were being protected by the barrier pillars on each
4 side. The barrier --- the mains were sealed up because they were no longer being
5 supported by the barriers pillars, meaning that the barrier pillars have failed, but yet
6 the mining company wants to submit a plan. They have a consultant that says that we
7 can mine it. And we have somebody in MSHA's office saying --- giving approval to do
8 that. I would hope that, if I was in that position I would have said no to the plan
9 regardless of any information that was sent to me. Just that simple. You had a
10 pedestal that was supporting and now you're going to whittle away at that and think
11 that nothing was going to happen. And there was knowledge that MSHA supposedly
12 didn't have that the other mining activities in the pillar there they were met with the
13 same disaster. It's sad. Truly sad that had to occur.

14 Q. Okay. Appreciate you sharing that. Let's go back to recovery rescue effort on
15 August the 10th. We have learned that you were involved in some exploration on top
16 of the material that had been thrown out there ---

17 A. Yes.

18 Q. --- in the entry. Could you share with us what exactly happened and what ---
19 how far you traveled and ---?

20 A. I believe in the record it says we got to Crosscut 126. And we started at about
21 120. We snaked around in all entries looking for access to go in further. I think in my
22 notes I show a few drawings that show it was evident to me where the force field ---
23 where the direction of force come from. By what I found with the roof bolts, how they
24 were bent. By the material by the way it was thrown up against the rib. In fact, there
25 was --- the wire mesh was still intact in some places. There was slabs of material that

1 we crawled under. Numerous roof bolts were found in those areas. In the crosscuts
2 there were numerous heads of roof bolts found. As we went back in there there was a
3 few thumps that you could tell that it was further to the --- to the northwest. At that
4 point, there were a group of people, probably a crosscut or so behind us. We were
5 yelling back the values of what we were encountering as far as the atmosphere.

6 We got to Crosscut 126 and we attempted to go further. All entries were
7 blocked. There was an air space of maybe a foot. It would have taken more effort to
8 go crawl in through those spaces. You would have had to clear a path. None of us
9 were geared with any type of apparatus other than what we had on our self-contained
10 self rescuer. At times there was a thump. It did change the atmosphere dramatically.

11 I don't know where that information --- whether it got outside or not, but it --- to me,
12 my meter, what it was saying --- I think in my notes I stated it was around 16 percent
13 on my meter and I think I Gary Christianson's meter it went into the 15 percent range.

14 MR. PAVLOVICH:

15 So this was on the 6th.

16 A. This was on the 6th.

17 MR. PAVLOVICH:

18 The very first day ---

19 A. The very first day.

20 MR. PAVLOVICH:

21 --- when you went in ---

22 A. Yes.

23 MR. PAVLOVICH:

24 --- the original exploration over top ---

25 A. Yes.

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MR. PAVLOVICH:

--- of the material. And you think you got to 126 that day?

A. Yeah. Yes.

MR. PAVLOVICH:

Somewhere around 126 ---

A. Yes.

MR. PAVLOVICH:

--- by zigzagging ---?

A And probably 30, 40 feet beyond to where we were stopped in each entry.

MR. PAVLOVICH:

Did the low oxygen pretty much stop you or the confinement of the material?

A. We got concerned. In fact, there was one mine rescuer that they didn't even have an SCSR. So caution was added and we decided to go back because it was --- the atmosphere was changing. And it was not only the oxygen level changed, it was also the CO count went up, too. And that --- it went from 16 range into, I can't recall what I said in my notes, but I think it was 45 or 46 parts per million. So there was a drastic change.

MR. PAVLOVICH:

So --- but, I guess, the --- as I get --- you certainly made a wise and valid decision ---

A. Oh, yes.

MR. PAVLOVICH:

--- to stop at the time. When you were debriefed on this, was there any indication that, you know, if we were able to provide some kind of air flow or

1 oxygen we could have continued over the material and tried to reach the back end or
2 was it physically blocked?

3 A. My thought was if I was on the other side trying to get out and if I was capable,
4 I honestly believe that the spaces there I would have did everything in my powers to
5 get out.

6 MR. PAVLOVICH:

7 So it wasn't walled up solid that ---

8 A. No.

9 MR. PAVLOVICH:

10 --- if you were in there and you ---

11 A. No, there was space.

12 MR. PAVLOVICH:

13 --- if you were able to get out you would have got out?

14 A. Yes. But there were times when crawling in there, my butt was up against the
15 roof.

16 MR. PAVLOVICH:

17 Okay.

18 A. And so however thick I am that's what the space was.

19 BY MR. TEASTER:

20 Q. Barry, as I recall, you shared a lot of that information with us on the initial
21 interview, but was there another time, like, on August the 10th that you had another
22 exploration?

23 A. Yeah, we attempted to go back. We were using a radio to communicate.
24 There was some specifics on what we had to do to allow us to advance further. We
25 couldn't get the radios or the --- yeah, radio, walkie-talkies to function.

1 Q. Did you yourself get up on the material to go back?

2 A. Yes.

3 Q. Along ---?

4 A. I think we may have gotten two more crosscuts and then we turned around.

5 Q. And who's we?

6 A. Gary Peacock.

7 Q. You and Gary Peacock.

8 A. And myself.

9 Q. Did you all travel together or stay behind one another?

10 A. We were --- right next to each other.

11 Q. Right next to each other?

12 A. Yeah.

13 MR. PAVLOVICH:

14 And so what stopped you on that exploration?

15 A. It was the fact that we could not keep communications between us. We were
16 to be radioing back and we could not make communication.

17 MR. PAVLOVICH:

18 Could you physically still have continued?

19 A. Well, we went a little further. As I said, it would have taken more effort to
20 have --- honestly, probably needed wire cutters and I believe Gary Peacock may have
21 had a pair of wire cutters on ---.

22 MR. PAVLOVICH:

23 So you may have had to cut the ---

24 A. Yes. Yes. Because ---.

25 MR. PAVLOVICH:

1 --- to get through. But there was --- there was an opening. I
2 mean, ---.

3 A. There was a small opening. As I said, if I was on the other side I would
4 have ---.

5 MR. PAVLOVICH:

6 You would have got out.

7 A. I would hope that I would have. I would not have given up. So I felt that as
8 we approached the intersections there was less material and as you went from one
9 intersection to the next there was a build-up of material where it squeezed down.

10 MR. PAVLOVICH:

11 When you came out and reported that you stopped because
12 of
13 communication ---

14 A. Yeah, that ---

15 MR. PAVLOVICH:

16 --- that was ---

17 A. --- was it.

18 MR. PAVLOVICH:

19 --- the report; right?

20 A. As far as being debriefed there wasn't --- in fact, there was no real debriefing
21 at any time during --- at least with me.

22 MR. PAVLOVICH:

23 I guess so what would --- how did anybody find out what you
24 found and what was the ---?

25 A. As I said ---.

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MR. PAVLOVICH:

What was the extent of your exploration?

A. On the initial day that we --- on the 6th when we went there, we were yelling back to the individuals with the mine phone and they were calling outside. And I don't know whether that material was ---.

MR. PAVLOVICH:

On the 10th ---.

A. On the 10th.

MR. PAVLOVICH:

Were you debriefed then?

A. No. In fact, I think the --- this is what I thought we couldn't go any further because of communications and that's what was ---.

MR. PAVLOVICH:

Okay.

BY MR. TEASTER:

Q. Who assigned you to go do that exploration?

A. The operator asked if I was willing to do that. I was willing to do that.

Q. Nobody from MSHA?

A. The question was asked in the presence of my supervisor and possibly other MSHA officials.

Q. This was on the surface?

A. This was on the surface when they asked. And I, you know --- you can talk yourself into or out of anything you want, whether it was a wise decision or not. Keep in mind there were things, I think, with that information that we could have gained. There would have been a greater chance for maybe someone surviving back there.

1 Unfortunately, we didn't make it very far.

2 Q. Did you get any directions from the MSHA people that were present when the
3 company guy asked you to go?

4 A. You mean as far ---.

5 Q. That you should do it or this is what you should do?

6 A. No. Heavens, no. I did --- I realize if I was --- yes, I'm concerned for my
7 safety, but if I didn't have the nerve to do that I would have spoke up.

8 Q. No, but I' m --- getting to my point is, did the company ask you ---

9 A. I was of course ---.

10 Q. --- to do something and you agreed to go do it ---

11 A. Yep.

12 Q. --- and your supervisors there they say --- didn't say it was okay or not okay,
13 or ---?

14 A. No, they didn't. No. I think it was just --- this was a question to ask. It was ---.

15 Q. Who was the company guy that asked you that?

16 A. My supervisor was there.

17 Q. I said who was the company guy that was there?

18 A. Oh. Oh, the company guy?

19 Q. You said you were asked by a company guy?

20 A. It was Gary Peacock that --- and this wasn't our fault. There was a meeting.
21 They decided that this is what they were going to do. Gary Peacock after the meeting
22 came and asked if I was willing to go with him.

23 Q. Okay.

24 A. I wasn't --- I didn't attend the meeting.

25 MR. PAVLOVICH:

1 --- but if you --- if ever your radio fails you come back.

2 A. Okay.

3 MR. PAVLOVICH:

4 I could walk down that parking lot and see it for two miles

5 that's it open, ---

6 A. Yeah.

7 MR. PAVLOVICH:

8 --- but when I can't reach you on the radio any more, I come

9 back.

10 A. Yeah.

11 MR. PAVLOVICH:

12 And they say how far did you get? Well, I got 200 feet. Okay.

13 A. Okay.

14 MR. PAVLOVICH:

15 Was it open or not? I mean ---.

16 A. You know, as I said ---.

17 MR. PAVLOVICH:

18 If I could have went further ---.

19 A. If I could have --- if communicators would have been up ---

20 MR. PAVLOVICH:

21 Yeah.

22 A. --- I would have attempted to go further.

23 MR. PAVLOVICH:

24 Okay.

25 A. I don't know what would have been in store. We were equipped with a pair of

1 bolt cutters.

2 MR. PAVLOVICH:

3 Okay.

4 A. A small pair.

5 MR. PAVLOVICH:

6 So you had bolt cutters?

7 A. Yes. And that's ---.

8 MR. PAVLOVICH:

9 And there was a potential then, if you were taking bolt cutters
10 --- or Peacock had bolt cutters that as long as you were still maintaining
11 communication you would have attempted to cut the wire and go on?

12 A. Yes. And also the atmosphere.

13 MR. PAVLOVICH:

14 And the atmosphere was good, sure. If --- with having said all
15 of that ---.

16 A. Let me back up. I also felt a little more comfortable with the material within
17 the entry. It was, you know, supporting. The top was ---

18 MR. PAVLOVICH:

19 Sure.

20 A. --- fairly well consolidated. So the material that was in the center of the entry
21 was offering some support. I felt somewhat comfortable knowing that it's met
22 equilibrium, yeah, it can change. That's --- I felt a little more ---.

23 BY MR. TEASTER:

24 Q. Did there seem to be pretty good air going over you?

25 A. At that time, it did. But there were times when we were cutting in the Number

1 One entry where the air coming out --- but that was a result of us forcing air into, I
2 think.

3 MR. PAVLOVICH:

4 With the fact that you were only stopped because of
5 communications limitations, was there ever a thought given to providing some kind of
6 a better communication to try another excursion further, like, a wired communication?

7 A. Okay .

8 MR. PAVLOVICH:

9 Or something that would ---?

10 A. They were to attempt that effort on the swing shift and ---.

11 MR. PAVLOVICH:

12 Oh, you heard that somebody else was going to do it?

13 A. Yes.

14 MR. PAVLOVICH:

15 Did you know, was it ever done?

16 A. The individual that they --- that was my counterpart on the swing shift was
17 Mike Shimway. And when Mike was asked or we talked about it, I merely asked Mike
18 if Mike --- if you don't feel comfortable doing this I'll, you know, stay over and do that
19 responsibility. Mike is a little bigger than me and I don't know what physical ailments
20 that he may have, or --- I think I was probably more capable physically of doing this
21 and that's why I asked Mike.

22 MR. PAVLOVICH:

23 Okay. And so do you know, was it ever done?

24 A. No, I didn't. I --- they --- it's my understanding that they did not do that.

25 MR. PAVLOVICH:

1 A. No, other than --- I'm trying to think of Pete's last name.

2 MR. PAVLOVICH:

3 Peter Saint.

4 A. Peter Saint. He went back and I think --- I don't know whether anybody was
5 aware of him doing that. Pete's kind of a special type guy.

6 BY MR. TEASTER:

7 Q. Special in what ways?

8 A. I like Pete. He's a very --- he was given a directive to do something as far as
9 he could get and take an air reading and he did exactly that. That's my understanding
10 of it.

11 MR. PAVLOVICH:

12 What did he --- did he show you what his findings --- did he
13 share with you what his findings were?

14 A. Other than he went back to Crosscut 126 and I'm not even certain the time of
15 day. Just in casual conversation he said that he did that and I wasn't aware of when
16 he did it, but hopefully there was someone else aware that he was doing what he was
17 doing.

18 BY MR. TEASTER:

19 Q. It seems to be that the exploration never got --- any of the explorations got
20 beyond 126. Are you aware of anyone going ---

21 A. Other than ---

22 Q. --- beyond ---?

23 A. --- Gary and I the day that we went. I don't exactly know what crosscut we
24 were mining at. We picked up from where we --- where the advance was and we
25 went in approximately two breaks and was back. So where that --- you could --- I

1 would imagine it was noted where the advance was. We entered there in Number
2 One entry and went in about two crosscuts.

3 Q. Do you have any feel for how far you could see ahead of yourself when
4 you ---?

5 A. You were in your light --- the brightness of the light. I think if we --- if you had
6 more illumination you might have been able to see more. It seemed that you could
7 see a --- at least, another break ahead of you and that's --- effectiveness of your light
8 was what limited --- I would like also ---

9 Q. Yeah.

10 A. --- with this my initial thoughts, I know, I think it was the second day that I ---
11 when they had got approval to do the drilling on top of the mountain --- on top of the
12 mountain, I did pose the question to my boss and I felt awkward after asking, I said,
13 are they just doing this to provide evidence that the atmosphere back there is not
14 respirable and people are dead. I thought that was a, you know, collecting evidence to
15 --- and I wasn't given an answer. As I said, I felt awkward. Felt I spoke out of turn,
16 but it --- but it was at that point what I seen. What, you know, my thoughts on what
17 had occurred. And I had doubts, strong doubts, that anybody survived.

18 Q. Who did you share that with, Barry?

19 A. My supervisor, Bill Taylor. As I said, that as just a question that I posed to
20 him and it really wasn't --- I guess, it was considered to be a rhetorical question.

21 MR. PAVLOVICH:

22 What did Bill say?

23 A. He didn't say anything. As I said ---.

24 MR. PAVLOVICH:

25 Did he respond?

1 A. He didn't respond. And at this point in time, they may not have memory of it.

2 MR. PAVLOVICH:

3 Well, no. I think ---

4 A. Is all.

5 MR. PAVLOVICH:

6 --- the way you meant it certainly a very interesting
7 observation. We probably thought of it before. I don't know if anybody ever quite
8 stated it quite the way you did, but you're kind of saying --- you made two explorations,
9 both times you weren't stopped because of anything physical, well, except maybe the
10 first time with the bad air, but ---

11 A. Yeah.

12 MR. PAVLOVICH:

13 --- let's exclude bad air. Let's say you had fresh air and if you
14 were --- if you were one of the persons on that section and you weren't injured in the
15 bounce and you had fresh air, do you think you could have crawled out of there over
16 top of that material?

17 A. I would have given it an effort. As I said, going back in there, yes, there's a
18 lot of things that you have to overlook when you say, yeah, you could go further. Is it
19 going further without good reason ---

20 MR. PAVLOVICH:

21 Sure.

22 A. --- yeah. That was also a consideration. If I was on the other side, I'll tell
23 you, and being capable I would have --- my --- I have a very strong self preservation
24 gene in me. I would have done everything humanly possible to get out.

25 MR. PAVLOVICH:

1 A. We're keeping that in mind coming out. If you had a pair of wire cutters you
2 may have been successful, maybe not. That's just my thought and my opinion.

3 MR. PAVLOVICH:

4 Was that something that gave you the indication that possibly
5 they didn't survive the original outburst because if they would have they would have
6 been coming out?

7 A. Also when I seen the seismograph and seeing that it was something a little
8 less than a 4.0 and as I said, I got a sheet in my office that says an equivalent
9 exchange, or you know, release of energy is equivalent to a small atomic bomb, I
10 don't --- what's your odds?

11 MR. PAVLOVICH:

12 Okay.

13 A. What do you think?

14 MR. PAVLOVICH:

15 Yeah.

16 A. At this time, I don't believe that anybody survived the initial bounce unless
17 they were in a piece of equipment where they were, you know, like the canopy of a
18 shuttle car. And if they --- if there was communication between the gobs very shortly
19 after I honestly believe that ---

20 MR. PAVLOVICH:

21 Low oxygen.

22 A. --- would've done them in. But I'm still ---you guys have questioned a lot of
23 people. I guess, the curiosity that I have is the first time that it bounced on the north
24 barrier pillar, were there individuals that witnessed that and had information on that?

25 MR. PAVLOVICH:

1 Donnie was in that vicinity, but I ---.

2 UNIDENTIFIED SPEAKER:

3 When you went up there with Gary, like, on your way up, did
4 you stop in and tell somebody from MSHA, hey, we're doing this?

5 A. Yeah, Donnie Durrant. And at that time Donnie said, hey, I'm a little smaller
6 than you, do you want me to go? And I had no problems with going.

7 MR. PAVLOVICH:

8 Do you remember seeing Joe Zelanko in there?

9 A. You'd have to show me his picture.

10 MR. PAVLOVICH:

11 Okay. All right. You don't remember him. He was just
12 somebody who might have been standing there.

13 A. I really don't. Maybe if you show me a picture I may say, yeah, I can recall
14 that individual.

15 MR. TEASTER:

16 Ex. (b)(6) and Ex. (b)(7)(C) do you have anything?

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

18 I don't.

19 BY MR. TEASTER:

20 Q. Barry, is there anything else you'd like to share with us that we haven't
21 covered?

22 A. No.

23 Q. You answered all of our questions?

24 A. No, I --- there's really not much that I can add to anything. I think it all boils
25 down to the plan was approved and I --- the only understanding that I have is when

1 they sealed this off the MSHA inspector that was assigned to the mine at that time
2 didn't go beyond where he had the initial seals built. And it's my understanding that
3 there is no information shared with him that would have given him an idea of what had
4 actually taken place.

5 MR. PAVLOVICH:

6 Well, we appreciate you coming back and ---

7 A. Well, ---.

8 MR. PAVLOVICH:

9 --- sharing our information and ---.

10 A. Sorry, you guys have to come out with the weather the way it is.

11 MR. TEASTER:

12 That's all right.

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15 DEPOSITION CONCLUDED

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