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Transcript of the Testimony of Michael Adam Godsey

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STATEMENT UNDER OATH

OF

MICHAEL ADAM GODSEY

taken pursuant to Notice by Beth A. Duzzny, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, October 14, 2010, beginning at 10:30 a.m.

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A P P E A R A N C E S

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EXHIBIT PAGE		
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NUMBER	DESCRIPTION	IDENTIFIED
One	Tracking Boss	
	Weekly Checklist	34*

* Exhibit not attached

P R O C E E D I N G S

ATTORNEY BABINGTON:

My name is Matt Babington. Today is October 14th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Jasey Maggard, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people --- there's one person from the State of West Virginia. I ask that he state his appearance for the record.

MR. SCOTT:

John Scott.

ATTORNEY BABINGTON:

There are several members of the investigation team also present in the room today. Jasey will be conducting the initial questioning. All members of the Mine Safety and Health Accident Investigation Team and all members of the State of West Virginia Accident Investigation Team participating in the investigation of the Upper Big Branch Mine explosion shall keep confidential all information that is gathered from each witness who voluntarily provides a statement until the witness

1 statements are officially released. MSHA and the
2 State of West Virginia shall keep this information
3 confidential so that other ongoing enforcement
4 activities are not prejudiced or jeopardized by a
5 premature release of information. This
6 confidentiality requirement shall not preclude
7 investigation team members from sharing information
8 with each other or with other law enforcement
9 officials. Their participation in this interview
10 constitutes their agreement to keep this agreement
11 confidential.

12 Government investigators and specialists

13 have been assigned to investigate the conditions,
14 events and circumstances surrounding the fatalities
15 that occurred at the Upper Big Branch Mine-South on
16 April 5th, 2010. The investigation is being conducted
17 by MSHA under Section 103(a) of the Federal Mine
18 Safety and Health Act and the West Virginia Office of
19 Miners' Health, Safety and Training. We appreciate
20 your assistance in this investigation.

21 You may have your personal attorney

22 present during the taking of the statement or another
23 personal representative, if MSHA has permitted it, and
24 you may consult with your attorney or representative
25 at any time. For the record, do you have a personal

1 representative with you here today?

2 MR. GODSEY:

3 No.

4 ATTORNEY BABINGTON:

5 Thank you. Your statement is completely

6 voluntary. You may refuse to answer any question and

7 you may terminate your interview at any time or

8 request a break at any time. We also have bottles of

9 water if you'd like one.

10 MR. GODSEY:

11 Okay.

12 ATTORNEY BABINGTON:

13 Would you like one?

14 MR. GODSEY:

15 Yeah, please.

16 ATTORNEY BABINGTON:

17 I'll get you one after the script. Your

18 identity and the content of this conversation will be

19 made public at the conclusion of the interview process

20 and may be included in the public report of the

21 accident, unless you request your identity remain

22 confidential or your information would otherwise

23 jeopardize a potential criminal investigation. If you

24 request us to keep your identity confidential, we will

25 do so to the extent permitted by law. That means that

1 if a judge orders us to reveal your name or if another
2 law requires us to reveal your name or if we need to
3 reveal your name for other law enforcement purposes,
4 we may do so. Also, there may be a need to use the
5 information you provide to us or other information we
6 may ask you to provide in the future in other
7 investigations into and hearings about the explosion.
8 Do you understand?

9 MR. GODSEY:

10 Yes, I do.

11 ATTORNEY BABINGTON:

12 Do you have any questions?

13 MR. GODSEY:

14 The only question I have is all this
15 information is going to be strictly confidential, no
16 public knowledge of this; correct?

17 ATTORNEY BABINGTON:

18 Well, the transcript at some point would
19 be released ---

20 MR. GODSEY:

21 Okay.

22 ATTORNEY BABINGTON:

23 --- to the public down the road.

24 MR. GODSEY:

25 Then some of my answers will --- may need

1 to be stopped at certain points for proprietary
2 information.

3 ATTORNEY BABINGTON:

4 Okay.

5 MR. GODSEY:

6 Okay.

7 ATTORNEY BABINGTON:

8 Okay. And we can talk about that

9 further. If there's proprietary information, we can
10 talk about what we can do with that ---

11 MR. GODSEY:

12 Okay.

13 ATTORNEY BABINGTON:

14 ---- down the road. Okay. After the

15 investigation is complete, MSHA will issue a public

16 report detailing the nature and causes of the

17 fatalities in the hope that greater awareness about

18 the causes of accidents can reduce their occurrence in

19 the future. Information obtained through witness

20 interviews is frequently included in these reports.

21 Since we'll be interviewing other individuals, we

22 request that you not discuss your testimony with any

23 person aside from a personal representative or

24 counsel.

25 A court reporter will record your

1 interview. Please speak loudly and clearly. If you
2 do not understand a question asked, please ask the
3 interviewer to rephrase it. Please answer each
4 question as fully as you can, including any
5 information you've learned from someone else.

6 I'd like to thank you in advance for your
7 appearance here. We appreciate your assistance in
8 this investigation. Your cooperation is critical in
9 making the nation's mines safer. After we've finished
10 asking questions, you'll have an opportunity to make a
11 statement and provide us with any other information
12 that you believe to be important. If at any time
13 after the interview you recall any additional
14 information that you believe might be useful, please
15 contact any of us or Norman Page at the contact
16 information provided in this letter that I'm giving
17 you now. This letter also explains --- basically goes
18 over what I just went over in this script. Before we
19 start, can we just go off the record for a minute?

20 OFF RECORD DISCUSSION

21 ATTORNEY BABINGTON:

22 Let's go back on the record. Would you
23 swear the witness in, please?

24 -----

25 MICHAEL ADAM GODSEY, HAVING FIRST BEEN DULY SWORN,

1 TESTIFIED AS FOLLOWS:

2 -----

3 EXAMINATION

4 BY MR. MAGGARD:

5 Q. Could you please state your full name and spell
6 your last name for the record, please?

7 A. Sure. It's Michael Adam Godsey. My last name is
8 spelled G-O-D-S-E-Y.

9 Q. And you go by Adam; right?

10 A. Yes.

11 Q. Adam, where are you currently employed?

12 A. I'm currently employed with Pyott-Boone
13 Electronics, in Tazewell, Virginia, and I'm the
14 engineering manager.

15 Q. Could you give us a point of contact, a telephone
16 number and address for you?

17 A. Yes. (b) (7)(C) ,

18 (b) (7)(C) . And my phone number is area code

19 (b) (7)(C) .

20 Q. Thank you. How long have you been employed with
21 Pyott-Boone?

22 A. I have been with Pyott-Boone just over three
23 years. I started there in March of 2007.

24 Q. And what are your current duties there?

25 A. My current duties are product development,

1 managing the engineering department from manufacturing
2 to research and development.

3 Q. What other places have you been employed? Give me
4 a little background information on your experience and
5 your education, please.

6 A. Okay. I graduated from Virginia Tech with a
7 Bachelor's degree in electrical engineering in
8 December of '97, after which time I became employed
9 with a company in Pennsylvania called Coulbourn
10 Instruments. And I worked there as a sales
11 application engineer for approximately a year to a
12 year-and-a-half. I was then promoted to engineering
13 department, where I worked there up until I was
14 employed with Pyott-Boone. That particular company
15 specialized in equipment for animal behavior research
16 and biofeedback instrumentation.

17 Q. As far as your duties at Pyott-Boone, are you
18 familiar --- do you work a lot with the type of system
19 that was used at the Upper Big Branch Mine, the CO
20 system, the mine boss system and the communication and
21 tracking system that they had at the mine?

22 A. Over the course of the three years I've been
23 there, I have been exposed to it. I'm not going to
24 say that I know all the integral details, but rather
25 familiar with the products we provide and the systems.

1 Q. Okay. Do you do programming as far as event
2 logging or do you --- how familiar are you with the
3 system as far as alarms and how that works?

4 A. I'm familiar with that just as much as my
5 technical director has informed me. I've not
6 personally done any of the programming directly, so my
7 knowledge to that is the extent of what I've been
8 explained to.

9 Q. Okay. Now, on April 5th, on the event log at the
10 CO system at UBB, have you been able to look at the
11 data from that event log that was downloaded from the
12 computer at the mine site?

13 A. We have looked at it and provided some
14 information --- some feedback to MSHA. We have not
15 done an extensive amount of analysis at this point.
16 Primarily we've been providing data, as has been
17 requested.

18 Q. So could you tell me what you do know about the
19 system, about the speed of the CO system and the speed
20 of the communication and tracking system as far as
21 baud rates go and the communication?

22 A. The system installed at the Upper Big Branch
23 Mine, the CO monitor system or the atmospheric
24 monitoring system, as is most commonly termed, was a
25 system set up to run at 320 baud. Our tracking

1 system, however, is on a separate communications line
2 and it runs at 4,800 baud.

3 Q. Can you kind of go into a little bit of detail as
4 far as how priorities are set on the event log or how
5 they are recorded, what the software is looking for
6 when an event occurs?

7 A. Okay. The software logs all alarm conditions. As
8 soon as the data is communicated back to the master
9 station or the computer, that information is logged to
10 the event log. As far as priorities, my familiarity
11 on, you know, the priority levels is limited.

12 However, alarm conditions are a higher priority than
13 just your standard communications. Basically the
14 system, if you look at the tree structure, you have a
15 scanner and you have devices hanging off of that
16 scanner. All those devices that hang under that
17 scanner are communicated with. And depending on if
18 the forms are opened or closed, they will change in
19 priority in terms of at what point they get sampled or
20 scanned. So what happens is, for instance, if an
21 alarm goes off, a window will pop up which will show
22 an alarm condition. That will be logged in the event
23 log, and then the scan priority for that particular
24 device will be moved up in the list.

25 Q. Okay. Now, as far --- when you're talking about

1 an alarm event, are you saying that a CO concentration
2 level above the alarm set point is given a higher
3 priority than, let's say, a data loss or a loss of
4 communication?

5 A. Yes, that's exactly what I'm saying.

6 Q. Okay. Now, this system probably had over 200
7 address points with the communications, the tag
8 readers and the COs and the APSS and all that. now,
9 knowing that that system is that large, okay, if an
10 alarm condition occurred, how quick would you predict
11 that alarm would happen? Say that a communication
12 line was severed and you were sitting outside, how
13 quick would you expect that alarm to show up on the
14 event log?

15 A. Under normal operating conditions, meaning all
16 devices are communicating, everything is intact, a
17 320-baud scanner should be able to pull 127 devices
18 somewhere in the neighborhood of 32 seconds. And the
19 way our system is architected, that's the maximum
20 number of devices that can be on a given scanner.

21 Q. Now, let's say that 40 of those 200 devices ---
22 when you cut the line they were was 40 devices
23 upstream from that severed communication line. Would
24 that make that 32 seconds quicker or would it be the
25 same/

1 A. Actually, it will slow it down. The reason is
2 that the system inherently has means for trying to
3 maintain communication with devices. And there's some
4 settings within the application can affect how long it
5 will take before the system will acknowledge that a
6 particular device is no longer accessible. So in the
7 configuration of the scanner, you can adjust a couple
8 different parameters that would impact that. I think
9 that's about the extent of what I can disclose at this
10 point, but ---.

11 Q. Okay. So out of one communication port you're
12 looking at 127 devices. And if nothing is going on,
13 no alarms, is it just going through each device, doing
14 a fault tolerant check or how does that work?

15 A. Within the master database you'll see a tree of
16 devices under a scanner. All those devices are
17 pulled, so you know, the master station will
18 communicate out and expect a response back. And it's
19 sequential, except for the fact that, given
20 priorities, that order of operation changes. So in a
21 given amount of days, you can't really predict what
22 order they're in because different alarms have moved
23 things up in the order of the scan priority, so ---.

24 Q. Now, let's say that it was scanning a certain
25 device that was --- that lost communications when it

1 was scanning, how would that work as far as event
2 logging? Would it be looking at that and see it and
3 then alarm or would it wait and go --- how does that
4 work?

5 A. There's some settings in the configuration for the
6 scanner that addresses how that will be handled. It
7 will attempt to communicate some number of times,
8 after which point it will report to the computer that
9 this device is dead.

10 Q. So we had an alarm, the first loss of
11 communication that happened at 15:08:01, which was
12 what was on the event log, and then subsequently we
13 had several data loss alarms. If I understand you
14 right, you would say that the best case would be 32
15 seconds that that alarm would come in, or was that
16 worst case if that was just one device?

17 A. That's a little bit more difficult. No, the 32
18 seconds that I alluded to is assuming that all devices
19 are communicating correctly. The time with which it
20 requires the system to go through and scan all the
21 devices is somewhere in the neighborhood of 32 seconds
22 with functional devices. When a device becomes
23 dysfunctional, disconnected, the system tries to
24 maintain communication X number of times. Now, that's
25 what has to be looked at to assess how long that time

1 frame is.

2 Q. Okay. So could you say that --- let's say it was
3 the one device now. Let's forget about the 40 --- the
4 32 seconds, I'm still kind of confused here so you'll
5 have to help me out, is that worst case or is that ---
6 can it be quicker, can it be slower?

7 A. For one device it will be significantly faster.

8 Q. Okay. And what's the fastest response you've ever
9 seen from a system probably this size or close to this
10 size?

11 A. To be honest with you, I'm not at liberty really
12 to answer that. I don't really know. I don't know.

13 Q. Okay. You said that with 40 devices failing all
14 at once, it would take --- you would --- do you think
15 that you could figure out from this 15:08:01 time a
16 time period prior to that window that maybe that alarm
17 had occurred?

18 A. If we could assess how many devices in that system
19 were fully functional and active at the time of the
20 incident, we should be able to mathematically
21 approximate what time that happened.

22 Q. Okay.

23 A. However, there's a lot of variables there that
24 would have to be taken into consideration because with
25 our system, if there's devices that are on the scanner

1 that have been taken out of service, that occupies
2 unnecessary bandwidth and so we would need to know
3 several details to be able to do that.

4 Q. Okay. In your opinion, what would you say would
5 be the worst case? Without looking into it in more
6 detail ---

7 A. Uh-huh (yes).

8 Q. --- at this point, something that may help us as
9 far as the investigation goes with the 15:08 time,
10 what would you say that the worst case, you know, just
11 your opinion, that time could have been, that window
12 prior to that?

13 A. If we make an assumption of, say, one device was
14 still communicating and all the remaining devices were
15 unoperable or could not be communicated with, it
16 could be up to several minutes, okay.

17 Q. And would several minutes be two to three minutes,
18 four minutes?

19 A. It could be in excess of ten minutes.

20 Q. Okay. But you're saying one device is
21 communicating and all the rest of them are out?

22 A. Right. That's absolute worst case.

23 Q. Okay. If half the devices failed or a third of
24 the devices, that window would narrow; ---

25 A. You can ---

1 Q. --- is that ---?

2 A. --- almost linearly approximate that. Okay. The
3 only issue is different devices have different numbers
4 of bytes that they communicate. So to really
5 effectively analyze that, you need to know how many
6 devices were operational and how many went out, and
7 from that data you should be able to approximate.

8 Q. Now, we've got COs that are at 320 baud, right,
9 and then we've got communication tag readers that are
10 at 4,800 baud. But from the data that we see, we see
11 the alarms for the tag readers come in three minutes
12 after the first CO data loss came in. Could you
13 explain why that could have occurred with the
14 different baud rates that those two parts of the
15 system have?

16 A. Yeah. The tracking system is on a completely
17 different scanner, so the integrity of its data system
18 is completely independent of the CO. So the
19 correlation between the two is difficult to justify.
20 Plus the tracking system has a tremendous amount of
21 data communicating back and forth as compared to the
22 CO system. That being said, just the amount of data
23 in comparison to what's being received in the tracking
24 versus what's being received in the AMS system, the
25 disparity there between the two is the best

1 justification I can give, you know, given limited
2 information.

3 Q. Okay. As far as CO sensors go and say you get a
4 concentration alarm on the screen and it gives you a
5 value, what does that value mean?

6 A. The values that you read on the event log are what
7 the gas monitor is interpreting the environment to be
8 providing. Now, I had to quantify that because
9 sensors have cross sensitivity to other gases as well
10 and they have reactions to pressures and temperatures.
11 But for the most part, under, say, normal operating
12 conditions, that would be the actual gas concentration
13 that it monitored.

14 Q. Now, these alarms, if the software is programmed
15 to do it, it will re-launch every five minutes; is
16 that correct? How does that work?

17 A. There is a --- there's an entry box in the
18 configuration for the COs where you can adjust that,
19 but I believe it does default on five minutes.

20 Q. Okay. Now, if that gas concentration changed,
21 would you see a change in the value in the event log?

22 A. Yes.

23 Q. Okay. And then it communicates to that --- or
24 that CO sensor, it's going out, the software is
25 saying, okay, it's five minutes, I'm going to talk to

1 this CO sensor at such and such head drive, does it
2 get the value that is currently being shown on the
3 sensor to put it in the event log?

4 A. It gives the last value that it received when it
5 pulled the device.

6 Q. Okay. And with the way --- that could be several
7 minutes, is that correct, or am I ---?

8 A. Yeah. Depending on the condition of the system at
9 the time, yeah.

10 Q. So it could have went out and grabbed that data
11 three minutes ago from when it puts it on the screen,
12 but it knows five minutes has passed since the last
13 alarm initiation on the event log, and I need to put
14 what I last seen from that device as far as
15 concentration goes; is that correct?

16 A. I don't think there's that large of a disparity.
17 I think the --- when it presents it is --- when it
18 last communicated. The event log is updated as it
19 receives the information, so it should be relatively
20 consistent with the data logging of ---.

21 Q. Okay. So are you telling me that if you got that
22 program for five minutes that --- in five minutes from
23 the last event log is trying to communicate with that
24 device?

25 A. Uh-huh (yes).

1 Q. For the record, you're indicating ---?

2 A. Yes. Yes.

3 Q. Okay. Now, you talked about pressures. Have you
4 --- could you tell me a little bit about what type of
5 CO sensor that you provide for the Pyott-Boone system?

6 A. We use a sensor manufactured by CitiTech. I don't
7 have with me any details pertaining to that particular
8 sensor, so I can't really elaborate on any specific
9 details. But as far as its performance or its
10 pressure, that would have to be a question probably
11 more directed towards CitiTech.

12 Q. As far as pressure goes or low oxygen, do you know
13 how oxygen levels affect the CO sensors' capabilities?

14 A. That's another one that I would prefer to restrict
15 to a discussion with the manufacturer. I can provide
16 you what our interpretation is or opinions. The cell
17 we use is an electrochemical cell, and there is a
18 maximum level of CO that can be --- it can be
19 subjected to. But as far as depleting the cell, it
20 has to be exposed for some period of time, kind of
21 like a fuel cell or something similar, before it's
22 depleted. My understanding is that it will reach a
23 maximum current or voltage that it can produce for a
24 given gas level. And the interpretation of, you know,
25 it being saturated is that it's the maxed level. But

1 an extended exposure to a high level will definitely
2 deplete it.

3 Q. If you could, if you could provide the maximum
4 level CO that it will --- concentration that you know
5 that it can operate efficiently?

6 A. Our monitor is designed to monitor up to 107 parts
7 per million.

8 Q. Okay. Are these CitiTech CO cells, are they
9 sensitive to hydrogen, the battery charging stations?

10 A. Yes, they are.

11 Q. And from your experience, what kind of
12 concentrations have you seen from some of the CO
13 sensors? What kind of --- just, you know, what have
14 you seen, like some of them go up ten parts per
15 million if there's a lot of hydrogen or what do
16 you ---?

17 A. The manufacturer indicates that the cell we use,
18 given a hundred parts per million concentration of
19 hydrogen, the CO detection will be less than 20 parts
20 per million.

21 Q. Do you have --- do you supply a sensor that is not
22 sensitive to hydrogen battery chargers?

23 A. We do provide a hydrogen-discriminating gas
24 monitor. It requires two gas sensors, one for
25 monitoring carbon monoxide and one for monitoring

1 hydrogen. And then there's' an algorithm that more or
2 less subtracts out the contribution due to hydrogen
3 from the CO.

4 Q. Could you tell me about the communication and
5 tracking? What's your recommended maintenance
6 procedure for that system?

7 A. I have with me a checklist. I don't know if you
8 guys would like me to read it or just commit this to
9 record.

10 Q. Either way is fine with me.

11 ATTORNEY BABINGTON:

12 Are there specific things on the
13 checklist you wanted to talk about?

14 MR. MAGGARD:

15 If he could read it for the record. It
16 doesn't look like it would be that hard to do. That
17 would be fine.

18 ATTORNEY BABINGTON:

19 That's fine.

20 A. That's fine.

21 BY MR. MAGGARD:

22 Q. If that's fine with you.

23 A. Yeah, that's fine.

24 ATTORNEY BABINGTON:

25 Do you mind if we also then get the ---

1 we'll put a --- if you could read it and then we'll
2 also have a copy ---

3 A. Yeah.

4 ATTORNEY BABINGTON:

5 --- as part of the record.

6 A. That's fine, yeah. Okay. We put together a
7 tracking boss weekly checklist. This is specifically
8 for Pyott-Boone's tracking system. Okay. This is not
9 pertaining to the leaky feeder. This is just for the
10 track --- the tag readers, okay. And the checklist
11 goes as follows. Check that all tag readers are being
12 detected by the mine boss application. This can be
13 confirmed by checking at all used subchannel tabs
14 within the tag reader module are colored light green
15 from the mine boss desktop. If you're using a mine
16 map for displaying all tag readers, this can be
17 confirmed by looking and confirming the tag reader
18 icon on the mine map are all colored green. The
19 second item is check that tags have been or are being
20 detected by all tag readers. This can be verified by
21 using the history log to confirm that tags have
22 recently been detected by each tag reading.
23 The third item, check that power indicators are
24 illuminated green on all Model 1925 power supplies.
25 Check that the power indicators are lit green on all

1 tag readers in the system. If the power indicator is
2 red, confirm there is 24 volts DC at the power input
3 terminals. If 24-volt DC is present at the input
4 terminals, take the tag reader out of service and send
5 it to a service center for repair. Check that the
6 communications indicators are blinking on all the tag
7 readers in the system. If the communications
8 indicator is not blinking, confirm that the tag reader
9 has not been moved and that it is within ten feet of
10 the leaky feeder cable. If it is within the specified
11 distance, take the tag reader out of service and send
12 it to the service ---. Check that the system
13 continues to function when all power supplies are
14 de-energized.

15 Disconnect AC power to all power supplies and
16 allow the system to run for five to ten minutes with
17 power disconnected. If any tag readers act
18 irregularly, take them out of service and send it to a
19 repair center. Check that the system continues to
20 function when all power supplies are re-energized.
21 Check that an advisory condition can be detected by
22 each tag reader. This can be tested by pressing the
23 push button on a tag while in range of each individual
24 tag reader. Care shall be taken to only be in range
25 of the tag reader in question so as to properly test

1 each tag reader's ability to pick up the advisory
2 condition. Tags have been known to be picked up at
3 distances up to 700 feet, so use the distances as a
4 gauge to how close you need to be to ensure that
5 multiple tag readers are not within range of the tag.

6 Q. Okay. And this is considered a weekly test?

7 A. Yes.

8 Q. Okay. Thank you. Another question I have is
9 regarding the time that was shown on the CO computer
10 on April 5th. We understand that Wes Leffel and David
11 Childress was there at the site. Have they mentioned
12 anything about they checked the time on the computer
13 with regard to their watches or any other devices?

14 A. I did ask Dave Childress about that, and
15 truthfully, under the conditions, it didn't even cross
16 our mind to even think about it. They were there more
17 in a support capacity and didn't --- it didn't occur
18 to them to look at that.

19 Q. The last time that we had discussions with your
20 company we discussed with Gary Sargent about providing
21 us with some purchase order information from the mine
22 site as far as the communication and tracking system
23 went. Did you bring that with you today?

24 A. Yes, I did. I have two pages here to provide.

25 Q. I'd like to, with your permission, to be able to

1 put that in the record.

2 A. Is this another one of those things that's going
3 to be public knowledge or is this one going to be
4 restricted?

5 Q. It would be --- if it goes into the record, it
6 would be public knowledge. One think I asked Gary
7 about is not putting any kind of price tags on
8 anything. I just wanted to see when all the stuff was
9 ordered basically and when it arrived, so ---.

10 A. Okay.

11 ATTORNEY BABINGTON:

12 Would you like to hold onto this and then
13 come back and talk about this at the end?

14 A. Yeah, I think I would.

15 ATTORNEY BABINGTON:

16 Let's talk about this ---

17 MR. MAGGARD:

18 No problem.

19 ATTORNEY BABINGTON:

20 --- at the end of the ---.

21 MR. MAGGARD:

22 That's all the question I got right now.

23 I'll turn it over to John. Thank you very much.

24 EXAMINATION

25 BY MR. SCOTT:

1 Q. Basically you said there was kind of a time delay
2 and that if you had all the information you might be
3 able to come up with a kind of estimated time. Do you
4 have all --- do you need more --- what information ---
5 have you got enough information to do that?

6 A. I've got some information. I may or may not have
7 all the information I need. And some of it, I may
8 need to speak with the dispatcher that was working at
9 the time to assess, you know, which devices within the
10 system were actually functional and which were not.

11 Q. Okay. Let's see. Also, see, it's --- the
12 tracking system was basically separate from the CO
13 system. They have different baud rates, different
14 communication cables?

15 A. That's correct. Yes.

16 Q. Now, you talked a little bit about bandwidth and
17 you stated that 127 devices, if everything was working
18 properly at the 320 baud rate, 32 seconds was a pretty
19 much good guess at the rate. If you cut that in half,
20 127 in half, would you cut the time in half also?
21 Would that be a good correlation on that?

22 A. There's a pretty close linear approximation there.
23 The only difference really is, you know, we have
24 several devices. We got CO, belt bosses, analog
25 scanners, you know. All of them have a different

1 communication structure. Some require more bytes than
2 others. That's really where the difference would lie.
3 But it probably would be fair to say an approximation
4 of, you know, half device would be half the time.
5 That would be a fair assessment.

6 Q. And then but also in the same deal, if there was
7 127 CO sensors or 127 belt bosses, there would be a
8 little bit of difference because of the data needed
9 for each one ---

10 A. Correct.

11 Q. --- events or whatever that it actually scans for?

12 A. Yes, that is correct.

13 Q. Amount of information it looks at on each device
14 as it scans?

15 A. Correct.

16 Q. What I was asking earlier about doing the actual
17 time if you could get a little more information, that
18 wouldn't be a problem for --- I mean, I don't think
19 there's any proprietary or ---.

20 A. No. I think Pyott-Boone would be happy to support
21 and whatever we need to to help assess whatever needs
22 to be done.

23 MR. SCOTT:

24 That's all I have. Thank you.

25 RE-EXAMINATION

1 BY MR. MAGGARD:

2 Q. Well, I'd like to make a request for you to look
3 at the data little bit further and come up with an
4 estimation of the window prior to the 15:08:01 time
5 frame with all the devices that are shown on the
6 screen. I know it may take some time, but I would
7 like any kind of questions you got as far as what I
8 know that may help you with doing the time study. I
9 think this would be very important for us to figure
10 out a time that the accident occurred, ---

11 A. Okay.

12 Q. --- to get it closer. So I'd be willing to work
13 both ways to try to figure that out, and I appreciate
14 you all's help.

15 A. Okay. Well, I'm sure Pyott-Boone is going to be
16 willing to help in any way. The only --- I think
17 really the only assistance we'll need is, as I
18 mentioned, if we can maybe talk to one of the ---
19 maybe the dispatcher or someone that was, you know, at
20 the mine that knew what items were communicating and
21 which were not. With that information, we should be
22 able to get a really good approximation. At the very
23 least, we could possibly give you like a worst case,
24 and it would be somewhere form there or earlier.

25 Q. Yeah. If you could, okay, just give me the worst

1 case starting out and then say, okay, if let's say,
2 ten tag readers or 20 tag readers weren't working, ---
3 A. Okay.

4 Q. --- what would that do to that window.

5 A. Okay. Well, if I may propose a suggestion on
6 that. It might be that it will be good for us maybe
7 to provide a table, non-functional devices and
8 functional devices and the estimated time.

9 Q. Yeah. Now, I know on the --- you know, the tag
10 readers, you could kind of get an idea of which ones
11 might not have been working, you know, as far as the
12 dates that they last read, but you can probably make
13 some assumptions that way. The dispatcher, I know
14 it's been a long time. You know, it's over six months
15 since the accident, so I don't know what he could
16 provide you with.

17 A. Yeah.

18 Q. When we get down to that, we can try to work
19 something out and ask him some more questions on that.

20 A. Okay.

21 ATTORNEY BABINGTON:

22 Before we close out, let's go on the
23 record for a quick break.

24 SHORT BREAK TAKEN

25 ATTORNEY BABINGTON:

1 All right. Before we close out, you
2 provided one document to us on the record, the
3 tracking boss weekly checklist. That will be marked
4 A. Godsey One and that will be part of the record of
5 the interview.

6 (A. Godsey Exhibit One marked for
7 identification.)

8 ATTORNEY BABINGTON:

9 We discussed the purchase order before.

10 We're not going to accept that document. You're not
11 going to provide it, and we're not going to accept it
12 at this time because of proprietary reasons.

13 On behalf of MSHA and the Office of
14 Miners' Health, Safety and Training, I want to thank
15 you for appearing and answering questions today. Your
16 cooperation is very important in the investigation as
17 we work to determine the cause of the accident. We
18 request that you not discuss your testimony with any
19 person, aside from a personal representative or
20 counsel, or in this case, with other representatives
21 from Pyott-Boone. After questioning other witnesses,
22 we may call you if we have any follow-up questions.
23 If at any time you have additional information
24 regarding the accident that you'd like to provide to
25 us, please contact us at the contact information

1 provided. If you wish, you may now go back over any
2 answer you've given during this interview, and you may
3 also make any statement that you'd like to make at
4 this time.

5 A. The only statement that I wish to make is that the
6 information provided is to the best of my knowledge.
7 And you know, a lot of the information that I've
8 provided has been in collaboration with my team. So
9 if there is something found that was not a hundred
10 percent accurate, it was not intentional. But for the
11 most part, I do believe that I've answered all the
12 questions as accurately as I could.

13 ATTORNEY BABINGTON:

14 Thank you. And again, I want to thank
15 you for your cooperation in this matter.

16 A. Okay. Thank you.

17 * * * * *

18 STATEMENT UNDER OATH CONCLUDED AT 12:20 P.M.

19 * * * * *

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1 STATE OF WEST VIRGINIA)

2)

3

4 CERTIFICATE

5 I, Beth A. Duzzny, a Notary Public in and for
6 the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in
8 the foregoing deposition, was duly sworn by me on said
9 date and that the transcribed deposition of said
10 witness is a true record of the testimony given by
11 said witness;

12 That the proceeding is herein recorded fully
13 and accurately;

14 That I am neither attorney nor counsel for,
15 nor related to any of the parties to the action in
16 which these depositions were taken, and further that I
17 am not a relative of any attorney or counsel employed
18 by the parties hereto, or financially interested in
19 this action.



20
21
22 *Beth A. Duzzny*
23
24
25

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