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Transcript of the Testimony of **Dave Childress**

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Case:

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STATEMENT UNDER OATH

OF

DAVE CHILDRESS

taken pursuant to Notice by Alison Salyards, 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 Tuesday, September 28, 2010, beginning at 8:35 a.m.

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I N D E X

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P R O C E E D I N G S

ATTORNEY BAXTER:

My name is Derek Baxter. Today is September 28th, 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 United States Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. SCOTT:

John Scott, with the Office of Miners' Health, Safety and Training.

MR. O'BRIEN:

John O'Brien, with the West Virginia Office of Miners' Health, Safety and Training.

MS. SPENCE:

Beth Spence, with the Governor's independent investigation.

ATTORNEY BAXTER:

There are also several members of the investigation team present in the room today. Mr. Maggard, Mr. Scott and Ms. Spence will be conducting the questioning today.

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 statements are officially released. MSHA and the State of West Virginia shall keep this information confidential so that other ongoing enforcement activities are not prejudiced or jeopardized by a premature release of information. This confidentiality requirement shall not preclude investigation team members from sharing information with each other or with other law enforcement officials. The team members' participation in this interview constitutes their agreement to keep this information confidential.

Government investigators and specialists have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Upper Big Branch Mine-South on April 5th, 2010. The investigation is being conducted by MSHA under Section 103(a) of the Federal Mine Safety and Health Act and the West Virginia Office of

Miners' Health, Safety and Training. We appreciate your assistance in this investigation.

You may have your personal attorney present during the taking of this statement or another personal representative, if MSHA has permitted it, and may consult with your attorney or the representative at any time. And for the record, do you have an attorney or representative with you today?

MR. CHILDRESS:

No.

ATTORNEY BAXTER:

Okay. Your statement is completely voluntary. You may refuse to answer any question and you may terminate your interview at any time or request a break at any time. Your identity and the content of this conversation will be made public at the conclusion of the interview process and may be included in the public report of the accident unless you request that your identity remain confidential or your information would otherwise jeopardize a potential criminal investigation. If you request us to keep your identity confidential, we will do so to the extent permitted by law. That means that if a judge orders us to reveal your name or if another law requires us to reveal your name or if we need to

reveal your name for other law enforcement purposes, we may do so. Also, there may be a need to use the information you provide to us or other information we may ask you to provide in the future in other investigations into and hearings about the explosion. Do you understand?

MR. CHILDRESS:

Yes.

ATTORNEY BAXTER:

Do you have any questions?

MR. CHILDRESS:

No.

ATTORNEY BAXTER:

After the investigation is complete, MSHA will issue a public report detailing the nature and causes of the fatalities in the hope that greater awareness about the causes of accidents can reduce their occurrence in the future. Information obtained through witness interviews is frequently included in these reports. Since we will be interviewing other individuals, we request that you not discuss your testimony with any person aside from your personal representative or Counsel.

A court reporter will record your interview. Please speak loudly and clearly. If you

do not understand a question asked, please ask us to rephrase it. Please answer each question as fully as you can, including any information you've learned from someone else.

I would like to thank you in advance for your appearance here. We appreciate your assistance in this investigation. Your cooperation is critical in making the nation's mines safer. After we have finished asking questions, you'll have an opportunity to make a statement and to provide us with any other information that you believe to be important. If at any time after the interview you recall any additional information that you believe might be useful, please contact Norman Page of MSHA at the telephone number or e-mail address provided to you. Will you please swear the witness?

DAVE CHILDRESS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY MR. MAGGARD:

Q. David, thank you for coming today. Could you tell me a little bit about yourself, your mining background ---?

COURT REPORTER:
Do you want his name?
ATTORNEY MAGGARD:
Yeah. That would be a good idea.
A. My name is David Garland Childress. I live in (b)(7)(C) I've worked around the mines quite a lot in my lifetime, both when I was in college and then after college. I have a degree in mining engineering technology from Bluefield State. I've worked in de-gasification of longwall panels in my prior experience in Virginia, as well as in communication --- telecommunications, by the way. I was construction manager for a company that erected telecommunications equipment. In addition to that, I worked underground prior --- for a short period of time prior to coming to work for Pyott-Boone. I was employed and currently employed as a sales engineer with Pyott-Boone, and I've been with the company for approximately almost two years.
BY MR. MAGGARD:
Q. For the record, could you spell your last name, please?
A. C-H-I-L-D-R-E-S-S.
Q. Thank you.
ATTORNEY BAXTER:

And can we have your address for the record, too, please?

A. (b) (7)(C)

BY MR. MAGGARD:

Q. So altogether, what would you say your mining experience is? How many years would you say?

A. As far as surface and underground?

Q. Sure.

A. Probably 12 years.

Q. Tell us a little bit about the communication and tracking system, how it works, the system that was installed at UBB.

A. The system actually was partially installed. And I think it's important to note that first and foremost. We were actually in the process of installing the communication and tracking systems. More so --- usually in the process we begin with the installation --- substantial installation of a communication system. Then we back up and we start to additionally install the tracking components on the communication system.

The communication system in the UBB Mine is a leaky feeder communication system. In other words, it is a voice system that uses a coaxial cable as a distributed antenna system throughout the mine. The

miners can communicate with a regular handset. It is much like the handsets that we're all familiar with that you may have seen on fire and police personnel. The tracking system is a zonal-based tracking system that utilizes a tag that the miner wears on their person. It's an active tag that emits a radio signal that is actually picked up by what we call our readers. A reader is a wireless device that communicate their information wirelessly to the leaky feeder, and the leaky feeder actually carries it back to the computer system that at UBB was already in place. The computer system --- we call it the mine boss computer system, it has been used for a number of years to operate the belt system as well as the CO system at UBB. The tracking system is a software component that we install up on the existing mine boss computer platform.

Q. Okay. When did you guys start installing the system? When was the first time that --- I assume you had to go to UBB when this first started; is that correct or ---?

A. Yes. I don't have exact dates, but we were in the process of installing and had been in the process of installing the communication and tracking system for several months.

Q. Okay. And who all was involved with that as far as your group?
A. A number of people were involved in the installation of components. Myself probably more so than anyone. I probably had more time at this mine than anyone within Pyott-Boone. Wes Leffel, another sales engineer, was involved. Shane Clamay, one of our lead engineers, software engineers, he was involved. Tom Horn, a person in our service department, I recall was at the mine. I would say, but I'm not sure, that Gary Thomas and others --- other people in the service department were involved in this installation.
Q. So give me a rough estimate. How many times did you have to go underground at UBB?
A. This UBB was probably one of our largest installations to date, so therefore I may have been underground myself nearly 12 times.
Q. And when was the last time you were underground at UBB, a rough estimate?
A. Well, actually, the last time that we were underground, I'd have to look at the date, but it was 11 days prior to the incident.
Q. And what area was that at? Where was you at? we've got a large map up here, and this one actually

shows --- the one on the table here shows the Headgate 22, Tailgate 22 sections and the longwall.
A. I entered the mine at the bathhouse side of the old UBB side of the operation. And I guess they call that the South Portal. We entered the mine at the South Portal, if I'm correct. And then we traveled down the mains, past the Ellis Switch. Ellis Switch and then we went past Break 78. And we worked inby Break 78 around the Mother Drive. And I think we stopped our work the last day I was in there near the Mother Drive itself.
Q. What was the purpose of that, your last trip?
A. We were continuing to install and assist the mine with the continued installation of mostly the readers upon the existing communication system.
Q. As far as the communication system goes, is it VHF or UHF or ---?
A. It's a UHF communication system.
Q. What kind of problems were they having at the mine or what kind of problems have you had with the installation of the system?
A. We were having reliability issues in the voice quality of the communication system. And it's not uncommon to do that, but it was more pronounced in a system of this size. This --- again, a smaller

system, you may not notice the quality issues in the voice. We did here. So the last several days that we worked on the mine we went through a process of what we call tuning. And tuning is nothing more than setting the power levels of the amplifiers in the mine to the most efficient setting, which would improve voice quality and, therefore, data upon the line. The data is the tracking information that was transmitted from the reader to the computer that's located outside. So in essence, we were tuning this system for maximum performance.

Q. And what kind of coverage were you getting as far as distance away from the leaky feeder cable and ---?

A. I would have to just try to remember, and I would say at this mines we were getting probably in excess of a hundred feet from the leaky feeder cable with a handheld radio in the areas that I visited 11 days prior to the accident.

Q. And as far as the tag reader system that you had partially installed, how much coverage was you getting from it, the distance form the tag reader to the active tags?

A. Again, I don't have any precise measurements, I didn't take or anything, but I --- in this instance, from what I remember, I would imagine that we were

getting 400 to 500 feet. And that would probably be pretty conservative in both directions.

Q. Okay. And as far as the system goes, did you have --- were they having any problems with any tag readers that they had in place? Was some of them --- was they having a hard time keeping some of them working or ---? Just give us some information, anything you know, if they was having any kind of power issues or battery backup problems or anything.

A. No. This particular mine --- when we completed our work 11 days prior to the incident, this system was tuned. And we had done --- from a manufacturer's standpoint, we had done everything that we needed to to make it necessary for them to easily continue to install readers as the --- as necessary to meet the coverage objectives for both State and Federal.

Q. Okay. And as far as what the company had as far as spare parts, was they having any kind of issues with backlogs and orders or --- did they have all the parts they needed to complete the system?

A. To my knowledge, that they did. I know that they had a substantial number of readers outside that were ready to go underground and be installed.

Q. And do you recall if they had the sufficient amount of radios and tags, tracking tags?

A. I would have to say that they did.
Q. Who did you primarily work with at UBB when you did the ---?
A. My contact was Derrick Kiblinger. Derrick was --- from what I understood, it was his responsibility to make sure that the mine was installed from a leaky feeder and tracking standpoint. And he had some other responsibilities as well, keeping up the lifeline and that kind of thing. He had a gentleman that helped him with installation as well. His first name is Patrick and his last name escapes me right now.
Q. Would it be Lomas?
A. Patrick --- it may be.
Q. And so I would assume, and you can correct me if I'm wrong, but they probably started on the system --- was it sometime in January or February or was it December? Just give me a guess of when you think.
A. I would say that that was around the first of the year it probably would have been or probably --- possibly earlier. I didn't verify these dates before I came.
Q. Was they continually working on it every day or was it maybe --- how often was they working on the system, to install it?
A. I can't really answer --- answer that. I can only

answer for the days that I was scheduled to be there and worked with the people. So I'm not sure.
Q. Okay. As far as the tag readers, the tracking devices go, could you point out on the map where you thought the farthest points were that they had installed? You said you was working this right here?
A. That'd be the ---
Q. Mother Drive area.
A. --- Mother Drive there.
Q. Yes.
A. To my knowledge, we had at least a reader at the Mother Drive. And I was thinking that we had one inby in this direction here, toward the Glory Hole, but I'm not as certain about that. We had readers from the South Portal all the way into at least the headgate or the Mother Drive for the longwall.
Q. And that was the farthest point for the longwall and Tailgate 22 section and the headgate as far as tracking goes?
A. Yes, to my knowledge. There may have been one on up toward Headgate 22, if memory serves me right, but I can't verify that for sure.
Q. Okay. Now, as far as communications go, as far as the leaky feeder was installed, where was the farthest point that you recall that it was installed?

A. At least to this area. And I recall looking at and tuning amplifiers toward the headgate, so I know that we had voice --- we had cable that would provide voice toward the longwall. And as I recall, we had it up toward Headgate 22 as well.
Q. Did the company have a communication and tracking map that you used during the installation?
A. Yes.
Q. Did it actually show, you know, locations and the routing of the leaky feeder system?
A. Well, since we were in the process of installing, it was a proposed map. Typically, you know, as you complete an installation, you go back and do an as-built and make changes with engineering that show any --- you know, any changes to a proposed map that you made. So the only map that we had was the proposed map that showed where we should install devices at this mine.
Q. Did they keep a copy of that map on site at the mine near the computer system or ---?
A. Yeah. Yes, they did. It was located --- if memory serves me correct, it was located downstairs, where the dispatcher is located, on the wall, near our communication room.
Q. I've brought a copy of the map that they have

given to us, to MSHA, and I'd like for you to look at this map. There's actually two parts to it.

A. Okay.

A. One part shows pretty much inby Ellis Switch to the longwall, the Headgate 22 and Tailgate 22 sections. And the other one is a map of the south portions of the mine and where the North and South Portals are. Now, as far ---.

MR. MAGGARD:

I'd like to put this in the record, please.

ATTORNEY BAXTER:

Okay. The large one will be Exhibit One.

MR. MAGGARD:

Right.

(D. Childress Exhibit One marked for identification.)

ATTORNEY BAXTER:

And the smaller one, Exhibit Two.

MR. MAGGARD:

And the smaller one Exhibit Two.

ATTORNEY BAXTER:

Okay.

(D. Childress Exhibit Two marked for identification.)

BY MR. MAGGARD:
Q. Let me turn it around here where you can see it. Now, right here, around the 100 Break range where the Mother Drive is, if you can see it, there is three tag readers shown in that area. Would you say that that's possibly correct or do you recall?
A. Oh, you say that this shows the actual location or proposed?
Q. This is supposedly the actual location.
A. Okay.
Q. Now, I don't know that for sure, but the green circles on the map is where they're saying they were at.
A. Yeah. That would look accurate in that --- you've got two lines here. This mine was in the process of installing to meet the coverage objectives. They would probably need more there. Since this is the main intersection, it would better show direction of travel. But since --- I recall that this is about as far as we were able to install. That would probably be accurate for the work that we did prior.
Q. Okay. You can also see that they got some boxes here showing the ends of the leaky feeder system, which, you know, was several breaks back from the face on the Headgate 22.

A. Okay.
Q. And it looks like they ended it down near the Head Drive of Tailgate 22 section. It actually looks --- appears that it went all the way to the longwall face, close to the longwall face here. Did you ever travel up to ---
A. I did.
Q. --- that area?
A. Uh-huh (yes).
Q. Where was the end of the cable at?
A. I don't recall what date it was that I traveled to the longwall. It was three --- probably three to four weeks prior to the incident, but at that time, the end of the cable was at the mule train on the longwall.
Q. Okay. And was it functioning, working?
A. Yeah. Yeah, to my knowledge it was.
Q. And was they giving radios to the guys on the face or do you know?
A. Radios down the line. See, we went through an incident, remember, that because of some interference between handheld radios and other remote control devices at a period of time that we didn't have any radios in the face. And I can't recall if this is that period. I do know that it was customary for the miners to at least travel, you know, to the tailpiece

with a radio and use a radio for calling the road and just general traffic underground.

Q. Okay.

A. But I don't recall if they had a handheld radio down the face at that time.

Q. Okay. Tell me a little bit about what was going on as far as interference from handheld radios. What all problems was going on? Why would they keep from having coverage at the section faces and the longwall face?

A. This is a period of time that it was noted that --- by one of the Massey operations that when you transmitted with a handheld radio, that it caused some of the remote control miner devices --- remote control continuous miner remotes to start and stop some of the functions upon the continuous miner. If I recall correctly, it was the JNA type remote control that was noted as the type affected. But during the process of determining what miners --- what remotes were affected, it was allowed for a miner to not have to carry a handheld radio in the face until there could be some investigation of those affections. And corrections made at that particular type remote before they were allowed back in the face.

Q. And was this a UHF radio of the same type that was

used at UBB that was causing the problem?
A. Yes.
Q. What kind of incident occurred? Do you remember what they said happened as far as the remote and the JNA system? Was it a continuous miner?
A. Yeah, it was a continuous miner that was affected. I was not there during that testing or the initial occurrence, but it may do things like turn the lights on and off when you key up on the miner itself. So Massey safety actually issued an order that there would be no radios in the face area, and it may have been during this time that that order was in effect.
Q. Okay. Now, as far as this leaky feeder looks like it probably got up to maybe the headgate stage loader, in that area. Would you say that's correct, ---
A. Yeah.
Q. --- up in that area?
A. I would say that --- I wasn't there, obviously, the day of the accident, so I can't confirm the exact location, but of course, this was a retreating operation, so you know, instead of having to add cable for the mining operation, they would actually have to eliminate cable on a periodic basis. So therefore, I would say that they were pretty close to the face with the cable.

Q. Do you remember installing a HEB on the leaky feeder --- H-E-B, HEB, on this leaky feeder line going up to the stage loader?
A. No, not that I'm aware of. I didn't install one myself, no.
Q. Okay. So basically this probably looks like an accurate map, you think, in your opinion? I know you haven't looked at all of it, but in this area so far, from 78 ---?
A. Yes, I agree.
Q. Okay. As far as any interference from the radios to methane monitors, have you see any problems with that?
A. Yes, I have. And it also became apparent that when you keyed a radio up in close proximity to a methane monitor --- and when I say close proximity, I would say within possibly ten feet, that it could send an erroneous alarm to the computer system as a result of keying up a radio in close proximity.
Q. Is it a particular type that it affects worse than another? Is it like a CSC versus a general, one of them is worse or about every one you've seen done the same thing?
A. To my knowledge, most, if not all, methane monitors can be affected by the radio frequency

emissions.
Q. Okay. What about spotters, have you ever noticed spotters having any kind of fluctuation?
A. No, I've never noticed a fluctuation in a handheld spotter at all myself.
Q. And what about CO sensors?
A. The CO monitor?
Q. Right, like the type you say?
A. Yeah. That's the ones I was referring to, the CO monitors underground. I have noticed on occasion if you keyed them in close proximity, it can cause it to send an erroneous alarm.
Q. So the COs do, but you know, I just --- I need to get this clarified. As far as the methane monitor, let's say, on a miner, have you noticed that it would fluctuate or do anything?
A. I haven't noticed or it has never been reported to me that a radio had any effect upon any methane monitor at the mine.
Q. Thank you. Let's talk a little bit about the CO system. Did you do any work on the CO system at UBB?
A. No. I was actually hired to assist with communication and tracking. The only possible crossover would be, you know, I was involved and worked with the tracking software, which is a software

module that's actually installed upon the CO system. It's a computer software.

Q. Okay. Let me ask you a little bit about the sensors on the CO system. What is the maximum concentration they can accurately or what's the maximum concentration the sensor can stand? Is there a certain limit that they'll fail at, or tell me a little bit about the sensors, what kind of problems can occur and ---.

A. Well, I'm going to be of little help to you with the COs then. You know, I've been very busy during my two years at Pyott-Boone with communication and tracking, and it has not allowed me to be educated in a lot of the other products that Pyott-Boone manufactures, including COs.

Q. Okay. I've got an alarm history here from the CO computer's event logger. And I've got from 12 o'clock that day until about eight o'clock that night a list of alarms. Now, I need to kind of ask your opinion on this and see what you --- if you could help me. If you notice on this second page there was some --- there was a tag reader that was coming on and offline, okay, at 1454 back to about 14449. Prior to that, there was a smart remote at Ellis Five Head that was giving a lot of --- it appears to be nuisance alarms,

okay. It was reading five, six parts per million, and it ---. There's an analog scanner, and I'm assuming that that's probably around the Mother Drive, but I'm not sure. There's a couple of these things that the CO computer is monitoring that I'm not sure what they are.

A. Okay.

Q. Okay. Now, this smart remote, I don't know if that --- there was some charging stations down by Ellis Five Head. Do you know anything about that or what that is?

A. I'll have to say I don't know enough about the smart remote to be of any assistance with you.

Q. Okay. Fair deal. But you can see there was --- that was basically what was going on. Okay?

A. Right.

Q. Prior to this time period, which was --- what's shown on the CO computer is 1508:01, okay. And what you'll see, you'll see a lot of alarms coming in this communication's dead, okay. Now, this time is approximately six minutes fast. But anyway, you see this first alarm was Six North, 99 Break, communication is dead, and then there were several that just kept coming in right after that. Now, as far as that time stamp right there, if I was to lose

communications on a system as large as UBB, how quick after say a line was cut or a data line is broken, how quick would you say that the first alarm would come in?

A. It could be several minutes. And that's based upon the limited knowledge that I have of the system. But I do recall it was a 320-baud system, if I'm correct, which is very dated.

Q. I think it was 320.

A. Yeah, a 320-baud system. In other words, it was probably top of the line when it was originally installed and fast for the day, but, as we know, times change and speeds change, and some of our newer systems, 4,800 baud, the difference in speed is pretty tremendous. Therefore, in a system of this size, the baud rate that this particular system operated with, there could be a lapsed period of time that that information would take to travel the distance necessary to get back to the computer.

Q. Okay. Let's say you notice there's several inputs, several addresses that come out at one time. I don't know if we would have to count them to see how many, but if you get a bunch that comes out like that, I don't know how the system is, you know, scrolling through the addresses, pinging addresses or whatever.

How does that work?
A. Again, I'll have to qualify my response. I didn't write the software and I have just a little bit of knowledge of how this worked as far as the COs and reporting, but the timestamp of these devices are issued by the computer. So if I had to answer, I would say it's the computer's attempt at that time to try to communicate with these devices, in which it was unsuccessful, so it noted that.
Q. Do you think it would be a little bit faster about detecting the first alarm since there were so many addresses that failed all at once? Is that possible?
A. I can't respond to that. I'm not sure.
Q. From your company, who could answer that question?
A. I would ask that question to our engineering manager, Adam Godsey. He would be the person most experienced with our product line, as well as he would have some knowledge of --- more knowledge than I of the software and how it worked.
Q. Now, you said that it was 320 baud. That's what I believe also. Now, the communications --- or the tracking part of it shows it to be 4,800 baud. Okay. Now, the first tag reader that came in was approximately three minutes later than the first CO alarm that came in as far as communication is dead,

which is kind of hard for me to understand since it's a faster baud rate than the CO system, which you know, I'm just getting that from the software.

A. Right.

Q. Could you explain what you think, why that happened?

A. The CO system operates on the CO line. It's on the individual CO line. The leaky feeder operates separately on a coaxial cable. But they're both joined in the computer system. And again, I didn't write the software, so I don't know how the computer system polls. I know it looks and has a process of polling each of the electronic devices that are within each of the two systems that we just talked about. And you know, it may have an order that it must seek.

Q. What I'd like to know is, does the CO get a higher priority than the tag read?

A. Again, you know, I'm not the one that can shed any light on that for you.

Q. Okay. Very good. Now, I got a couple --- I got some printouts of what was on the computer screen as far as maps goes. Here is a tracking map, here's a belt map, and here's a CO map just straight off the screen. Okay?

A. Okay.

Q. Now, as far as the tracking map goes, it appears that there were two readers around the longwall belt, possibly the Mother Drive. This is just where they put them in at?
A. Right.
Q. So that part kind of matches as far as that belt. Now, it appears that they have some readers right here that they hadn't made corrections on this map. It doesn't really show the layout of the headgate and the tailgate very well. If you look at this map, there's quite a bit of --- you know, there's a little bit of difference here because it shows the tailgate section and then the headgate.
A. Right.
Q. This looks like that when they had an old section in the crossover of the outby end of the longwall, that they had left it and never fixed the map. Is that what you would say about the map on the system?
A. It does appear that the CO map is more up to date and accurate than the tracking map. However, I'm sure that it can be explained that this is a work in process. And since they were in the process of installing and creating their maps, that they installed components, that it could probably be explained that way, that they --- you know, that they

just were in the process of installing the tracking system and had not completed the map.

Q. Okay. Here is another copy of the tracking map. And I just penciled in dates, the last time that the tag readers actually saw a tag, an active tag. Now, this part here is, you know, the south side of the mine. This is Three section. You can see there's a lot of tag readers hadn't read anything since probably about the time you was there, March 25th. Some of them didn't read anybody since February 27th. I got one tag reader up here on the longwall that hadn't read anybody since March 17th. I have one down here on the --- I guess that's probably Six North belt, hadn't read anybody since 3/24. I've got a tag reader out on Ellis punch-out that hadn't read anybody since 3/24. I know it's a work in progress, but I mean, they've got a bunch of readers installed. Was they having problems maintaining them or what do you know about what they was doing? Was they --- I know they possibly wasn't working on it every day. What do you think? What's your opinion about that?

A. I am sort of surprised at some of these dates. I don't recall ten days prior or 11 days prior, when I was underground, that there were that many readers not working or not picking up tags, but it has been quite

a while since I've been at this mine. But as far as our work, I mean, it was necessary and, you know, we were responsible for making sure that we had done everything on --- in our ability to give them a system that would function as necessary to make it easy --- as easy as possible for these readers to work. It is a large mine, and therefore the amount of labor necessary to install and maintain a system of this size is a great deal of effort. But I can't respond to why or what they did between the --- you know, the 11 days --- or actually, I was reprogramming radios 10 days on the surface prior to the accident. I can't respond to what happened the last day I was there and the day of the accident because I wasn't there.

Q. Let me ask you a question about power to these units. If you kill power to them --- the tag readers I assume are battery backed up; right?

A. That's true.

Q. How long will that battery normally last?

A. It's predicted to last 96 hours.

Q. Let's say it goes --- does the device have circuitry to disconnect it under low battery voltage or --- how does the charging circuit, how does that work on that battery?

A. No, they don't have a --- you know, they're

created to operate post accident. So therefore, you know, they do not have a circuit that stops their operation. The thought process was to design them to operate as long as possible with --- originally the design was predicted for 96 hours. If you could get 106 hours, that would just be a benefit. So they continue to operate until they just cease until the voltage in the battery is such that it does not provide enough voltage to operate the circuitry.

Q. When that happens, do you have to go back and replace the battery?

A. It depends. On some units it may. On some units it may continue. If you re-energize the system, then they may begin to operate after a period of recharge.

Q. Okay. But in your experience, if they've been completely depleted, have you seen a lot of batteries have to be replaced?

A. In the readers there's a high percentage of the units that will continue after they're depleted. In the amplifiers that have a 1955 battery pack, there's a lower percentage of those that will recharge.

Q. Thank you.

MR. MAGGARD:

I'd like to maybe put these screen shots ---

ATTORNEY BAXTER:
Sure.
MR. MAGGARD:
--- just in the record.
ATTORNEY BAXTER:
Sure. We'll mark the tracking map as Childress Exhibit Three and the CO map as Childress Exhibit Four and the belt map as Childress Five and the tracking map with notations as Childress Six.
(D. Childress Exhibits Three through Six marked for identification.)
BY MR. MAGGARD:
Q. As far as the refuge alternatives go, what was the company going to do for communication to the refuge chambers?
A. It was advised to have a reader in close proximity to the refuge area. State law requires a ten-foot radius, if I'm not incorrect on that. We recommended to the mine that in the more permanent refuge areas that they install readers and that the ones that moves with the section, that they maintain and also move a reader with that refuge chamber as well.
The radio signals, you know, the leaky feeder will propagate in excess of a hundred feet. In most cases, easily and should reach inside the refuge chamber as

well as long as they locate the leaky feeder in proximity to the refuge chamber.

Q. Okay. As far as --- you know, I've been noticing, you know, the ends of the cables of the coax. And I know you guys set on a terminator for those.

A. Right.

Q. I haven't been seeing the terminator installed. Were they installing the terminator or --- do you know? And tell us what that does, if it affects the way it works for the record, please.

A. Not being an electrical engineer with an RF background, you know, I can't get into any high-level discussion about the internal operations of the terminator. But it's advised by the manufacturer of this particular leaky feeder system, and to my knowledge, every system, to terminate the end of the line with a designed termination unit for several reasons, one of which, it does install a 75 load on the end of the line. And again, that's just necessary for proper operation of the system. But it also protects the cable, that kind of thing. And it's advised to always at the end of a piece of cable, regardless, to have a terminator on that system, on that cable. Our MSHA submittal and approval for this system design requires that to be so.

Q. Okay. Can you tell me about your manufacturer's recommendations for maintenance of this system? Tell me, is it a weekly recommendation? What's required for that?

A. It's a weekly recommendation --- excuse me, a weekly maintenance effort on the part of the mines. The system is relatively low maintenance, but it is recommended that they inspect it weekly for operations. At a minimum, they should disengage AC power to the power supplies and ensure that the battery back-ups are operating properly, that there's no failure in those units, so that in the event of an accident, that you do, in fact, have loss of AC power, that the system would operate as designed and provide the emergency communications.

Q. I assume that you were present on April 5th, after the accident; is that correct?

A. That is correct.

Q. Who contacted you to come to UBB?

A. Approximately --- I've got some notes here, if you don't mind me to refer to them. But approximately --- that day I actually worked until about 4:45 in the office at Pyott-Boone, and I went home for the evening about 5:20. Wes Leffel, who is a fellow sales engineer at Pyott-Boone, he called me by telephone.

He mentioned that --- Wes was actually working in the area. He was working at an Elk Run mine doing just basic installation assistance. And so he happened to be on Massey property and he had heard rumors. I'm sure that the news had traveled fast within the mines in the immediate area, but he was in close proximity to the mine. He had called me and said that he had heard that there had been an accident at UBB and that he had heard at that time that there was six people dead and that there was 30 people missing at that time. And he had asked what he thought --- or what I thought that we should do to help if that was, in facts, true. Knowing that we had a tremendous amount of Pyott-Boone product in the mine and that they may need some assistance, I told him to go ahead and travel that direction and that I would call the mine and see what I could find out. So we volunteered to assist in any way that we could.

So I called the mine and I just said, this is Pyott-Boone. Do you need us? I didn't ask them what happened. I didn't think that they would tell me anyway. I just wanted them to know that it was us and that we were offering any assistance necessary to the effort. I'm not exactly sure who answered the phone, but I think it may have been Greg Clay. He's a

purchasing agent, I suppose, over there at UBB. And it seems as though that he just took the phone from his ear and he said, it's Pyott-Boone on the phone. Do we need them? And a few moments passed --- or seconds passed, actually, and Derrick Kiblinger came to the phone. And I asked him, I said, Derrick, I said, what do you need? What do you need from us? What product do you need? Can we bring you anything to help you. And I informed him that Wes Leffel was on the way and asked him if he could --- if he needed Wes up there. And he said he did, in fact, need Wes to come up and offer any assistance that he could. And I asked him if --- I told him I was in Tazewell, and I asked him if there was product that we could bring to assist in the effort. And I think he did give us a few items that he wanted us to bring, but he asked me to come as well. He called down to the guard shack and cleared Wes and myself to enter the property.

Q. So did you and Wes arrive at the same time, together or separate?

A. No. Wes was closer than I was. He was just right outside the gate, so ---. And I think he was delayed, obviously, by the confusion and whatnot, and he actually had to sit at the guard shack for a period of

time, but eventually he was cleared to enter.
Q. About what time did you all make it to the mine office at UBB?
A. If I was guessing at Wes' time, it may have been around --- he was probably at the mine gate at 5:30, 5:35, and he was delayed. He may not have started assisting until about 6:00. And then I arrived about 7:50.
Q. And when you arrived, where was Wes? Was he still at the guard shack, I'm not real clear, or was he already up at the mine site?
A. He was on the mine site. And he was, at that time, working under the direction of actually several people, Derrick Kiblinger. You know, representatives from the State and Federal had request of him and as well as other Massey personnel.
Q. Okay. Where did you guys first start working to --- on the computer? I guess you was doing computer type of stuff, printouts. Tell me what all you was doing up there.
A. When I arrived, Wes was actively answering requests from multiple people, printouts of mine personnel based upon the information that the readers would give us. Again, it was not a complete --- completely installed system, but we did have readers

from the UBB Portal to the Mother Drive that was of some benefit. So he was providing, to the best of his ability, information that would assist in rescue efforts.

Q. Okay. Where was he first working at? Was it at the master computer or the slave computer?

A. That brings up a good point. There are two computer systems at UBB. There was a master unit located upstairs. It was the older and original computer used to operate the existing CO system. It did have an existing printer on it. Recently, I would say several weeks prior, a newer computer was installed downstairs for the purposes of dispatch, and they were connected in a networking arrangement sometimes referred to as a master and slave. The controlling computer, the master computer, was upstairs. And Wes was --- when I arrived on the property, I went upstairs and Wes was working on the master computer, attempting to run reports.

Q. And I assume you assisted him to run the reports; is that correct?

A. That's correct.

Q. Okay. What type of reports was you printing off? Was it just strictly tag database or was you looking at COs too, or what all was you looking at?

A. No. At that time, if I had to classify the efforts, it would be rescue only. There was no --- I was never asked nor was Wes, to my knowledge, asked to look at any particular COs. We were just asked to look at a reader. And we would actually be given a list of people, a list of names, and we would use the software to help determine the last known location.
Q. Okay. Now, who was requesting the information? Who all do you remember was requesting the information to be pulled off the computer?
A. I did not write anyone's names down, but it was MSHA inspectors.
Q. Okay. Was there any files clipped, filtered or anything that was done that night that could have hidden any kind of data as far as the event log files go after the accident?
A. No. I can say with confidence that that did not happen. Wes and I knew to make sure that --- you know, we were there to protect the integrity of the data, and that was done both by monitoring the master computer upstairs as well as downstairs. I mean, there was no one that was not authorized to use the computer that did.
Q. Okay. So as far as logging in and using supervisory privileges or administrative privileges,

were you guys the only ones that had logged in on that night, on April 5th, or was there additional guys like some of the mine --- the company officials that logged in there?

A. Wes logged in. He was currently using the computer when I got there. So the access was there when I got there. So I'm assuming and I'm pretty confident in saying that he used his --- any privileges that he had for maximum access to the computer to do so. Okay. And I never saw even people that you would consider authorized by Massey for normal computer operations to touch the computer. They more or less relinquished that task because Wes was there first because of his experience and efficiency in providing information. They relinquished that task to Wes and then myself. I assisted Wes in that process.

Q. Now, as far as the system goes, as far as CO, I guess it was still powered up underground after the accident when you arrived; is that correct? It was still reading CO concentrations, alarms activating? Do you recall ---?

A. Yeah. I talked to Wes ---.

Q. On the portions that were working.

A. Yeah, I think the courses --- we know the

magnitude of the explosion was such that a large percentage of both the leaky feeder tracking CO system was not functional. And the CO system, the way it operates, when it sends an alarm it requires an acknowledgment. In doing so, it requires that you have the infrastructure necessary to acknowledge that alarm. Apparently, the system --- if an alarm is not acknowledged, the system will just continue to re-alarm. And apparently, for --- in talking to Wes for a long period of time, that the system was just --- would just re-alarm. It was trying ---.

Q. Is that an alarm that re-launches every five minutes?

A. Yes.

Q. Let me ask you about that alarm. When it comes out with a certain concentration attached to the text of the event, what does that concentration mean? Because, you know, I've looked at the data. It looks like the same concentration is appearing most of the time. Maybe on one or two occurrences it was different, but it constantly re-launches the same concentration. What do you know about that?

A. Well, I would have to venture to guess that that is just re-launching the reading that it received at that time. The data is not going to change because

it's re-launching an alarm, requesting assistance from the operator, which it did not get. So the data is going to continue to re-launch that same data.

Q. Okay.

A. The system was severed at some point underground and could not --- the system could not retrieve any new data, from what I understand.

Q. Let me ask you about tags. Did you notice any non-identified tags in the system when you all were retrieving the data from the tag readers in the mine? Did you see unidentified tags that had a number but no name associated with them?

A. I don't recall seeing anything out of the ordinary As far as the database, we had worked with the mine to take a tag, to issue it to a man, to identify that tag, identify the man's name and associate it with the tag and enter it in the database. All that I recall are names associated with tags. I didn't see anything unusual, although I will say that there is a process involved that if a newly-installed reader is not associated to a database, there's a possibility it will cause --- and that's just the configuration process, the process of a new install. There's a possibility, because the reader is not associated with the tag database, that that particular reader may show

a number. Now, that number, though, should be referenced --- can be referenced back to the database. And should all of the names be assigned to tags underground, then you would, therefore, be able to identify that name to that tag.

Q. Okay.

MR. MAGGARD:

John, do you want to ---?

MR. SCOTT:

Yeah.

MR. MAGGARD:

I'm going to let John take over for a little bit. Thank you.

ATTORNEY BAXTER:

Do you need a break?

MR. MAGGARD:

Do you need a break, David?

A. No.

EXAMINATION

BY MR. SCOTT:

Q. To your knowledge, were all the tags and the readers and radios --- did Pyott-Boone furnish all those to the company? Did they purchase them from Pyott-Boone or ---?

A. Yes, to my knowledge.

Q. You didn't see anything that was coming from some other manufacturer or --- it was all ---?
A. No. To my knowledge, I didn't see anything there from a communication and tracking standpoint that was not provided by Pyott-Boone.
Q. Okay. Did this system have a back-up power supply outside for the communication and tracking?
A. Yes, it did.
Q. A generator or ---?
A. It had a --- well, it had just a standard UPS power conditioner on the computer itself that would maintain operations for a short period of time usually 20 to 30 minutes, and then it --- you know, we recommended that the mine --- typically they do have a means of providing additional power by generator, as you mentioned. So to my knowledge, I saw --- I did see a UPS attached to the computer, but I don't know what their plans were for a generator or what to provide power.
Q. And you may have already answered this, but to your knowledge, did every employee have their own tag? I mean, everybody was furnished with a tag attached to their belt or cap or ever how that ---?
A. Yeah. From what I remember of the orders, they had enough tags and enough radios for all of the

miners and they actually should have had a good number of spares as well. They were good about making --- this mine was good about making sure that they had enough radios and tags to meet the requirements for West Virginia.

Q. So were they pretty much in compliance with the state requirements, to your knowledge, or close to being?

A. We were in the middle of an install and it was their efforts, and they were working very hard, I'll say, to make sure that they purchased and installed everything to make them compliant.

Q. Basically, the tracking system in the --- kind of piggybacked off of the old CO system or mine boss system or belt boss system were kind of tied together on computers, and you were talking about the baud rate of the CO system being at 320, 300s, something like that. The systems that you've worked with maybe at other mines or specifically at UBB, the more stuff you add to that system, does it typically slow them down a little bit as far as --- or did you notice anything? Like if you start adding more components to a system, does that typically slow the system down as far as ---?

A. Yeah. I would say that that's a true statement

for any statement from a CO standpoint. If you continue to add COS, regardless of the speed, it will --- you know, it's more work for the system to do. Therefore, it may --- or will impact its operational speed. And it's probably more pronounced on the 320 system than a 4,800.

Q. And naturally you said you were more familiar with the communication and tracking part. Do you know about how fast or how the scan for the readers, as far as a time, was it pretty quick as far as how often it scanned each particular reader for data?

A. The law requires that it scans at least, at a minimum, every 60 seconds. To my knowledge, I didn't see anything that would indicate that the readers were outside that time frame. You know, it was never brought up to me, nor did I have any concern it wasn't. The readers scanned and communicated very efficiently back to the computer system.

Q. You probably wouldn't --- well, you said you have only been with Pyott-Boone for two years, so you really wouldn't have any idea of when the initial system was installed at UBB. It was probably prior to your employment?

A. The initial CO system?

Q. Yes.

A. No, it's prior to my employment.
Q. And as far as the communication and tracking, when did they first --- when did you first start dealing with UBB on that system?
A. It was several months prior to the incident. Again, we typically do the installations in two part, and we delivered the communications probably in the previous year for them to start to install. I don't have those exact dates in front of me. And then the tracking, I would say that prior to the first of the year was the original tracking delivery.
Q. Yes.
A. So they were spending then several months trying to get the system installed in a mine --- this is the largest mine that we've installed for Massey. So it's going to take a lot longer to install versus a small mine.

MS. SPENCE:

I have a couple here.

EXAMINATION

BY MS. SPENCE:

Q. Can you explain to me how the tracking device works, the device itself, when a miner carries it? What does he or she have to do to make it operate?
A. In normal operation, they don't have to do

anything. They wear a pouch. The pouch is --- the reader itself is a very hardback, potted device. It's resilient. It's pretty resilient, and it resists water and impact to a certain degree. It has a battery inside of it that's expected to last under warranty for two years, so it's not anything that they have to charge or maintain. We have a pouch that they put the tag into and wear it where it's most comfortable. We recommend either the belt or the suspenders of the belt that they have. It emits a signal in the 900 megahertz range, which the readers listen for, pick up. So wherever they travel, it automatically sends location information to the reader, which processes that information and actually wirelessly transmits that data to the leaky feeder line, which is transmitted outside to the mine boss.

Q. They don't have to turn it on or anything?

A. It's always on.

Q. Okay. Did your company or did Massey determine where these tracking readers would be placed in the mine or did you all work on that together? How was it determined?

A. Actually, I think it's a combination of State and Federal guidelines, first of all, and then the engineering departments at our customer's location, in

this instance Massey, provide us an AutoCAD map. And based upon the coverage guidelines of, you know, MSHA and the State, we look at the mine and we --- and based upon the operational parameters of the equipment, we configure or we provide assistance in determining proper locations to meet the objectives.

Q. Okay. Thank you.

RE-EXAMINATION

BY MR. MAGGARD:

Q. Did you all have to provide some training up there at UBB to the miners or what --- tell me what you recall, what all you did. How many people attended? What kind of training did you do up there on the system?

Q. It was mostly training during the installation of both the leaky feeder and tracking. We provided on-site and underground technical assistance with the installation. Again, the communication aspect of it started several months prior to the event, in the previous year. So during the installation, we provided them a map and then we --- a qualified service technician or salesperson will accompany the delivery and instruct the mine personnel on the proper installation techniques for the installment of the system. That could be --- it is true as well for

tracking.
Q. How many employees would you say was qualified to install the system that had worked with you enough that they were --- they could kind of do things on their own?
A. I would have to say that there's probably three or four people.
Q. With three or four people, with all of the components they need installed, how long would you think it would have took to finished what was left at UBB as far as getting section coverage and finishing the communication system and having all the tag readers work and everything put in the database? Just an estimate. I know you've worked a lot out in the field and you kind of --- you're probably going to be a little bit quicker than them, but ---.
A. Well, the tag database, to my knowledge, was complete. So they had completed certain components of the system. It was mostly just the installation --- the continued installation to the sections of the leaky feeder, which if you looked at the leaky feeder system completion percentage, I mean, they were mostly complete. Probably into the 95th or 96 percent complete range. They did lack section coverage, it was very important, but they were substantial and

complete on leaky feeder. Tracking not so much. There was a lot of work to do yet on tracking, possibly --- I'm guessing maybe they were just only 50 to 60 percent complete. I can't answer how much resources that they would be able to apply on a daily basis to the continued installation, but assuming that they would apply the necessary resources, they still were a month out, I would say, to complete both systems as necessary.

Q. Okay. Thank you. As far as that database goes, is there a maximum amount of tags that can be put in?

A. There is. I think that we can use somewhere in the neighborhood of 1,027, if I'm not mistaken.

Q. As far as, you know, around April 5th, let's say, mid-April time frame, you didn't have to add any tags --- you didn't add any tags to the database, didn't modify the database in any way; is that correct?

A. It was not our responsibility any longer to work with the database. We've instructed Derrick Kiblinger and other representatives at the mine as to how to maintain their database, and they were very efficient in adding people, deleting people and maintaining the database as necessary at the time of the accident.

Q. Okay. On the leaky feeder system approach, okay, there's a part in there about AC power must be

interlinked to a fan down alarm. Do you know what that's talking about?
A. Interlinked to a fan down alarm?
Q. Yeah.
A. Not specifically, but I do know generally that when there's a fan down and/or power down sequence, their system automatically reverts to battery power at that time.
Q. Okay.
A. We recommend that obviously all devices --- all power supplies are powered from underground power so that in the event of an emergency and it's a power down situation or fan down, that they revert to battery power.
Q. Okay. But as far as you know, they didn't have the fan at UBB interlinked with your system; is that true? They had everything fed from underground power but not linked to the --- to know when a fan stopped basically?
A. I'm not aware if it did or did not. I didn't see such a configuration and was not involved in setting one up.
Q. As far as --- I mean, you've traveled a lot on the beltline, okay, I assume; right?
A. At UBB?

Q. Yeah. A lot in the intakes; right? What would you --- on the last few weeks that you were there or few visits, did you see anything unusual at this mine, any hazards that might have come to mind that ---?
A. No. I felt very safe at this mine, to be quite honest with you. I've worked the degas longwall mines and I've worked actually in a longwall mine. If I had to choose, I'd probably work at this one over the previous two.
Q. As far as along the belts, did you see any belts that needed rock dusted or were starting --- weren't very clean or anything like that from time to time when you was in the mine?
A. Well, had I been responsible for other --- you know, for noting that, I probably --- I possibly would have noticed more. But usually when we were there our objective, obviously, was to be as safe as possible. We had work to do outside of that. I didn't notice anything out of the way at this mine. I never felt unsafe.
Q. Do you carry a methane spotter with you when you go underground?
A. If I'm by myself. I'm usually with someone that has one.
Q. So at any point at UBB did you carry a methane

spotter?
A. No.
Q. Okay.
MR. MAGGARD:
I need to take a quick break, okay, and go off the record.
SHORT BREAK TAKEN
ATTORNEY BAXTER:
Back on the record.
BY MR. MAGGARD:
Q. Dave, a couple more questions. Have you put --- I know you helped put some tags, IDs into the computer in the past. Did you put any in there for any mine rescue personnel?
A. I didn't enter those tags myself. But prior to the accident, Massey had ordered specific tags that were in a sequence that would not be used at any other mine. It may have been from 75 through 100, if I'm not mistaken. But those tags were to be issued to the Massey mine rescue teams and those --- the mine rescue teams were in the process during their normal safety appearances or audits to the mines to enter themselves in each of the computer databases so that, you know, in the event they had normal work to do at the mine, they wouldn't have to go through the process each

time. I'm not sure that they did that --- had the opportunity to do that at UBB, so what the software would do is just show a tag number without a name on it at that time.

Q. Did any of the mine management, higher-level mine management, order specific tags for themselves?

A. I can't recall if they ordered it, but I think we did save another sequence as well. But I'm not sure if --- I can't recall if they had actually ordered it and received those tags.

Q. So as far as --- I mean, can you remember the range of tag numbers that was bought at --- just for UBB, what numbers?

A. No, I don't recall.

Q. Okay. Did they have any capabilities of connecting to the company? Did they have any capabilities of connecting to the CO computer through the internet, I mean, any kind of internet connections or ---

A. No, not that I'm aware of.

Q. --- would they just stand alone?

A. The mine boss computer had a master/slave. There were two computers connected, but they were on the property, and there was --- to my knowledge, there was no outside computer network or ability of any other

outside computers to communicate with it.
Q. Thank you. Did you all have a tag reader on the surface that was specifically set as a check-in/check-out tag or tag reader?
A. No. That ability does exist for mine boss, but at this mine we had a reader outside that was called the portal reader, and it did pick up tags in the parking lot. Because it is outside, the way radio systems operate, it has a large range, and will pick up tags a good distance away. But its purpose is to pick up people in the staging area, you know, getting ready to get on the ride. And they may either go in on the track, it will pick them up, or if they go in the fan house and start up the intake, it will pick them up.
Q. If they had a tag that wasn't working, did they have --- they didn't have a tag reader set up just to test to see if they could see it on the screen as they come up to the computer or anything?
A. No, there was no reader with that function.
Q. Okay. I forgot what I was going to ask you, but I know you brought a set of notes here today. I would like to request that maybe you can give those to us for the record, but that would be your choice. There may be some information in there that would be beneficial that was left out, I don't know, but ---.

A. I don't have a problem with it. There's nothing in here that --- these were for my own benefit, just so that I would not forget times and dates, but there's nothing in here that --- I'm not opposed to providing it to assist you.

Q. Okay. Thank you.

MR. MAGGARD:

I think John's got some more questions.

MR. SCOTT:

Yeah, I've got just a couple.

RE-EXAMINATION

BY MR. SCOTT:

Q. To your knowledge, did they have any problems with the readers in cold weather? Had they been having any problems with those, with the ones that you installed? Did it affect them any or ---?

A. Pyott-Boone has noted sometimes that in extreme cold conditions, and I say extreme cold condition, that's --- usually the atmospheric temperature is below freezing and high wind chill, such as sometimes the first reader in the intake --- sometimes we have noted ourselves, not necessarily at this mine, nor did I note it at this mine, we've noticed that there's sometimes some reliability issues in extreme cold.

Q. Since April 5th, they have got some of the

tracking and communications working probably outby Ellis Switch back to the North Portal. Have you been involved in any of that?

A. Yes.

Q. Basically what was some of the major issues with some of that? Basically battery back-ups or was there anything that was noticeable as far as damage or anything?

A. No. I was requested by Derrick Kiblinger to --- and also Wayne Persinger, I think he's the mine manager, to assist them with the --- with getting the system back operational. So I was there on two occasions, one of which I went underground. We started the process of looking at the leaky feeder first and seeing what devices could be used again and what could not. And most of the amplifiers were okay and there was no physical damage noted at all, and I could not even tell that that portion of the mine that I visited had had an explosion. But the 1955s, as I mentioned earlier, and how they operate, they were left on battery obviously since the time of the accident. So therefore, they had discharged themselves to the point because they do have a battery in them that would need service. So it was my recommendation that they start the process of

switching out the non-functioning 1955s with new units, and then we could service and check out the old units and return them back to them and get them up and running.

They were also in the process of evaluating the condition of the readers as well. However, they did have a lot of inventory of readers that they could use in the event that they --- that the readers were not functional, so I'm not aware of how many, if any, of the readers they needed to change out. But I did what I needed to to assist them in getting the system back up and running. And Derrick Kiblinger has taken that task on, and I haven't had to help him any longer.

Q. As far as you know, there wasn't --- haven't been any modifications or anything that was altered or anything on the system that you dealt with since or then in putting everything back?

A. No. The parts of the system that I was able to inspect had not been altered, no.

MR. SCOTT:

That's all I have.

MS. SPENCE:

Can I ask one more, please?

RE-EXAMINATION

BY MS. SPENCE:

Q. You talked about using the tracking system after the explosion. Was it of any value in locating miners?

A. Yeah, it was. It gave a snapshot in time of where people were with the percentage of the installation that was complete, and it was very beneficial in helping with the rescue efforts in determining who was still underground and who was actually outside at the time of the accident. It would have been better had more of the system been complete, but it was of great assistance, I think, to the effort.

Q. Could you tell us what --- how many people you were able to identify locations for, approximately?

A. As far as to what percent of accuracy, there's --- we used some of the readers at the headgate to determine basically who went in that morning. Since there was no readers on the active section installed and operational, you did not receive a lot of information of the movement of the miners during the day, but you could use the readers to see what personnel entered and passed that point and did not return. So therefore, it could be assumed that they were still inby that point.

MS. SPENCE:

Thank you.

RE-EXAMINATION

BY MR. MAGGARD:

Q. When you got there April 5th, how late did you guys stay there? Did you stay up through April 6th or --- how much time did you have to spend there?

A. Yeah, we stayed there all night. Let me see. We continued to work with MSHA, State and mine management throughout the night. The amount of tasks that we were asked to do diminished somewhere around 3:00 a.m., so at that point in time we were just on standby until approximately 6:00 a.m. in the morning. But on my way to the mine we put together a list of people on call, and we had a fresh person from Pyott-Boone meet us at the mine early in the a.m. on 4/6 to offer assistance. That began a 24/7 staffing of Pyott-Boone personnel to the effort, and we continued that for about over a week.

Q. I know I've asked you probably three or four questions about the company installing the system and it being behind and stuff, and you had --- you mentioned there was three or four guys that knew pretty much how to work on the system. Do you think they were aggressive in their efforts to complete the system or did they work on it when they had time to work on it, when they wasn't doing other tasks and,

you know, getting pulled off from it? Did they --- were they aggressive?

A. I can only respond to that question as far as what I was able to witness when I was there. And I know that when we were scheduled to work with mine personnel and we had their full attention, and they would actually volunteer and work with us, if necessary, through --- and this is quite often the case, through first shift, into second and on up into the night, if necessary. So they seemed very intent on getting this done.

Q. Okay. Thank you, Dave.

A. You're welcome.

ATTORNEY BAXTER:

On behalf of MSHA and the Office of Miners' Health, Safety and Training, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident. We request that you not discuss your testimony with any person aside from your personal representative. After questioning other witnesses, we may call you if we have any follow-up questions. If at any time you have additional information regarding the information that --- regarding the accident that you would like to

provide to us, please contact us at the contact information that was previously provided to you. If you wish, you may now go back over any answer you've given during this interview and you may also make any statement that you'd like to make at this time. Again, I want to thank you for your cooperation in this matter.

A. You're welcome.

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STATEMENT UNDER OATH CONCLUDED AT 10:25 A.M.

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STATE OF WEST VIRGINIA)

CERTIFICATE

I, Alison Salyards, a Notary Public in and for the State of West Virginia, do hereby certify:

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

That the proceeding is herein recorded fully and accurately;

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

Alison Salyards