

1 United States Coast Guard
2 Formal Investigation
3 Caribbean Fantasy Marine Casualty
4

5 Caribe Hilton
6 1 San Geronimo Street
7 San Juan, Puerto Rico 00901
8 March 20, 2017 -- March 28, 2017
9

10 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
11 (VOLUME I of VIII)
12
13

14 DATE TAKEN: Monday, March 20, 2017

15 TIME: 8:11 a.m. - 6:02 p.m.
16
17
18
19
20
21

22 REPORTED BY:

23 Sally Sybert Gessner
24 Official Court Reporter
25 Administrative Law Judge Office
Baltimore, Maryland 21202-4022

1 **UNITED STATES COAST GUARD**

2 **MARINE BOARD OF INVESTIGATION PANEL MEMBERS**

3 COMMANDER MICHAEL CAPELLI, CHAIRMAN
4 Coast Guard Seventh District (DPI)
5 909 SE 1st Avenue
6 Miami, FL 33131-3030

7 LCDR STEPHEN MIROS, Esquire
8 Coast Guard Office of Maritime & International Law
9 2100 2nd Street, SW
10 Washington, DC 20593

11 JASON YETS, Esquire
12 Cruise Ship National Center of Expertise
13 eighteen hundred Eller Drive
14 Ft. Lauderdale, Florida 33316-4210

15 LT JENNIFER PROCTOR
16 Coast Guard Seventh District (DPI)
17 909 SE 1st Avenue
18 Miami, FL 33131-3030

19 LTJG CARLOS DIAZ-COLON
20 Coast Guard Sector San Juan
21 5 Calle La Puntilla
22 San Juan, PR 00901

23 BOARD MEMBERS NOT PRESENT:

24 Mr. Jim Gillette, Coast Guard Investigations, NCOE
25 Mt. Tom Woodford, Coast Guard Marine Safety Center

26 APPEARANCE:

27 LT Shannon Price
28 Coast Guard Prevention Law Division
29 2703 Martin Luther King Avenue, SE
30 Washington, DC 20593-7213

1 **NATIONAL TRANSPORTATION SAFETY BOARD**

2 **MARINE BOARD INVESTIGATION PANEL MEMBERS**

3
4 MR. ADAM TUCKER
5 INVESTIGATOR-IN-CHARGE
6 Office of Marine Safety
7 490 L'Enfant Plaza East, SW
8 Washington, DC 20594-2000

9
10 LARRY D. BOWLING
11 Office of Marine Safety
12 490 L'Enfant Plaza East, SW
13 Washington, DC 20594-2000

14 CARRIE BELL
15 Office of Marine Safety
16 490 L'Enfant Plaza East, SW
17 Washington, DC 20594-2000

18 LUKE WISNIEWSKI
19 Office of Marine Safety
20 490 L'Enfant Plaza East, SW
21 Washington, DC 20594-2000

22 NANCY McATEE
23 Fire & Explosive Specialist
24 Office of Research & Engineering
25 490 L'Enfant Plaza East, SW
26 Washington, DC 20594

APPEARANCES ON BEHALF OF PARTIES IN INTEREST

PANAMA

Mr. Gaspar Arenas

AMERICAN CRUISE FERRIES:

Carlos E. Bayron, Esquire
249 Concordia St. 2nd Floor
P.O. Box 6461
Mayaguez, PR 00681

Luz D. Vargas Rivera
249 Concordia St. 2nd Floor
P.O. Box 6461
Mayaguez, PR 00681

RINA

Paul E. Calvesbert, Esquire
1353 Luis Vigoreaux Avenue
Guaynabo, PR 00966

BAJA FERRIES:

A.T. Chenault
400 Poydras Street, 30th Floor
New Orleans, LA 70130

Manolo T. Rodriguez-Bird
420 Ponce de Leon Avenue
San Juan, PR 00918

J. Ramon Rivera-Morales
420 Ponce de Leon Avenue
San Juan, PR 00918

Jorge F. Blasini-Gonzalez
420 Ponce de Leon Avenue
San Juan, PR 00918

T A B L E O F C O N T E N T S

	Page
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

OPENING STATEMENTS

By CDR Capelli

6

By Mr. Tucker

12

DIRECT EXAMINATION OF TADUESZ STEPIEN

By LTJG Diaz-Colon

16

By Mr. Wisniewski

56

By Mr. Tucker

108

By Commander Capelli

116

DIRECT EXAMINATION OF NORMA URIVE MITZILA

By LTJG Diaz-Colon

122

By Ms. Bell

123

By Mr. Yets

138

By Mr. Tucker

172

By Mr. Yets

190

By Ms. Bell

195

By Commander Capelli

199

By Mr. Bowling

203

By Mr. Arenas

205

EXHIBITS

ADMITTED

For the Coast Guard

Nos. 1 through 275 --

15

1 Mr. Jason Yets from the Coast Guard Cruise
2 Ship Center of Expertise, and LT. Jennifer Proctor
3 from the Seventh Coast Guard District Inspection and
4 Investigation Branch.

5 The legal counsel for this hearing is LCDR
6 Steve Miros from the Office of Maritime and
7 International Law at Coast Guard Headquarters.

8 Not in attendance but technical advisors to
9 this investigation are Mr. Thomas Woodford, fire
10 protection engineer. From the Coast Guard Marine
11 Safety Center, Mr. Jim Gillette from the Coast Guard
12 investigations National Center Expertise. The
13 hearings media liaison is Mrs. Marilyn Fajardo.

14 Upon completion of the investigation, we
15 will submit our report of findings, conclusions and
16 recommendations to the Commandant of the U.S. Coast
17 Guard.

18 The National Transportation Safety Board is
19 participating in this hearing. Mr. Adam Tucker
20 Investigator in Charge for the NTSB's Caribbean
21 Fantasy investigation is seated to my left.

22 The NTSB is also charged with the
23 responsibility of determining the probable cause of a
24 major marine casualty pursuant to 49 United States
25 Code §1131.

1 The NTSB will participate fully in these
2 hearings and may make recommendations about the scope
3 of the hearings; they may call and examine witnesses;
4 they may submit or request additional evidence.

5 I would like to request the cooperation of
6 all persons present to minimize any disruptive
7 influence on the proceedings in general and on the
8 witnesses in particular.

9 We request that all members of the public be
10 courteous to the witnesses and respect their right to
11 privacy. I ask that you turn off all electronic
12 devices at this time. The members of the press are
13 welcome. And an area has been set aside for your use
14 during these proceedings.

15 The news media may question witnesses
16 concerning their testimony after I have released them
17 from these proceedings. I ask that any such
18 interviews be conducted outside this room.

19 The investigation will determine as closely
20 as possible the factors that contributed to the
21 incident so that proper recommendations for the
22 prevention of similar casualties may be made.

23 Whether there is evidence that any act of
24 misconduct, incompetence, negligence or willful
25 violation of law on the part of any licensed or

1 certificated person that contributed to the casualty,
2 and whether there is any evidence that any Coast Guard
3 personnel or our representative or employee of any
4 other government agency or any other person caused or
5 contributed to the casualty.

6 These investigation hearings are planned for
7 at least one session. This session will focus on the
8 historical events relating to the circumstances
9 surrounding the fire, subsequent grounding, the full
10 evacuation of 511 passengers and crew off the
11 Caribbean Fantasy while approaching Pilot 40 Station
12 to the Port of San Juan, Puerto Rico on August 17,
13 2016.

14 The hearing will explore the regulatory
15 compliance record of the Caribbean Fantasy, oversight
16 of regulatory compliance, crew member duties and
17 qualifications, shoreside operations, third party
18 servicing of critical ship's equipment and the
19 operations of the vessel up to and including the
20 accident voyage.

21 The hearing will also include the review of
22 the Coast Guard mass rescue activities related to the
23 response phase of the accident. The flag state of
24 Panama has been invited to attend this hearing as a
25 substantially interested state. They are represented

1 here by Mr. Arenas.

2 Also, the Coast Guard has designated parties
3 in interest to this investigation. In Coast Guard
4 Marine casualty investigations a party in interest is
5 an individual, organization or other entity that under
6 existing evidence or because of his/her position may
7 have been responsible for or contributed to the
8 casualty.

9 A party in interest may be an individual,
10 organization or other entity having a direct interest
11 in this investigation and demonstrating the potential
12 for contributing significantly to the completeness of
13 this investigation. Otherwise enhancing the safety of
14 life and property at sea through participation as a
15 party in interest.

16 All of our parties in interest have a
17 statutory right to employ counsel to represent them,
18 cross-examine witnesses, and to have witnesses called
19 on their behalf. Witnesses not designated as a party
20 in interest may be assisted by counsel for the
21 purposes of advising them concerning their rights;
22 however, such counsel are not permitted to
23 cross-examine other witnesses or otherwise participate
24 in the investigation.

25 I have designated RINA, Baja Ferries and

1 American Cruise Ferries as parties in interest.

2 After I name each organization, I ask that
3 counsel announce their appearance on behalf of their
4 client.

5 For Baja Ferries.

6 MR. RODRIGUEZ-BIRD: Good morning. Attorney
7 Manolo Rodriguez-Bird representing Baja Ferries S.A.
8 de C.V.

9 MR. CHENAULT: A.T. Chenault, also
10 representing Baja Ferries.

11 MR. RIVERA: Good morning. Ramon Rivera
12 also representing Baja Ferries.

13 MR. BLANSINI: Good morning. Jorge
14 Blansini, also representing Baja Ferries.

15 CDR CAPELLI: Thank you, gentlemen.

16 Can you use the microphone in the center of
17 the table. Thanks.

18 The reporter will place witnesses under
19 oath. When testifying under oath a witness is subject
20 to the federal laws and penalties of perjury for
21 making false statements under Title XVIII, United
22 States Code §1001.

23 Penalties include a fine up to \$250,000 or
24 imprisonment up to five years or both.

25 The sources of information to which this

1 investigation will inquire are many and varied.

2 Since the date of the casualty, the NTSB and
3 the Coast Guard have conducted substantial evidence
4 collection activities.

5 Some of that previously collected evidence
6 will be considered during these hearings. Should any
7 person have or believe he or she has information not
8 brought forward which might be of direct significance
9 to the ongoing investigation, that person is urged to
10 bring that information to my attention by emailing
11 CaribbeanFantasy@USCG.MIL.

12 We also have surveys available for all
13 passengers who were onboard the Caribbean Fantasy on
14 August 17th, 2016, available in both English and
15 Spanish as shown on your screen.

16 Mr. Adam Tucker will now say a few words on
17 behalf of the NTSB.

18 OPENING STATEMENT

19 MR. TUCKER: Good morning. My name is Adam
20 Tucker. I'm the Investigator In Charge for the
21 National Transportation Safety Board for this
22 investigation. The NTSB is an individual independent
23 federal agency. It is under the Independent Safety
24 Board Act of 1974 codified as 49 U.S. Code Chapter 11.
25 It is required to determine the probable cause of this

1 accident, issue the facts, conditions and
2 circumstances relating to it, and may make
3 recommendations for measures to prevent similar
4 accidents.

5 The NTSB has joined this hearing to avoid
6 duplicating the development of facts; nevertheless, I
7 do wish to point out that this does not preclude the
8 NTSB from developing additional information separate
9 from this proceeding if it becomes necessary.

10 Other than myself, the members of the NTSB
11 investigative team include: Mr. Larry Bowling,
12 regulatory oversight and response to the chairman,
13 Mr. Luke Wisniewski, engineering lead chairman,
14 Ms. Nancy McAtee fire and explosions lead chairman,
15 Ms. Carrie Bell, human factors lead chairman.

16 The NTSB general counsel attorney assigned
17 to this case is Mr. Edward Kendall.

18 Not in attendance but also working on this
19 investigation are Mr. Douglas Manzell, reporters lead
20 chairman and Mr. Michael Carr, survival practice lead
21 chairman.

22 At the conclusion of this hearing, the
23 safety board will analyze the facts of this accident
24 and determine the probable cause independently of the
25 Coast Guard. At a future date a separate report of

1 the safety board's findings will be used -- that will
2 include our official determination of the probable
3 cause of this accident.

4 If appropriate, the safety board will issue
5 recommendations to correct safety problems discovered
6 during this investigation.

7 Thank you.

8 CDR CAPELLI: The Coast Guard investigating
9 team will now take the oath. Please stand.

10 LTJG DIAZ-COLON: Please raise your right
11 hands.

12 (Investigation team sworn.)

13 CDR CAPELLI: This concludes the opening
14 statement. As the first order of business I have the
15 following Coast Guard exhibits to be accepted and
16 entered into evidence as part of the record for
17 consideration in these proceedings. Copies of these
18 documents are produced and provided to each party in
19 interest.

20 I submit Coast Guard exhibits previously
21 marked 1 through 275.

22 Baja Ferries, are there any objections to
23 Coast Guard Exhibits 1 through 275?

24 MR. RODRIGUEZ-BIRD: Not at this time.

25 CDR CAPELLI: All right. Very well.

1 Exhibits 1 through 275 are accepted and are part of
2 the record.

3 (Whereupon, Coast Guard Exhibit Nos. 1
4 through 275 were admitted into evidence.)

5 CDR CAPELLI: We will now take a brief
6 recess before calling the first witness by Skype.

7 Taduesz Stepien, the chief engineer on the
8 Caribbean Fantasy at the time of the casualty.

9 The hearing is now in recess.

10 (Whereupon, a brief recess was taken from
11 8:23 - 8:55 a.m.)

12 CDR CAPELLI: Okay. The time is 08:55. The
13 hearing is now again reconvened. You will now hear
14 testimony from the chief engineer onboard the
15 Caribbean Fantasy at the time of the incident. He
16 will be sworn in by LTJG Diaz-Colon.

17 Administer the oath and ask him questions.

18 LTJG DIAZ-COLON: We will make sure we speak
19 into the microphone. Can you hear me now?

20 Chief, can you hear me now?

21 THE WITNESS: Yeah, I can hear you.

22 LTJG DIAZ-COLON: Okay. Perfect. Can you
23 please stand and raise your right hand?

24 Can you please stand? Are you standing?

25 THE WITNESS: You can see me?

1 LTJG DIAZ-COLON: Yes, sir. Can you please
2 stand?

3 THE WITNESS: Like this?

4 LTJG DIAZ-COLON: Yes, sir, thank you.

5 TADUESZ STEPIEN,

6 A witness produced on call of the Coast
7 Guard, having first been duly sworn, was examined and
8 testified as follows:

9 LTJG DIAZ-COLON: Please be seated.

10 THE WITNESS: Can you repeat?

11 LTJG DIAZ-COLON: Please be seated.

12 DIRECT EXAMINATION

13 BY LTJG DIAZ-COLON

14 Q. For the record, please state your full name
15 and spell your last name.

16 A. My name is Taduesz Stepien.

17 Q. Can you spell your last name, please?

18 A. Stepien. Stepien.

19 Q. What is the spelling?

20 A. S-T-E-P-I-E-N.

21 Q. Thank you. Chief, where are you currently
22 employed and what is your position?

23 A. Please clarify questions.

24 Q. Right now where are you currently employed?

25 A. MidOcean. I am working as chief engineer

1 for MidOcean.

2 Q. Chief engineer is your current position.

3 What are your general responsibilities?

4 A. As a chief engineer.

5 Q. So as a chief engineer what are you
6 responsible for?

7 A. You are asking my responsibilities as a
8 chief engineer?

9 Q. That is correct. Yes, sir.

10 A. I am responsible for engine department, who
11 are around everything in engine department according
12 to my company policy, including our (inaudible).

13 Q. Can you tell me about your previous
14 engineering experience prior to working for the
15 Caribbean Fantasy.

16 A. I started working at sea in 1991 as a young
17 engineer, and as a fourth engineer, third engineer,
18 for Polish company, Polish Ocean Line, and in 1999 I
19 started to work for MidOcean in the beginning as a
20 third engineer, later as a second engineer and
21 recently as a chief engineer.

22 Q. What is the highest level of education that
23 you completed?

24 A. Could you repeat your question.

25 Q. Sure. The highest level of education that

1 you have completed.

2 A. The highest level you are speaking about
3 high school or about my practice.

4 Q. So did you go to college after high school?

5 A. No.

6 I finished Marine (inaudible).

7 Q. Did you say marina training?

8 A. Marine National Academy (inaudible).

9 Q. Do you hold any professional licenses or
10 certificates?

11 A. I have Chief Engineer License.

12 Q. Is it unlimited or is there a certain, your
13 license --

14 A. No, it's unlimited.

15 Q. Thank you for that, Chief. So just like the
16 preliminary interview that we had back in August of
17 last year we are going to go through a series of
18 questions just to give clarification on the events
19 that occurred on the 17th of August, 2016.

20 I will try to keep it in order, Chief, but
21 what I'd like to start with is how you -- how did you
22 leave the engine room, your evacuation. I have some
23 files that I'm going to try to upload really quick.
24 Just give me one moment while I share the screen with
25 you. Okay?

1 A. Okay.

2 Q. Chief, are you able to see the file control
3 plan?

4 A. Yeah, I see.

5 Q. Okay.

6 Chief, can you walk me through after you saw
7 that there was a fire in the engine room, what you did
8 and how you escaped the engine room and then once you
9 get to a certain location, if you could pause and tell
10 me to either scroll, because I - through the plan, to
11 see where exactly you came out of from the engine
12 space.

13 A. Okay.

14 Q. For the record, on screen we have the fire
15 control plan, it is labeled in Spanish, plana control
16 de incendio. One of two.

17 A. Okay. But I --

18 Q. Okay. Let me --

19 A. Okay.

20 Can I start?

21 Q. Yes, please.

22 A. The fire started here in this place.

23 Q. Chief, I'm not able to --

24 A. Sorry. Sorry. My mistake. Here. Yeah.

25 Q. Am I close?

1 Right here?

2 A. Close to my engine starboard side -- port
3 side, port side, yeah, in this place. Can you see my
4 arrow?

5 Oh, here is arrow. In this place the fire
6 started.

7 Q. Okay. So the arrow right now it's above
8 cylinder eight, port side engine next to the turbo.

9 A. Yeah, exactly.

10 Q. You saw the fire, then what did you do?

11 A. When I saw the fire, I went from this place.
12 Can you see my arrows or not?

13 Can you see my arrow?

14 Q. Unfortunately I can't see your side, sir.

15 A. All right. Like, oh, like this exactly,
16 right through the engine control room when I first saw
17 the fire, I went here. And I was in this place right
18 here. Arrow.

19 Q. Okay. Inside the engine control room?

20 A. Yeah.

21 Q. Can you please tell me how you exited the
22 engine room?

23 A. Exit from the engine room?

24 Q. Yes, Chief.

25 A. To the deck?

1 Q. Wherever you went next after you exited the
2 engine room.

3 A. Next step I check the control panel, what is
4 our position of buttons, water pumps and if I
5 remember, after I went to the (inaudible) which is
6 located here in this place, I activated two zones.
7 One zone for starboard side, one engine. Another one
8 for port side, one engine.

9 Q. The location of this panel, it's on the back
10 side?

11 A. Sorry?

12 It was done, activation was done after,
13 first I check the panels and because I received
14 information that one person is missing I waited to see
15 where he is. And I took emergency breaking device,
16 and I go back to the engine room to find him.

17 Q. Okay. And for the record, we are looking at
18 Exhibit Number 185.

19 A. And by the way and when I saw this fire, I
20 can feel that all fuel pumps are stopped because we
21 had stopped the pumps the fuel pumps.

22 Q. You said you confirmed that the fuel pumps
23 were stopped?

24 A. Yeah, the fuel pumps were stopped.

25 Q. And how did you confirm that?

1 A. I saw that light, red light on the button.
2 I saw the button which lights are right.

3 Q. Okay. So then what happened after you
4 confirmed that the fuel pumps were secured?

5 A. And I took emergency breaking device and I
6 went to the door to the engine room.

7 Q. And then was that when you exited the space?

8 A. When I open up the door, it was not possible
9 to go inside, you had too much smoke, and I went to
10 the engine control room.

11 Q. And then what happened, Chief?

12 A. And after because in engine room was too big
13 smoke, we couldn't breathe, I decide to evacuate
14 engine room crew.

15 Q. What happened next?

16 A. I activated high fork system and I went --
17 to accommodation.

18 Q. Okay. So that is the part that I wasn't
19 clear on. You went through where to the
20 accommodation?

21 A. Yeah, here.

22 Q. Where my hand is?

23 A. Yeah, exactly. And from I stopped right
24 here, exactly.

25 Q. For the record, I am pointing at engine

1 control room just above the port side engine, it is in
2 a box, in a green box and then there's some stairs on
3 the right side of it, and this is the location where
4 chief engineer exited the space.

5 Chief, from this stairwell where did that
6 lead to? Where did you go after that?

7 I'm going to scroll up.

8 A. Yeah. Please.

9 Q. What am I looking at here?

10 Is this garage B?

11 A. Okay.

12 Q. This is where the CO2 room is at.

13 A. Okay. I went to -- if I remember -- I must
14 check my statement, yeah, but if I remember, first I
15 went to garage C, one level higher.

16 Q. Chief, what level is the CO2 system located
17 on?

18 A. It's here, here on this level, on this level
19 I met fire fighting team, because now he might
20 remember, I went to -- this is garage B, yeah? I
21 went -- just a moment. I don't remember exactly where
22 I was first, garage B, I think I was here. Just a
23 moment I must check my statement because now, yeah,
24 yeah, if the beginning I was here, yeah, correct.

25 I think here because, door, yeah, just a

1 moment.

2 Q. Chief, can you describe what's on garage B?

3 A. Garage B this is garage where CO2 room is
4 located. Yeah, you are picking up on this, you might
5 remember can you confirm because I don't remember
6 exactly, CO2 is located in garage B or garage C? I
7 forgot.

8 Q. Okay. I believe your CO2 system is located
9 in garage C.

10 A. It mean --

11 Q. And that's where the ramp is located?

12 A. Garage C, yeah.

13 Q. Yes, garage B was just a garage that leads
14 into the engine room.

15 A. Garage B it is now.

16 Q. So the fire control plan that I have does
17 not show garage B. It just shows garage C and the
18 engine room.

19 A. This is garage C, yeah?

20 Is that correct?

21 This I wrote here, garage C where I meet
22 fire fighting team, but where is the door, I don't
23 remember where is the door here. This one.

24 No, it was somewhere forward I think.

25 Q. Do you see the green arrow?

1 A. Yeah.

2 Q. On the drawing the green arrow would be your
3 port side door and that would --

4 A. Engine room, yeah.

5 Q. That would have on the location that you
6 would have exited to this where this was a trailer
7 that was on fire.

8 A. Okay. It means I was here in this place and
9 here I met fire fighting team.

10 Q. So you saw the fire fighting team getting
11 dressed out in garage C?

12 A. Yeah. In this C level. Where is CO2 room
13 located?

14 Q. Okay. And then what did you do from there,
15 Chief?

16 A. From here I went directly to the CO2 room.

17 Q. Okay. Can you describe what you did next?

18 A. When I went to the CO2 room I - next step I
19 can describe you two steps because in the beginning I
20 went over there, without SCBA and after I saw the fire
21 here. I took SCBA and I return it to CO2 room and
22 when I reached CO2 room, I saw I was here in the CO2
23 room and after the CO2 room I went to deck where our
24 crew members cabin.

25 This is deck I don't remember which number.

1 Q. Chief, for the record just to clarify were
2 you saying SCBA, is that the SCBA?

3 A. Yeah.

4 Q. So is that a full breathing device or it's
5 just can you describe your breathing device that you
6 had? The breathing apparatus.

7 A. No, I wear rubber backup fire fighting and I
8 took breathing apparatus.

9 Q. Okay. So you had a tank on with the
10 backpack and you had the face mask that was giving you
11 oxygen?

12 A. No mask was on my face.

13 Q. Okay. Mask was on your face?

14 A. I had mask with cylinder.

15 Q. Chief, you went to the CO2 - or you had
16 mentioned you had went to the CO2 room, did you
17 energize the CO2?

18 A. No, I didn't energize.

19 Q. For the record, SCBA is a self contained
20 breathing apparatus.

21 Okay. Was the CO2 activated?

22 A. Yes, CO2 was activated.

23 Q. So by the time you got to the CO2 room you
24 noticed that it was activated. Did you have
25 confirmation that everybody in the engine room had

1 left the space?

2 A. Can you repeat your questions?

3 Q. Sure.

4 When you left the engine room you said that
5 you had went to garage C and then you saw the fire
6 team getting dressed and then you went to CO2 room,
7 the CO2 was already activated.

8 At the time that the CO2 was already
9 activated, do you know if all of your people made it
10 out of the engine room?

11 A. Yeah, I was sure that all are outside the
12 engine room.

13 Q. Did you give that report to anybody?

14 A. Yeah, I reported by walkie-talkie master.

15 Q. To the master?

16 A. To the master.

17 Q. Okay.

18 A. In the beginning I reported that one person
19 is missing, and after when I received confirmation
20 that everybody, all person are outside, I confirm
21 master that all engine crew is safety.

22 Q. Okay. So then you left garage C, can you
23 tell me what happened next? You said you went up to
24 accommodation spaces.

25 A. I went to the level, where are located

1 carbons for crew members. I don't remember which
2 level, what level were they.

3 Q. And then what happened next, Chief?

4 A. And here I met third engineer and we divide
5 to try to go to engine room, engine control room
6 exactly to check situation.

7 And we took fire fighting outfit, it means
8 close SCBA and we went to the place where is located
9 valve for quick closing valves and dampers. And I
10 forgot tell you that during the evacuation on the
11 stairs I open it valve for quick closing valves and
12 dampers.

13 Q. So you're saying when you had exited the
14 engine room in the ladder -- well, the stairwell, you
15 had closed the quick closing valves and dampers as you
16 were exiting the space?

17 A. Just a moment, could you repeat because --

18 Q. Sure.

19 A. Yeah, could you repeat?

20 Q. Sure.

21 I was just confirming your statement, when
22 you had exited the engine room through the stairwell
23 that you had activated the quick closing valves and
24 the dampers.

25 A. Yeah.

1 Q. Can you describe how you did that, the
2 design of the vessel how are you able to do that
3 through the stairwell?

4 A. How I activated the quick closing valves?

5 Q. Yes, sir.

6 A. There is only one valve which was in close
7 position and I change it, position to open.

8 Q. Thank you.

9 So I understand, you went out to the
10 accommodations, you found a third engineer and you put
11 on a SCBA and then you went back down to the engine
12 control room; is that correct?

13 A. Yeah. Yeah.

14 Q. How did you reenter the engine control room?

15 A. This time we didn't, we didn't reach engine
16 control room. We went to quick closing valve, and to
17 be sure to check that it was fully open, and I open it
18 one more valve, repeating the valve, and repeating
19 valve for seeing that the quick closing valves and
20 dampers which is located in the same place and after
21 we back to the accommodation.

22 We didn't go to the control room in the
23 beginning.

24 Q. Understood.

25 Was there a reason why you didn't go to the

1 engine control room when that was your plan?

2 A. The reason why we didn't go, you are asking
3 about this?

4 Q. Yes, Chief, so you had planned to go back to
5 the engine control room and you verified that the
6 valves were actually open, that the valves were
7 actuated, now you at some point made a determination
8 that it wasn't for whatever reason you didn't go into
9 the engine control room. I'm asking why.

10 A. Because I wanted to check situation. I
11 wanted to check situation in engine room.

12 Q. Were you able to see the engine room from
13 the stairs?

14 A. No, from this place, from this place where
15 are located, where is located valve for quick closing
16 valves, we could not see engine control room.

17 Q. Can you describe if there was smoke or fire
18 in that space.

19 A. I didn't see smoke. Sorry. I didn't see
20 fire, but I saw smoke.

21 Q. Can you describe the smoke for us, please?

22 A. Was visible for was not so dark, like I saw
23 in engine room when fire started, visibility was from
24 this place where is valve situated to the end of the
25 corridor to this corner I can see this arrow here,

1 visibility was enough from this place to end of the
2 corridor.

3 I don't know because I didn't see, I didn't
4 went, I didn't go.

5 Q. Chief, are you talking visibility is a few
6 feet?

7 A. Meters because I don't know how much is one
8 feet is how many meters.

9 Q. We can do meters.

10 How many meters would you say visibility was
11 in the stairwell?

12 A. Can be three, four meters exactly like
13 distance from the place where valve is situated to the
14 end of the corridor. If I remember, valve is
15 situated, it's located near the exit to the garage B,
16 I think B, yeah.

17 Q. Okay. I'm going to bring up the garage B
18 where arrow is pointing is the corridor where you had
19 tried to --

20 A. Yeah.

21 Q. Correct?

22 Okay. And then for the purpose of the
23 recording, I am pointing at the stairwell again in the
24 fire control plan next to the engine control room.

25 Chief, can you see my arrow?

1 A. Yeah, I see.

2 Q. Okay. So I am pointing at I believe garage
3 C, where the CO2 room is located. In the picture just
4 above that has pictures upstairs and then there is a
5 detector, looks like in a - can you describe what
6 these symbols are, Chief, by any chance?

7 I believe this to be the valve.

8 A. There is correction to the fire fighting
9 plan, this room, yeah?

10 Q. Are you saying there is a correction to the
11 fire control plan?

12 A. Could you repeat once again?

13 Q. Sure. I was just trying to confirm what you
14 had stated. So you said that there was a correction
15 to the fire control plan?

16 A. Correction. I can't understand what are you
17 talking about?

18 Q. I was just trying to clarify your statement.
19 So looking at this plan, Chief.

20 A. Yeah.

21 Q. Is this where the damper switch, the valve
22 was located?

23 A. Is here located?

24 Q. That is my question to you.

25 A. I don't remember which garage is located,

1 garage B or garage C. I don't remember exactly.

2 Q. Okay.

3 A. Yeah. I don't remember which letter, but
4 when we get to level where is quick closing valve
5 located.

6 Q. Okay. So you verified the quick closing
7 valve was actuated, and then you left the space?

8 A. Garage C, just a moment --

9 Q. Chief, if you need for me to zoom out --

10 A. I don't remember exactly now because a long
11 time passed.

12 Q. I zoomed out a little bit so you can get a
13 better overview.

14 A. Yeah, garage B, could you show me garage C?

15 Q. Sure.

16 So Chief, on this fire control plan, garage
17 B is not shown.

18 A. It means quick closing valves and dampers
19 are in garage C, yeah, looks like.

20 Q. According to this plan, and from my time on
21 the vessel, they are in the stairwell right when you
22 go through garage C, so if you look at my cursor there
23 is a green --

24 A. Yeah, and --

25 Q. Where the CO2 room was located on that same

1 floor which is garage C.

2 A. Here is quick closing valve.

3 Q. Right around here?

4 A. And damper.

5 It means we back, we started here in this
6 place.

7 Q. Okay. So you came down here with third
8 engineer and then what did you do?

9 A. I open only one valve for quick closing
10 valves and dampers.

11 Q. Okay.

12 What did you do next, Chief?

13 A. After we back to accommodation.

14 Q. Okay.

15 A. Yeah. And if I remember this time I asked
16 one person to check and confirm status of fire
17 dampers, but he confirmed that due to smoke and low
18 visibility he cannot tell me they are closed or not,
19 are they closed or not.

20 Q. How would you verify if they are opened or
21 closed?

22 Do you have to physically go into the space?

23 A. We can go inside through this way. Remember
24 these are accommodations for the crew members. We can
25 go to the space from where we can see the dampers,

1 they are closed or not. That is --

2 Q. Where are you dampers --

3 A. Accommodation.

4 Q. Chief, on this fire control plan, it doesn't
5 have your accommodations.

6 I'm going to try to bring up one more. Just
7 give me one minute.

8 A. Okay.

9 Q. For the record, I just opened up Exhibit
10 186, it appears to show accommodation spaces.

11 Chief, are you able to see anything on your
12 side?

13 A. Yeah, I see it.

14 Q. It's still loading on our end.

15 These decks are labeled.

16 A. Yeah.

17 Q. Deck five, deck six, if I scroll up I might
18 see deck seven.

19 What deck would you like me to go to?

20 A. Deck five. Deck five, yeah.

21 Q. You want deck five?

22 A. Yeah.

23 Q. There is exit from the engine room, yeah?

24 It is close to where I have my arrow?

25 A. I didn't see an arrow.

1 Q. Do you see the mouse moving a little bit?

2 A. I see here, okay.

3 Q. Down right here.

4 A. Yeah, and --

5 Q. I'm going to zoom in.

6 Describe what we are looking at here.

7 So Chief, on deck five.

8 A. Where?

9 Q. This has a chimney.

10 A. We meet down below because exit from -- you
11 have to remember, yeah.

12 Q. Near the laundry?

13 A. Yeah.

14 Q. Chief, can you see my arrow?

15 A. Yeah, I see.

16 Q. I'm pointing at, it looks like a little red
17 box. It says Baja possibly.

18 A. Yeah.

19 Q. That looks like some stair, just under it.

20 A. Well, yeah, yes, around there.

21 Q. It's laundry --

22 A. Hold on.

23 Q. Okay.

24 So you exited here?

25 A. Here to the right, near the laundry, yeah.

1 Q. Okay.

2 A. And here I met the engineer and one person,
3 I ask a lot of questions here. Then I go check that
4 was off, fire dampers and the way to the fire dampers,
5 we can go through corridor, to the end of the
6 corridor, yeah, and here we could -- we can go here in
7 the chimney and inside the chimney both sides, both
8 sides, starboard side, we can check reverse all of the
9 dampers and we can we go upstairs. We can check
10 dampers, but because too big smoke not possible to,
11 this person inform me, Chief I cannot see what has
12 happened to dampers.

13 Q. Was that person wearing a SCBA, the person
14 that you sent to check the dampers, were they wearing
15 any protective equipment?

16 A. I could not tell you. I cannot tell you
17 because I didn't -- I didn't see because me because
18 near the laundry we had a lot of equipment.

19 I cannot tell you he took or not because I
20 didn't see.

21 Q. Okay.

22 A. We kept here equipment, we kept here in this
23 place. We had equipment.

24 Q. Were you able to verify if the dampers were
25 opened or closed by any other means?

1 A. Could you repeat?

2 Q. Sure.

3 So you sent this person to go verify to see
4 if the dampers was closed, correct?

5 A. Yeah.

6 Q. And he was unable to verify because of the
7 smoke?

8 A. Yeah, exactly.

9 Q. Was there any other way that you could
10 verify if they were opened or closed and were you able
11 to do that?

12 A. I think no maybe from outside, but I'm not
13 sure.

14 Q. Just for the record the verification of the
15 dampers if they were opened or closed that was after
16 you saw the CO2 system -- or rather the energize?

17 A. Yeah, I think, not for sure.

18 Q. Okay. Chief, so I understand some time had
19 passed and then there was another fire team that got
20 onboard your vessel?

21 A. In the beginning there was a rescue police
22 team and after fire team.

23 Q. Okay. And did you assist the fire team in
24 any way?

25 A. Yes, I did.

1 Q. Okay. Can you describe your actions from
2 the time that they got onboard the vessel and what
3 that communication was like as far as what they were
4 telling you, what they had wanted to do, and the areas
5 that you tried or did not try to put out the fire.

6 A. In the beginning they inform us that we must
7 wait for clearance, for a clearance and we didn't go
8 to engine room because chief of fire team inform us
9 they heard that they have nine people onboard, and we
10 explained what happened in the engine room, what is
11 situation, that fire was started near the main engine
12 and we asked them to try to go together to see what
13 situation is inside the engine room and they try to
14 fight with the fire.

15 Q. And then what happened, Chief?

16 A. Because they have no equipment, we wait for
17 cylinders. For them, and at that moment I took, if I
18 remember, but I'm not sure, but I think it was that
19 time I took one cylinder SCBA and fire fighting
20 equipment and I tried to go to engine room again one
21 time if I remember with electrician and rescue police
22 team, they assist us and next time I think the same
23 with them.

24 Q. Chief, when you tried the second time to go
25 down into the engine room, with the electrician this

1 time.

2 A. Yeah.

3 Q. How did you enter the space or how far did
4 you get?

5 A. That time I was in engine control room.

6 Q. So you were able to make it down to the
7 engine control room with the electrician?

8 A. Yeah, if I remember with electrician.

9 Q. Did you enter the engine room at all?

10 A. No, not the engine room, only engine control
11 room.

12 Q. Was the fire, the fire door that went to the
13 engine room, was that closed?

14 A. When we were in engine control room?

15 Q. From the engine control room?

16 A. Yeah, the visibility was better and we saw
17 through the window in engine control room, the sign of
18 the fire in the same place like in the beginning, it
19 was near the, near the next to port side engine.

20 Q. So just to confirm, the second time that you
21 went into the engine control room with the electrician
22 you were able to see fire through the window?

23 A. Not the big fire only, how to say, light --
24 I saw fire. I saw fire. I can tell you I did.

25 Q. And this was after the CO2 was already

1 activated?

2 A. Yeah. Yes.

3 Q. Okay. So after eventually the fire team got
4 the cylinders; is that correct?

5 A. After, yeah, after.

6 Q. Can you describe where you tried to fight
7 the fire with the fire team once they had all of their
8 equipment onboard?

9 A. In the beginning we went together with them
10 starboard side, and second time port side.

11 Q. Exactly where on starboard side are we
12 talking about the deck five are we talking about the
13 garage C? How did you get down port side or starboard
14 side?

15 A. Starboard side one time we reach from deck
16 five, I don't remember which, but I think we cannot
17 reach, we cannot reach garage C because we went near
18 the elevator?

19 Could you tell me where is the elevator?

20 Q. Give me one minute, Chief. I have to look
21 for it.

22 Is there an elevator on deck five?

23 A. I think -- what is number 15 because
24 elevator should be somewhere here. Fifteen.

25 No, there isn't. Oh, maybe it's here.

1 Yeah, elevator is here. Yeah. Okay. And
2 we went here. We went, you can see stairs here.

3 Q. Chief, I can't see where you're pointing at.

4 A. Left side, next to elevator, left.

5 Q. See my cursor?

6 A. There, stop.

7 Q. Okay. So you're telling me to stop by the
8 laundry room.

9 A. Yeah, laundry room is here.

10 Yeah, this same area. It was the same
11 level, opposite side elevators.

12 Q. Forward in the laundry room?

13 A. No, no, no, could you go down with your
14 arrow?

15 Down, down, down, down, down, down, down,
16 down. Right. Right. Oh, here. Right. Here is
17 elevator, yeah.

18 Q. I see it.

19 A. Yeah, and we went from this place, I think
20 maximum, maybe I'm wrong, one level down, through the
21 stairs, back, if I remember, you can see stairs here,
22 near the elevator. Yes. The elevator is located the
23 lower part of the drawing here. It says main vertical
24 zone, number three on the bottom left of that zone,
25 and then there are stairs just left of the elevators.

1 Q. So you are saying you went down one level of
2 those stairs?

3 A. I think one level, but I am not sure.

4 Q. And that was with --

5 A. We, I think to the emergency bar station,
6 yeah, and after we tried to go to engine room once
7 again from opposite side.

8 Q. Also going down the stairwell or --

9 A. Yeah.

10 Q. The one next to the laundry room?

11 A. Yeah, near, yeah.

12 Q. So you said you had tried to go down the
13 other side, can you please describe why you weren't
14 able to?

15 A. Because when we were downstairs, near the
16 exit to garage C, if I remember because I was on the
17 end, that time I was at the end of the team, and when
18 they reach I think maybe the level where we heard the
19 door to garage C then they observe fire and they
20 decide to back.

21 Q. Chief, do you recall after the fire team
22 from Puerto Rico came onboard the vessel if the order
23 to evacuate ship was already given?

24 Like what was everybody else doing while you
25 were trying to put out the fire?

1 A. I think evacuation started before.

2 Q. So the vessel had already started to
3 evacuate and the fire team got onboard, and then you
4 just, you tried to still put out the fire?

5 A. Could you repeat?

6 Q. Sure. So I was just confirming that at the
7 time that the fire team was able to have all of their
8 equipment onboard with them because they were waiting
9 on the eight cylinders that they didn't have, at that
10 time that they were able to go with you to put out the
11 fire, the evacuation call was already given?

12 A. Yeah. Yes, I can confirm.

13 Q. Did you have any issues with anybody from
14 your vessel trying to put out the fire with this team
15 that did not belong to the vessel.

16 I could rephrase.

17 So did the staff captain master, anybody in
18 your chain, have any issues with you continuing to put
19 out the fire or attempting to put out the fire after
20 the abandon ship command was already given?

21 A. I cannot confirm because I was busy with
22 fighting with fire in engine room. I cannot confirm.

23 Q. Okay. Do you know if the master was aware
24 that the fire team was onboard assisting you?

25 A. I don't know.

1 Q. Can you tell me your actions after the fire
2 team when you decided that it was too big from garage
3 C, what did you guys do next?

4 A. We evacuated to embarkation deck and after
5 they inform us that everybody must be evacuated from
6 boat, from ship.

7 Q. Okay. Chief, thank you for that.

8 I'm going to take off the exhibits and then
9 I'm going to shift from the fire fighting evacuation
10 and just talk to you about the maintenance, some of
11 the items that we possibly covered during your relief
12 when you first came onboard.

13 CDR CAPELLI: Since it's taking a lot of
14 time to load the documents we're going to take a
15 five-minute recess so that the documents can come up.

16 LTJG DIAZ-COLON: Chief, were you able to
17 hear that?

18 THE WITNESS: Could you repeat because I
19 didn't hear exactly?

20 LTJG DIAZ-COLON: Sure. We're going to take
21 a five-minute recess. Is that okay?

22 THE WITNESS: Okay.

23 LTJG DIAZ-COLON: Five-minute break. We'll
24 be right back. I'm going to leave you online, but we
25 will be off the record. Okay?

1 THE WITNESS: Okay.

2 LTJG DIAZ-COLON: Thanks, Chief.

3 (Whereupon a brief recess was taken from
4 10:04 a.m. until 10:20 a.m.)

5 CDR CAPELLI: Good morning, the time is
6 10:20.

7 LTJG DIAZ-COLON: Okay. Chief, are you
8 ready?

9 THE WITNESS: I am ready.

10 LTJG DIAZ-COLON: Okay. Perfect.

11 BY LTJG DIAZ-COLON

12 Q. We just commenced the hearing again, okay.

13 Chief, how long prior to August 17, prior to
14 the prior last year, can you please tell me when you
15 signed on this vessel?

16 A. When I sign on?

17 Q. Yes. When did you start working on the
18 Caribbean Fantasy?

19 A. Twenty-seven July, if I remember, it's after
20 I join the 17th or 23rd, just a moment. I must check.

21 Can I check?

22 Q. Sure.

23 A. I think it was 17 July, yeah, 17 July.

24 Q. Okay. Seventeen July, 2016?

25 A. 2016.

1 Q. Okay. And have you served on any type of
2 vessel that is similar construction or engine setup as
3 this one?

4 A. I was --

5 Q. How familiar were you with this particular
6 type of vessel?

7 A. Could you repeat once again?

8 Q. Sure.

9 How familiar were you with this particular
10 type of vessel?

11 A. Familiar, yeah?

12 Q. Yes.

13 A. When I was - this kind of vessel, and from
14 the movies on the training because I was work with on
15 the rudder ships, they are similar.

16 Q. Okay. Can you please describe your
17 change-over process?

18 So you reported onboard the 17th of July,
19 was there a chief engineer onboard?

20 A. Yeah.

21 Q. Okay.

22 A. Onboard.

23 Q. Can you talk to me about the relief process?

24 A. We were together about one month and we
25 stopped at Andover in Cardis and we finished in

1 Dominican or Puerto Rico. I don't remember exactly.

2 Q. Okay. And can you describe what -- so that
3 month that you guys were together working on the
4 relief, what did that entail? Did you go over
5 systems? Did you go over maintenance? What exactly
6 did you guys go over from what you remember during
7 that month?

8 A. We started systems, equipment, paper jobs,
9 and he showed me how is working, the system onboard --

10 Q. Which systems did you go over?

11 A. All of them.

12 Q. And when you went over every system, was
13 there a log that you signed that says, okay, I
14 understand or how did you move on to the next system?

15 A. When I ask him about some system he explain
16 me, but I didn't sign any information. We start next
17 one after finish one system we start the new vent
18 system.

19 Q. Do you recall there being any
20 nonconformities or any issues with the systems that
21 you guys went over?

22 A. If I remember all of them were the five
23 units stay in Cardis.

24 Q. Was that your dry dock?

25 A. No, it was stoppage in Cardis.

1 Q. You had mentioned papers, you had went over
2 some papers. What type of papers are you talking
3 about?

4 A. About monthly reports what we must --
5 routine daily papers, monthly papers like this kind of
6 papers.

7 Q. Can you tell me what you're responsible for,
8 your monthly reports, what reports do you have to
9 generate and who do they go to?

10 A. Generally we sent all information which were
11 required by the company, and we had onboard should be
12 sent every month to the company.

13 Q. Sorry could you repeat that?

14 A. Because you asked some type of documents.

15 Q. Yes.

16 A. Monthly documents.

17 Q. Yes.

18 A. Yeah, and my answer is we had onboard the
19 list of documents which should be sent monthly to the
20 company.

21 Q. Do you recall what was on that list?

22 A. Could you repeat?

23 Q. Sure.

24 You said you had monthly documents that had
25 to be sent to the company, could you be a little bit

1 more specific on what documents you had to send them?

2 What information did you send them?

3 A. I didn't hear you exactly.

4 Could you repeat once again?

5 Q. Sure. What information were you sending the
6 company monthly?

7 A. Yeah, water cooling documents, battery test,
8 maintenance, it was done, if some equipment was --
9 last month information about this was sent to the
10 company, running hours for the main engines for
11 oxidated engines, and performance of main engine,
12 safety tests, month of auxiliary engine, according to
13 checklist which we have onboard inventory was update,
14 monthly inventory was updated, spare parts, chemicals,
15 gases, oils, and voyage reports were sent to the
16 company.

17 Q. Would you be able to tell me who exactly you
18 sent that stuff to? Who from the company, do you have
19 a name?

20 A. Who I was sending?

21 Q. So did you send the reports or did somebody
22 else send the reports?

23 A. I collected part of them, part of them was
24 collected by the person responsible and all report
25 were sent by store keeper.

1 Q. So store keeper collects all of the
2 information from you and they send the reports
3 straight to the company?

4 A. From me and from the person, whoever is
5 responsible for update the list, the equipment.

6 Q. Do you know who in the company receives that
7 information?

8 A. DPA, but I'm not sure.

9 Q. Chief, did you feel you had enough time that
10 month to train and learn all of the systems with the
11 other chief? Was that enough time for you?

12 A. What means exactly your question.

13 Q. So when you reported onboard on the 17th of
14 July, and you did the pass down with the previous
15 chief, you said that the pass down was one month. Is
16 that standard with your experience or do you feel that
17 you needed more time?

18 A. No, I needed less time, here I was with
19 previous engineer long time, one month, more than one
20 month.

21 Q. And what would normal be?

22 A. Because generally I spend a few days,
23 maximum one week, and then join the ship.

24 When we change over, I spend sometimes two
25 weeks.

1 Q. You had stated earlier that you had read
2 some documents or watched some videos, did you do that
3 prior to reporting to the vessel or was that during
4 your month stay that you saw videos?

5 A. I can't understand your question.

6 Q. Sure. So earlier you had mentioned about
7 watching videos, because I had asked you about your
8 familiarity with this type of vessel and you said --

9 A. Oh, because I saw this video during my
10 training in my company.

11 Q. So you received training in your company
12 prior to reporting to the vessel?

13 A. I received this training, video training
14 that is similar to the type of training, this video as
15 I told you before I saw when I was onboard previous
16 ships, when I saw video training, movies, the special
17 training program for us.

18 Q. What does that training entail?

19 A. There is training procedures in MidOcean.
20 We have special program with movies and we must -- we
21 can see the movies regarding systems --

22 Q. Okay. Can you describe to me your
23 maintenance program?

24 How do you know what's due and how do you
25 know what's coming up?

1 A. We had onboard updated running hours for
2 mine machinery, and for auxiliary engines and for main
3 engines and according to running hours we overhaul it,
4 machines.

5 Q. Okay. So where does that schedule come
6 from? I understand that you are monitoring the hours,
7 are you getting that from the manufacturer suggested
8 maintenance or how -- where are you getting that
9 maintenance schedule from?

10 A. According to maker manual, there was
11 machine. When running hours, we must do some job,
12 some special overhaul and according to maker and
13 according to running hours, updated running hours,
14 proper maintenance was spelled out.

15 Q. How is that tracked?

16 Do you have like an Excel document that
17 shows this is done or do you know if you have to go to
18 the manual?

19 Is that something that you do?

20 A. And we had for the main engine and the
21 auxiliary engine, we had spread sheet with what was -
22 our main jobs which should be carried out according to
23 one and this spread sheet was updated according to
24 running hours and based on this we had information
25 what kind of job should be done next few days, few

1 weeks, even few months.

2 Q. Okay. You are saying we, who specifically
3 goes through those manuals? Is that something that
4 you do?

5 A. Which manual?

6 Q. So your main engine, the main engine
7 maintenance, who is responsible for going through the
8 manuals and seeing what is due?

9 A. The person responsible for main engine?

10 Q. Yes, Chief, who is that?

11 A. I should check the - if I remember when I
12 work on the boat, second engine -- sorry, first
13 engineer was responsible for main engine.

14 Q. You are saying second engineer was
15 responsible for the main engines?

16 A. First engineer for main engine, first
17 engineer. Second engineer was responsible for
18 ulterior engines.

19 Q. So first engineer would come up with a
20 schedule of what assignments need to get done
21 according to main engine manual.

22 Would you follow up to make sure that that
23 stuff gets done or what is your role? What is your
24 role in the engineering, I guess, department?

25 A. I was the head of the department and I was

1 general personnel responsible for technical condition
2 of engine department. I was responsible for all jobs
3 which should be carried out in engine room in
4 coordination with deck to be sure what should be done
5 in the near future.

6 The deck and the -- department I was
7 responsible for inventories, generally for keep in
8 good condition of engine room department and
9 supervisor person who are working in engine room to
10 help them, to support them, to train them, to report
11 month about condition of engine room.

12 Q. Did you have any specific equipment or
13 systems that you were responsible for?

14 A. In the company manual it was --

15 Q. I'm sorry can you repeat that, the company
16 manual...

17 A. My roles and responsibilities are mentioned
18 in the company manual.

19 Q. Do you not recall what they are right now?

20 A. What is my role?

21 Q. Yes, do you remember what your
22 responsibilities -- or what equipment is assigned
23 directly to you?

24 A. In the manual, it was not mentioned which
25 kind of equipment, general it was mentioned. I can

1 tell you, for example, I can check in the manual and I
2 can tell you because there is a lot of points
3 regarding my responsibilities.

4 LTJG DIAZ-COLON: Okay. Chief, that's all
5 the questions that I have at this time. I may have
6 some follow-up questions later on. What I'm going to
7 do is I'm going to pass the floor over to NTSB's
8 engineering group chairman, Mr. Luke Wisniewski for
9 follow-up questions.

10 MR. WISNIEWSKI: Thank you for your time
11 here this afternoon/evening. I'd like to just go back
12 through some of the top questions I had regarding your
13 maritime experience.

14 DIRECT EXAMINATION

15 BY MR. WISNIEWSKI

16 Q. Can you indicate how many years total do you
17 have at sea, sailing?

18 A. At sea, how many years, 26.

19 Q. And what year was the first engineering
20 license that you have?

21 A. I received license as a chief engineer in
22 2005.

23 Q. And your first engineering license as far as
24 the first license you received as an officer.

25 A. No, no.

1 Q. Let me rephrase that question.

2 As far as -- I'm Luke Wisniewski with the
3 National Transportation Safety Board for the
4 transcript. Sorry.

5 The year that you -- once you graduated from
6 the maritime school for training, what was the first
7 license? What year roughly?

8 A. After school I received five engineer
9 license.

10 Q. Five engineer license. Your fifth engineer
11 license, what year was it?

12 A. Yeah, fifth, five engineer license, yeah,
13 exactly. It was in 1991. After two years I received
14 fourth engineer license, and after I don't remember
15 which year, I received third engineer license. And
16 maybe 2000 I received second engineer license. In
17 2005 chief engineer license. Second engineer I think
18 2000, but I am not sure.

19 Q. Okay. Thank you.

20 In addition to the engineering license, do
21 you hold any personal qualifications a refer engineer
22 license, certificate, certification?

23 A. No.

24 Q. Tanker man, PIC, any of the endorsements
25 under the STCW?

1 A. No.

2 Q. Okay. I think you covered this, but I just
3 want to -- can you sum up in the years experience that
4 you have sailing on the passenger Ferries ROROs
5 similar to this.

6 A. Could you repeat?

7 Q. The time that you have onboard passenger
8 Ferries or vessels similar to the Caribbean Fantasy.

9 A. I don't remember, but I started 1999, I
10 think, or 2000, similar vessels, 2000 I think.

11 Q. And how much sea time onboard these vessels
12 total?

13 A. I don't remember.

14 Q. Okay. Even just an approximate. One year?
15 Two years?

16 A. One moment. Let me try to calculate. Maybe
17 between one and a half, two years.

18 Q. Okay. Thank you. Please discuss how you
19 were selected for this contract aboard the Caribbean
20 Fantasy.

21 A. I receive through question from the owner of
22 the ship, if I remember, and they send me over there
23 to join the ship.

24 Q. Okay. Were you contacted by anyone from
25 Baja Ferries or solely through your hiring agency?

1 A. No. I was contacted by my agency.

2 Q. How long was your original contract for the
3 Caribbean Fantasy?

4 A. If I remember, ten months.

5 Q. And how much did you fulfill that contract
6 or when were you relieved from Caribbean Fantasy?

7 A. How long was my contract when I was --

8 Q. So after - you fulfilled your contract?

9 A. Yeah, because I finished my contract 17 of
10 October I think I finish my contract.

11 Q. Okay. So 17 October you signed off the
12 vessel, that was in --

13 A. Approximately, I don't remember exactly.

14 Q. Did you receive any training or
15 familiarization from Baja Ferries before you reported
16 onboard the vessel?

17 A. Before I didn't receive.

18 Q. What was the first familiarization you
19 received while onboard? Did you receive a manual?

20 A. First one I received before joining the
21 ship, I spent few days on the training in maritime
22 school in (inaudible) few days I don't remember how
23 many days, three days, it was special training and
24 after I received training from Sector Peterson.

25 Q. Okay. So that was when you completed your

1 solace familiarization training onboard?

2 A. Familiarization training onboard I received
3 from Sector Peterson.

4 Q. Approximately what date?

5 A. It was in the beginning, first few days
6 maybe first or second day when I join the ship.

7 Q. And?

8 A. But it should be noted onboard, I am not
9 sure.

10 Q. Okay. And did you have any concerns at that
11 time with the safety officers, any of the items
12 onboard?

13 A. Could you repeat once again the question?

14 Q. Sure. For the safety familiarization, did
15 you have any concerns at that time that you brought up
16 to the safety officer?

17 A. No.

18 Q. With any of the equipment onboard the ship?

19 A. Onboard the ship, she explained everything
20 about safety systems onboard.

21 Q. Can you go through what some of the items
22 she discussed with you?

23 A. We discuss on the boat few items but because
24 they are similar like I saw before, we spent much --
25 we discuss it a little bit earlier about --

1 Q. Okay. How much time do you estimate that it
2 was -- familiarization for that, with the safety
3 officer?

4 A. I don't remember, but few hours maybe, maybe
5 less. I don't remember exactly.

6 Maybe three, two hours, but I am not sure.
7 I don't remember.

8 Q. Okay. Thank you.

9 The timeframe for the turnover, the
10 familiarization that you received with the chief
11 engineer, you indicated it was about a one-month
12 timeframe?

13 A. Yeah, we worked together one month.

14 Q. And in that course, that interaction, was
15 there any written turnover notes, any information you
16 received in writing?

17 A. Not that I remember.

18 Q. How about emails, transfer of emails?

19 A. What kind of emails?

20 Q. You were taking over the chief engineer's
21 email account from the previous chief engineer, was
22 there any items or turnover or emails left as far as
23 priority issues, concerns?

24 A. I don't understand this question.

25 Q. Okay. Let me rephrase then. When you

1 signed on, what --

2 A. Yeah.

3 Q. What means of communication did you take
4 over from the chief engineer? Did he have email?

5 A. You are asking did I receive his email to
6 communication after sign off?

7 Q. Yes -- no, do you have his email address?
8 Did you take over his email account as chief engineer
9 or did you -- were you assigned a new account by your
10 name?

11 A. I don't remember.

12 He given me phone number, I remember, but
13 I'm not sure. I'm not sure.

14 Q. And just to clarify again with the SMS
15 policy, okay. Sorry?

16 A. Sorry. Did you ask me, did I use his email
17 to communication or no? Yeah. Did you ask me about
18 that?

19 Q. Correct. When you were the chief, was it
20 the same email account was it a general email account?

21 A. No, it was for chief engineer account.

22 Q. Okay. So it was a chief engineer account,
23 could you see his old emails and files?

24 A. I didn't see because computer was broken,
25 and I had no history.

1 Q. You had no history of the previous chief's
2 emails.

3 A. In my computer, some history was in general
4 one computer, in the office computer some history was
5 over there, but not from my computer, not from chief
6 engineer computer.

7 Q. Okay. Understood.

8 So just to clarify, again, though, there was
9 no written changeover in signature required from you?

10 A. Yes.

11 Q. Okay. Can you go through for me as far as
12 when you officially relieved the chief engineer, you
13 said that was in Dominican?

14 A. What it was.

15 Q. When you relieved the chief engineer, when
16 was it in Dominican, what date approximately?

17 A. It was, I think, yeah, I think it was
18 Dominican, but I don't remember it was Puerto Rico
19 Dominicana, I think Dominicana, just after Puerto
20 Rico, but I'm not sure.

21 Q. Okay. Thank you. Can you go through how
22 planned and corrective maintenance how you tracked
23 that as a chief engineer?

24 A. It was -- I had onboard some documents
25 regarding some maintenances.

1 Q. But was your signature required to review or
2 to -- you talked about the quarterly, the monthly
3 reports, were you --

4 A. Maintenance.

5 Q. Yes, were you required to see all of those
6 prior to them being sent out from the ship?

7 A. If I remember, I sign some documents when I
8 prepared, when we start to prepare monthly documents,
9 I sign it, but each kind of them I don't remember.

10 Q. Can you take me through real quick how you
11 requisition of spare parts for items that you need
12 onboard?

13 A. How we order you are asking, yeah?

14 Q. Yes. How you ordered parts.

15 A. Generally all engineers prepared the list,
16 which we, with spare parts which are required to do
17 some jobs and this list was transferred to storekeeper
18 with the details what kind of machinery, what type of
19 machinery, what kind of parts is required, how many
20 parts, and storekeeper prepared requisition and he
21 sent requisition to company.

22 Q. And how would they be followed up to see
23 when they were -- if it was approved from ashore for
24 the parts --

25 A. It was approved.

1 Q. To when they were received onboard?

2 So it's a two-stage question. When they
3 were approved or when, you know, the part was going to
4 come, they accepted the part.

5 A. Yeah.

6 Q. And then when was it aboard, how was that?

7 A. And we received information what should we
8 going to get, and when we receive, and after when we
9 receive on boat we send back message that we receive
10 on boat some spare parts.

11 Q. And who handled that? Was that the
12 storekeeper?

13 A. For the checking what we receive, we check
14 personally with storekeeper, engineers or storekeeper
15 and confirmation was sent by storekeeper.

16 Q. Can we now discuss how the primary
17 communication between yourself and the engineering
18 personnel, did you have standing orders?

19 A. Yeah.

20 Q. What was in those standing orders?

21 A. Could you repeat once again?

22 Q. Sure.

23 The communication that engineering --

24 A. No, not question. Not question.

25 Q. How would you, as far as -- let me rephrase

1 this here.

2 The distribution, let's say the distribution
3 of work on a daily basis, were you involved with that
4 or is that the first engineer?

5 A. No, we had standing orders. First we had
6 every day evening time we discuss it with engineers
7 and first engineer what should be done. Next day
8 morning time once again we confirm it, what is
9 important, what should be done, and some changes or
10 not and we follow according to this, how to say, what
11 we discuss it before because some changes we changed
12 our jobs --

13 Q. 8:00 a.m.?

14 A. Just before starting job when all person we
15 discuss what should be done by who and we send the
16 people to the jobs.

17 Q. How was work/rest tracked for the engineers?

18 A. We had program.

19 Q. What was the name of the program?

20 A. I don't know exactly what the name, but it
21 was work and rest hours.

22 Q. And who reviewed the hours?

23 A. I think it was done by the storekeeper, but
24 we check the -- there is a copy to our working hours
25 or no, has the date --

1 Q. And this was imputed by the storekeeper or
2 each engineer personnel?

3 A. If I remember, storekeeper.

4 Q. And so how would you be warned if someone
5 was exceeding their work/rest hours?

6 A. Generally we tried to work according to
7 proper working and rest hours and we would not pass
8 more than -- we won't work more than according to
9 company regulations. But if we work longer, we given
10 compensation for the person who work longer, but if I
11 remember, there was not situations that we work longer
12 than necessary.

13 Q. And what was a typical day for an engineer,
14 eight hours a day at work?

15 A. Even I remember 15 hours per day or 12 hours
16 per day.

17 Q. Twelve hours per day on average, roughly?

18 A. I don't remember exactly.

19 Q. And you said?

20 A. That was maximum, maximum.

21 Q. Yes, that was the max?

22 A. No more than eight hours per days, no more
23 than eight hours per day.

24 Q. But you believe that the maximum was 13
25 hours. Is that in a company policy?

1 A. Maximum was according to regulations we
2 couldn't work more than weekly, for example, 67 hours
3 per week and we tried to follow according to this, but
4 it was company regulations to work according to the
5 manual.

6 Q. Okay. The work/rest rules under STCW?

7 A. Yeah, exactly.

8 Q. Okay. But do you know if there was any SMS
9 policy for fatigue management or work/rest rules; do
10 you recall?

11 A. (inaudible).

12 Q. Safety management system, was there a
13 fatigue management or a procedure specifically for
14 work/rest in the SMS?

15 A. I don't remember, but I don't remember.

16 Q. Back to your standing orders, did you have
17 to update them when you took over as chief engineer?

18 A. The standing orders were prepared when I
19 joined the ship in general information, and every
20 night, every at night, every evening I get feedback,
21 chief engineer night order rules. We are shown orders
22 for what we must pay attention, what kind of job
23 should be done during the night for work we must keep
24 -- it was another one chief engineer night orders.

25 Q. Can you go through and describe how you

1 monitored the engineering rounds, how you as a
2 supervisor and manager of the department monitored the
3 engineering, how they made rounds of the engineering
4 space?

5 A. Because it was watch system, we work on
6 watch system, every time engine was it was manned.

7 Q. Manned engine?

8 A. Yeah, exactly.

9 And engine and (inaudible) during the day
10 additional persons, and monitor in engine room
11 according to, to -- the monitor engine room very
12 often, I cannot say tell you every 15 or 30 minutes,
13 but very often.

14 Few times per watch they check and they
15 generally spent time in the engine room during the
16 watch to monitor and to do some jobs in engine room.

17 Q. Let's go specifically into, let's say, the
18 rounds around the main engine. Can you discuss what
19 you instruct your engineers to look at?

20 A. We, yeah, exactly, in the beginning
21 engineers and the (inaudible) were informed for what
22 they should pay attention, what kind of machinery,
23 what kind of system they should pay attention, and we
24 inform them, and we prepared special sheets to monitor
25 temperatures, pressures, for the auxiliary engine, for

1 the main engine, and they observe and they noted on
2 the check temperature, pressure and some places we
3 should be monitor from time to time or more often if
4 necessary, fuel pumps, fuel systems, lube systems,
5 piping systems, generally, you know, there are some or
6 not leakages.

7 Q. So let's now go into your the workload from
8 the transition from Tunisia shipyard to Cardis because
9 I know you went through a major overhaul and you were
10 there in Tunisia shipyard.

11 A. No, I was not over there.

12 Q. Oh, you were only in Cardis?

13 A. Yeah, I join ship in Cardis.

14 Q. What work was performed in Cardis?

15 A. General we overhauled auxiliary engines and
16 some additional jobs which were prepared by the
17 previous staff. The list was prepared by the previous
18 staff.

19 Q. Was there anything specific when you left --
20 in Cardis to monitor when you left the -- because
21 wasn't work performed on the port main engine in
22 Cardis?

23 A. No, in Cardis we -- no jobs with main
24 engines were carried out.

25 Q. How would you monitor temperatures on the

1 main engine with your check sheets?

2 A. In two ways: We had monitor system and the
3 signals were transferred from engines from the
4 computer and another one from time to time we used
5 digital thermometer.

6 Q. Chief, I'm going to bring up an alliance
7 diesel retrofit technical report, it's Exhibit 154.

8 You will see shortly an alliance diesel
9 retrofit. They were the technical representative.

10 A. Oh, this one, yeah, this one job was carried
11 out in, yeah, this one was carried out sorry, I forgot
12 about this. This was carried out by the -- from
13 France (inaudible) yeah, this was done, sorry, I
14 forget about this.

15 Q. No. It's -- go ahead. Sorry.

16 A. Yeah, this job was carried out.

17 Q. Did you see this report?

18 A. Yeah, I saw it. I saw it.

19 Q. Were you aware or did you -- if you scroll
20 down to section G we will read it off here a little
21 bit for you, the hydraulic tools. This talks about
22 the ship's hydraulic pumps.

23 A. Yeah, if I remember it was (inaudible).

24 Q. Do you know when the hydraulic pumps and the
25 flexible hosings were replaced?

1 A. Just a moment, one moment I will see.

2 If I remember, this order was prepared
3 before I joined the ship, and I don't remember if we
4 receive or not onboard when I was onboard the ship. I
5 cannot tell you.

6 Q. How could you monitor then the tightness of
7 the repairs or to ensure that there was --

8 A. You are talking about this, yeah?

9 Q. Yes.

10 A. If I remember they borrow the equipment from
11 shipyard and was done using shipyard equipment.

12 Q. In Cardis?

13 A. In Cardis, yeah. I forgot about this one
14 type of job which was done in Cardis by the ship
15 service.

16 Q. As far as your rounds, how were you
17 monitoring the bearing temperatures on the port main
18 engine, starboard main engine after the completion of
19 the bearing repairs?

20 A. I don't remember but if I remember the
21 temperature when (inaudible) but by the way we check
22 always by the digital thermometer. But I don't
23 remember it was (inaudible) or not.

24 Q. Was there any concern vibration that is laid
25 out in section H of this report on the starboard main

1 engine, was there still vibration?

2 A. I think no, there was no vibration when I
3 join the ship, when they replace this one bearing
4 because it was outside from the -- (inaudible).

5 Q. From the shipyard, correct, yes?

6 A. The shipyard because they now I remember,
7 they didn't get (inaudible) and after proper ones were
8 delivered when supply in Cardis, after replace this
9 one bearing and after clean filter, because only one
10 problem we had with filter during my contract. There
11 were no more problems with my engines, I didn't
12 observe.

13 Q. How often would you have to inspect and
14 clean the Monte back flow or back flush for the oil?

15 A. We had problem only with one filter.

16 Q. Which engine?

17 A. I don't remember how it was in the
18 beginning, but I have to explain you, because we had
19 two engines and two filters one of them was, working
20 perfectly another one was working improper. I don't
21 remember. I'm not sure that we change it or not
22 change it, the filter, to check what is the problem
23 with the filter or with the oil, but finally we keep,
24 kept the wrong one filters. It means this one which
25 was working not proper in port side engine, then we

1 clean it, yeah, like this and we clean it this filter
2 very often, in the beginning every day, but when we
3 receive new filter (inaudible) which we order it when
4 because filter was not in good -- how to say not
5 proper made maybe, it was good new one when we receive
6 other new filter, when we replace filter with new one,
7 the problem finished.

8 And that is all, after replacing the filter
9 we have no more problem with the filter.

10 Q. Okay. But you're not sure if that was on
11 the port or starboard main engine?

12 A. For sure in the end this filter was filtered
13 on port side engine.

14 Q. But I was just curious, this document when
15 the residuals -- and I know a lot of this comes up
16 after the shipyard and all of the work that had been
17 done, some of the new bearings, the wearing, you will
18 see this accumulation of residual and some of the
19 small deposits.

20 A. No.

21 Q. Okay. I was just curious if you could
22 remember which one was continuing to give you a little
23 bit more problems?

24 A. Could you repeat?

25 Q. Yeah, I was just curious to know which

1 engine, as indicated in this report, was giving you
2 more problems but after you changed out the filter
3 there was no more problems?

4 A. We have no problem with main engine. We
5 have the problem with filter which was blocked from
6 time to time and it was the result why we order new
7 filter (inaudible) to replace this faulty one.

8 There was not problem with the oil, problem
9 was with the filter.

10 Q. Oh, okay.

11 A. When we replaced filter, the filter is in
12 the system, yeah, and I think this filter is not
13 (inaudible) for fire, yeah, was a different story.

14 Q. Okay. So there was an issue with the filter
15 itself?

16 A. We replace the filter and we reach problem,
17 we solve the problem because the filter was
18 (inaudible).

19 Q. Was there, when you're looking through the
20 port main engine versus the starboard main engine, the
21 revolutions per minute, RPM, was there -- did they
22 operate the same RPM?

23 A. If I remember, yes, it was the same RPM.

24 Q. What RPM was it approximately?

25 A. Four hundred when we started, 400 if I

1 remember, 450 and after 460, 70s, depends pitch.

2 Q. On the pitch on the load on the engine?

3 A. Generally between 450, if I remember 460, 70
4 maybe.

5 Q. And just to clarify, the port main engine
6 after the repairs ran at roughly 450, 470?

7 A. I don't remember exactly, but I think it is
8 range.

9 Q. Okay. Because the reason why I'm bringing
10 this up is because in the report it shows conditions
11 of high vibration as well as still a little bit of a
12 lower RPM, they have in there recorded at 390.

13 A. But we don't operate at 390. We operate
14 more than 400 RPM.

15 Q. But for you when you were onboard, you can
16 confirm that it operated at approximately 450 to 470
17 RPM?

18 A. I don't remember maximum, but I think
19 maximum of 470. I can't confirm, but I am not sure
20 because I must, I should check the documents. It was,
21 I thought, noted, but now it was a long time ago, but
22 if I remember between 450, 460, 70.

23 Q. Okay. Understood. No that is -- we will
24 refer back to the documents later.

25 Can you discuss -- were you aware of the

1 port main engine, the Vulkan coupling changed out?

2 A. Could you repeat?

3 Q. Were you onboard or were you aware that the
4 port main engine Vulkan coupling was changed out?

5 A. One coupling was changed.

6 Q. On the port main engine?

7 A. (inaudible).

8 Q. So it was a new installation, in the same
9 exhibit that shows there was one new Vulkan coupling
10 changed out and then the four rubber elements were
11 reported and marked as well and balanced on the port
12 main engine?

13 A. If I remember, couplings were in good
14 conditions both of them.

15 Q. Even the starboard main engine coupling
16 which is, according to the report, it's original back
17 to 28 years old, according to this report.

18 A. Just a moment. I must think.

19 If I remember, one was replaced in shipyard,
20 yeah, because was not so good condition. Another one
21 was not replaced because was in good condition, if I
22 remember.

23 According to information which I received
24 from previous chief engineer, yeah.

25 Q. Okay. At this time I would like to just go

1 through as far as tools, and equipment onboard your
2 vessel for the main engines.

3 A. Could you repeat?

4 Q. Yes. I'm going to display exhibit -- I'm
5 sorry, we are still on Exhibit 154.

6 (pause.)

7 BY MR. WISNIEWSKI

8 Q. Chief, this is the items that we were
9 talking about, the couplings.

10 A. Yeah.

11 Q. Could you just take a second to read that
12 there.

13 (witness complies.)

14 BY MR. WISNIEWSKI

15 Q. So you said you did see this report while
16 you were onboard?

17 A. Could you show me --

18 (pause.)

19 Q. Chief, let me know when you're finished.

20 A. Yeah, I see up there on the -- down on the
21 last line what is showing something about coupling,
22 but if I remember everything was under control,
23 company, yeah, and if I remember because I wasn't in
24 shipyard in Cardis -- in Tunisia.

25 They replaced only one that time. They

1 replace one coupling because was in not good
2 condition. Another one they didn't replace because
3 was in good condition, but here I see different
4 report.

5 Q. Okay. But my question is then was there any
6 type of vibration analysis performed?

7 A. But when I was onboard I didn't feel any
8 vibration, I didn't feel any vibration near the main
9 engines.

10 Q. Okay. Understood.

11 I just want to make sure that -- was there
12 any type of vibration analysis reports performed by
13 the shipyards?

14 A. Could you repeat once again?

15 Q. Sure. Sometimes after the shipyards you go
16 through and have a vibration analysis performed on the
17 main engines to ensure everything is wearing in
18 correctly, was a report generated by the shipyard on
19 vibration?

20 A. I think not.

21 Q. Okay. Was there any type of vibration
22 monitoring onboard the vessel?

23 A. These jobs were done under supervising
24 previous chief engineer and during sea passage. I
25 didn't observe any vibration. I didn't observe

1 difference between starboard side and port side
2 engine.

3 Q. Thank you. Yeah, thank you for that.

4 I will move on.

5 Let's -- can we go through the starboard
6 main engine, fuel oil supply manifold, a week before
7 the accident. There was corrective maintenance
8 performed in the starboard main engine.

9 A. I think yes.

10 Q. End flange?

11 A. I think yes.

12 Q. Were you involved or did you supervise that
13 corrective maintenance?

14 A. This job was carried out by the first
15 engineer and senior (inaudible) and supervisor was
16 previous chief engineer and he was supervisor then.

17 He told me that was properly done.

18 I was informed that we had, like, this kind
19 of problem and we will do, like, this job and he was
20 in charge.

21 Q. Okay. And so the first engineer, did he
22 supervise it as far as the selection of the gasket
23 material?

24 A. I think previous chief engineer and first
25 engineer together they did this job.

1 Q. Oh, so it wasn't a week before, it was with
2 the old chief engineer?

3 A. Yeah.

4 Q. How far back, what timeframe did this go on?
5 Was it one week before?

6 A. I think something like this, a few days
7 before.

8 Q. Just a few days before the accident, the
9 fire?

10 A. Maybe one week, maybe few days. I don't
11 remember exactly.

12 Q. Would that be captured in the corrective
13 maintenance form, the work that they performed on that
14 end flange?

15 A. Could you repeat?

16 MR. WISNIEWSKI: Can you bring up exhibit?

17 BY MR. WISNIEWSKI

18 Q. I will pass on that question, but I was
19 trying to figure out if it was recorded anywhere,
20 corrective maintenance for that work.

21 A. This job was recorded, I think, yeah.

22 Q. And where would it be recorded on?

23 A. Daily job book.

24 Q. The daily job book. And so is that just a
25 written document onboard?

1 A. It was book prepared by us, prepared by me
2 when I joined the ship.

3 Q. And are they captured in a computer or
4 stored electronically?

5 A. And we started to transfer all information
6 regarding maintenance jobs carried out before perform
7 few days before I see them.

8 Q. Do you have -- are you aware was there a
9 torque wrench used on that specific job?

10 A. If I remember, always when they make like
11 this type of job they check the tightening in the
12 manual and they used proper devices, if I remember.

13 Q. Do you have, do you remember if there was
14 torque wrenches onboard?

15 A. I saw this (inaudible) but now I cannot tell
16 you on this ship or another ship, yeah, I think there
17 was. I think there was.

18 Q. And are torque wrenches calibrated? How are
19 they calibrated? Is there a procedure onboard?

20 A. There was not. I didn't know about
21 procedures, how to calibrate onboard.

22 Q. Okay. Would a storekeeper send a torque
23 wrench ashore to be calibrated in accordance with the
24 manufacturer's recommendation?

25 A. I told you I was not so long time onboard.

1 I don't know all procedures on this boat.

2 Q. Okay. That is fair enough. I'm just trying
3 to figure out what you knew as the chief engineer for
4 the one month you were onboard. Thank you.

5 A. I think, by the way, I think that when we
6 tight some screw or some mast it was done as scheduled
7 sea practice.

8 Q. And can you describe that a little bit more?
9 What is good sea practice to tighten?

10 A. It was in my experience engineer it means
11 generally I know how much I should -- I know
12 approximately which how big torque I can use for which
13 type of knot and screw and how much I should tighten
14 too strong or not, and we have in manual information
15 for example mast M 6, 8, 10, or 20, use like this
16 wrench. And according to my experience, and
17 experience of people followed at sea we can know how
18 much is we need use this type of torque or this kind
19 of torque big or smaller, which like that.

20 Q. Chief, when you were looking through,
21 reviewing information records for the port main engine
22 supply flange, the flange that failed, the one that
23 sprayed fuel, were you able to find any corrective or
24 procedures or logs on that work?

25 A. I didn't see it.

1 Q. Would they be stored on the computer, the
2 old or these would be paper logs; correct? You are
3 converting from paper to electronic?

4 A. Could you repeat once again?

5 Q. Sure.

6 The port main engine supply inlet flange,
7 that failed.

8 A. Yeah.

9 Q. Looking at the flange, you can see it was
10 not the original flange that was in place.

11 A. Port side, yeah, it was not original, yeah,
12 exactly.

13 Q. I was just trying to indicate or try to see
14 what you knew about the maintenance or how long ago
15 that flange was actually worked on?

16 A. I had no information. I didn't receive any
17 information from the previous chief engineer from the
18 notes. I didn't found information about this flange.

19 Q. Okay. No records of the previous work,
20 thank you.

21 A. The flange was covered by the anti splash
22 tape.

23 Q. Since you brought up the splash tape, do you
24 know if there was plenty of splash tape onboard to
25 perform -- it's called spray tape and it's used on the

1 fuel and oil systems. Do you know if there was a
2 supply of it onboard when you performed this
3 corrective maintenance?

4 A. It was installed before I joined the ship.
5 I don't know when.

6 Q. But you had spare tape onboard?

7 A. There was plenty other spare parts onboard
8 and I think when they delivered the spray tape that
9 was onboard, the manual onboard.

10 Q. For the record, we are discussing the spray
11 and fuel. They call it spray stop, and it complies
12 with the IMO regulations for protecting the fuel and
13 piping systems to prevent the --its an anti splash
14 tape.

15 A. But I think this type was checked by the
16 class and Coast Guard.

17 Q. Yes, it is class approved and it complies
18 with IMO A653 regulations.

19 And based on the spray tape, what you saw it
20 when you walked around the main engine and saw how it
21 was put on in your opinion was that put on correctly?

22 A. This port side?

23 Q. Port side specifically, yes, the port supply
24 flange tape. Was there enough used?

25 A. I told you, it was installed before me and

1 because it was covered by the anti splash tape even
2 during inspection I cannot see what is condition of
3 this flange, yeah, it was not visible.

4 Q. Correct. I'm not worried about the flange.
5 I was just curious was there enough spray tape on the
6 flange to protect it as it is required to be in your
7 opinion?

8 A. You think it was not good enough, yeah?

9 Q. I'm asking for your opinion on that, yes, if
10 there was enough or not enough spray tape.

11 A. Based on my experience because this
12 (inaudible) flange was not so good condition, yeah, if
13 better condition would be enough, for sure. I think
14 it was in good condition when I saw this one, look
15 like okay.

16 Q. And when you looked at other spray tape
17 applications on the both port and starboard main
18 engines, did you go back through after the fire or to
19 evaluate how much was put on versus where it was put
20 on at the port main engine fuel supply site for
21 comparison?

22 A. Both sides, both engines?

23 Q. Both engines, yes.

24 A. What do you want to compare?

25 Q. The spray tape application.

1 A. In my opinion it was the same for all of
2 them, for all of flanges for both engines.

3 Q. Okay. I'd like to pull up Exhibit 147.

4 This is a MAN customer information bulletin
5 that they put out. The number is 211E dated
6 March 2005, the engine site to this accident was the
7 5864.

8 A. Yeah, it was other engine.

9 Q. Chief, let me know when you're done reading
10 so we can scroll down farther for you.

11 A. Okay.

12 Q. Chief, are you able to view the wording
13 underneath the figures?

14 A. Now I see.

15 Q. Okay. Let us know when you would like to
16 scroll farther.

17 A. I see, but hold on.

18 Q. Okay. Chief, here is my question for you if
19 you are ready.

20 A. Yeah.

21 Q. Do you know if any retrofit of installation
22 for the fuel or lube oil systems were conducted by
23 MAN?

24 A. I didn't hear you.

25 Q. Are you aware of any retrofit or

1 installation of the fuel lube oil systems, this
2 installation blankets being put on for shielding?

3 A. Could you repeat? Could you repeat because
4 the question is for me what period.

5 Q. Okay. First question: Have you ever seen
6 the type of customer information bulletin from MAN?

7 A. No, I didn't see.

8 Q. Okay. How would information on MAN customer
9 service bulletins, how would they reach you on let's
10 say other ships or is there a library onboard the ship
11 to access this information?

12 A. Yeah, we have the information from engine
13 makers such as bulletins like this.

14 Q. You even though you haven't read this one
15 you have access to all of these onboard the Caribbean
16 Fantasy?

17 A. I have access.

18 Q. Okay. And based on your reading of this,
19 can you tell if a retrofit of installation or fuel was
20 put onboard the Caribbean Fantasy's main engines? Do
21 you know if this work was performed?

22 A. But as I told you, its anti splash tape was
23 fitted, was started before me and was approved by the
24 class.

25 Q. Okay. Thank you. I'm going to move on next

1 to Exhibit 156 which is also a customer information
2 bulletin, number 195E and it's from May of 2003.

3 A. Okay.

4 Q. Chief, my question for you is: Are you
5 aware, was there any type of thermography or thermal
6 imagery conducted onboard after the overhaul in
7 Tunisia or Cardis to identify hot spots?

8 A. Could you repeat?

9 Q. Thermal --

10 A. I think it was done by the shore company but
11 could you repeat once again your question?

12 Q. Sure. I'm just curious to know if there was
13 any type of reports that were provided to you as the
14 chief engineer regarding any type of thermal imagery
15 performed on the main engine after the shipyard, after
16 the main engine overhaul?

17 A. Report if I remember the report was written,
18 it was done by the shore service, and report should be
19 available onboard.

20 Q. Should be available on board, okay. And
21 what which shipyard?

22 A. There should be for me but (inaudible).

23 Q. Okay. While you were onboard, did you have
24 to replace any of the lagging or installation blankets
25 on the exhaust manifold?

1 A. When I was onboard, when we started from
2 Cardis I didn't know about exit manifold, yeah,
3 because you asked about exit manifold, yeah.

4 We replace some gasket on exit manifold.

5 Q. On which engine? Both of them with your
6 thermal or your laser gun that you shot temperature,
7 could you also check for hot spots during rounds was
8 that part of a round?

9 A. Yeah, we check.

10 Q. So how would you check? Can you describe
11 that a little bit for us.

12 A. We are using digital thermometer. We check
13 temperature in some place, yeah.

14 Q. Was there any abnormal readings or high
15 readings?

16 A. No.

17 Q. Chief, I'd like to go through, just now, go
18 through the port main engine real quick with you.
19 When you stumbled upon the leaking valve in your
20 interview, you indicated that you believe that the
21 fuel sprayed in the direction of the turbine; is that
22 correct? The exhaust turbine.

23 A. Yeah, near the turbo charger, yeah, this
24 area.

25 Q. And can you quantify for me to like how much

1 fuel or do you think was spraying out at that time
2 when the fuel first ignited?

3 A. Like spray gun, something like this.

4 Q. But it was a constant stream a, constant
5 spreading?

6 A. Was sprayed the turbo charger, like the
7 spray, like spray.

8 Q. And how many directions, around the flange
9 that it was spraying out from, from your -- from what
10 you saw, I understand we are going back six months.

11 A. Because it happened very fast when I saw
12 first spray, it was from look like continue to spray
13 (inaudible) and from this part of the flange engine
14 was near the, between the fuel line and turbo charger,
15 yeah, from the how to say from our ship starboard
16 side, side of flange.

17 Q. Okay. Thank you.

18 Can we discuss now a little bit as far as
19 switching over from a heavy fuel to ultra low sulphur
20 fuel to comply with the emission control areas under
21 MARPOLE Annex VI, have you experienced any problems in
22 conducting a fuel switch?

23 A. Are you talking about troubles with this
24 ship?

25 Q. This ship, correct, this ship.

1 A. No special, no problems.

2 Q. No problem, no problems with running on
3 ultra low sulphur diesel while inside --

4 A. Could you repeat?

5 Q. Sure. The fuel that you have to burn inside
6 the emission control area, it has to be ultra low
7 sulphur diesel, did you have any problems operating
8 this engine on ultra low sulphur diesel?

9 A. No problem.

10 Q. No leaks developed from the changing of
11 temperatures from heavy fuel, which is a heated fuel,
12 to diesel which is ambient or water temperature based
13 on where the fuel is coming from?

14 A. What kind of changes?

15 Because there was no special changes. Okay.
16 Pressure was different inside, temperature was little
17 bit different, but it was normal, standard, when we
18 changed from fuel, from one to another one, yeah,
19 there was no problems.

20 Q. No problems, it operated the engine operated
21 responded to changes in load pitch on diesel?

22 A. No, because we, if I remember, we use 180
23 heavy fuel, not heavy fuel, typical heavy fuel.

24 Q. Okay. When was the last time that the
25 bunker delivery notes when you took fuel, when you

1 took bunkers?

2 A. In Puerto Rico first, I think first come in
3 Puerto Rico. The date I don't remember, when we
4 sailed from Europe to Dominicana and from Dominicana
5 to Puerto Rico, if I remember we bunkered fuel.

6 Q. And you received the fuel analysis report?

7 A. Not yet, when I was onboard.

8 Q. Even up in October, did you have -- did you
9 review the --

10 A. No, in October I have no connection with the
11 office.

12 Q. Did you have any -- sorry, go ahead.

13 A. Because since date of fire I have not access
14 to the email, yeah.

15 Q. Did you have any concern about the bunker
16 delivery note that was provided to you to sign for the
17 fuel?

18 A. Could you repeat?

19 Q. Sure. When you received bunkers, the bunker
20 delivery note that was provided by the supplier.

21 A. Yeah.

22 Q. That goes through the temperature, density,
23 viscosity.

24 A. Everything was complied with regulations,
25 yeah.

1 MR. WISNIEWSKI: Okay. Thank you. That is
2 all I have at this time. I'd like to turn it over.
3 Open the floor for the next --

4 CDR CAPELLI: We are going to take a recess.
5 We have been going on for about another hour and a
6 half. So we are going to take a recess and reconvene
7 in ten minutes.

8 (Whereupon, a recess was taken from 12:05
9 p.m. until 12:20 p.m.)

10 CDR CAPELLI: Okay. The time is 12:20.
11 We're going to reconvene.

12 Chief engineer, you still remember you're
13 under oath.

14 LTJG DIAZ-COLON: Chief, did you hear any of
15 that?

16 Okay. The time is 12:20. We are
17 reconvening --

18 THE WITNESS: Yeah.

19 LTJG DIAZ-COLON: -- The hearing. And then
20 do you remember you're still under oath, correct?

21 THE WITNESS: Correct.

22 MR. WISNIEWSKI: Hi, Chief. Luke Wisniewski
23 NTSB again here.

24 BY MR. WISNIEWSKI

25 Q. I want to go through real quick with you the

1 removal of the port main engine, the fuel oil flange
2 that you removed after the accident. Can you describe
3 for me what direction you were given, who did you talk
4 to? Can you go through what -- how you -- in the
5 removal of the flange.

6 A. Yeah, I remove the flange together with
7 (inaudible). You are talking about the port side
8 engine just (inaudible).

9 Q. Correct.

10 A. And do you want to know exactly how it was
11 done?

12 Q. Well, first I want to know what instruction
13 you received and who you received it from.

14 Take some time to just recall who talked to
15 you.

16 A. Just a moment, just a moment, instruction
17 was from I don't remember from Coast Guard or from the
18 insurance to remove the flange.

19 Q. Who was present from Baja Ferries?

20 Who was there?

21 A. When we cut the flange?

22 Q. Yes.

23 A. I remember only that (inaudible) and
24 insurance surveyor was over there and me, who else I
25 don't remember.

1 Q. How about outside underneath the tent,
2 before you went in, who did you receive instruction
3 from?

4 A. From surveyor. How to remove, how to cut,
5 how to --

6 Q. Right. Who instructed you, yes, I'm just
7 trying to understand all of the players that were
8 involved because we didn't have a written procedure as
9 far as how you were going to remove that flange and it
10 was discussed on scene.

11 So I'm just -- I want your account of the
12 removal.

13 Who instructed you to cut? Who was there
14 from what you can recall.

15 A. I follow according to instruction received,
16 if I remember, from surveyor and Coast Guard
17 representative, but exactly who give me instruction, I
18 cannot tell you, Coast Guard or surveyor.

19 Q. Okay. Did you consult or did you talk to
20 anyone with Baja Ferries?

21 A. About cutting the flange?

22 Q. Yes. Who was there from Baja Ferries?

23 A. I don't know. I don't remember the persons
24 who are over there except surveyor and Coast Guard
25 representative, U.S. Coast Guard representative. I

1 don't remember how many persons were there, for sure,
2 three persons. One person from Coast Guard, surveyor
3 and me, who else, I don't remember.

4 Q. Can you go through with us and discuss how
5 it was removed? What preparation work was performed
6 before cutting?

7 Can you go through that.

8 A. Yeah, we discuss it with -- for sure we
9 discuss it with surveyor.

10 Q. And can you take me through the process you
11 did, before you cut.

12 A. He asked us to refill the manifold, move the
13 (inaudible) after we bolted and after we start cut, to
14 cut.

15 Q. And how did you remove it?

16 A. By the saw, we by the saw we cut.

17 Q. Right. And from your account, do you
18 remember if there was any fuel left inside or it was
19 just water; correct?

20 A. I think only water, correct.

21 Q. Okay. And after removal of that flange,
22 what was your initial thought of that, what was your
23 initial thought of the removal and the condition of
24 that flange?

25 A. I was surprised.

1 Q. Please explain. Please expand.

2 A. Do you want to know exactly what condition
3 the flange was when we remove, the flange, yeah.

4 Q. Yes.

5 A. The condition was not look like should be,
6 can I say like this.

7 Q. Can you explain a little bit more?

8 A. It was in not so good condition.

9 Q. Okay. I will ask you a few questions then
10 to try to maybe solicit more information. Would you
11 have put that blank flange on?

12 A. No.

13 Q. If you were given that job or task to
14 perform?

15 A. Yeah, I understand your questions.

16 Q. Okay.

17 A. First, I did not do this job, yeah.

18 Q. Understood. But seeing what the condition
19 was in, you are telling me that you would not put that
20 blank flange on?

21 A. I do not give you (inaudible) I was only
22 person who cut the flange, I know this part.

23 Q. Okay, Chief, I'd like to now move onto the
24 quick closing valves that were tied to the fuel, the
25 quick closing valves to the fuel and the dampers from

1 the machinery space, when you activated it in the
2 stairwell.

3 A. Yeah.

4 Q. Can you go through and discuss what
5 technical manuals were onboard available to you and
6 the crew for these quick closing valves?

7 A. Yeah. I saw this manual onboard.

8 Q. Did it have readable diagrams or
9 information?

10 A. In the manual, I saw description how it was
11 working, the system, and how worked the valves and
12 diagrams in -- I don't remember in my cabin.

13 Q. What language was the manual in?

14 A. For quick closing valves, if I remember,
15 English.

16 Q. Can you go through and just describe real
17 quick the operation of those quick closing valves?

18 A. After activating the air, the air is coming
19 to the -- for the line to the valve and over, I don't
20 remember how exactly, but one time I'm explained this
21 kind of valve, how it was working surveyor and the
22 Coast Guard, U.S. Coast Guard representative, and the
23 air is going to the valve and over there is moving one
24 part inside the valve and after this part is pressing,
25 I don't know exactly it was -- I don't remember

1 exactly now, pass pressing somewhere and valve is
2 closing.

3 (inaudible) but the manual is drawing how is
4 working.

5 Q. Do you know when the last time the quick
6 closing valves were activated?

7 A. I remember during U.S. Coast Guard
8 inspection.

9 Q. And did they close, did they operate as
10 designed?

11 A. Yeah.

12 Q. Did you --

13 A. Yes.

14 Q. How do you reset the valve after it closed?

15 Can you go through and describe what the
16 Port State Control did to test the valve, to ensure it
17 operated as designed?

18 A. Can you repeat once again?

19 Q. Sure.

20 When Port State Control was onboard to test
21 the valve, how was it tested?

22 A. Quick closing valve?

23 Q. Yes.

24 A. As I told you, we open up the -- we change
25 over position one valve. We supply (inaudible) to the

1 system and activated quick closing valves.

2 Q. And so did the valve drop the pressure off
3 or did it -- how did you verify it was closed?

4 A. We observe on the --

5 Q. Stem?

6 A. On the valve indication. There is
7 indication, open/close, the valve, and the arrow is
8 moving down or up for this (inaudible) indication.

9 Q. So how many valves were tested during the
10 Port State Control inspection?

11 A. All of them because it is only the one line
12 for all of the valves.

13 Q. And you were present, you verified that all
14 of them closed with the Coast Guard?

15 A. I was with Coast Guard, I check with them
16 three valves, three valves is the right across from
17 the engine room, there is (inaudible) fuel, if I
18 remember, service after the one more for boiler, I
19 think. I don't remember exactly, three valves were
20 over there.

21 Q. In the engine room?

22 A. In the engine room lower platform.

23 Q. Is there a quick closing valve on the lube
24 oil storage tank?

25 A. Lube oil storage tank, there is, I don't

1 remember, lube oil storage tank is in the corner.

2 Q. Is in the corner, correct.

3 A. But is diesel, for sure diesel room service,
4 but for the now I don't remember for lube oil storage,
5 lube oil tank, quick closing valve or not, I don't
6 remember.

7 Q. Are these checked on a periodic basis? I
8 know you tested them just before the Coast Guard, but
9 is there a --

10 A. No. I'm sorry.

11 Q. Is there a period test you perform,
12 quarterly, semi annually?

13 A. Generally we are testing weekly. Weekly.

14 Q. And where are those recorded at?

15 A. No. Sorry. Excuse me. Three monthly,
16 three monthly.

17 Q. Three months. Are they captured in a
18 quarterly report?

19 A. Me?

20 Q. Yeah. Are they recorded on a sheet?
21 Because I asked the technical superintendent for the
22 quarterly safety device check. I will bring it up on
23 the screen for you.

24 It's Exhibit 155. The form number is OP48,
25 quarterly safety device report.

1 (form displayed)

2 A. Yeah. Yeah.

3 That form, what is this form? Yeah, this
4 form I saw this form when I received documents from
5 company.

6 Q. Okay. But I don't see it here on this --
7 for the engineering space listed.

8 A. But there is safety device.

9 Q. You are saying there is another form that is
10 still out?

11 A. No, this one. I will check my computer.

12 Q. This is the main engines, the diesel
13 generators.

14 (pause.)

15 A. And your question is?

16 Q. I don't see the -- I fail to see them on
17 this form. That's why I was just asking if there was
18 another form.

19 A. No. I am checking just a moment. I am
20 checking my form. This is 48. Because is there only
21 one form? I will check. Just a moment.

22 (pause.)

23 Q. Chief, if you're saying there's another
24 form, just do the time, do you think there is
25 another --

1 A. No. I think this one.

2 Q. What else would be listed on this other form
3 as part of the preparing space?

4 A. Could you repeat?

5 Q. What other, you say that the quick closing
6 valve is recorded on another form. What other items?

7 A. No. No. No. No. No. No. I told you
8 that it's tested quarterly, but three monthly report
9 form, I told you that I saw three monthly report form.

10 This saying like you show me, but there is
11 no information. I have this same form.

12 Q. Would it be recorded in the engine room
13 logbook?

14 A. Should be. Should be recorded in engine
15 room book.

16 Q. Chief --

17 A. I don't remember. It was noted or logged in
18 daily job books when we tested.

19 Q. But you're saying they were tested just a
20 week before the accident?

21 A. Yeah. We tested at least two times. One
22 time when we check the system, and one time when was
23 because of inspection.

24 Q. So was there any work performed on any of
25 these valves in the shipyard part of the shipyard

1 package?

2 A. I can't understand. What means shipyard
3 package?

4 Q. Right. The quick closing valve. Was there
5 any maintenance performed on them in the shipyard?

6 A. In the shipyard, I don't know. I wasn't on
7 the shipyard.

8 Q. Okay. But as far as you know all of them
9 operated as intended/designed?

10 A. All of them were (inaudible) when we tested
11 we saw that what those in engine room I saw that they
12 are working. They were working.

13 Q. Chief, I'd like to now bring up an image and
14 it's Exhibit No. 221. This is a picture taken after
15 the accident on the fuel tank.

16 A. Yeah.

17 Q. Starboard the storage tank.

18 A. Yeah.

19 Q. And on this one we scroll now to the next
20 Exhibit 222. This is what is referred to sometimes in
21 the industry as like a jacking bolt and nut, that is
22 placed inside.

23 A. Yeah, I see.

24 Q. Can you describe like why would these be
25 used or why would these be in place onboard?

1 A. I have no idea.

2 Q. Have you used these ever to test the valves?

3 A. As I told you, I check personally in engine
4 room the valves outside the engine room, I didn't see
5 because they are outside engine room, in the IC room
6 compartment.

7 Q. Okay. We have other pictures that show the
8 fuel, quick closing valves inside the engine space, in
9 particular the diesel oil tank, the HFO service tank
10 and you were there the day that we actually witnessed
11 or looked to remove one of the bolts, do you recall,
12 to see if the flange would close?

13 A. Which flange?

14 Q. The quick closing device.

15 A. Yeah.

16 Q. We removed from the storage tank, you
17 verified for us.

18 A. Yeah.

19 Q. And removed these within the engineering
20 space and we found a total of eight quick closing
21 devices that were blocked open after the accident.

22 A. As I told you, I have no idea when and who
23 fixed it like this.

24 Q. Okay. Is it safe to say that then someone
25 underneath you in your department put these on without

1 your knowledge?

2 A. Without my knowledge for sure.

3 Q. Okay. You were unaware of this?

4 A. No, because, as I told you, I was present
5 during the testing, and that time the valves, which I
6 inspected together with Coast Guard representative,
7 they were in working condition. They were not broken.
8 And here I didn't ask the people to put the screw on
9 the valves.

10 Q. I don't want you to speculate, but then how
11 is it someone under your supervision was doing this?

12 A. This one?

13 Q. Yes.

14 A. For sure not because when I was on -- when I
15 (inaudible) onboard I didn't give any order about to
16 protect the quick closing valves for sure. It means
17 it was done, was done without my order.

18 MR. WISNIEWSKI: Okay. That's all I have
19 right now at this time as far as questions. Thank
20 you, Chief.

21 THE WITNESS: Thank you too.

22 CDR CAPELLI: Chief, now Mr. Adam Tucker
23 from NTSB will have some follow-up questions.

24 MR. TUCKER: Good afternoon, Chief.

25 THE WITNESS: Good afternoon. Hello.

1 MR. TUCKER: Adam Tucker with the National
2 Transportation Safety Board.

3 I just have a few follow-up questions,
4 Chief.

5 DIRECT EXAMINATION
6 BY MR. TUCKER

7 Q. First of all, I understand that you were
8 injured during this accident. Could you tell me a
9 little bit about what type of injuries you sustained?

10 A. What kind of injuries?

11 Q. Yes.

12 A. I was informed that I was (inaudible) by
13 smoke.

14 Q. Any long-term effects from that?

15 A. I had only, I guess, I have couple only for
16 few days, maybe two or three weeks.

17 Q. Okay. And Chief, did you spend any time in
18 the hospital?

19 A. Yeah, it was 24 hours.

20 Q. Chief, another question that I have is when
21 you discovered the fuel leak, you mentioned that you
22 called the Master on the bridge and the speed was
23 reduced. Did you reduce the speed from the engine
24 control room or was the speed reduced from the bridge?

25 A. No. I reduced speed not I reduced not

1 engine speed, I reduced pitch in the beginning.

2 Q. So you reduced, you reduced the pitch from
3 the ECR?

4 A. Yeah.

5 Q. And then, Chief, when the engine was stopped
6 was that stopped from the ECR or was it stopped from
7 the bridge?

8 A. From the engine control room.

9 Q. Thank you, Chief, the next question I have
10 is: I understand you have only been onboard for a
11 month as chief engineer and during your time, your
12 tenure onboard, the manual and the drawings that you
13 have to reference to familiarize yourself with the
14 equipment, was most of that in English or were they in
15 other languages?

16 A. Most of them English.

17 Q. Did you have any trouble finding information
18 because of manuals that were in other languages or
19 drawings?

20 A. Generally no, generally I can say like this.

21 Q. Okay. Chief, I understand as well that the
22 other chief engineer that you were handing over with,
23 after you took over as chief engineer he remained
24 onboard. Do you remember how long he remained
25 onboard?

1 A. With me?

2 Q. Yes.

3 A. I think about four weeks.

4 Q. Okay. So when did you take over when you
5 took over as chief engineer? Did he sign off that
6 same day?

7 A. Can you repeat?

8 Q. When you finally assumed the position of
9 chief engineer, when you were finished your hand over,
10 did he sign off the same day? Did he leave the ship?

11 A. I think yes.

12 Q. Okay.

13 A. You are talking about previous chief
14 engineer, yeah?

15 Q. Correct. Yes.

16 A. I think no. Sorry. Sorry. Sorry. Sorry.

17 No, I started as chief engineer in the
18 beginning in Cardis, but we work together and he was
19 considered as (inaudible) de Puerto Rico, but I signed
20 all documents when we were together, it was like this.

21 Q. Okay. Chief, I know it's been a while since
22 the accident, but do you remember specifically what
23 fuel pumps you stopped at the time of the fire? You
24 mentioned you stopped the fuel pumps.

25 A. Two circulating pumps, circulating pumps for

1 main engine and for auxiliary engines and satellite
2 pumps for auxiliary engine and main engines, four
3 pumps, if I remember. I don't remember about boiler,
4 but stopped in engine control room or (inaudible) but
5 for sure for main engines and auxiliary engines.

6 Q. Okay. The other question I have, Chief, is
7 with respect to the system you reference as the high
8 fog system, do you know if that has any automatic mode
9 or do you have to manually activate it if there is a
10 fire?

11 A. Not manually, this system is activated in
12 automatic mode but can be activated in manual mode
13 too.

14 Q. Do you know at the time of the fire, did it
15 activate automatically or was that why you had to
16 activate it manually?

17 A. I activated the system manually.

18 Q. Okay. Was it in automatic mode at that
19 time?

20 A. Yeah, all time the system is in auto mode.

21 Q. Okay. Chief, the other question I have is
22 roughly what time do you recall the vessel blacking
23 out? What time was -- roughly what time was the
24 blackout?

25 A. What time was?

1 Q. Blackout.

2 A. Ah, do you remembering sea passage, I think
3 but I am not sure because we had planned blackouts
4 during stay in shipyard we turned over our power from
5 auxiliary engines to emergency (inaudible) when we
6 carried out some jobs and this time I think one time
7 was done in Dominicana and maybe I know that one time
8 only blackout when I was onboard, but I made sure
9 because generally power blackouts were planned when we
10 carried out some jobs.

11 Q. Okay. The day of the accident, what time
12 did the vessel leave main power to go on the emergency
13 diesel generator? Do you have any recall of that?

14 A. I have no idea.

15 Q. Okay. The other question I have, Chief, is
16 commonly what side of the -- Chief, do you bunker --
17 do you take fuel bunkers from -- is it the port side
18 or starboard side or does it depend?

19 A. Port side, for sure port side.

20 Q. Port side?

21 A. Because ship was always like this, port
22 side, yeah, always port side.

23 Q. Understood.

24 A. Because every single time it was port side.

25 Q. Okay. Chief, did you have any awareness of

1 problems with the ventilation on the main decks and
2 the garages, any ventilation issues?

3 A. It means what kind of problems, because I
4 don't know what kind of problems.

5 Q. Any problem with maybe an indication for
6 some type of back flow?

7 A. No, I didn't know.

8 Q. Chief, were there any problems with the
9 ramps on the car decks that you remember?

10 A. The ramps?

11 Q. The ramps, yeah.

12 A. You are talking about opening or closing or
13 something like this?

14 Q. Yes, but particularly the ones inside the
15 ship. The one, the ramp that you go from garage B to
16 garage C or down from garage C to garage B?

17 A. Nobody informed me about some problems with
18 ramps, it means probably not because I didn't operate
19 the ramps, yeah.

20 Q. Okay. The other question I have, Chief, is
21 with respect to maintenance of life boats and in
22 particular lifeboat engines. Do the engine department
23 test and maintain the lifeboat engines?

24 A. Yeah, yes.

25 Q. Were there any problems with any of the

1 lifeboat engines that you recall?

2 A. When we tested I didn't have (inaudible) if
3 they were I don't know because nobody reported me
4 directly about some problem with the engines. But
5 you, please ask safety (inaudible) because she will
6 know exactly but nobody reported me about problems
7 with engines, lifeboat engines.

8 Q. Okay. The other question, again,
9 understanding it's been a while, but you mentioned
10 earlier that when the shore based fire team came
11 onboard that you tried to get back -- you went back
12 down into the engine control room?

13 A. Yes.

14 Q. Do you recall around what time that was?

15 A. I could not tell you what time they were
16 onboard because I didn't make count the time, do you
17 have (inaudible) time they were onboard.

18 Q. Not in front of me, no.

19 Do you recall how many hours after discharge
20 at CO2?

21 A. CO2 was discharged activated about do you
22 know what time, because I have any information what
23 time was activated CO2 and what time we spoke with
24 team about action in the engine control room, but was
25 I think long time because I have no idea but was long

1 time.

2 Q. A long time?

3 A. Long I think, I cannot count because I what
4 time we activated CO2 and what time this team was
5 onboard.

6 Q. Okay.

7 A. Because I couldn't count time, but was long
8 time.

9 Q. All right. CO2 was discharged at 07:37
10 local times, I have in the note in front of me here.

11 A. Fire team was onboard, what time.

12 Q. I don't have that in front of me, Chief, so
13 that is okay.

14 A. Maybe one hour, maybe one and a half, maybe
15 two hours.

16 Q. Understood. The last question I have,
17 Chief, is with respect to the system, the water mist
18 system, you call it the high fog. Do you know what
19 tank that water comes from?

20 A. If I remember tank number eight, port side,
21 there are two tanks, if I remember.

22 Q. Okay. And I apologize, I forgot. I didn't
23 see any writing -- I have one more question, I
24 apologize.

25 With the drencher system, when the drencher

1 system was activated, are there any limitations as to
2 how many valves can be opened at one particular time?

3 A. If I remember there is information how to
4 operate the system, but there is not (inaudible) time
5 if I remember, are you talking about limitations of
6 time, yeah?

7 Q. No, not limitation of time, but more flow
8 capacity of the system. What is the system capable to
9 open all of the valves?

10 A. Yeah, it is possible to open all valves if
11 the system working properly.

12 MR. TUCKER: Okay. Well, thank you again.

13 That is all my questions I have.

14 CDR CAPELLI: Chief engineer, this is Mike
15 Capelli with the U.S. Coast Guard.

16 DIRECT EXAMINATION

17 BY CDR CAPELLI

18 Q. I'm going to start off with my first
19 question which is: How many drills have you
20 participated in since you were onboard the Caribbean
21 Fantasy?

22 A. I don't remember.

23 Q. How often are drills conducted on the
24 Caribbean Fantasy?

25 A. Weekly, but more often in the beginning, but

1 three times for sure when I joined the ship
2 (inaudible) Cardis, yeah.

3 Q. According to the safety management system,
4 what is your position during a fire on the Caribbean
5 Fantasy?

6 A. During the fire, I am Commander life raft
7 16.

8 Q. So during fire, you are Commander of life
9 raft number 16?

10 A. Fire, sorry fire?

11 Q. Yes, fire.

12 A. Oh, no, fire I am engine room team.

13 Q. Engine room team?

14 A. Commander engine room team.

15 Q. Okay. Did you respond differently for the
16 emergency on the Caribbean Fantasy than you do during
17 drills?

18 A. Can you repeat?

19 Q. When you do a drill, you said you're part of
20 the engine room team, since this was a fire in the
21 engine room, what did you do this time?

22 A. I am responsible for communication between
23 the engine room and bridge to inform the bridge about
24 situation and I am person who will connection between
25 the fire team and the (inaudible) team on the bridge.

1 Q. During your drills, when you have an abandon
2 ship drill, where do you respond to?

3 A. Which day?

4 Q. During abandon ship drills.

5 A. Yeah.

6 Q. Where do you respond?

7 A. During abandon ship I am, I should go to
8 life raft 16.

9 Q. And that was in accordance with the safety
10 management system?

11 A. It is (inaudible) like this.

12 Q. When you do fire drills, where is the staff
13 Captain located?

14 A. During fire drills?

15 Q. Yes.

16 A. I don't know.

17 Q. Okay. During emergency on the Caribbean
18 Fantasy did you have a general alarm?

19 A. No. I was in engine room and I didn't hear.

20 Q. According to the safety management system
21 whose responsibility is it to release CO2?

22 A. I think me.

23 Q. Can you describe the drencher system onboard
24 the Caribbean Fantasy?

25 A. You are thinking about organization and how

1 is working the system.

2 Q. Right. How many zones? How many pumps?
3 That type of thing.

4 A. How many zones I don't remember exactly,
5 maybe more than ten for sure, but how many I don't
6 remember. The water is supplied from fire pump
7 located in engine room and there is on the line the
8 (inaudible) drench system room. There is main valve,
9 push back and forth the top of the pump, we can start
10 the pump from this room. We can open the main valve
11 and water is supplied to the system and after we can
12 open lines to the zones, we can open all of them or
13 few of them.

14 Q. So you can open all of the valves to all of
15 the zones at one time and it will supply enough water?

16 A. I think yes because it was tested in Cardis.
17 All of the zones were tested.

18 Q. What type of training did you receive for
19 being a life raft commander onboard the Caribbean
20 Fantasy?

21 A. I mean, I receive all of this information
22 from safety officer and she showed me where is my
23 station, and she told me that I am commander of this
24 life raft and I don't remember, it was briefing from
25 safety CSI.

1 CDR CAPELLI: Okay. Thank you very much.
2 That's all the questions I have for now.
3 Panama, do you have any questions for the
4 witness?

5 MR. ARENAS: No questions.

6 CDR CAPELLI: Panama has no questions.
7 American Cruise Ferries, do you have any
8 questions for the witness?

9 MR. BAYRON: No, I don't.

10 CDR CAPELLI: No questions from American
11 Cruise Ferries.

12 Baja Ferries, do you have any questions for
13 the witness?

14 MR. RODRIGUEZ-BIRD: No questions. Thank
15 you.

16 CDR CAPELLI: Does anyone on the
17 investigation team have any further questions for the
18 witness?

19 (no affirmative response)

20 CDR CAPELLI: Okay. Chief engineer, you are
21 now released as a witness at this hearing. Thank you
22 for your testimony and cooperation. If I later
23 determine that we need additional information from
24 you, I will contact you through your counsel. If you
25 have any questions about this investigation, you may

1 contact the reporter LTJG Diaz-Colon.

2 Thank you for your time.

3 THE WITNESS: Thank you very much too.

4 CDR CAPELLI: We will now recess until -- we
5 have a change in schedule. Looks like Safety Officer
6 will be available this afternoon at 3:00.

7 So we are going to recess until 3:00 p.m.

8 (Whereupon, a luncheon recess was taken from
9 1:11 p.m. until 3:06 p.m.)

10 CDR CAPELLI: Good afternoon. The time is
11 15:09. The hearing will now reconvene.

12 We will now be hearing testimony from the
13 safety officer on the Caribbean Fantasy at the time of
14 the casualty.

15 LTJG Diaz-Colon will administer the oath and
16 ask preliminary questions.

17 LTJG DIAZ-COLON: Good afternoon, Safety,
18 will you please stand and raise your right hand.

19 Would you be able to stand for us?

20 THE WITNESS: Sorry?

21 LTJG DIAZ-COLON: Can you please stand?

22 THE WITNESS: Yeah.

23 LTJG DIAZ-COLON: Thank you.

24 NORMA URIVE MITZILA,

25 A witness produced on call of the Coast

1 Guard, having first been duly sworn, was examined and
2 testified as follows:

3 LTJG DIAZ-COLON: Please be seated.

4 DIRECT EXAMINATION

5 BY LTJG DIAZ-COLON

6 Q. For the record can you please state your
7 full name and spell your last name.

8 A. Yeah, my name is a Norma Mitzila, safety
9 officer.

10 Q. Can you spell your last name for us, please?

11 A. My last name?

12 Q. Spell it. If you could spell it for us.

13 A. Yeah. M-I-T-Z-I-L-A.

14 Q. And where are you currently employed?

15 Where are you currently employed?

16 Where do you currently work?

17 A. I work for the Baja Ferries in Miami.

18 Q. And what is your position?

19 A. My position onboard the Caribbean Fantasy
20 Safety Officer.

21 Q. And prior to working at the Caribbean
22 Fantasy can you tell me about your previous
23 experience.

24 A. The previous experience I was in cargo
25 containers for my training (inaudible) after that I

1 (inaudible) passenger vessel, short time, five months
2 only, and after that I went to Caribbean Fantasy.

3 Q. And what is the highest level of education
4 you've completed?

5 A. The university, complete.

6 Q. University?

7 A. Yes.

8 Q. Do you hold any professional licenses or
9 certificates?

10 A. I have my certificate for, it would be for
11 the officer (inaudible).

12 Q. I'm sorry, can you repeat that?

13 A. I have my certificate (inaudible).

14 LTJG DIAZ-COLON: Okay.

15 Well, at this moment I'm going to pass the
16 questions off to NTSB Carrie Bell where she will go
17 ahead and start your questions.

18 THE WITNESS: Okay.

19 MS. BELL: Good afternoon.

20 THE WITNESS: Good afternoon.

21 DIRECT EXAMINATION

22 BY MS. BELL

23 Q. So you said that you were currently working
24 as a safety officer with Baja Ferries, correct?

25 A. It's correct. I was onboard Caribbean

1 Fantasy, Baja Ferry, safety officer.

2 Q. And so how long have you been in that
3 current, in that role?

4 A. In that I was two years and in my previous
5 safety officer employed nine months.

6 Q. Nine months?

7 A. Nine, yeah.

8 Q. And how were you trained and by whom for
9 your current role as a safety officer, who trained
10 you?

11 A. For position, I had to learn that position
12 from the previous safety officer (inaudible).

13 Q. Hands-on training?

14 A. Sorry?

15 Q. I thought you said hands-on training.

16 How were you trained?

17 A. How I receive training?

18 For the position we need to start from the
19 beginning as third officer, second officer, you
20 getting experience. When you are ready, you get some
21 like this one safety officer, you take a formal
22 examination from the officer, the safety officer.

23 To take this position you must get all of
24 the trainings for the maritime, for life saving, to
25 take that position we need to take all training in the

1 training centers and with the safety officer, they
2 will give you a hand over and they will explain to you
3 is the condition, the position at that time.

4 Q. So did you work together with the other
5 safety officer to learn that job?

6 A. Yes, before position, I was with previous
7 safety officer.

8 Q. Okay. And have you taken train the trainer?

9 A. I have trainer certificate.

10 Q. Okay. Thank you. And what are your working
11 hours or what were they when you were on the Caribbean
12 Fantasy, regular working hours?

13 A. Working hours were from 7:30 until night
14 time 7:00, 7:30, depends.

15 Q. And how do you track your work/rest hours?

16 A. We have the rest for the computer,
17 nighttime, all that time you probably rest until the
18 next day, during the day we have the break for the
19 lunch and some space for between (inaudible).

20 Q. So do you have -- you would write out a log
21 and someone reviews that?

22 Does someone review that for you?

23 A. My log, it was reviewed by staff tracker.

24 Q. Staff tracker, review any other work/rest
25 logs for other crew members?

1 A. (inaudible) most of the crew have the
2 regular hours.

3 Q. Who reviews this?

4 A. Not myself. I review, this is from
5 (inaudible) who would review the hours.

6 Q. Okay. So how would you be informed if
7 someone was exceeding their work hours or would you be
8 informed of that?

9 A. The watch keeping watch every month the
10 (inaudible), the papers and the time from the works or
11 what time they need to take the rest (inaudible).

12 Q. Can you repeat that last, what you said
13 last?

14 A. All of the paper that what they have in the
15 (inaudible) in the watch keeping, duties and rest all
16 would have in the paper and the (inaudible) give to us
17 to must be (inaudible) to follow the (inaudible).

18 Q. And can you tell me a little bit about your
19 contract with the company? How long is your contract?

20 A. My (inaudible) for four months, I have been
21 with the company for two years before the safety, the
22 second officer, third officer/second officer. After I
23 pass the safety officer, that between the position is
24 four months onboard (inaudible).

25 Q. Four months onboard and I'm sorry?

1 A. Four months onboard and two months off.

2 Q. Two months off, okay.

3 And can you tell me what your -- how long
4 you had been on the ship before the incident happened?

5 A. Before the incident onboard I was nine
6 months.

7 Q. Without -- you were on nine months without a
8 vacation?

9 A. Because the process from the promotion, the
10 com officer to safety officer.

11 Q. Okay. So but you were on the ship for nine
12 months without taking a vacation; correct?

13 A. Yeah, at that time.

14 Q. Okay. And would you mind speaking a little
15 slower so our transcriber can catch everything that
16 you are saying.

17 A. Okay.

18 Q. Thank you.

19 I'm going to ask you a few questions about
20 training now.

21 So what is your role as safety officer when
22 it comes to training?

23 A. My role as safety officer to give
24 instruction to all crew for trainings, whether it
25 drills, familiarization for the crew especially when

1 they are new onboard, checking with the officers, the
2 maintenance for the safety equipment, like (inaudible)
3 in charge of (inaudible) on bridge, for the controls,
4 keep all the condition onboard good condition, and
5 work together with the staff captain to monitor the
6 service for the equipment.

7 Q. So when you complete the training with a
8 crew member, say familiarization or any kind of
9 training, how do you assess their competency?

10 A. Okay. The training when the crew come
11 onboard, first they start in the office review
12 certificate (inaudible) a little breaking with them
13 about what equipment we have onboard, how you use and
14 after that we make some rounds around the vessel to
15 know what the -- to familiarize with the station, the
16 position where they can find (inaudible). After done,
17 we do the round all around the vessel, back to the
18 office, some questions they remember what I show or
19 what I ask I say during the rounds. We have a video.
20 I show to them in different moment, at different
21 times.

22 Q. So do you ask them questions just randomly,
23 just come and ask them questions to see if they are
24 understanding their role in whatever training you have
25 given them?

1 So let me ask that another way. Do you do
2 any kind of a test or just go ask them questions to
3 see if they understand?

4 A. I have once quiz to give to the crew to
5 (inaudible) how the operation, what is equipment we
6 have onboard. I ask them, new crew, what they are
7 going to know we sure they know where the (inaudible)
8 you have to operate the, for example, fire
9 extinguisher because some crew is the first time
10 onboard. Don't have experience especially for the I
11 ask we have the safety quiz to the new crew.

12 Q. And can you tell me if you train - I think
13 we talked about this in a previous interview but when
14 you do the training, do you train them in English or
15 in Spanish?

16 A. In English I give the training, but I also I
17 have the -- for my training was English, when I give
18 instruction to new crew English and in Spanish, to
19 understand properly.

20 Q. And do you do that as one group or do you
21 separate them and do one in English and one in
22 Spanish?

23 A. We don't know in the moment who speak
24 English, who speak Spanish, so when I designate the
25 crew, I ask. But sometimes I mix the same group

1 English and Spanish, if we have separate in that
2 situation but always I do it like that English after
3 Spanish.

4 Q. And is there anyway that you test their
5 English competency how well they can speak English?

6 A. To know how they speak English?

7 Q. Yes. How well they speak English.

8 A. We don't know when the crew coming onboard
9 they can speak English properly, but this is the most
10 of the language we work English.

11 How I notice if they speak English is the
12 moment when I take the group for the training to
13 familiarize.

14 Q. Can you repeat that? I'm sorry. Just the
15 last.

16 A. How I know if the new crew or group know
17 about English how well is in the moment when I met the
18 new crew with the familiarization.

19 Q. Okay. In terms of competency, do you have
20 any kind of assessment that is required onboard the
21 ship?

22 A. We have the schedule for familiarization.
23 We have some induction, the induction number first
24 part the basic (inaudible) at this moment I don't
25 remember the specific the other one, but the other

1 induction, (inaudible) when the crew come onboard the
2 basic familiarization, more in check box (inaudible)
3 the other induction I don't remember but it's like
4 that increment familiarization to all of the crew.

5 Q. Okay. I think you might have misunderstood
6 my question. I was just asking if this was anyway
7 that you assess English as a second language or if you
8 assess that to see that you are okay, you are happy
9 with how they speak English?

10 A. Uh-huh.

11 Q. Sorry. That was a question, but I didn't
12 word it very well.

13 There is no English competency test or
14 assessment required; is that correct?

15 A. When I finish, we are -- they are requested
16 the (inaudible) test in the English test.

17 Q. That is required?

18 A. Now they require that.

19 Q. That is a new requirement?

20 A. No, in that moment, no, it was not required
21 then.

22 Q. Okay. But it now is?

23 A. Sorry, was not necessary to speaking English
24 or properly.

25 Q. Okay. But that has since changed?

1 A. They change for the English test.

2 Q. Okay. Thank you. Just a few questions
3 about the safety briefing for passengers.

4 Who conducts the safety briefing that you
5 give the passengers when they come on the ship
6 initially?

7 A. The passenger get the safety induction by
8 the safety -- by the -- not me, we don't have doing
9 nothing with the -- what we can do is one recording
10 about the announcement with instruction what they need
11 to do in case emergency, they (inaudible) but the
12 announcement, the safety announcement English and
13 Spanish and would have crew on the vessel to show
14 especially the life jacket how to use. That is the
15 way we are doing for the passengers.

16 Q. So there is a safety announcement, but you
17 also have a briefing where the -- where you have the
18 life jackets and someone is showing passengers how to
19 put those on; correct? Is that what you are saying?

20 A. Is correct, safety announcement and crew
21 show to passengers how to work.

22 Q. Okay. So the announcement is done over the
23 public announcement, the PA system; right?

24 A. Yeah, PA.

25 Q. In both English and in Spanish?

1 A. Yes.

2 Q. Okay. And so where does the -- where do you
3 see the passengers meet to see that briefing done?

4 A. Actually I don't have any -- we don't give
5 any to them (inaudible) something like that, no.

6 They have, passenger have the sections
7 because in the cabin, in the cabin, passenger cabins
8 they have station, and they have another one. They
9 come back with announcement from the signs around the
10 vessel they can follow that.

11 Q. So I just want to make sure I understand.
12 They wear or I'm sorry, there is not a place where
13 they convene to watch someone watch the crew don a
14 life jacket, show them how to use the safety
15 equipment?

16 A. The crew how to show the passenger?

17 Q. Yes.

18 A. They're having supervisor there from the
19 hotel department, they when do that, they stop I think
20 all of the activity at that time, music or some show
21 they stop, and when person at the time walking around
22 the area of the vessel to keep all of the passenger
23 inside and so can hear this is from the reception,
24 they do the announcement and the person is checking if
25 they are doing properly. When they are ready, they

1 have the announcement to wear the life jacket, show
2 the life jacket.

3 From the proper department are checking and
4 they are in position to show.

5 Q. How do you know that all of the passengers
6 have a chance to see that done?

7 A. The security, security all passenger already
8 inside because from then the announcement, no more
9 open inside to be sure they can hear, they can see.

10 Q. But the passengers could be in their cabins;
11 is that correct? And they would not see someone doing
12 that?

13 A. Yes, in the cabin what they have instruction
14 too inside the cabins or from the staff how to work.

15 Q. So there isn't any kind of a muster list or
16 any kind of a checkoff to make sure all of the
17 passengers have done this safety briefing?

18 A. To check (inaudible) all the passenger
19 (inaudible) no, they have instruction inside the
20 cabins, sign about the life jackets and the way to
21 muster.

22 Q. Are those signs in English and in Spanish?

23 A. The sign English.

24 Q. English only?

25 A. Yes, in -- I'm not sure at this moment it

1 was English or Spanish.

2 Q. Okay. Do you recall when that briefing took
3 place on the evening before the incident? Is it while
4 you are still in port is it after you left port? When
5 does that happen?

6 A. The (inaudible).

7 Q. I'm sorry?

8 A. What was the question? Sorry.

9 Q. When does that briefing take place?

10 A. Before departing.

11 Q. Okay.

12 A. Before departure they do it.

13 Q. Okay. I'm sorry. Just one second. Have
14 you ever found that language was an issue on the ship
15 during drills or training or for meetings?

16 A. The language we are using?

17 Q. That language was -- that communication was
18 a problem because not everyone spoke English or
19 Spanish or French?

20 A. All communication for the trials all in
21 English. When we have -- we notice who is speak
22 English and who (inaudible) we would take that person
23 to be the leader to be sure they can speak English and
24 can speak Spanish. (inaudible) but we are like the
25 leader, the people who know English.

1 Q. Do you attend ship board management
2 meetings?

3 A. The management meetings, no.

4 Q. You don't attend weekly meetings?

5 A. Management meeting I didn't have because at
6 that time was another safety officer.

7 Q. Okay. I just have just a few more questions
8 and then I will pass it on.

9 On the day of the incident, did you follow
10 the emergency plan that you had in place?

11 A. Yes, we follow the emergency plan.
12 (inaudible) they received the information, I do all of
13 the procedures.

14 Q. Did you find that there was anything that
15 did not go as you had expected?

16 A. When we notice everything all crew follow
17 that (inaudible).

18 Q. And where were you when you first heard
19 about the incident, that there was a fire?

20 A. Actually I'm coming from my cabin because
21 they starting (inaudible).

22 Q. I'm sorry?

23 A. When before the incident, I was coming from
24 my cabin because at the time when I went to the bridge
25 to check (inaudible).

1 Q. And can you -- this is my last question.
2 Can you describe how passengers were accounted for
3 when they mustered during the emergency?

4 A. How the passenger --

5 Q. How they were accounted for. How you
6 counted, did you count them or did you use a muster
7 list? How did you account for passengers?

8 A. Everyone person in different muster list
9 (inaudible) they -- when I was in different muster
10 station I was asking for the (inaudible) number they
11 were counting.

12 Q. Were you writing their names down or
13 counting people, just counting people?

14 A. Actually the counting was by the small
15 equipment.

16 Q. Okay. And were you communicating with the
17 other muster stations as to how many people they had
18 in their stations as well?

19 A. Muster stations we have communication with
20 the bridge especially the bridge have communication
21 with me.

22 MS. BELL: That's all I have. Thank you
23 very much for your time.

24 THE WITNESS: You're welcome.

25 Thank you too.

1 MR. YETS: Hi, Norma.

2 THE WITNESS: Hello.

3 MR. YETS: How are you?

4 THE WITNESS: Fine.

5 DIRECT EXAMINATION

6 BY MR. YETS

7 Q. Norma, was this your first -- my apologies,
8 I'm Jason Yets, United States Coast Guard.

9 Was this your first time serving onboard a
10 ship as a safety officer? Any ship.

11 A. The first time I safety officer, yes.

12 Q. I want to talk about your station bill/crew
13 muster list for a little bit if I could.

14 Who reviews the station bill onboard, the
15 crew muster, for updates, corrections, accuracy, et
16 cetera?

17 A. I do it up front where we the staff office,
18 with help from the inspector, (inaudible) inspector,
19 where we keep this (inaudible) inspector (inaudible)
20 we needed to modify something or that, or we can
21 anything was not correct per the diagram and a
22 specific number when you have that one we need
23 immediately to inform the captain to send the report
24 you the company (inaudible) modify.

25 Q. In the time that you were onboard, how many

1 times -- as a safety officer -- how many times do you
2 think you reviewed the station bill for that specific
3 reason, for accuracy and for corrections?

4 A. Actually this was every time -- because
5 first I was in dry dock when -- in dry dock until
6 arrival in San Juan where (inaudible) the plans,
7 (inaudible) we know what's onboard at the time and
8 they tell us we need to modify something and we
9 already check but from that time, I can tell you this
10 was constant to review because we need to be ready
11 with the (inaudible) inspector (inaudible) but from
12 the beginning I can tell you from the, was April I
13 think so, (inaudible) every time was review that.

14 Q. Okay. So from the time you left the dry
15 dock and you implemented the station bill, do you call
16 it a station bill or do you call it a crew muster?

17 A. Both of these.

18 Q. Okay. I will call it the muster list. So
19 from the time that you left the dry dock and the
20 muster list that was on the ship in August when the
21 incident happened, in that time period how many times
22 do you think you reviewed the station -- the muster
23 list for accuracy?

24 A. For that time we didn't (inaudible) because
25 we send the correction to the inspector and the

1 inspector send to the company. I don't know what is
2 the name of the company, and they send the emergency
3 muster, muster list with not exactly what we, what
4 exactly would say or what it would show until the last
5 moment I saw, yes, when I arrive in San Juan, we get
6 ready all the muster list.

7 Q. All right. So the muster list that was on
8 the ship at the time of the accident, that one was --
9 that one as far as you know had no inaccuracies and it
10 was ready to be fully implemented?

11 A. Sorry.

12 Q. The crew muster list that was on the ship.

13 A. Uh-huh.

14 Q. Right at the time that crew muster list to
15 your knowledge had no inaccuracies and it was ready to
16 be fully implemented?

17 A. The last muster list they want to qualify
18 the muster list but we (inaudible) by RINA special
19 (inaudible) the new muster list was already enforced
20 in that time what the other one and was already
21 approved by the RINA (inaudible).

22 Q. I think you already briefly discussed it, if
23 you do find discrepancies or a need for an update, is
24 there like a process or a procedure within the company
25 safety management system that says, you know, when

1 corrections are required to the muster list you shall
2 do this, this and this or is it something that you
3 just kind of identify and handle as a professional
4 mariner?

5 A. We follow it (inaudible) we need to send the
6 report to change that one, and take time but is the
7 procedure by RINA inspector, the plant and the other
8 company Italy I don't know what is the company,
9 (inaudible) they need to send to the special authority
10 to approve the report.

11 By the end of this process we can find who
12 send the report.

13 Q. All right. You had mentioned that when
14 corrections need to be made that they go up to an
15 inspector and then they review them?

16 A. Yes. We have an inspector.

17 Q. And where is -- who is the inspector? Or
18 who does he work for?

19 A. The inspector from RINA.

20 Q. From RINA?

21 A. RINA, yes.

22 Q. So on this ship your crew muster list and
23 your emergency plan were all one document; correct?
24 Everything is listed all on one document?

25 A. Yes.

1 Q. Could you describe the incident codes that
2 you have onboard the Caribbean Fantasy, i.e., if there
3 was a fire, then we announce it this way; if there is
4 a grounding, we announce it this way; if there is
5 pollution, we announce it this way. Do you
6 understand?

7 A. Yes. Okay. For we have code, for skylight
8 is to report something happened who would take the
9 (inaudible) medical team, that one, skylight for
10 emergency. Code blue medical, for abandon (inaudible)
11 emergency alarm is another one, one long. We have
12 also one long blast. This code was to inform all crew
13 must be ready for the abandon.

14 Q. Okay.

15 A. This moment I am the coach.

16 Q. All right. We are going to -- we are
17 pulling up the crew muster list, the station bill
18 right now. So just be a little bit patient with us.

19 A. The which?

20 Q. So this is the Caribbean Fantasy emergency
21 plan and muster list.

22 A. That was the muster list, they will plan and
23 enforce, this muster slip would be the new one.

24 Q. So this is the old one?

25 A. No, this is the new.

1 Q. This is the new one?

2 A. Muster list report.

3 Q. So at this time I would like to draw
4 everybody's attention to Exhibit No. 0E012. If we
5 could, could you go to the part that talks about the
6 incident reports for me?

7 Okay. So I guess what I'm trying to clarify
8 here is up on top where you -- do you see this, where
9 is says fire incident and then it talks about the fire
10 team and who's all on it or who is involved in that
11 incident. And then directly above it it says code
12 announcement: Red, red, red. So what is --

13 A. No, no. This muster, this muster list was
14 not yet in force, was still the old one. Because for
15 this one we are waiting for modification from
16 inspector.

17 Q. Okay. So this muster list is not the muster
18 list that was actively being used on the ship at the
19 time of this incident?

20 A. No.

21 Q. I'm sorry. One more time: This is not the
22 crew muster list that was being used at the time of
23 the incident?

24 A. No.

25 Q. Okay. Thank you. Is there any -- yeah, we

1 can take that down.

2 Is there anybody onboard or shore side
3 within the company that is allowed or authorized to
4 make pen and ink changes to the station bill?

5 So let's say, I'm sorry, the crew muster
6 list. So let's say you identify something, and you
7 say, hey, no, this is a problem. We need to fix it
8 right away. Like can the captain or can somebody from
9 shore side just make the section on the station bill
10 and then just pen and ink sign it to show that he made
11 the updated correction and why?

12 A. For that correction needs communication to
13 the captain. Change that one and captain discuss with
14 the company for this one. And together with the
15 inspector, because this one inspector come onboard and
16 check that was in accordance with the old plan, from
17 shore some crew or some person ashore, no from the
18 class, nobody can change that one.

19 Q. Okay. If I understand you correctly, the
20 captain of the vessel is allowed to make a pen and ink
21 change to the crew muster list if required?

22 A. He want to change, no, this must be
23 (inaudible) muster and RINA to is it possible to
24 change something like if we have additional time for
25 something so the captain will inform and the company

1 will know this one and with RINA okay to check that
2 one and to modify the plan.

3 Q. All right. Maybe I'll use another -- I
4 might be using the wrong word. What about for small
5 editorial corrections like a misspelled word, you
6 know, a small thing in the station bill, not changing
7 assignments or changing duties, but making small
8 editorial corrections.

9 Is that something that the captain is
10 allowed to do by pen and ink change onboard the ship?

11 A. Before any change (inaudible)?

12 Q. When Carrie from NTSB was talking to you
13 about the verification of your crew's proficiency, so
14 she is saying how you verify that when you're done
15 with the training that they actually know how to do
16 what you just trained them how to do. All right. So
17 I would like to elaborate on that and piggyback on her
18 question.

19 How do you as a safety officer, whether it
20 be as a professional mariner or by company policy, how
21 do you verify the performance standard, performance
22 aspects of the job that the crew members are assigned?

23 So for example, if a crew member is assigned
24 to go up to deck seven and launch the rafts, you can
25 go through and you can tell them how to do it, but how

1 do you verify from a performance standpoint that they
2 actually know what to do, that they actually know
3 where to go, what valves to touch, what action they
4 need to perform in order to be able to accomplish the
5 task that's been assigned to them in accordance with
6 the crew muster list?

7 A. In accordance with the muster list we not,
8 we can see what is the position, the rank, and we
9 assign people, monitor during the drill, but we cannot
10 assign people from hotel department go to the
11 lifeboat, like that, because it, no, they don't have
12 that kind of training, like for the officer.

13 How I know this is I can do the job by the
14 training onboard. That is reason we have the drill in
15 case some emergency or we have situation and to know
16 the reaction okay or no and they have to, they have
17 the certificate to prove they are allowed to do that
18 one. From hotel department they cannot do many things
19 because they don't have the certificate or training to
20 go for lifeboat, the engine, like that, we have the
21 people and what we know they have the training, we
22 check the certificate and we monitor with drills.

23 Q. Okay. So you guys monitor, verify
24 performance by verifying that they have certification
25 in what ever that job is assigned for them. So if you

1 assign them to a life raft position, by verifying that
2 they have a proficiency in survival craft certificate,
3 that is your verification of their ability to perform
4 the job assigned to them onboard the ship?

5 A. Some crew have the certificate for this one,
6 for life craft, so crew we show how to operate, and we
7 ask if they know how to operate that, and the people
8 you have that for, they have the certificate how to
9 operate.

10 Q. Okay. How many drills have you been
11 involved in since you assumed the position of safety
12 officer onboard the Caribbean Fantasy?

13 A. How many, I don't know the numbers but from
14 Tunisia with drills by flags by inspector six, I think
15 four or five.

16 Q. So if you could just walk me through a
17 typical drill. All right. From your shoes, all
18 right. If I'm looking at a drill from your glasses,
19 right, what is a drill going to look like for you?
20 What do you do? What tasks do you perform? Where did
21 you go? What do you do during the drills? And you
22 can begin with the incident code.

23 A. Okay. The preparation for the drills, okay,
24 we are making announcement (inaudible) we hear this
25 once, we call the fire squad, sorry, before one person

1 go to the bridge, that can see some smoke, they can
2 see if something (inaudible) some area, for example
3 they say I saw some smoke, they call the bridge to
4 report, they call number and procedure. What I do to
5 check this to call the staff, area, the station area
6 to the fire squad team, communication from the fire
7 squad, go to the command center, command center in the
8 bridge, inform the team position, ask permission to go
9 inside.

10 They give me permission, number one/number
11 two, between the first (inaudible) and safety officer
12 contact communication to see how this affecting the
13 area, is any casualty, looking for casualty, report to
14 the command center, something happened from where the
15 fire, if any casualty, if control, they make one alarm
16 to activate all of the crew because for specific
17 group, and when they activate the alarm if the
18 emergency alarm, all of the crew will activate and
19 will have one alarm specific for start preparing for
20 the abandon. When the, if I report command center
21 fire is out of control, they pull out or abandon the
22 vessel, in that situation I pull out the people,
23 proceed to the muster station. The rest of the crew
24 proceed to the muster station where they need to go.

25 I go around to check all of the station is

1 in position, the crew following procedure,
2 familiarize. We make sure questions to know if they
3 are clear or they have (inaudible) about something
4 after when (inaudible) between the captain, the staff,
5 me, the other officer have a small briefing on the
6 bridge to discuss if we need to modify something or
7 give training or something like that.

8 Q. All right. What muster station do you go to
9 in a normal --

10 A. My muster --

11 Q. -- in a normal drill like where, what muster
12 station would you go to?

13 A. My muster station is in the life raft 22.
14 It is port side because I am in charge to go out on
15 the vessel, make sure all of the people using the
16 station and are ready to let go.

17 Q. During the fire and the abandonment of the
18 Caribbean Fantasy back in August, was there anything
19 on the station bill that you didn't do in accordance
20 with your duties or on the other side did you end up
21 doing any additional duties that weren't on the
22 station bill as duties assigned to you in accordance
23 with the instruction?

24 A. What I did?

25 Q. I apologize. One more time.

1 A. You are asking me what I did and what I
2 didn't --

3 Q. I tell you what, I will break it up into two
4 questions.

5 So during the fire and the abandonment of
6 Caribbean Fantasy.

7 A. Uh-huh.

8 Q. Was there anything that was prescribed in
9 the crew muster list for you to do as an assigned duty
10 or a task that you did not accomplish?

11 A. What I did is all of the procedures, the
12 only thing was one thing cannot go inside because they
13 reported too much smoke, couple of minutes they say
14 abandon immediately. I cannot go from our fire squad
15 because they say the order abandon the vessel. But
16 for the other things, yes, we did. We (inaudible)
17 crew was in the muster, communication --

18 Q. Did you end up taking command of, you said
19 it was life raft 22. Is that what you said?

20 A. Twenty-two port side, yes. No, we didn't do
21 (inaudible) go to the starboard side.

22 Q. All right. Was there any additional duties
23 that you performed that was outside of what the
24 station -- what the crew muster list prescribed that
25 you do?

1 Like the crew muster list said that you, you
2 know, you attack the fire, and then when you attack,
3 when you are done attacking the fire, then you go to
4 this assembly station or muster station.

5 And then when they abandon ship, you abandon
6 ship. Did you do anything additional besides the
7 duties that were assigned to you?

8 A. Yes. From my side I tried to go in the
9 engine room. Tried to go there. Impossible. We try
10 to bring fire squad to go to another way from the
11 garage but unfortunately too much smoke. I go towards
12 the -- when you hear abandon you must follow that.
13 When they call abandon ship, go to the muster.

14 Q. All right. So when you left the fire, in
15 accordance with the station bill, you were supposed to
16 go directly to your assembly station or your muster
17 station?

18 A. No. I now go directly to the life raft.
19 That is my station for the abandon.

20 Q. Okay.

21 A. First possible sure all of the lifeboat,
22 lifeboat, in this case must be in order to be clarify
23 that one, to be clear, I have another, at the life
24 raft I have another leader there in case I will not be
25 there first. I have another person also in the life

1 raft in command.

2 Q. Okay. Just for the record when I refer to
3 an MES I'm referring to a Marine Evacuation System.

4 Is it your responsibility as a safety
5 officer to -- as a safety officer are you responsible
6 for issuing the safety cards to the crew members?

7 A. Yes.

8 Q. So how do you determine if the crew members
9 have the correct training or the correct proficiencies
10 or certifications to be able to accomplish the task
11 that you are looking to assign to them?

12 A. When I look for the muster list, what is the
13 number, what is the rank and what is the duties. For
14 example, for the lifeboat for (inaudible) who have the
15 specifics in the muster list, the person that person
16 have the training, the certificate also, and the
17 training onboard where we can see they are allowed.

18 The other emergency card like for
19 entertainment is no specific any life savings, they
20 must to assist the officer or the leaders to help to
21 guide the passenger and at the same time also the crew
22 to go to the different area.

23 This emergency card we need what is the
24 duty, according with the certificate. Some people can
25 be leader, but can see the person is not too

1 confident, we can send another person and (inaudible)
2 we do drill, and we notify that one that, we can see
3 the person is no not capable in that position. We
4 change them to another one. But when we undo this
5 one, we try to do immediately to the drill, no taking
6 a long time for this.

7 Q. So when you are making your verifications as
8 to whether your crew members are certificated to do
9 the job that you assigned to them, is there any
10 additional STCW training or is there any additional
11 training prescribed by the STCW convention and for the
12 record STCW is Standards for Training Certification in
13 Watch Keeping.

14 For, say, crew members that are going to
15 assist passengers during emergency situation.

16 Like if you're assigned to a staircase,
17 where they are going to be assisting passengers, do
18 they need to have any additional training or what
19 training would you verify that they would be required
20 to have?

21 A. With the certificate they need in accordance
22 with the position, depending the kind of (inaudible)
23 but for training for guide for (inaudible) the
24 training is getting onboard for that. When I
25 acknowledged by the certificate that they have taken

1 course, but for this one we are doing the training
2 onboard.

3 Q. How do you control the safety cards onboard
4 the ship? You know the safety cards that you issue to
5 everybody? How do you control that document?

6 Because there are hundreds of them, so how
7 do you make sure that they don't end up being
8 duplicates, that they are, you know, how is that
9 controlled?

10 A. I have a list with all of the emergency
11 cards, who has the emergency card number, and with
12 this one paper, print and the computer have that.

13 If I need to look for one person, who is
14 the, who have the emergency card, I look in the
15 system. I can see who have that numbers, I have like
16 one like the Excel with all of the emergency card who
17 have that one and one copy for me.

18 Q. Okay. I guess more specifically how do you
19 control the actual physical documents? So, say, for
20 example, if a crew member comes up to you and they say
21 I lost my safety card, all right, do you just make
22 them a new safety card or how do you go about
23 controlling that lost safety card so that way you
24 don't have two of the same safety card running around
25 the ship?

1 A. No, for this one we need to be sure that
2 they lost -- if they lost the emergency card, normally
3 the safety guys take care about that, but the
4 emergency card for the control if they miss emergency
5 card, I will go to the system, I will give again the
6 same number, normally.

7 Because in the system, I have the number, if
8 the person come into me, I lost my emergency card,
9 Okay. Your emergency card I have the list, your name,
10 number is this and the person, the number.

11 Q. When the vessel was in dry dock, were you
12 guys operating under a different station bill than the
13 one that was in operation back in August? Was there a
14 reduced safety -- a reduced crew muster list?

15 A. Yeah. We reduce when the vessel was in dry
16 dock. It was minimum crew. We are do the drill like
17 cargo vessel because no passenger we don't need to do
18 the like (inaudible) you have to use all the station
19 when the vessel back to San Juan. On the way, the
20 crew was onboard. We start doing the drill like
21 normal drills when the normal group, and when the new
22 crew come onboard, we drill like the normal drill for
23 the route. During the (inaudible) was minimum.

24 Q. So under the dry dock, we will call it the
25 dry dock crew muster list. Did you also have safety

1 cards for all of the crew that wind up and matched up
2 with the dry dock crew muster list, or did you just
3 have the crew muster list and no safety cards since
4 you were in such a minimum (inaudible)?

5 A. We no (inaudible) the safety card for the
6 during the (inaudible) we have the safety card. When
7 I say because not too much crew, was no passenger at
8 that time the vessel, like the cargo vessel, but we
9 have the emergency card too.

10 Q. How did you account for all of those safety
11 cards after the dry dock was over, and all of the new
12 safety cards were issued with the full compliment crew
13 muster?

14 A. For the few, I collect the old ones. When
15 start collecting I give the new one for the crew. Now
16 we will do drills with like the passenger onboard.
17 Like normal, but I collect all of the old ones
18 emergency cards.

19 Q. All right. How did you account for all of
20 them?

21 A. For during the dry dock?

22 Q. Yes.

23 A. I have the another, another paper with the
24 same emergency card and the number. I collect from
25 all the person, destroy that emergency card and back

1 to the normal role. The normal group I give the new
2 ones, but the old one I collect, and counting in
3 accordance with the muster list what I have at that
4 time.

5 Q. And you had a hundred percent accountability
6 of all of the dry dock safety cards, every last one
7 was accounted for?

8 A. Yes.

9 Q. Yes.

10 A. Yes, yes, yes.

11 Q. Is there any situation within your emergency
12 response plan onboard that would have a crew member
13 serve two different functions in two different life
14 saving appliances? So for example, is there anything
15 under contingencies or operations that would say, in
16 this situation you would be a commander of a lifeboat,
17 but in this situation you would be the commander of a
18 life raft or is the duty assigned to you when you come
19 onboard? That is your duty for your contract until
20 you change cards?

21 A. From that one, when you come onboard we give
22 one emergency card. It is specific what they need to
23 do. Another thing we change is not we put one person,
24 you are in charge lifeboat, you are in charge the life
25 raft at the same time.

1 Q. Okay. Thank you. What is your involvement
2 onboard the ship according to either your job
3 description, policy, procedure or standing orders,
4 captain's standing orders with regards to LSA
5 maintenance?

6 A. The procedures?

7 Q. Yeah, like how are you involved -- I'm
8 sorry. How are you involved in life saving appliances
9 maintenance? Do you physically do the maintenance?
10 Does somebody else do it and report it to you? How
11 does that work?

12 A. Okay. Every day we (inaudible) to see the
13 jobs, how we prepare for the life saving appliances,
14 list all the equipment, the conditions. We need to do
15 some maintenance (inaudible), inspect all of the
16 equipment together with the other officer because we
17 have another officer in charge for the life saving,
18 fire fighting equipment. Also, together, if they have
19 any report from the, like, change fire (inaudible),
20 something like that, they informing. At the same time
21 we can check also every time what we need to review,
22 what we need to fix, and we can see something to
23 report together with the (inaudible) officer.

24 Q. Was there any maintenance being performed on
25 any of the lifeboats that you were aware of in the

1 days or weeks leading up to the incident back in
2 August?

3 A. We have the maintenance to check the
4 engines, fuel. I went myself with the (inaudible) to
5 check the equipment inside during the (inaudible) I
6 unable with another officer checking the hooks for
7 test the engine, also, the battery or not.

8 Q. So did you, did you receive any reports in
9 the days or the weeks leading up to the incident about
10 any problems with any of the lifeboat engines where
11 they weren't operating properly, they weren't starting
12 or they were undergoing any maintenance?

13 A. Before incident nothing. During dry dock
14 one lifeboat we have a problem but they fixing in dry
15 dock. The engine everything was working before the
16 incident. No reports.

17 Q. Do you remember which lifeboat that was and
18 what the problem was?

19 A. The lifeboat what --

20 Q. Do you remember which lifeboat that was that
21 had the problem and what was the problem?

22 A. The lifeboat number one.

23 Q. And what was the problem with lifeboat
24 number one?

25 A. Lifeboat number one, one bell, they replace

1 one bell. They change and it was working and test by
2 all inspector.

3 MR. YETS: All right. So before I carry on,
4 I think this is a good opportunity to take a quick
5 recess.

6 CDR CAPELLI: Okay. We will take a
7 ten-minute recess and reconvene 16:30.

8 (Whereupon, a recess was taken from 4:18
9 until 4:30 p.m.)

10 CDR CAPELLI: Good afternoon.

11 The time is 16:35. We will reconvene.

12 LTJG DIAZ-COLON: Good afternoon, Norma, the
13 time is 16:35. I'm not sure if you were able to hear
14 that we have just reconvened. I just want to remind
15 you that you are still under oath.

16 THE WITNESS: Yeah.

17 DIRECT EXAMINATION (continuing)

18 BY MR. YETS

19 Q. All right. I believe you mentioned earlier
20 with regards to the inspection of the life boats, that
21 there is a --

22 A. Yeah.

23 Q. -- Life Saving Appliance Officer who does
24 the actual inspections, the weekly inspections of all
25 life boats; is that correct.

1 A. It's correct.

2 Q. Do you, yourself actually perform or ever
3 perform lifeboat inspection or that is solely the
4 responsibility of the LSA Officer?

5 A. Yeah. We have work planned for the
6 maintenance. I would give to the officer to do that
7 one myself to check to the officer did properly. I
8 will notice if something happens, if they are able,
9 the officer cannot see, I can see but we have
10 maintenance plan.

11 Q. All right. So if you have a new officer
12 signed onboard who is going to be in charge of doing
13 the inspections of the lifeboats, who trains that
14 officer on how to inspect the lifeboats onboard?

15 A. The training to the new officer is do they
16 know how to start the engine or they know what
17 equipment we have onboard, how to operate the Davitz
18 (phonetic), in this vessel (inaudible).

19 Q. When you're inspecting the lifeboats or if
20 you are training the officers to inspect the lifeboat,
21 is verifying the starting instructions in the boat, is
22 that part of the inspection to verify the starting
23 instructions posted in the boat?

24 A. With the manual, we have the manual inside
25 each lifeboat, for the engine for the maintenance.

1 Also, the -- sorry, also for the (inaudible) but you
2 have the manual there also.

3 Q. So you would verify that the starting
4 instructions for the lifeboats are available and
5 accurate?

6 A. We have inside the manual.

7 Q. But do you verify that they are accurate?

8 A. Yes.

9 Q. And you said that the tech manuals are also
10 kept in the lifeboats; is that correct?

11 A. The manual?

12 Q. Yes. The technical manuals.

13 A. Yes, also we have.

14 Q. Are those ever reviewed for accuracy?

15 A. They are correct.

16 Q. So when you have a tech manual in a boat,
17 does anybody actually look at the tech manual and read
18 through the contents and make sure that it's actually
19 applicable to the boat that it's inside of?

20 A. Yes, we check that when we put inside.

21 Q. Okay. Were all of your officers who were
22 assigned as lifeboat commanders were they proficient
23 in their job?

24 Because you verified it as a safety officer,
25 right? Because you trained them.

1 A. Uh-huh.

2 Q. So were they all proficient? Did they all
3 know how to perform their duties?

4 A. Yes.

5 Q. They all knew how to operate the boats and
6 they all knew how to operate the release systems and
7 they all knew how to start the boats?

8 A. They know, yes.

9 Q. Okay. Is there any sort of a policy or
10 procedure or standing order or otherwise that
11 addresses the cross training of lifeboat commanders
12 simply because this ship has two different kinds of
13 lifeboats you have two partially enclosed, and one
14 fully enclosed.

15 So they are going to be different in the way
16 they are started and the way they are driven, et
17 cetera, et cetera. So is that something that you guys
18 addressed onboard to make sure that the officers who
19 are assigned as lifeboat commanders know how to
20 operate both types of boats?

21 Or are they annually trained to be
22 proficient in the type of boat that they're assigned
23 to?

24 A. They had the (inaudible) for all the officer
25 to know to start all of the lifeboats, including when

1 I did this in drill another crew to familiarize, but
2 for the officer, all system have onboard.

3 Q. All right. So I just want to make this
4 clear.

5 So the commanders and the second commanders
6 for lifeboat number one and two were also proficient,
7 were also proficient in how to use lifeboat number
8 three?

9 A. Yes.

10 Q. And the commander and the vice commander or
11 second commander for the lifeboat number three were
12 cross trained in how to operate lifeboats number one
13 and two; is that correct?

14 A. Yes, it's correct.

15 Q. What is the company policy, procedure,
16 something in the SMS or even a manufacturer's
17 recommendation with regards to the plugs in the
18 lifeboats? Are the plugs in the lifeboats supposed to
19 be stowed in or are they supposed to be left out?

20 A. The plug, the block is in (inaudible) we are
21 keep tag one.

22 Q. I apologize not the blocks, the plugs. The
23 lifeboat plugs.

24 A. Plugs?

25 Q. Are the plugs stowed in the boats --

1 A. To minimize the humidity, and before we have
2 the training, before go inside the plugs to be sure
3 and after that the lower, this is what we need to do
4 for the plugs.

5 Q. Okay. So just to be clear, the lifeboats
6 are stowed with the plugs out and then --

7 A. The plugs out.

8 Q. -- and then who would be responsible for
9 making sure the plugs are put in prior to the
10 lifeboats being launched into the water?

11 A. The officer, commander for the lifeboat.

12 Q. The commander of the lifeboat should be
13 checking that prior to launching the boat?

14 A. Yes.

15 Q. For your Marine Evacuation System teams, the
16 people that are assigned to the operate the Marine
17 Evacuation System is there any specific training
18 requirement that those system party members are
19 required to have?

20 A. Training on boat, the safety video we have
21 for the training.

22 Q. Okay. Are the MES are the Marine Evacuation
23 System team members required to participate in a
24 deployment at any point prior to being assigned as a
25 system party member to the Marine Evacuation System or

1 is the video sufficient training for them to assume
2 that position?

3 A. They need to take the video.

4 Q. During the time you were onboard the
5 Caribbean Fantasy as the safety officer, did you ever
6 conduct any training with the staff captain on the use
7 of Marine Evacuation System?

8 A. Yes. We did a training, we show the videos
9 and we work with the crew.

10 Q. At any time since you were onboard, whether
11 safety officer or previous positions, have you ever
12 been involved in a deployment of a Marine Evacuation
13 System prior to that day for a training exercise or to
14 meet regulatory requirements?

15 A. To know how to operate the MES and the video
16 and my training from the training centers.

17 Q. Have you ever actually seen a Marine
18 Evacuation System launched in real life whether
19 onboard a ship or at a shore side training facility or
20 did all of your experience come from video files?

21 A. No, now I have the real the Caribbean
22 Fantasy, before watch video.

23 Q. Okay. So before the day that the Caribbean
24 Fantasy abandon ship, on that day and all of the time
25 before you had never seen a Marine Evacuation System

1 launched?

2 A. No.

3 Q. Are you pretty familiar with the Marine
4 Evacuation System and how it works?

5 A. Yes, I know.

6 Q. And you trained the teams in how to use the
7 Marine Evacuation System?

8 A. Yes, we did the training and we get also
9 video.

10 Q. Could you walk me through, pretend that you
11 are training me on how to use an MES, a Marine
12 Evacuation System, and I don't want you to get too
13 deep into detail, but just hit the main points.

14 What are the steps that are required to
15 launch the MES, prepare the MES, and get it ready to
16 accept passengers and crew for abandonment?

17 A. We have the handle, we need to pull the
18 handle. We have someone, the life door to push, list
19 the Davitz down, inflate the MES system, (inaudible)
20 when it's ready, the MES, we give instruction to the
21 passenger remove your shoes because can destroy the
22 (inaudible) before you go down your arm and the legs,
23 your feet will be like the brake, sliding very fast
24 and cause something damage to go down.

25 Q. So between when you pull the handle to

1 release the MES out of its container, and when you
2 send passengers down the slide, is there anything else
3 that needs to be done or it's just pull the handle and
4 then it's ready to go?

5 A. No, we need to do (inaudible) way to inflate
6 because platform to inflate also, we send before one
7 crew member to manage everything down the people in
8 charge to.

9 Q. Okay. And that's it. There is no other --
10 there is no other steps? There is no other -- there
11 is nothing else you need to do to prepare the MES to
12 accept passengers or crew?

13 A. Yeah. Yes.

14 Q. Yes, there is additional things you need to
15 do?

16 A. No. This is the (inaudible), that is the
17 MES, pull it, through that you go, yeah.

18 Q. Okay. What type training did you receive
19 onboard the Caribbean Fantasy in the life saving
20 appliances to be able to instruct the personnel and
21 train the personnel onboard?

22 A. The training that we get is from to the
23 officers, this came from safety officer (inaudible)
24 how to manage the way to keep everything in order to
25 be focus in maintenance and (inaudible) for the

1 vessel, specific training like to do the list, it's
2 not like that, they understand you are officer, second
3 officer, step by step (inaudible).

4 Q. Is it within your responsibility as a safety
5 officer to inspect or verify the accuracy of the
6 emergency signage that is onboard the ship?

7 So for example life jacket instructions,
8 survival prep launching instructions, general abandon
9 ship instructions, do you inspect that or is that
10 somebody else?

11 A. No. This one in charge with that to be
12 already in position (inaudible) with the two posts.

13 Q. So who specifically onboard the ship would
14 go around and verify that the instructions that are
15 posted onboard the ship are accurate for the equipment
16 onboard?

17 A. Myself, I do the rounds. Help from the
18 captain, also they have the more experience to go
19 around to change the sign in case or if some sign is
20 missing, check with the plan, also, the life saving or
21 fire plan to be exactly what it is sign what we need
22 to put there in the specific position.

23 Q. Who is responsible for putting the crew/
24 passenger manifest in the wood box outside of the
25 bridge, the update crew and passenger manifest?

1 A. The crew replace by reception.

2 Q. Reception, so the reception will go up at
3 the beginning of each voyage and they will put an
4 updated passenger and crew manifest in that wood box?

5 A. They would give all of the manifest.

6 Q. So they give it to you guys and then you put
7 it in the box?

8 A. Sorry?

9 Q. They give you the manifest or they give
10 somebody in the deck department the manifest and they
11 put it in the box outside the bridge?

12 A. They might send by email.

13 Q. I'm sorry. One more time.

14 A. By email, email maybe they send the
15 manifest.

16 Q. And then who prints it out? Who prints it
17 out and actually places it in that wood box that's
18 outside the bridge?

19 A. The reception bring it to the bridge.

20 Q. So they email it to you and they print it
21 out and bring it upstairs?

22 A. They bring one manifest to the bridge and
23 the wood box.

24 Q. Okay. Who updates the whiteboard on the
25 bridge that has the total passengers onboard count?

1 Or total people onboard count?

2 Do you know at the bridge you have the
3 whiteboard it says total POB. Who updates that?

4 A. Officer on watch he is (inaudible) from
5 reception how many passengers we have.

6 Q. Okay. And they get that information from
7 reception?

8 A. Yes.

9 MR. YETS: All right. I only have about
10 five or six follow-up questions, so I'm going to pass
11 it along now to the next person and then I will come
12 back later on with some follow ups.

13 THE WITNESS: Okay.

14 MR. YETS: All right. Thank you so much.

15 MR. TUCKER: Good afternoon, Norma.

16 THE WITNESS: Good afternoon.

17 MR. TUCKER: How are you?

18 THE WITNESS: Pretty good, and you?

19 MR. TUCKER: Do you remember me?

20 THE WITNESS: Yes, I do remember you.

21 MR. TUCKER: All right. For the record, my
22 name is a Adam Tucker. I'm with the National
23 Transportation Safety Board.

24 I'm going to be asking you a few more
25 questions, Norma. Some of them are very specific

1 questions and a few of them are more open ended. I
2 will try to make it as short as possible for you.

3 DIRECT EXAMINATION

4 BY MR. TUCKER

5 Q. First and foremost, we touched on it a few
6 minutes ago, but I just wanted you to drawback to the
7 actual fire onboard the Caribbean Fantasy.

8 In particular I'm wondering if you can
9 retrace your footsteps and your actions with the
10 actual fire fighting effort that took place.

11 So from the first moment when the alarm went
12 off, when you knew that there was a fire, when you
13 heard Mr. Skylight, where you went, where you
14 mobilized the fire teams.

15 And then I understand you had to mobilize to
16 a different location and I'm wondering if you can just
17 retrace your footsteps as to what you did that day
18 during the fire.

19 A. The first thing was when I opened the door
20 on the bridge because I coming from my cabin to go to
21 the bridge (inaudible) at that time the officer on
22 duty report to me (inaudible) at that time the officer
23 on duty start the announcement when I coming down to
24 the stairs. I was fire squad, one, two, (inaudible)
25 the medical team, I went down this is the best spot to

1 have access to the engine room, during the time I was
2 walking I was giving the instructions to the fire
3 squad, which station area they need to go. I arrive
4 at the one door.

5 They have the access to the room. I tried
6 to go also with the BA when the fire squad arrive they
7 told me immediately there is too much smoke, they
8 cannot see nothing also with the flashlight, special
9 flashlight they have and a couple of minutes, they
10 immediately (inaudible) the order for abandon. So
11 what I did is to pull what I send to the different
12 station area to pull out, I was with one guy who is
13 from the team from the number two, because I saw one
14 crew member walking in the area where I was, I told
15 him he go to his muster station, I stay there
16 (inaudible).

17 The communication by radio captain request
18 for to (inaudible) the engine room, CO2. I contacted
19 first engineer (inaudible) after I left from there I
20 go to the muster stations with captain report to the
21 abandon, I went to the MES port side where we going to
22 (inaudible) to launch the MES port side. After go to
23 the starboard side (inaudible) arrive there, before I
24 go (inaudible) I met the chief engineer who try to
25 work the CO2, to be sure the CO2 system.

1 When I went down to another garage, I give
2 some instruction, I didn't know (inaudible) I tried to
3 continue walking until go to the CO2 room to where we
4 first one and chief engineer, chief engineer from
5 there continue because at the time with here again oil
6 (inaudible) I call the bridge too because we are
7 expecting the fire to come onboard. I try to answer
8 that because too much smoke come inside. After that I
9 went to the (inaudible) desk to the muster station
10 (inaudible) there is time for a embark -- embark the
11 passenger in the lifeboats by the MES.

12 Talk about the MES because I have
13 (inaudible) I don't know what exactly, so we said to
14 the (inaudible) but we have the ramp and the lifeboat
15 number two I was there also. We have a little problem
16 in the lifeboat number two because (inaudible) there
17 is the lifeboat number two after I go to lifeboat
18 number one it already was departed.

19 Lifeboat number three was preparing and the
20 crew was ready with the life jacket to give to the
21 passengers. I also within MES to prepare the
22 passenger to go down. When that was finished I back
23 to the bridge, fire squad ashore arrive. I didn't
24 notice what time they arrive, but I saw they were
25 there.

1 I remember some in the bridge was calling
2 the Coast Guard to give some assist to us, to push
3 some raft. Also the lifeboat number three was already
4 lowered.

5 And after that when all was clear from the
6 passenger, most of the crew stay onboard. The fire
7 squad from ashore help chief engineer, chief
8 electrician, the captain and me. Coast Guard was
9 telling the captain to (inaudible) but didn't want and
10 he wanted to stay there, but everybody will go,
11 everybody will (inaudible) so I spoke with the
12 supervisor, I don't know the boss who was in charge
13 from ashore regarding that communication between the
14 Coast Guard and captain and they need to have
15 (inaudible).

16 After that we took the helicopter and we
17 went to the (inaudible).

18 Q. Thank you, Norma, that helped me retrace
19 your foot steps. I appreciate it.

20 A couple of follow-up questions based on
21 that. You mentioned an explosion and with that you
22 also mentioned oil. Can you tell me where that came
23 from, where the oil came from and where the explosion
24 came from or where you -- I understand that the
25 smoke -- so maybe you didn't see.

1 A. Yes. Actually the oil was coming -- I don't
2 know exactly, but watching through the pilot door port
3 side, the explosion was in the same garage, garage B.
4 Now at that time I didn't know the explosion from
5 where, where coming, no. But at that time I didn't
6 know exactly from where it was coming the oil or the
7 explosion, what I can see is the oil on deck outside
8 from the pilot station.

9 Q. Okay. And during the evacuation process I
10 believe you were also involved in the evacuation of
11 the dogs. Can you tell me what you remember from
12 that?

13 A. I remember that for the dogs I thought they
14 need to evacuate also but not by MES because it wasn't
15 possible. They start to the helideck, between
16 (inaudible) during that time was time to time check is
17 no more person the part for me was actually no more,
18 but the evacuation, yes, I sent to helideck.

19 Q. And I understand after that there were two
20 dogs that didn't survive, did you know at the time
21 where those dogs were?

22 A. I knew about it missing the two dogs when I
23 arrived on the land, when one person from the company
24 asked me where is the dogs my answer was all of the
25 dog was already out from the vessel, unfortunately two

1 dog was missing, what I know now was the garage, the
2 elevator (inaudible).

3 Q. And what garage, do you remember was it C, A
4 or B?

5 A. It is garage B because the entrance
6 (inaudible) elevator.

7 Q. Back to the fire fighting efforts, you also
8 mentioned boundary cooling. I just wanted to confirm,
9 are the boundary cooling team, do they have fire
10 fighters outfits and breathing apparatus?

11 A. They have actually helmets for that one.
12 During that time the fire squad have to relieve
13 fireman boundary cooling. Normally was sending for
14 the area by the smoke. When I call the boundary
15 cooling, fire squad, the first thing was report to me
16 what is fire squad number one. When they start
17 reporting to me too much smoke, I receive the order
18 from the captain to evacuate. So I immediately, I
19 called the boundary cooling team to evacuate. So
20 boundary cooling didn't have the chance to arrive in
21 the (inaudible).

22 Q. So I understand things, I understand a
23 little more clearly, thank you.

24 Just to confirm, the boundary cooling team
25 they had there was no time to get a hose charged or

1 get water in any of the adjacent or affected areas; is
2 that correct?

3 A. Is correct.

4 Was very quickly the time for the abandon.

5 Q. And that was my next question. Is with
6 respect to the abandonment, how were you notified of
7 the order to abandon the vessel? Did you get it by
8 radio or did you hear it by announcement?

9 What do you remember of that?

10 A. By radio, yeah, by radio because the captain
11 was calling to issue the engine room (inaudible).

12 Q. Okay. And with respect to you and your duty
13 as the on-scene commander, do you normally wear a fire
14 fighters outfit and breathing apparatus?

15 A. No, I no wearing that.

16 In the communication with the (inaudible).

17 Q. Okay. And during this actual event did you
18 have breathing apparatus or fire fighting suit?

19 A. I took one. I took one because I want to
20 get to access engine, but wasn't possible.

21 Q. Okay. Just to confirm with the fire squads
22 and boundary cooling teams, when did they leave their
23 stations? Was it right after the order was given to
24 abandon the vessel?

25 A. For the fire squad what?

1 Q. When the fire squads, when they actually
2 left the staging area, did that happen right after the
3 order was given to abandon the vessel?

4 A. Actually almost the same time because when
5 they call me, they told me was to go to the staging
6 area. They told me was too much smoke, the order from
7 the captain to abandon.

8 Q. Okay.

9 A. For me by radio.

10 Q. Understood. And one other question I had
11 is: Did you ever hear the signal? You mentioned
12 earlier the signal seven short and one long, did you
13 ever hear that alarm?

14 A. No. First thing was Mr. Skylight. That was
15 to us to avoid any panic to the passenger. So the
16 first thing was Mr. Skylight the alarm after I don't
17 know when.

18 Q. But you do remember hearing the alarm?

19 A. Uh-huh.

20 Q. You heard the alarm seven short, one long?

21 A. What I remember I don't remember was it
22 seven short or (inaudible) the first thing was I hear
23 by PA system Mr. Skylight.

24 Q. Okay. Who was in charge of the evacuation
25 of the passengers was that you or someone else?

1 A. We have different leaders, for different
2 stations.

3 Q. The what leaders?

4 A. We have leaders, different station for MES
5 we have one leader, life raft we have another one,
6 platform we have another one, like the muster station
7 ABC we have another person in charge to give
8 instructions.

9 Q. Is there any one person who is overall in
10 charge? Is that the captain? Is that you? The staff
11 captain or somebody else?

12 A. Each person is in charge of the muster
13 station, they have the (inaudible) for that.

14 Q. Okay. The other question I have now is I
15 understand you said you were onboard for nine months.

16 A. Yes.

17 Q. That sounds like a long contract. In your
18 previous experience sailing had you ever sailed for
19 that duration of time before?

20 A. Six months before?

21 Q. Six months.

22 A. In my previous company, six months.

23 Q. So as I understand during your nine months
24 onboard you sailed as a watchkeeping officer and then
25 you transitioned to safety officer; is that correct?

1 A. Yes. Second officer after safety officer.

2 Q. Second officer, then safety officer, okay.

3 When did you become safety officer like when
4 were you officially the safety officer onboard?

5 A. During the dry dock, June/ July.

6 Q. Okay. So your contract was nine months.

7 You signed on you were a watchkeeping officer, you
8 went through a dry dock period and then you were
9 safety officer after the dry dock?

10 A. After the dry dock, yes.

11 Q. Okay. Do you remember during the departure
12 from Santo Domingo, did you land anybody ashore in
13 Santo Domingo before departure?

14 A. One lady, one lady I remember (inaudible).

15 Q. Just one second Norma we are having a
16 connection issue.

17 A. Okay.

18 Q. All right. Can you hear me?

19 A. Yes, I can hear you.

20 Q. Okay. I can hear you better now as well.

21 I'm sorry for that.

22 So just to clarify, I only heard partially
23 what you had mentioned with respect to landing of a
24 passenger in Santo Domingo.

25 Can you repeat that?

1 A. Yes, we before departing from Santo Domingo
2 we disembark one lady because the don't report to the
3 bridge during that and he said we need to disembark
4 from emergency so we disembark.

5 Q. And is there a process for when you
6 disembark a person, is there a process to update
7 manifest or notify the company that you are now
8 sailing with one person less?

9 A. Will working for that, for update.

10 Q. Another question I have is with respect to
11 fire dampers, do you know if there are any repairs or
12 replacement or refurbishment conducted during the dry
13 dock period?

14 A. For the damper, I remember we are doing
15 tests with the inspector to be sure damper was
16 working, that was part of the inspection and was
17 working properly.

18 Q. Okay. And are you aware of any problems
19 with the ventilation either the indication or the
20 operation of the ventilation on the car decks prior to
21 the accident?

22 A. Dry dock, in dry dock when he was the
23 inspector was checking the ventilation from the garage
24 some handle was a little -- was (inaudible) but we fix
25 that one and after he check again, it was working.

1 Q. While we're on the subject of dry dock, I
2 understand you underwent a hook replacement for the
3 lifeboats.

4 A. Yes.

5 Q. But in particular I'm wondering, even before
6 or after the accident, if you remember when the
7 starboard side lifeboats, so that would be number one
8 and number three, when was the last time that they had
9 been launched and put in the water and operated?

10 A. During the, for the dry dock before the
11 departing.

12 Q. So they were in the water and operating
13 before departure from dry dock?

14 A. Yes.

15 Q. Given your time onboard, do you remember
16 before the dry dock when they were last launched?

17 A. No, I don't remember.

18 Q. Okay. You mentioned earlier that you were
19 not using the station bill and muster list that we had
20 referenced. Do you remember the version of station
21 bill that you were using onboard the Caribbean Fantasy
22 at the time of the accident?

23 A. That was other one, yes, that you have these
24 was not onboard at that time.

25 Q. Okay. Do you remember that muster list

1 station bill, do you remember the date or the stamp on
2 that version that you were using on the ship?

3 A. That was, the new sign was after -- no,
4 during the dry dock, during the dry dock.

5 Q. Okay. One question I forgot to ask you
6 earlier, Norma, was: What is your native language?
7 What is your first language?

8 A. My language is Spanish.

9 Q. Spanish, thank you.

10 During your time onboard, do you remember a
11 crash stop test being conducted?

12 A. A test for what?

13 Q. A crash stop.

14 A. No.

15 Q. Okay.

16 A. No remember.

17 Q. And just another point of clarification with
18 respect to the life saving appliances and fire
19 fighting equipment, you mentioned that certain people
20 do those jobs, or do those inspections, sorry. Who
21 does, who is in charge of inspecting the life saving
22 appliances?

23 A. We have two officer for the life saving.

24 Q. Uh-huh.

25 A. For this time third officer was the to check

1 the life saving appliances, but this (inaudible)
2 officer to check all of the life saving appliances.

3 Q. And the fire fighting equipment?

4 A. One second officer, new.

5 Q. With respect to the MES launching, you
6 mentioned you were involved in the launching, but are
7 there designated crew members who are supposed to do
8 that if you are not there?

9 A. Yes, another crew was help also (inaudible)
10 port side, when I went to starboard side, I was with
11 the same guy, after I (inaudible) captain, but in case
12 I am not there, have another crew.

13 Q. Okay. And do you recall who is in charge of
14 the port side MES and who is in charge of the
15 starboard side MES?

16 A. Actually the (inaudible) in charge for the
17 MES port side would travel to the starboard side
18 because it was (inaudible).

19 Q. Okay.

20 A. We need to go to the starboard side.

21 Q. So you had to go from port side to starboard
22 side?

23 A. Yes.

24 Q. Okay. And why was that?

25 A. Sorry?

1 Q. Why did you go from the port side MES to
2 starboard side?

3 A. When they inflated port side and (inaudible)
4 captain report to also to starboard side so smoke come
5 from the port side closer to the area.

6 Q. I understand you're responsible training of
7 the crew members for the lifeboats, do you remember
8 the last time that you had done any life -- specific
9 lifeboat training to the crew members?

10 A. The last drill I don't remember what the
11 last drill, actually before like in San Juan.

12 Q. That was before San Juan or in San Juan?

13 A. No, in San Juan for inspection before San
14 Juan we did drill.

15 Q. Okay.

16 A. But I don't remember which day.

17 Q. And just to make sure I understand the
18 process onboard, can you tell me a typical drill just
19 a typical drill that you conduct every week and how
20 they go. I understand it's pretty -- or it's kind of
21 a routine. How do the drills run?

22 A. Typical drill we take one from onboard which
23 will make the drill, one crew bridge to report is on
24 fire, or something is strange, the bridge will call
25 safety officer to check what happened and they will

1 come and say something smell of fire from the bridge
2 and immediately they would activate the call
3 Mr. Skylight. I call the fire squads, boundary
4 cooling, medical team, to be all in position. When
5 the fire squad is ready position, they come. I call
6 the bridge to report they are ready after (inaudible)
7 the command center in the bridge to proceed, they say
8 yes, okay. Go inside. Communication about how the
9 situation inside the area is becoming worse or
10 (inaudible) if mechanical room I call the bridge to
11 inform and also they have any casualty or no, report
12 everything up to the bridge. After that I say to
13 (inaudible) fire, we proceed to the abandon.

14 So they give the instruction to proceed
15 commander to pull out the pin (inaudible) to proceed
16 to the areas. When that happen all crew in the muster
17 stations I go around to check all together with the
18 staff captain to check the all muster station seem
19 correct. Proceed. Some questions about anything. We
20 check the engine. We check to office. Check the crew
21 to go check the lifeboat to how to (inaudible) engine.
22 When we finish the drill we go to the bridge captain
23 instruct safety officers for small (inaudible), if we
24 need to change something for the drill, focusing on
25 other area. Train more for the crew. Something.

1 Q. And you do this every week?

2 A. Every week.

3 Q. Okay. And with respect to the lifeboats,
4 just back in your career with the company, do you know
5 what the process is for lowering and launching the two
6 starboard side lifeboats or what you remember of that?

7 Is there a process because I understand
8 you're always starboard side along side in both the
9 port of San Juan and Santo Domingo. So I'm wondering
10 what the process is for operating those boats and the
11 books for those boats?

12 A. Yes. Starboard side in San Juan in Santo
13 Domingo (inaudible) for the port side, for the
14 lifeboat starboard side, every time when (inaudible)
15 for launching, we do it and we bring the crew,
16 especially the OSAB more people operating that one.

17 Q. I'm not sure I understood. So you say you
18 use only the port side or do you use -- do you ever
19 use the starboard side boats for drill or train or
20 just to lower and put in the water and take out?

21 A. When the, when we are in a drill or test, we
22 lowering port side because the only one we can do
23 because the other side is (inaudible) starboard side
24 (inaudible). The port side is the one we are lowering
25 (inaudible) for the starboard side, so in case for the

1 starboard side it can't operate, they know because
2 port side they operating.

3 Q. Understood. Have you ever witnessed, have
4 you ever witnessed the ship stopping and lowering
5 either of the starboard side boats into the water,
6 either a safety officer or in your previous tenure in
7 the company?

8 A. I saw when they take out the lifeboats, when
9 we are in dry dock.

10 Q. Okay. And that was the only time you've
11 ever seen the starboard side boats?

12 A. They lower all of the lifeboats before go
13 inside the dry dock they lower on the water.

14 Q. Okay. You mentioned earlier lifeboat number
15 two, there was a gap between the ship side and
16 lifeboat number two. Why was that gap there?

17 Why was there a gap?

18 A. Lifeboat number two, for distance
19 (inaudible) port side and the lifeboat was separate,
20 that wasn't a problem, it was a lot to still how they
21 call we fix the lifeboat, to (inaudible) anything for
22 the passengers and was okay after.

23 Q. Okay. And my last question is: How do you
24 account for the passengers?

25 Is there, like, a checklist at each of the

1 muster stations to take a check of all of the
2 passengers?

3 A. They have the, reception have the list for
4 the passengers and they have one small equipment to
5 count.

6 Q. Do you recall this being used on the day of
7 the accident, did you see this being used?

8 A. On the day of the accident, no, they didn't
9 use. It was only by my count.

10 MR. TUCKER: Okay. That is all of the
11 questions I have. Again, a big thank you for your
12 time, and I appreciate it.

13 THE WITNESS: Thank you to you.

14 MR. YETS: All right. I just have a few
15 follow-up questions for you. This is Jason Yets with
16 the United States Coast Guard.

17 DIRECT EXAMINATION

18 BY MR. YETS

19 Q. What crew members onboard the ship -- maybe
20 a better way to ask is: What safety positions on the
21 crew muster list are required to have crowd management
22 and crisis management and human behavior?

23 A. Who me or --

24 Q. No. I'm asking you: You assign the safety
25 cards, right?

1 So which crew members or which safety
2 positions onboard are required to have crowd
3 management and which positions are required to have
4 crisis management and human behavior?

5 A. From reception and (inaudible) crowd.

6 Q. So it's specific to a position, it's not
7 specific to an emergency duty?

8 A. No, emergency.

9 Q. So you had mentioned when you guys left dry
10 dock that you had this dry dock station bill and then
11 when you went back in to operation you had your normal
12 station drill. Who is responsible for going around --
13 I keep saying the station bill. I apologize. The
14 crew muster, who is responsible for going around and
15 gathering up all of the old crew muster lists and then
16 putting all of the new ones up?

17 A. One officer can assist me for that.

18 Q. Who is responsible for it?

19 Who is ultimately responsible for the
20 removal?

21 A. Me.

22 Q. You?

23 A. Yes, for me, deciding to remove or not.

24 Q. Do you have a, like, a list you maintain, a
25 list of where all of the crew muster lists are located

1 on the ship so that way you know that they --

2 A. Yes, we --

3 Q. Okay.

4 A. Yeah, I have the list where the location and
5 follow my, the plan, we have also one arrangement
6 (inaudible).

7 Q. Does the ISM code say anything specific
8 about document control, with regards to obsolete
9 documents?

10 A. ISM.

11 Q. Yeah, in the ISM code, is there anything
12 specific in the ISM code that talks about obsolete
13 documents onboard a ship?

14 A. Yeah, we have the which document what we
15 need onboard depends the person and the capacity of
16 the vessel.

17 Q. So if you find obsolete documents onboard,
18 what do you do with them? What does the ISM code say
19 you're supposed to do with them?

20 A. We find some document from the ISM?

21 Q. Yeah, the ISM code talks about documents
22 control.

23 A. Yeah.

24 Q. But does it address anything specifically
25 with obsolete documents or documents that don't apply

1 to the ship?

2 A. They have the specification which document
3 we need, we can find what document we need, what
4 equipment we need also onboard.

5 Q. Okay. Let me give you an example, like, so
6 with all of the old station bills -- with all of the
7 old crew muster lists, right, from the dry dock, once
8 you took all of those down because they were no longer
9 in use, what did you do with them?

10 A. We did this one because the -- if there is
11 in passenger only few crew, so when it's like that,
12 it's like the cargo vessel because no passenger we no
13 need the life raft. We need in the moment what
14 (inaudible) sufficient the vessel at that time, but in
15 Port San Juan for the instruction for the (inaudible)
16 you have cargo vessel you have the drills, all for the
17 passengers.

18 Q. Okay. What do you actually physically do
19 with the old crew muster lists? Once you took them
20 down, and you put up the new ones, what did you do
21 with the old ones? Did you retain them for future dry
22 docks? Are they removed off of the ship?

23 A. For the old one when we did it, keep in one
24 office there and one we are sure all of the new ones
25 muster list is ready, depending the class because one

1 time we need to back to the previous one (inaudible)
2 keeping at least one or two from the old ones, the
3 rest they will (inaudible).

4 Q. Okay. Thank you. Do you remember a lot of
5 the details about the COC exam -- I'm sorry. The
6 Coast Guard exam that you guys had a couple of weeks
7 before the incident.

8 A. Yes, I remember.

9 Q. Do you know of any information or can you
10 speak to it, I think it was discussed afterwards on
11 why lifeboat number two had to manually release their
12 blocks from the hooks and why they didn't release them
13 by using the installed release gear.

14 A. No. When I was there because I (inaudible)
15 from the U.S. Coast Guard, the lifeboat was
16 (inaudible) so I don't know what release (inaudible).

17 Q. Okay. Two more questions and then I think
18 I'm done. So what Adam was speaking about earlier,
19 how you guys always have to go starboard side along
20 side in Santo Domingo and in San Juan, how often are
21 you -- since you are starboard side along side every
22 time how often are you required to lower your boats to
23 the water, the starboard side boats?

24 A. Yeah, they need permission to drop the
25 vessel. Actually they are doing it during Santo

1 Domingo and to put the vessel in position to lower the
2 other side.

3 Q. Right. But how often are you required to do
4 it you know by company policy, by international
5 regulations, how often are you required to put the
6 boats in the water on starboard side?

7 A. I don't know.

8 Q. How often are they required to actually be
9 launched in the water by their assigned crew, the
10 starboard side boats?

11 A. I don't remember how long they (inaudible)
12 lowered, how many months, I don't remember how the
13 time.

14 MR. YETS: Okay. All right. Thank you very
15 much for your time. I really appreciate it.

16 That is all I have.

17 MS. BELL: I just have a couple of questions
18 for clarification.

19 DIRECT EXAMINATION

20 BY MS. BELL

21 Q. The first one: You work for Baja Ferries
22 but you were hired -- were you hired through a crewing
23 agency or a crewing company?

24 A. I am hired directly with Baja Ferries.

25 Q. Okay. So you were -- go ahead.

1 A. I was hired directly by Baja Ferries.

2 Q. I'm sorry?

3 A. I'm hired directly by Baja Ferries.

4 Q. Okay. And so were you interviewed by the
5 company when you were hired?

6 A. They hire what?

7 Q. Did you go through an interview process?

8 A. Yes, they contact directly with the company
9 for that.

10 Q. Okay. Thank you. A couple of other
11 questions. We talked a little bit about the crowd
12 management, how do you train crew members like the
13 staircase guides to deal with crowds in an emergency?

14 A. First thing we need to do is how they can
15 manage the position for the staircase, how to manage
16 the leader because we have one leader, what
17 instruction we give to them is to know especially how
18 (inaudible) how can what they need to do in case they
19 have the passenger to guide to the stairs. Give the
20 training for the first person that need to be called
21 in the crew, the leader. Give the (inaudible) to the
22 other members for the team, we are discussing also
23 with the leaders, the stairs, in case of emergency
24 have close any elevators. So instruction we give to
25 them to avoid that one, to be sure that, no not notice

1 coming from because from the cabins, passengers from
2 the cabins they the people who (inaudible) lifeboats,
3 not to the life raft. We give the guide for that one,
4 some also the safety quiz they have instruction there.

5 Q. And are they required to have any kind of
6 certification for crowd management training or
7 anything like that aside from what you teach them,
8 what you train them to do, are they required to have
9 certification for that?

10 A. They have the crowd, the crowd certificates.

11 Q. Okay.

12 A. They come onboard with the crowd
13 certification.

14 Q. Okay. And I just have one last question.
15 If you encountered a crew member, a new crew member
16 who didn't speak any English, prior to his new
17 requirement that you said you guys have now, did you
18 have to report that to anyone? What was your process?

19 A. If the person no speak English, we have
20 another crew that know how to translate, we are
21 working with one (inaudible) they speak Spanish or
22 they have assistance from the (inaudible) or another
23 crew specific from the (inaudible) to know how to
24 speak English and then translate, but you don't know
25 how to speak English, we have person that can do it.

1 Q. And you mentioned earlier that you do have a
2 new policy for English proficiency; correct?

3 A. A new policy?

4 Q. I thought that you had said that you have a
5 new policy for ensuring that crew members have some
6 sort of competency to speak English.

7 A. This is maritime test, maritime test is now
8 the exam how the English, now the medical requesting
9 this certificate.

10 Q. Is that -- do you know if that's in the SMS
11 if that's been added or where that is located?

12 A. For this one.

13 Q. A new -- this new policy that you are
14 referring to.

15 A. Now is maritime, it's from the maritime.

16 Q. I'm not sure I'm understanding. Say that
17 again.

18 A. This test now is required for the maritime.
19 MS. BELL: Okay. Thank you. That is all I
20 have.

21 THE WITNESS: Okay.

22 CDR CAPELLI: Good afternoon, Safety,
23 Commander Mike Capelli, U.S. Coast Guard.

24 DIRECT EXAMINATION

25

1 BY CDR CAPELLI

2 Q. You had mentioned that you were the on-scene
3 commander during the fire of the Caribbean Fantasy,
4 did you make any recommendations to the captain to at
5 that time fire was out of control that you should
6 abandon ship?

7 A. Actually, we cannot go inside the effected
8 area. (inaudible) we have instruction to abandon the
9 vessel, but the chief engineer was the one to report
10 to us to activate the CO2, but we didn't have any
11 chance to go inside. So I didn't say nothing. I got
12 immediately for the abandon.

13 Q. So you never had, you never made a
14 recommendation to the captain that the fire was out of
15 control?

16 A. No, because I have communication between the
17 chief engineer for the fire, when I have my team ready
18 to go for the staging area, at the same time when they
19 start talking to me, too much smoke, they cannot go
20 there, captain was giving the instruction to abandon
21 the vessel.

22 Q. Did you hear the chief engineer give the
23 master a recommendation the fire was out of control?

24 A. No, I didn't hear, no.

25 Q. As the on-scene commander, you were in

1 charge of the boundary, did they report that they ever
2 made it to their boundaries?

3 A. Boundaries.

4 Q. Yeah, the boundary coolers. Did they
5 ever --

6 A. No, the boundary cooling cannot reach the
7 area.

8 Q. Never reached --

9 A. Not reaching.

10 Q. Your time on the Caribbean Fantasy, how many
11 Port State Control exams were you part of?

12 A. I don't remember how many, but we have Port
13 State Control.

14 Q. A lot of Port State Control. What did the
15 Port State Control teams look at?

16 A. The Port Control?

17 Q. Yes, the Coast Guard Port State Control
18 team, what did they look at? What did they examine?
19 The Coast Guard Port State Control examiners when they
20 were onboard the vessel, what were they examining.

21 A. For the drill, for the fire.

22 Q. Did they test your fire drills?

23 A. Yes. We did a drill with the Coast Guard,
24 Port Control Coast Guard. We test the lifeboats. We
25 test the system for the fire, for the drencher system

1 they test.

2 Q. So they tested the drencher system also?

3 A. Yes, they tested drencher system.

4 Q. And during the casualty, did you hear or did
5 you see the drencher system work?

6 A. I didn't (inaudible) the system was activate
7 but I didn't see because I was coming out from the
8 (inaudible).

9 Q. Other than fire drills, did the Coast Guard
10 test any other drills on the Caribbean Fantasy?

11 A. Every time when we are the Coast Guard they
12 test the system, the drencher, every time they come.

13 Q. And did any other organization do drills
14 with you?

15 A. The RINA class inspection for life saving
16 fire fighting equipment, Port State Control.

17 Q. You had mentioned earlier that you during
18 the evacuation you were asking the Coast Guard to push
19 the rafts, when you train how are the rafts supposed
20 to be handled?

21 A. When I call the Coast Guard to give assist
22 to us for the life raft because when we (inaudible)
23 life raft before line was cut so they cannot pull to
24 the platform for the MES, that is (inaudible) Coast
25 Guard to push the life raft.

1 Q. That is how you trained to ask for
2 assistance?

3 A. We need to put one line connect with the
4 MES, that time was cut the line.

5 Q. Okay. When the Coast Guard was pushing the
6 life raft were they doing it as you expected that they
7 would do?

8 So when they provided the assistance in
9 pushing the life rafts they did it how you expected it
10 to be done?

11 A. When they push the life raft to the platform
12 for the MES?

13 Q. Yes.

14 A. The guy here with the crew member operate
15 the life raft, start sending the passengers.

16 Q. No, when you talked about, you asked the
17 Coast Guard to help push the life rafts to the
18 platform. Was that operation conducted the way you
19 thought it would be?

20 A. This is not a normal procedure, what we need
21 to do.

22 Q. Okay. What's normal procedure?

23 A. When you throw the life raft, you have one
24 line connecting with the platform, and then you with
25 the hook, pulling to you, to the platform. The line

1 was cut, and that is the result, call the Coast Guard
2 to give the assistance to push the life raft.

3 Q. You also mentioned while you were on garage
4 B that you saw oil near the pilot station; do you know
5 why there would be oil near the pilot station?

6 A. Yes. I saw the oil near the pilot station
7 port side, exactly from where I went from (inaudible)
8 no, but I didn't saw this from the -- because in the
9 pilot station we have also the bunker station, maybe
10 some fuel over there, actually I cannot tell you
11 exactly.

12 CDR CAPELLI: Thank you. I have no more
13 questions.

14 Does the Board have any more questions?

15 MR. BOWLING: I have a few.

16 Safety, can you hear me okay?

17 THE WITNESS: Yes. I can hear you.

18 DIRECT EXAMINATION

19 BY MR. BOWLING

20 Q. Okay. My question is actually following up
21 on Commander Capelli's questions related to the MES
22 and the use of the Coast Guard assets on scene.

23 Had the crew of the Caribbean Fantasy prior
24 to the fire -- and by the way, my name is Larry
25 Bowling and I'm with the National Transportation

1 Safety Board.

2 Had any of the crew members or you trained
3 with assets other than the rescue boat to manipulate
4 the life rafts and the slide for the Marine Evacuation
5 System or was that a first for you?

6 A. Yeah. We give the training to the crew how
7 to operate the life rafts, how to release, how to
8 operate the MES.

9 Especially for this because this is
10 connecting with the MES, we have all additional
11 training especially for that also, especially to do
12 that, but we give the training to the crew how to
13 operate the life rafts and we have (inaudible) to the
14 crew for how to operate rescue boat.

15 Q. Yes. Thank you. Just a quick follow up in
16 the same topic, the rescue boat, what I understand,
17 never made it into the water; is that correct?

18 A. It is correct.

19 Q. So back to the question, has the Caribbean
20 Fantasy or any of the crew is that the first time that
21 the crew or the vessel or the master had to ask an
22 outside asset such as a first responder vessel, which
23 would be the Coast Guard vessels, to assist with
24 managing the life rafts and the MES or had there been
25 preparations for that with the -- some of the Port

1 State Control officials in Domrac (phonetic) or some
2 of the first responders in Domrac. Have you ever
3 practiced that before?

4 A. Yes. We ask the Coast Guard to assist for
5 this one. We already have the list to port side and
6 we have problem to lower the life raft number two, but
7 luckily to the position with the lifeboat assistance
8 from the embarkation deck to the lifeboat. And we
9 didn't touch nothing from port side because we already
10 list -- I don't remember how many (inaudible) port
11 side, but it was distance. I would have really
12 problem with life raft number two (inaudible).

13 MR. BOWLING: Thank you.

14 THE WITNESS: You're welcome.

15 CDR CAPELLI: Okay. I'm going to ask Panama
16 if they have any questions for the witness.

17 Sir, you're going to have to come here if
18 you want to --

19 MR. ARENAS: Good afternoon, Norma. My name
20 is Gaspar Arenas, maritime authority for Panama.

21 DIRECT EXAMINATION

22 BY MR. ARENAS

23 Q. Okay. Just to clarify, when you finished
24 the dry dock and go to the Cardis, you have three
25 muster lists: The old one, the minimum and a new one

1 that is RINA is going to implement; is that correct?

2 A. Is correct.

3 Q. Okay. You have knowledge RINA has
4 permission to (inaudible) for (inaudible) with this --
5 with the three muster lists in the process of change
6 the muster list and why RINA recommends to change the
7 muster list?

8 A. Actually, when I took the position it
9 already was in that process for changing muster list,
10 that was already in that process. Actually,
11 (inaudible) recommending I do know, but in that time
12 RINA because we have a different, we don't have many
13 people for RINA they ask us to keep the old muster
14 list you have all the crew in order to give the new
15 code, but why RINA recommend this, no.

16 Q. When you are onboard in case of an incident
17 like this, do you use one general alarm for every
18 incident on board or do you use one alarm for each
19 one? Maybe a man overboard or do you use just one?

20 A. No. We have differing for different
21 situation. For this time, the first thing was
22 Mr. Skylight, but we have different (inaudible)
23 onboard.

24 CDR CAPELLI: Thank you, Panama.

25 Does American Cruise Ferries have any

1 questions for the witness?

2 MR. BAYRON: No, we do not. Thank you.

3 CDR CAPELLI: American Cruise Ferries has no
4 questions.

5 Does Baja Ferries have any questions for the
6 witness?

7 MR. RODRIGUEZ-BIRD: No questions. Thank
8 you.

9 CDR CAPELLI: Baja Ferries has no questions
10 for the witness.

11 Okay. At this time we will recess. We're
12 going to recess.

13 Safety, you are now released as a witness at
14 this hearing. Thank you for your testimony and
15 cooperation. If I later determine that we need
16 additional information from you, I will contact you
17 through your counsel. If you have any questions about
18 this investigation, you may contact the recorder, LTJG
19 Diaz-Colon.

20 We will now recess until 8:00 o'clock
21 tomorrow morning. Thank you very much.

22 (Whereupon, the proceedings adjourned at
23 6:02 p.m.)

24 ---

25

1 REPORTER'S CERTIFICATE

2 I, Jeannie A. Milio, Registered Professional
3 Reporter, an Official Court Reporter for the United
4 States Coast Guard, do hereby certify that Sally
5 Sybert Gessner recorded the proceedings in the United
6 States Coast Guard's Formal Investigation of Caribbean
7 Fantasy Marine Casualty held on Monday, March 20,
8 2017, at 8:10 (AST) at 1 San Geronimo Street, San
9 Juan, Puerto Rico.

10 I further certify that the page numbers 1
11 through 208 constitute a transcript of the proceedings
12 as transcribed by me from Sally Sybert Gessner's audio
13 recording in an accurate a manner as possible.

14 In witness whereof, I have affixed my signature
15 this 1st day of May, 2017.

16
17
18
19 Jeannie A. Milio

20 Jeannie A. Milio, RPR

21 Official Court Reporter
22
23
24
25