United States Coast Guard

Formal Investigation

Caribbean Fantasy Marine Casualty

Caribe Hilton

[redacted]

San Juan, Puerto Rico 00901

March 20, 2017 -- March 28, 2017

REPORTER'S OFFICE TRANSCRIPT OF PROCEEDINGS

DAY VI of VIII

DATE TAKEN: Saturday, March 25, 2017

TIME: 0813-0315

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P R O C E E D I N G S

Start Time 0813

CDR CAPELLI: Good morning, the time is 0814 this hearing will come to order. Today is March 25th, 2017; we are continuing at the Caribe Hilton, in San Juan, Puerto Rico. I am Commander Mike Capelli the United States Coast Guard, from the Seventh Coast Guard District, Inspection and Investigation Branch, in Miami, Florida.

I have been directed to serve as the Lead Investigating Officer for this Formal Investigation which has been convened by the Commander of the Seventh Coast Guard District, Rear Admiral Scott Bushman under the authority of Title 46, United States Code, Section 6301, and Title 46 Code of Federal Regulations, Part 4.

To investigate the circumstances surrounding the fire, subsequent grounding, and full evacuation of 511 passengers and crew off the motor vessel Caribbean Fantasy on August 17th, 2016 while approaching the pilot boarding station to the Port of San Juan, Puerto Rico.

I am conducting the investigation under the rules in 46 C.F.R. Part 4. This investigation will closely determine as closely as possible, the factors that contributed to the incident so that proper recommendations for the prevention of similar

casualties may be made.

We will determine whether there is evidence of any act of misconduct, inattention to duty, negligence, or willful violation of law on the part of any licensed or certificated person contributed to the casualty and we will determine whether there is evidence that any Coast Guard personnel, or any representative or employee of any of government agency, or any other person caused or contributed to the casualty.

Panama has been invited to attend this hearing as a Substantially Interested State, and is represented by Mr. Arenas. I have previously determined that RINA, American Cruise Ferries, and Baja Ferries are Parties-in-Interest to this investigation. These parties have a direct interest in the investigation and have demonstrated the potential for contributing significantly to the completeness of the investigation or otherwise enhancing the safety of life and property at sea.

All Parties-in-Interest have a statutory right to employ counsel to represent them, to cross-examine witnesses, have witnesses called on their behalf.

I will examine all witnesses at this formal

hearing under oath or affirmation and witnesses will be subject to federal laws and penalties governing false official statements.

Witnesses who are not Parties-in-Interest may be advised by their counsel concerning their rights. However, such counsel may not examine or cross-examine other witnesses, or otherwise participate.

These proceedings are open to the public, and to the media. I ask for cooperation of all persons present to minimize any disruptive influence on the proceedings in general, and on the witnesses in particular. I ask that you silence all electronic devices at this time.

The members of the press are welcome, and an area has been set aside for your use during these proceedings. The news media may question witnesses concerning their testimony after I have released them from these proceedings.

Since the date of the casualty, the National Transportation Safety Board and the Coast Guard have conducted substantial evidence collection activities, and some of that previously collected evidence will be considered during these hearings. Should any person have, or believe he or she has information not brought forward, but which might be of direct significance to

the ongoing investigation that person is urged to bring that information to my attention by emailing [redacted]@USCG.mil.

The Coast Guard relies on strong partnerships to execute its missions, and this investigation is no exception. The National Transportation Safety Board is participating in this hearing. Mr. Adam Tucker, seated to my left is the Investigator-In-Charge for the National Transportation Safety Board investigation. Mr. Tucker would you like to make a brief statement?

MR. TUCKER: Good morning, my name is Adam Tucker, and I am the Investigator-In-Charge for the National Transportation Safety Board for this investigation. The NTSB is an independent federal agency which under the Independent Safety Board Act of 1974 codified as 49 U.S. Code Chapter 11 is required to determine the probable cause of this accident, to issue a report of the facts, conditions, and circumstances related to it, and make recommendations for measures to prevent similar accidents.

The NTSB has joined this hearing to avoid duplicating the development of the facts. Nevertheless, I do wish to point out that this does not preclude the NTSB from developing additional information separately from this proceeding if that

becomes necessary.

At the conclusion of this hearing, the Safety Board will analyze the facts of the accident, and determine probable cause independently of the Coast Guard. At a future date, a separate report of the Safety Board's findings will be issued that will include our official determination of the probable cause of the accident. If appropriate, the Safety Board will issue recommendations to correct safety problems discovered during this investigation.

Thank you.

CDR CAPELLI: Okay we will now call our first witnesses of the day from Viking.

LTJG DIAZ-COLON: Good morning sir, can you please stand and raise your right hand?

WITNESSES

RENE PEDERSON

ANTIONIO FANELLI

VIKING LIFESAVING EQUIPMENT

Two witnesses produced on call of the Coast Guard were duly sworn according to the law, were examined and testified as follows:

THE WITNESS: Yes.

LTJG DIAZ-COLON: Mr. Antonio for the record same statement.

COUNSEL: Can you (inaudible word) again? Okay, Mr. Carlos could you repeat again, please?

LTJG DIAZ-COLON: Sure, Mr. Antonio can you hear me?

MR. ANTONIO: Yes sir, yes I can hear you.

LTJG DIAZ-COLON: Okay, can you please stand and raise your right hand?

THE WITNESS: Absolutely, right here.

LTJG DIAZ-COLON: (Re-administers the oath.)

THE WITNESS: Yes.

LTJG DIAZ-COLON: Okay, thank you, you may be seated now. I'll start with you, Rene, can you hear me okay?

THE WITNESS: I can hear you, yes.

LTJG DIAZ-COLON: Okay, for the record, can you please state your full name and spell your last?

THE WITNESS: My full name is Rene Pedersen.

LTJG DIAZ-COLON: And the spelling of your last name?

THE WITNESS: Yeah, P-E-D-E-R-S-E-N.

LTJG DIAZ-COLON: Okay, Mr. Antonio, would you please state your full name?

THE WITNESS/MR. FANELLI: Absolutely, my name is Antonio Fanelli.

LTJG DIAZ-COLON: Okay, the spelling of your

last name, please?

THE WITNESS/MR. FANELLI: Spelling of the last name would be F-A-N-E-L-L-I.

EXAMINATION

BY LTJG DIAZ-COLON:

Q. Thank you. Rene, where are you currently employed, and what is your position?

A. THE WITNESS/MR. PEDERSEN: I am employed with Viking Lifesaving Equipment, in Denmark. I am (inaudible word) Service Manager.

Q. Okay, and what are your general responsibilities with, for Viking?

A. THE WITNESS/MR. PEDERSEN: That is the global MES service in general.

Q. Prior to working with Viking, can you please just give me a brief experience that you have had?

A. THE WITNESS/MR. PEDERSEN: Yeah, I have been with Viking for eleven years, I have been in the engineering department, and for the last year I have been in the service department. I have been involved with the MES system throughout the eleven years.

Q. Okay, and the highest level of education that you have completed?

A. THE WITNESS/MR. PEDERSEN: That's a bachelor's degree from the university.

Q. Okay, and do you hold any professional licenses, or certificates?

A. THE WITNESS/MR. PEDERSEN: No.

Q. Okay, Mr. Antonio can you hear me?

A. THE WITNESS/MR. FANELLI: Yes, sir.

Q. Okay, and your current place of employment and your position there?

A. THE WITNESS/MR. FANELLI: Absolutely, I work for Viking Lifesaving Equipment Americas, and I am a MES surveyor and technician.

Q. And how long have you been working there, sir? Are you able to hear me okay? Antonio?

A. THE WITNESS/MR. PEDERSEN: Now we can hear you again.

Q. Okay, and how long have you worked with Viking?

A. THE WITNESS/MR. FANELLI: Thirteen years.

Q. Okay, and what's the highest level of education that you have completed, sir?

A. THE WITNESS/MR. FANELLI: I went to university, but I didn't finish college.

Q. Okay.

A. THE WITNESS/MR. FANELLI: I didn't finish completely.

Q. Okay, that's fine. And do you hold any

professional licenses or certificates?

A. THE WITNESS/MR. FANELLI: No.

Q. Okay, Thank you.

A. THE WITNESS/MR. FANELLI: You are welcome.

Q. Rene, would you be able to take off the do not disturb on your -- on the Skype account?

A. THE WITNESS/MR. PEDERSEN: I am trying to find it.

Q. Okay, if you go to the top left corner.

A. THE WITNESS/MR. PEDERSEN: Yeah.

Q. Where it says that you are online. If you click on the do not disturb, you should be able to change your status. And the reason why I'm asking you to change that, because it is showing that I am not able to share anything with you, and I think it is because it says no not disturb.

A. THE WITNESS/MR. PEDERSEN: Yeah. I do not have a do not disturb icon -- I don't know if set up that way by the company that it goes -- when you are in a meeting.

Q. Okay, that's fine.

A. THE WITNESS/MR. PEDERSEN: I'm sorry, I can't see the icon.

Q. Okay, no problem. So what I am going to do is I am going to pass the floor over to Mr. Jason Yets,

who is going to be continuing asking you questions, okay?

A. THE WITNESS/MR. PEDERSEN: Okay.

Q. Thank you for your time.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY MR. YETS:

Q. Good morning Rene.

A. MR. PEDERSEN: Good morning.

Q. And good morning Antonio.

A. MR. FANELLI: Good morning Jason.

Q. So what I would like to start with is I would like to talk about the components of the Marine Evacuation System on the Caribbean Fantasy. And your familiarity and experience with that particular system. So the question for both of you, and Rene you can answer first, and then Antonio you can answer second is what is your experience and/or familiarity with the MES system that was installed on the Caribbean Fantasy?

A. MR. PEDERSEN: I am familiar with the system. I am not a service technician, so I am not into all the service details. But the operation part, the design

part I have been involved with over several years, so I am familiar with the system.

A. MR. FANELLI: Okay, on my part, I am completely familiar with the system; I'm actually a certified service assistant, okay? And I've been working with that type of system since probably back when I started with Viking.

Q. All right, thank you. Now, I'm going to talk about the individual components that make up the Marine Evacuation System that's on the Caribbean Fantasy. Specifically starting with the slide. Is the slide able to be used as an additional piece of lifesaving equipment independently of the platform, and the drop rafts?

A. MR. PEDERSEN: No, you cannot use the slide, if you use the slide without a platform and the life rafts you will end up in the sea, it is not, no it is unusable without platform and life rafts.

Q. Is the platform able to be --

A. MR. FANELLI: (Inaudible.)

Q. Go ahead Antonio, I apologize.

A. MR. FANELLI: That would be correct. I mean the platform and slides they are one unit, and cannot be detached, or be separated.

Q. Okay, so if I understand you correctly, the

slide and the platform are all one unit, they are not independent of each other, and they cannot be used as an additional piece of lifesaving equipment?

A. MR. PEDERSEN: Yes.

A. MR. FANELLI: Correct. I mean, they cannot be separated. They can be used -- if they are needed as a floating device, if you disconnect it from the ship it can be used as a floating device.

Q. Okay, so the slide and the platform could be -- or can be used in an emergency as an additional floatation device, but not as an approved piece of lifesaving equipment on board the ship?

A. MR. PEDERSEN: That's correct. It is not mentioned in the crew manual, this is -- so this is not the way it is approved, no. That's correct.

Q. All right, thank you.

A. MR. PEDERSEN: I tell you, words at the beginning, Jason, if it could be used independently, it cannot, so ..

Q. And just moving forward with the rest of this conversation. If I only need one of you to answer, I don't need both of you to answer each question independently. So if you feel that you could -- that one of you could answer better than the other one could.

A. MR. PEDERSEN: Okay.

Q. Then I'll let you guys decide on who's going to answer that particular question.

A. MR. PEDERSEN: Okay, I could start out, and if you go into technical details, Antonio, he can help me.

A. MR. FANELLI: Absolutely.

Q. All right, wonderful, thank you. So could you start by explaining to me, how the rafts are connected, the drop rafts are connected to each other, and how those connect to the platform?

A. MR. PEDERSEN: Yeah, when the system is activated, you inflate the slide and the platform automatically. The platform is connected via a line to the first drop raft. That line goes through the (inaudible word) tubes you have seen on the ship side.

Once the first crewmember slides down the slide, and he is in the platform, the first drop raft is released with the hammer units, and that's what we saw on board Caribbean Fantasy. All rafts are numbered, and you use the hammer pump with the life raft #1.

So that, drop raft, once in the water is hauled to the platform, it is connected by the slide operator, and it is inflated. And you can begin evacuating. And that first life raft is also connected

to the next life raft on the rack, and so on. So you can continue until you have no more life rafts.

Q. So in Viking's training materials provided, or during the design of this system, this system is designed to be used with how many rafts released at a time? I guess the question I'm asking is, based on what you said, you release one raft at a time, tie it to the platform, inflate it, load it, and then you do the second raft, and then so on, and so forth? Or can multiple rafts be launched at the same time with this system?

A. MR. PEDERSEN: Once you have hauled in and attached the first life raft you can take the next life raft, and you can have two life rafts attached at the same time, no more than two, and no more life rafts should be deployed.

Once the first life raft is full, you cut it free, and you release it, and it drifts away, or is towed away by the MOB boat, then you can use the next life raft, number three. So you can have maximum two life rafts at the time.

Q. So if I understand you correctly, the way the system is designed is that only two rafts should be released from the ship at any given time.

A. MR. PEDERSEN: Yes.

Q. And then subsequent life rafts should only be released once that life raft has been cut away, and it is ready to receive another one.

A. MR. PEDERSEN: Exactly.

Q. What is the importance of the order in which the rafts are released? And what I mean by that is, you have twelve rafts up on deck they are numbered one through twelve. If a crew member were to start with #12 or start with #7, or anything but going in sequential order from one to twelve, would that affect the launching capabilities, or the way in which the ES is going to function?

A. MR. PEDERSEN: Yes, it will, and Antonio you can correct me if this is not correct, but if you -- you can imagine that the way the lines are attached you have a line connected from the platform to life raft #1 only. And the line from #1 to #2, from #2 to #3, and so on, so you can imagine the entanglement if you start releasing life raft #12.

A. MR. FANELLI: Also if I join in, the way that that equipment is designed and the actual boxes where the hammer pumps are located, each individual pump has a lock, per se, like a lock or bar system (inaudible word). So just to avoid what we just are talking about, so we can avoid launching equipment that are not

in sequence.

In order for the crewmember, or any person to activate a life raft, they have to start for life raft #1, or unit #1. So it can let you, it will let you release the next raft, #2, and after you are doing #2, it will let you release #3. It is not a possible mechanical manually releasing the life raft unless they are not in launching order.

Q. Thank you for that. Staying on the same topic what would the effects be if the rafts were released in the correct order one through twelve, but they were all released into the water at the same time. So you had stated that only two should be in the water at one given time. What would the effects be of launching one through twelve, and putting all twelve rafts in the water simultaneous, or you know, one right after the other.

A. MR. PEDERSEN: I am not sure I can -- it's not that we have tried this, so maybe I am guessing. But like I said, this is procedure, for sure. And it means that you would have twelve rafts floating around in the water. They would be connected, but with the wind, and the current, the waves, I don't know how that will behave.

It is a situation that is outside the test

scope, you can say of a MES system. So, how they are going to be controlled, how they are going to be floating around, this is not something we have tested. But I'm not sure we can guarantee this would be okay. It is -- I don't think they would be floating. Twelve, that's a lot. They should be, for sure, before we can make sure it is okay, you have to launch them one at a time.

Q. Okay, I don't -- I just want to be clear that I don't want to speak about hypotheticals. So just to confirm what you said, this is not a test that Viking has ever performed, you have never conducted a test where all twelve -- right -- rafts were launched into the water in the correct order, but at the same time, is that correct?

A. MR. PEDERSEN: That is correct, it is out of the test scope.

Q. Okay, thank you. I'd like to talk about the annual servicing of the Marine Evacuation System. If you could just go into detail, what, what is all involved in an annual servicing? What are you looking at? What jobs are you performing? Is there anything that you replace? Just kind of walk me through that whole process of an annual service for the Marine Evacuation System on the Caribbean Fantasy.

A. MR. PEDERSEN: Okay. Not that I can go into all the details, but during the annual service the slide box, the steel box you saw on either side of the ship, is taken off the ship, is taken to our approved service station. The slide and the platform are dismantled from the box, slide and platform are inflated and components are replaced.

We have maintenance intervals, fixed replacement intervals on some parts, and we have a condition-based assessment from other parts. Anyway, this is carried out by two approved MES technicians that has went to our training course, and attend the slide certificate.

And we have two different kinds of tests and at the end, all the parts are, when it is all cleaned, and dry, it is repacked, and reinstalled in the box.

The same goes for the life raft, they are also taken off the ship, and they are inflated in the station. They are cleaned and dried, and serviced with the components, and they are repacked again, reinstalled. That was the short version.

Q. Antonio, perhaps you could speak to this, is there anything additional besides just material condition inspection? Is there anything that you replace? Is there anything that is tested or you know,

confirmed to be operating? Is there anything outside of a material condition inspection in an annual servicing?

A. MR. FANELLI: Like my colleague said, yes, the two parts are separated, where we --

(Loss of power -- blackout at hotel 083924 -- please standby.)

MR. YETS: Rene, we still have you? If you can hear me we had a blackout at the hotel, so just please standby.

THE WITNESS/MR. PEDERSEN: Okay, okay --

CDR CAPELLI: At this time it is 0840 we are going to take a quick recess, we had a loss of power.

CDR CAPELLI: We are in recess -- confirmed at 0839.

(Whereupon a brief recess was taken.)

CDR CAPELLI: Good morning, the time is 0842 all the electronic equipment is back up and running, so we will commence the hearing.

WITNESSES

RENE PEDERSEN

ANTONIO FANELLI

EXAMINATION (cont.)

BY MR. YETS:

Q. Rene and Antoni, I just want to remind you

before we get started again, that you are still under oath.

A. MR. PEDERSEN: Yeah.

A. MR. FANELLI: Okay, yes.

Q. I'd like to talk to you guys about the process of becoming an authorized Viking Service Technician.

A. MR. PEDERSEN: Yes.

Q. What is all involved in becoming a Viking Service, an Authorized Viking Service Technician, and what I mean by that is, if a third party wanted to conduct work on your systems, as a Company, what is your process for approving and maintaining those authorized technicians?

A. MR. PEDERSEN: Yeah. As a service provider, we must provide the service and according to A761 we also, we have to follow the rules for that. And we have to have the service network to carry out service of our MES systems.

The industry policy at Viking for MES technicians is that you first, you start with a period at the service station, I mean, you have be -- we hire the technicians that we see a good potential in, and we -- they have the right quality, attitude. Once you are working with Viking, you will be working on the floor for a while, so to speak. You will have several

months, could be years, whatever.

But if we decide you should go through a MES training course. This, you need to be a raft technician before you can go to be a MES technician. So it means you have gone through the raft training courses, and become a raft technician.

If we decide to proceed to make you a MES technician, you will go through our MES training facilities, training course in Talinn, Estonia. We have it set up with all of our MES systems, and that is a one week, full one week training course carried out by our senior MES technicians.

If you pass that week, you will go back to your service station and you will have a period of time working with the MES systems again, together with your already qualified colleagues.

That period depends on you, actually. It is not that we have a fixed interval. It is depending on the quality attitude you show, and the work you show. Once the MES -- sorry, once the service manager at that station finds you ready to become a certified MES technician, he calls the senior surveyors, and asks for verification. That means that we have to be on site.

And if that is in Miami, for example. It means that our MES senior technician, they will fly to

Miami and he will participate in a service together with that MES technician. And if he sees the work you are doing is okay, the quality is good, and you use whatever you need to use during the service checklist, component replacement, et cetera, and he find you fully acceptable, he will issue a MES certificate, and you are now a certified MES technician.

You will also continue to do MES service with that certificate. And after three years you will have a refresher course at our training facilities in Estonia again.

Q. So, if I understand you correctly, and if you can just confirm this for me, authorized Viking service technicians are only going to be employee's of Viking? Is there any situation where a non-employee of Viking who is employed by a third party, could become an authorized Viking service technician?

A. MR. PEDERSEN: They can, yes.

Q. All right.

A. MR. PEDERSEN: We have partner stations with certificates also. They go through same training course.

Q. Okay, thank you. And you said the frequency for recertification is every thirty-six months, is that correct?

A. MR. PEDERSEN: That is correct.

Q. Were the slides, the platforms, or any of the drop rafts able to be serviced to the point where they could be put back into service on board a vessel?

A. MR. PEDERSEN: At the time we saw them in San Diego -- sorry, San Juan, or --

Q. Yes, sir. At the time you saw the rafts in San Juan, was the material condition of the equipment that it was able -- was it as such that it was able to be repaired and put back into service?

A. MR. PEDERSEN: No, absolutely not. It was on the key site for months, and in the sun and with the salty water, not -- it was not cleaned, and it was -- no, no, it was very deteriorated.

Q. So because of the way the rafts, the platforms, and the slides were handled when they were taken out of the water and put onto the pier, and the conditions that they were exposed to, because of that reason, they were not able to be serviced to the point where they can -- could be put back into service, is that correct?

A. MR. PEDERSEN: Yes, all rafts, all rubber parts that would be slides, platforms, yeah, and the rafts, they must be cleaned immediately after taking off the water. We do that at our service station,

that's the first thing we do, we clean them with fresh water.

And make sure there is no oil, no salt water on the raft, and they are -- we -- they are dried. That is to prevent deterioration. And so that's not what happened, obviously, on the key site in San Juan.

Q. Does Viking, as a company, provide any guidance, direction, or otherwise to the owners of the vessels that carry your equipment on how the equipment should be handled in the event of a casualty? Post-casualty?

So, what I mean by that is, do you guys provide any guidance to say, if you ever have a casualty on board your ship, and you have to use your lifesaving equipment, to ensure that your lifesaving equipment does get destroyed and it can be put back into service, we recommend that this is how the equipment be handled.

A. MR. PEDERSEN: I don't think we have any guidance on the after casualty situation. This is very rare, fortunately. But in the cases we have seen, with systems in use in real situations, we never re-use the equipment.

It probably could, but it has been post situation that we are not aware of the forces, and the

impact on the system, so it is a general rule that we never re-use systems used in a real situation.

Q. Okay, thank you. I'd like to talk to you guys about the split tubes as a component on the Marine Evacuation System. Could you explain exactly what the split tubes are, and what function they serve?

A. MR. PEDERSEN: Yes, the split tubes are used for routing and they are lines. When we talk about the slide system, we have connecting lines from the platform to the first life raft. That line cannot be hanging on the ship side loosely, of course.

So it is positioned, in a split tube, which is a rubber tube that is split, and it is attached to the ship's side. So it is a routing for the connecting lines.

Q. Do the split tubes have any sort of structural fire protection? Are they designed or made up of material that would give protection to the lines that are inside of them?

A. MR. PEDERSEN: I am not sure how much was considered regarding this, when it was developed, that goes back twenty-five years. But, it is kind of insulated, it is attached to the ship's side, but the rubber part is not in contact, directly with the ship side.

And as we have seen on Caribbean Fantasy, also, it is clear that the split tube is in a relative good condition even in the areas where you have seen the, all the paint burned off.

So, we have not seen a failed split tube on Caribbean Fantasy. But that's, I'm not saying that it is fire protected, we cannot say that.

Q. Okay, thank you. Now I would like to move on to training, specifically, training recommended by the manufacturer to the owner. What type of training does Viking recommend and provide to owners who have these systems on their vessels?

A. MR. PEDERSEN: We, when we deliver a new ship we install the MES system on board. And as the regulation says, at least 50% of the MES systems on board, they should be deployed. So we have a full deployment, and at the end of that deployment we recommend to have a have a crew training.

It is not that we are responsible for the crew training, that's the captain. But still, we carry out crew training and when we -- when the ship leaves we are no longer, you can say, in contact with that ship, we don't follow the crew change, for example. Some ferries, they change the crew a lot. Which is a problem. But it is not our responsibility. But we

will carry out crew training at any request.

Q. Do you provide any training materials to an owner on the systems? In way of manuals, videos, et cetera?

A. MR. PEDERSEN: Yes, we have to also according to the regulations. So at each delivered MES system, we also supply the owner with a crew manual, an operation manual, to how to use the system.

Q. And what about any training videos?

A. MR. PEDERSEN: Videos are not part of the regulations but we have videos on our products and we can supply the owners and operators, that's what we do all the time. I am not sure if videos were supplied to Caribbean Fantasy. It might be. But it is out of the -- it is not according to the regulation. But always a crew manual which should be maintained on board the ship.

Q. All right, thank you. All right, now I'd like to talk about the bowsing lines on the system. Can you explain the purpose and function of the bowsing lines?

A. MR. PEDERSEN: Yeah, on a slide system, as we are talking about here, the purpose of the bowsing line is to keep the platform and the slide in the correct position. As we saw on -- in San Juan, the bowsing line is connected from the platform up to the ship

side, there is a turning point, on the ship side, and it goes to a bowsing winch.

In the case of an emergency, the slide is launched, and immediately, you start using the bowsing winch to keep the platform and the slide taught, and in position, towards the ship side. And that's also part of the crew manual.

Q. So, if I understand you correctly, immediately upon launching the Marine Evacuation System, the bowsing winch, according to the manual you provide, that should be a second step, basically, they should use that immediately after launching.

A. MR. PEDERSEN: Yes, yes.

Q. Based on the system design, testing, et cetera, can the slide successfully be launched and used by the crew without the bowsing lines?

A. MR. PEDERSEN: Depending on the conditions, if you are in a harbor doing a deployment test, you have no waves, no wind, you can say if you are not using the bowsing lines it is a -- can be a, it is not positioned in the same way, but yes, under the given conditions, if you are in a harbor test you can do it. But we need, if we are at sea with the waves and the winds.

Q. Has Viking as a company, ever done testing on the use of that particular system either on simulating

the failure of the bowsing lines, or on not using the bowsing lines at all?

A. MR. PEDERSEN: No, that is not -- having a MES system type approved, that is not part of the test scope. And it is not that we have done tests without -- for this specific reason. We have seen on several occasions, when we do deployment tests according to the regulation every MES system should be deployed at least every six years.

And so when the owners, they carry out deployment tests we -- most of the times we will be present also. And from the videos, we can see that we have situations where they don't use the bowsing winch. That is, I mean, we have hundreds of tests every year. So in some occasions we have seen this, and in your -- but it is -- if you are in a harbor test you depend on the stiffness of the slides and it will probably be in position.

So, it is not something we have tested, but we have seen in harbor tests how it works.

Q. All right, thank you. At this time I'd like to call Exhibit #283. Stand by Rene.

MR. PEDERSEN: Yes.

(Brief pause as exhibit is put on monitor.)

Q. Rene we are having some technical difficulties

sharing a photo with you, or sharing our screen with you.

MR. PEDERSEN: Okay.

Q. So, what I am going to have Carlos do is, I'm going to have Carlos turn the computer, how well can you see the screen?

MR. PEDERSEN: Not very well, but we can try.

CDR CAPELLI: Okay, the time is 0900, we are going to take a brief recess to get this done, thank you.

(Brief recess to get tech equipment together.)

CDR CAPELLI: Good morning the time is 0903 we will now re-convene. We are going to continue with question from Mr. Jason Yets.

EXAMINATION (cont.)

BY MR. YETS:

Q. All right, Rene, we are not able to share our screen with you, so I am going to try and do this a different way.

A. MR. PEDERSEN: Yes.

Q. Have you seen the pictures of what the orientation of the port side MES looked like -- spec to the steep angle of the orientation of the port side MES looked like by the pictures I provided you, pictures that you may have seen on line? And specifically to

the steep angle of the orientation of the slide on the port side MES. Are you familiar with what that looked like?

A. MR. PEDERSEN: Yes.

Q. Is that how a slide should look? Let me rephrase that. When you activate a MES, before bowsing is that hard angle that that slide had in those pictures, is that to be expected by the way the system is designed?

A. MR. PEDERSEN: No, it's not, and I -- I am not fully sure when this happened, it is depending on the -- what happened in this situation, what caused this. And as you have seen in my report, we believe that we have several contributing factors for the angle of the slide. So it is not supposed to look like this, for sure.

Q. Okay so, just for the record -- when you launch this particular MES, it shouldn't, at any time be orientated with such a steep angle prior to using the bowsing lines.

A. MR. PEDERSEN: No, not during the evacuation. But if this -- I don't, these pictures were taken after one hour, two hours, the parts might start to deflate, of course. But -- so I'm just saying, I don't have any -- I cannot see when the pictures, after -- I

don't have sequence, so.

Q. I'll ask --

A. MR. PEDERSEN: During evacuation, it should not look like this, for sure.

Q. Okay, with the slide orientated on such a steep angle from the pictures that we are talking about, is the system designed as such that the bowsing lines would correct that steep of an angle on the slide? Is that what the bowsing lines are designed to do?

A. MR. PEDERSEN: That's -- the bowsing line is part of that, and that is one of the contributing factors we can see in the -- we can see on the pictures in the media and also what we found out during our inspection on the ship, the bowsing line winches have been not used. And so that is a contributing factor to the shape of the slides.

It is -- the bowsing line will help to straighten out the slide. So it is -- this is not a sole root cause, we have several contributing factors to this situation, from what we could find and the lack of bowsing is one of them.

Q. Do you remember either when you were on board the ship back in August, or by pictures, do you recall the orientation in which the bowsing lines were wrapped

around, or orientated on the winch?

A. MR. PEDERSEN: Yes, it was not -- it didn't look like the way it looks normally. It looks like something that has been -- I don't know what happened. It is because it is -- it was not in a position like a MES system you would normally see.

You could see some of the paint from the bowsing lines, it was still in the same position, indicating that it has not been used. So that combined with the video we have seen in the media confirms to us that the bowsing was not used. You can see in the videos in the media, also, it was -- the bowsing line was slack.

Q. Okay, so just to confirm, the orientation of the bowsing lines on the winch, at the time that you saw them on board, and based on pictures that you have seen, the bowsing lines were not orientated correctly, according to the manufacturers recommendations, specifications, is that correct?

A. MR. PEDERSEN: I have to be sure what you mean by orientated, because it was not, this is not the way it looks prior to a deployment. But it was -- the ship was -- don't know what happened during the deployment, and so it is -- what it looks like, originally, before the evacuation, I guess it was in correct position, but

I have no idea.

But we can just -- but we can, all we can confirm is that the lines were not -- the bowsing winch was not used. The way it looks on the ship, that's after the event.

Q. When you and your team were on board for the inspection back in August, did you guys attempt to operate either the port or the starboard bowsing winches?

A. MR. PEDERSEN: I don't remember if we operated the winches. But there is no doubt that the winches were fully functional, they would not be the problem here, it's -- I guess we -- just, I cannot recall if we operated the winch.

Q. Okay, let me ask it a different way. -- with the amount of turns of the bowsing line that they had around the winch, I have a picture, but unfortunately you can't see what I have. Is there a certain amount of turns around the drum, on the winch that is recommended, and is there a certain amount of turns around the drum on the winch that would prevent the winch from operating as designed?

Like, and what I mean is, if you put too many turns of the bowsing line around the winch, could that affect the operation of the winch?

A. MR. PEDERSEN: Yes, and as I recall we saw -- I don't know if it was both winches, or at least one of them with a lot of turns on the winch. And that probably won't work. It is also described clearly in the crew manual, and I think it is two or three turns that should be on the winch. And how you should put it in that self-training track. So it was not according to the manual.

Q. Okay, thank you. Talk about the rescue boat, with regards to its use with the MES. Does Viking recommend or require whether it be in the manual, or in instructions that are provided to the owner, or otherwise, that trained rescue boat personnel should be used to ensure successful launching?

A. MR. PEDERSEN: Yes, that is also described in the training manual. The first thing that happens when you are about to evacuate is you launch a life raft, your man overboard boat, that is -- the reason for this is to -- it can facilitate the evacuation. For example, it can haul the containers, the drop rafts to the platform if you have problems with that in heavy wind or seas. It can help you if you have persons falling overboard, over the platform or over the ship, for example.

So, it can also, yeah, it can facilitate in

different things. That is also why we described this in the manual. So it is required to have the boat on the water before starting evacuation.

Q. So Viking requires the use of a rescue boat, or other kind of boat for the MES to be launched properly, and used as designed?

A. MR. PEDERSEN: Yes, I am pretty sure it is not even a Viking requirement, I think it is per regulation that when you have MES systems on board, you should also have a MOB boat.

Q. Is there any separate training or any separate requirement with regards to training of the rescue boat crew? And I guess what I mean by that, is does Viking have any sort of a manual or a policy that says your rescue boat crew should be trained this way in order to be able to -- for MES to be launched successfully?

A. MR. PEDERSEN: Not besides the crew manual. The way that should use the MOB boat, and what it can be used for, and how to use it, that is described, and also with pictures in the crew manual.

Q. Thank you. We know that SOLAS, Safety of Life At Sea requires system party members of Marine Evacuation Systems to participate in actual deployments, either on board ship, or shore side.

Does Viking consider the rescue boat crew to

be part of the MES system, party member team?

A. MR. PEDERSEN: As described in the crew manual the persons needed for a MES evacuation is described, and that goes for the slide operator, the slide assistant, and the raft operator. The roles of the MOB boat crew is not described, it is described that they should have, must have a MOB boat, and what it is meant for, how it should be used. But we are not in charge of the training of the MOB boat crew.

Q. Does Viking make recommendations to the owners that have these systems on what would be considered -- or what they consider the minimum manning that an owner should assign to an MES? So, for example, does Viking say, you should have a commander, a second commander, this many slide team members. Do you identify with minimum requirements for manning for your systems?

A. MR. PEDERSEN: Yes, that's -- yes, that's described in the crew manual. The roles of the manning of the staff is also described. Not for the MOB boat, not how many should be in the MOB boat. But it is described that they should have a -- must have a MOB boat, and it should be on the water.

It is also described when to launch it. But we are not responsible for the crew of the MOB boat, so we don't describe the roles in the MOB boat. But for

the full MES, yes.

Q. All right, thank you. I have one final question for you, and then I am going to pass the microphone.

A. MR. PEDERSEN: Yes.

Q. I want to talk about the nitrogen reduction valves.

A. MR. PEDERSEN: Yeah.

Q. How and when, or how often are these reduction valves inspected or tested and all their related components?

A. MR. PEDERSEN: They are -- they are tested during the annual service, at the station. The system is pressurized and there is a time interval, I don't know if -- I don't know if -- I don't know how many minutes it is, but you measure the pressure of that. And that is a leakage test, the pressure test. So it is annual.

Q. Okay, thank you. That's all the questions I have for now.

CDR CAPELLI: Thank you, sir. Commander Mike Capelli with the U.S. Coast Guard. We are going to recess, the time is 0920, we will recess for ten minutes.

(Whereupon a brief recess was taken.)

CDR CAPELLI: Good morning, the time is 0933 we will now reconvene. Before I pass the microphone to Mr. Adam Tucker for questions. I have received from Baja Ferries an email chain dated August 14th to 15th, from Captain Casabianca to Coast Guard Sector San Juan inspectors. Advising that Port State Control deficiencies had been corrected by the vessel, but not yet cleared by RINA, before, and this was before the incident.

Does Panama have any objections to this Exhibit being marked 323?

MR. ARENAS: No objections.

CDR CAPELLI: Panama has no objections. We will accept Exhibit #323 into the record.

(Email string was admitted into evidence as CG-323.)

CDR CAPELLI: I now pass the floor over to Mr. Adam Tucker from the NTSB.

LTJG DIAZ-COLON: Okay sir, this is Carlos Diaz from the Coast Guard, I just wanted to remind you before we get started that you are still under oath.

MR. PEDERSEN: Yes.

LTJG DIAZ-COLON: Thank you, and is -- Mr. Antonio are you still there?

MR. FANELLI: Yes, I'm right here Carlos.

LTJG DIAZ-COLON: Okay, and you are aware that you are still under oath as well, correct?

MR. FANELLI: Absolutely, sir.

LTJG DIAZ-COLON: Okay, thank you.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY MR. TUCKER:

Q. Mr. Pedersen and Mr. Fanelli, good morning or good afternoon wherever you are. My name is Adam Tucker, and I am with the National Transportation Safety Board. I do have a few questions, and also a few follow-up questions from -- with respect to what Mr. Yets had asked. So please bear with me.

My first question is, you mentioned earlier they type approval of the MES system. I've never witnessed a type approval, or I don't really know the full details of how type approval is done. I'm wondering if you could just generally tell me how MES systems are type approved, and in particular this one?

A. MR. PEDERSEN: Yeah, this MES system, this slide system is type approved, according to the European Commission. It means it has a WheelMark, I

don't know if you are familiar with that, but it is a European approval, similar to, you can have U.S. Coast Guard approvals, of -- type approved MES equipment.

To have type approval, you need to go through a lot of testing and all the tests has to be passed, of course, witnessed by the authorities. And once you have all the tests, and everything satisfactory, agreement with the authorities you can have a type approval.

Q. Okay, and is that type approval specific to say a ship? Or is it more broad than that?

A. MR. PEDERSEN: Yeah, it is broad, it is -- that is the purpose of a type approval, it is for the slide system, it is for this slide system. We have other MES systems also, but we have type approval for each category, you can say. So we have a type approval for slide system like the one for Caribbean Fantasy.

So, it means that every time a flag state, for example, if we in this case, if we sell a MES system to Caribbean Fantasy, the flag state will see that we have a type approval, so we don't need individual approval of that with the flag states. They would still be present during the deployment test, and they will accept the ship that is, among other things, that's regarding the installation of the MES system, and the

installation test that we see on board, that's approved by the flag state.

But we will supply the type approval every time.

Q. Okay, and so when it's -- if I understand correctly, when it is installed on the ship you do a test, flag state is -- or the representative is there to witness this, and to ultimately approve the installation on board?

A. MR. PEDERSEN: Exactly, yes.

Q. Okay. Back to type approval, I'm wondering if you can tell me what does it entail with respect to wind speeds. Is there like a maximum wind speed, or sea state that these systems are rated for?

A. MR. PEDERSEN: Yes, there is. That is part of the test scope when you want to achieve this type of approval. One of the tests that we have to go through is a heavy weather sea trial.

Which means we take a MES system and we install it on board a ferry of a similar size to the use of this system. And we go in a sea state of wind force if (inaudible word) six, minimum, and significant wave height of not less than three meters.

On that test, you launch the system under these conditions, you post (sounds like) the system in

position and you put on weight on the system equivalent to the weight of the persons.

So it means that several tons of weight you put into the platform, and the rafts and with that weight you have to position the ship on the lee side for thirty minutes so you can -- this is kind of a strength test. And then you turn the ship 180 degrees and you keep it in that position for thirty minutes again.

So that is the heavy weather sea trial that is the condition it is tested for. So that's yeah.

Q. Okay, and with the heavy weather or wind conditions, have there ever been, or is it within the scope of the test, if you have the wind from the beam from the side, is there any testing done as to how that system is blown onto the shipside?

A. MR. PEDERSEN: Sorry, say again? If you -- you mean that the -- the wind direction or?

Q. Yes, say for example if the ship, if the wind is coming directly on the shipside with the MES. And I understand it comes out at an angle. Is there any testing for the wind force that would blow it towards the ship? In other words, maybe come in contact with the side of the vessel?

A. MR. PEDERSEN: The way the test is described

is when it is launched you are having the bow into the wind direction. And once the system is launched, you put the system in the lee side and you balance in the platform and raft and you stay there with a full load for thirty minutes. So that will be either on the lee side on the other side for thirty minutes each. You have to turn the ship also. So you can say, in that situation you reach all the angles of the winds.

Q. Okay. And still staying with the heavy weather conditions, and we spoke of the rescue boat, or the man overboard boat. During these deployments, these test deployments, is the man overboard boat used during these tests as well?

A. MR. PEDERSEN: Yes.

Q. Okay.

A. MR. PEDERSEN: They are not really part of the heavy weather seas trials, they are used for safety reasons. We have also a rescue boat, a rescue ship, actually nearby. So it is more for safety reasons, it is -- we have two fast rescue boats on the water when we do the sea trials.

Q. Okay, and still staying with -- we touched on it briefly with Mr. Yets, but staying with type approval and testing, is there any fire protection rating for the rafts, or the slide itself? Is there

any like minimum temperature, or that it can come into contact with a hot surface?

A. MR. PEDERSEN: There might be. Not that I am aware of, I would have to check on that.

Q. Okay. And we spoke quite a bit on the bowsing lines, themselves. And I'm wondering, is there a minimum breaking strength requirement for these bowsing lines, and what material is typically used for these bowsing lines?

A. MR. PEDERSEN: Yeah, it is -- these are high quality bowsing lines, it is a -- I think we have different suppliers. But the trade name Denama, I don't know if it is, if you are familiar with that. It is also used for safe boats, so it is a -- it is in the high end, high quality, and we have specifications for these lines regarding the strength among other specifications.

And the way it is approved, you can say, is that we -- it has been part of that heavy weather sea trial, that's where it become approved by the authorities. And we have, when we purchase the lines, we have specifications on that. So it is part of our quality and control.

Q. Okay. And while we are on the subject of quality and quality control, I understand that in

addition to Viking factories themselves, or Viking service areas, you also have authorized agents to do your work and they are trained as the Viking factory technicians are trained.

Do you have any type of quality assurance program to ensure that these agents are meeting the standard for the servicing of Viking equipment?

A. MR. PEDERSEN: Yeah, that's part of our, policy system also. When you are a MES manufacturer and service supplier, you have to have a quality system, and we use ISA9001(sounds like) and yeah, yes, they go through the same program, that goes for training, that goes also for the service procedures they have the same service manuals, checklist, everything, is exactly the same.

And we do also service station audits, and that goes for all our stations also. So it is the same quality procedure that goes for all the stations involved with the MES service.

Q. Thank you. And for myself, personally, I have witnessed MES servicing and installation, but in particular, related to the Caribbean Fantasy, you mentioned for the annual service, the boxes are taken off the ship, they go to a shore based service facility, they are inspected and repacked. But just

curious on a ship that we believe the Caribbean Fantasy is in port for a very limited time, how do you manage that, to get the -- this system back on the ship on time?

A. MR. PEDERSEN: Yeah, there are -- there are a few options. If we spend one week to carry out the service, which is normal we have two certified guys doing the service during the week. And some of the ships, they cannot sail without the system. Sometimes they can, the owner he has the possibility to reduce the capacity with the flag states. That might be a possibility if he is doing service outside of the high seas and -- but otherwise we used spare systems.

That means, for the Caribbean Fantasy they will need to have three slide systems. And every time you do service, you can rotate a system. So spare systems can be used if you need the full capacity all the time.

Q. Okay, thank you for that. And again, staying with the service and the installation. Specific to Caribbean Fantasy, I understand that the -- when the drop rafts were last installed on the vessel which appears to be in dry-dock in Tunisia, it was referenced that no one from Viking was there to either assist or approve the installation. And that, as we were told,

was carried out by the classification society. Do you provide, does Viking provide to classification societies, any criteria, checklists, or training as to how to inspect and properly approve the installation of -- in this case, drop rafts.

A. MR. PEDERSEN: Not that I am aware of. We highly recommend this to be installed by a Viking certified technician. So that's a -- and then this -- in this case, I believe that thirty new rafts were delivered to the yacht, and I am not fully familiar with what happened. And I have been told that there was some approval by the flag state, but it is out of it is not that -- it is not something we are involved with.

Q. Thank you. You also mentioned the manual, the operation manual that the vessel is supposed to be using on board. Does that ever undergo any type of revision or modification over time?

A. MR. PEDERSEN: It can, but usually not. We have two types of manuals. We have a crew manual which is for the crew, obviously. That is an instruction manual, how to use the system. And then we have the service manual for all our service technicians. That means, if we make a modification as you mentioned on the system, that might be for a variety of reasons, it

would be improvements, and then we will make modification, and that has to undergo the relevant testing and approval by the authorities.

Once we are ready to launch (sounds like) the modification, we send out a bulletin to all our service stations they will update their service manual. That's for the service manual, and that happens frequently.

But that will not necessarily impact the way the crew should handle the system. If we go through the crew manual, you can see it is -- there are some steps that you take they should pull the handle, for example, that should use the bowsing winch, and they should slide down the slide, they should attach the drop raft, and so on. So most, probably, when we make a modification on the system, it will not impact those steps.

So, if we make a modification that will change the way you pull the handle or whatever, then for sure we would contact all the -- I mean we have a database with all the ships, and all the crewmembers and operations, so we would update those crew manuals.

Q. Understood. And staying with the manual, and the operation of the MES, my next question is, is there any type of speed, ship speed limitation that should be

known by the operator on the vessel, namely the persons on the bridge. Is there a speed limitation at which the MES system can be deployed?

A. MR. PEDERSEN: Not that I'm aware of, it is -- it might be something that is not part of the testing. Because we don't, we don't do testing, besides the heavy weather sea trial.

But that doesn't -- that would take into account if you were doing speed through the water, or if you were (inaudible word) with the current, (inaudible few words), for example. So there is not -- that's not a limit for speed you can make through water, it is not -- it might be a mistake in the regulation, but there are not testing towards this.

Q. Thank you. The other question I have is, what is the standard angle, what is the ideal angle for the actual slide relative to the horizon going down to the platform?

A. MR. PEDERSEN: I don't -- right now I don't know, Antonio do you remember what is the correct angle of the slide? I think it is, for testing I think it says about 35 degree, not that I am a hundred percent sure.

A. MR. FANELLI: Correct, it is all -- that is what it says.

A. MR. PEDERSEN: Okay.

A. MR. FANELLI: Between 30 and 35 degrees.

A. MR. PEDERSEN: Okay.

Q. And is there any angle at which the -- I understand it is difficult to eyeball -- but is there any angle at which the slide is considered to be unusable? In other words, if the angle was 40 degrees, or 45, is there a recommendation as to when not to use the slide with the seas?

A. MR. PEDERSEN: I think there is -- I would need to check this to be sure. But what we do know is that when we deliver a MES system we also have drawings of this actual ship with the installation, and we take into consideration all the trim list conditions. It has to be able to deploy and evacuate under these conditions, which means that if you are a list of 20 degrees that could also influence the angle, of course.

Q. Okay. We also spoke about the video, and frankly I was, I had assumed, I guess the -- it was more of a regulation that a video had to be provided with the slide, or for, you know, for crew training. Just wondering, is this video, I believe you used that or you made that available to the persons using your system. Is that video only available in English? Or is it available in multiple languages?

A. MR. PEDERSEN: I believe it is available in all languages. We supply the videos all the time, and we have done for years. But we don't, as I mentioned earlier to Jason, it is according to regulation, we are supposed to deliver a hard copy, a written crew manual, we do that all the time.

And that manual is always delivered in the language relevant for this ship. Typically it is English and another language, it could be English, Spanish, English, Greek, whatever. And but for the videos we have a -- I have been provided with these videos, but we have very fine videos for the slide also provided in all languages.

And when we have the A MES sale, if we don't have it we will have it translated into the correct languages, so it is always supplied with the boat videos and written manuals in the correct language.

Q. Thank you. I'm just going to go back to the Denama Rope that you had referenced. Do you know if there is any particular fire or heat type rating for that rope? For the bowsing line?

A. MR. PEDERSEN: I am not aware of that.

Q. Okay. In the report produced, Mr. Yets went into it, I just wanted to clarify, there was mention of the reduction valves and leaking gaskets.

A. MR. PEDERSEN: Yeah.

Q. Can you explain what that is to me?

A. MR. PEDERSEN: Yes, we have on this slide system, we have high pressure nitrogen cylinders. They have pressure of, I think it is 190 bar and they are connected to the slides with the high pressure hoses. Before that pressure enters the slides it is reduced to 70 bars.

So that's the reason -- that's the purpose of reduction valve. Once the pressure enters the slide we have aspirators or ejectors, I think it is called also. And so we will -- the slide will (inaudible few words) air also.

When we did the inspection in San Juan, September last year, we took all the relevant components, and we had it shipped back to Denmark to have it tested. And one of the parts, we note that was the reduction valves. And as you mentioned also, it -- that valve has a gasket, and we put pressure, we had our engineering department to put pressure on the valves and they saw leaks from that gasket.

So, we have also put in the report that when you have a leak then you have less air in slides, so it is a contributing factor, it is much more difficult to calculate (inaudible word). But for sure, it was

leaking, so we had less air in slide. So that did have at least to some extent, it would have an effect.

Q. Understood. Just for clarification, was do you recall what -- was it both slides that had this gasket leak? Or just one of the slides?

A. MR. PEDERSEN: It was both, they both had leakage.

Q. Okay, thank you. The other question I have is with MES systems, they are unique, and they come with a lot of unique names and acronyms. Just curious does Viking provide SAR, Search and Rescue authorities with just basic material to understand what these systems are? Or does Viking have available any type of basic information that could be made available to SAR authorities?

A. MR. PEDERSEN: Yeah, you mean like marketing material, or product descriptions and --

Q. More, yeah, more like product descriptions, what the platform does, what the rafts do, real -- and typical acronyms that are used in MES evacuations?

A. MR. PEDERSEN: Yeah, I'm sure we have a lot of description on that, and for sure, if we don't have it, if you have any requests, for sure we will make it for you.

Q. Okay, thank you. Earlier Mr. Yets, I just

wanted to clarify, we were talking about the sequence of the drop rafts going into the water, and I believe it was referenced like 1, 2, and 3. But I just wanted to be clear that for ships such as the Caribbean Fantasy on the starboard is 1, 3, and basically odd numbers up, and on the port it is 2, 4, and 6. So the sequence is related to the side of the ship that the launching is taking place from, is that correct?

A. MR. PEDERSEN: No. Antonio I think you can help me on this. But I -- is that -- I think, to my understanding they were all numbered with 1, 2, 3 on starboard and port sides.

A. MR. FANELLI: Correct, yes. The actual pumps are number just 1, 2, 3 in sequence.

Q. Okay.

A. MR. FANELLI: I believe so.

Q. Okay.

A. MR. PEDERSEN: Okay.

Q. And another question I have is, you mentioned specifically the training for service personnel, and sounds like a rather lengthy process by the time you got to the level of MES technician. Are there training facilities available for MES systems, in particular this type of MES that was on the Caribbean Fantasy?

A. MR. PEDERSEN: Yes.

Q. I mean related to crew?

A. MR. PEDERSEN: We do -- we have our own training center we use which is in Estonia, where we have a full scale system, and we do a one week full training program that is part of the, what it takes to be a certified technician. But, when it comes to the crew, we can do crew training courses on request also.

When we supply a new MES to a ship we -- it's normal that we, after the deployment, the full deployment test, then we carry out the crew training. But it's, it's not the responsibility of Viking to secure. And you have to educate your crew on board. But we are more than happy to provide all the training courses that may be requested.

Q. Thank you. The other question goes back to the certification, the type approval, the EC. And in particular I wanted to just verify one thing. You mentioned the MOB boat was in the water during the bad weather testing and evaluation. You mentioned there was a MOB boat there, but was it used to tow, or martial any of the rafts at that, during that testing period?

A. MR. PEDERSEN: I cannot answer that. That -- the test for the slide was carried out a long time ago even -- that's -- goes back to the, I think it was

twenty-five years ago. I cannot answer that for sure, how it was used during the heavy weather sea trial.

Q. Okay, and still staying with type approval --

A. MR. PEDERSEN: Sorry, just to clarify that, it is not stated in the crew manual that it must be used. It is -- the normal procedure is to drop the raft, and then you haul in the raft from the platform. So it is a -- but it can be used in situations if you have a problem, to haul it in, for example. So, just for the sequence.

Q. Thank you. And with the type approval process, is there any consideration to injuries that can take place with MES systems. And in particular, I'm curious, we experienced in this one, there were some people with like burns and lacerations from, I guess, friction going down the slides. What is -- are there any designs built into these slides to mitigate any type of friction burns?

A. MR. PEDERSEN: For the slide system -- Antonio you might have more knowledge on this, but if it comes to handling injured passengers, I am not sure if we have described how to get them on the platform. Antonio are you familiar with this? If you have any descriptions on that, how to handle injured passengers?

A. MR. FANELLI: I am -- as far as I know, it is

just a, like some of the training it is just a procedural launching, you know, the way of launching down the, or slide down the slide. But I am not aware of any new device or modification that can prevent a little bit from burning -- I mean, if you do the correct positioning going down the slide, you will suffer just a little bit of friction, I guess, no more than that.

Q. Okay. And as I have understood from this report, the -- these bowsing lines, and the handling of the bowsing lines seems to be one area that really needs attention during the evacuation process. And so it, just so I can understand, this is not one thing where you tie off, and secure, and you walk away, leaving the line there. It requires continuous attention by a crewmember standing there to adjust the bowsing line, is that correct?

A. MR. PEDERSEN: Yes, it is a -- once you use the bowsing lines, and you winch it into position, it is locked, so it stays there. But it might, you might, depending on the conditions, and the waves, and so you might need to re-winch. So you cannot, yeah, you cannot completely say you could just leave it and walk away, it is -- you need to keep it taught.

Q. Okay, and my last question that I have for you

is, again, related to type approval. Is there a performance standard for use of MES with a specific amount of list on the vessel? In this case, the Caribbean Fantasy at one point had a four degree list to port, or it was told to us that it had a four degree list. What is the requirements for type approval for list?

A. MR. PEDERSEN: Yeah, four degrees is not much it should be operational with twenty degrees, and for the type approval for the test described, we do testing to a twenty. Actually we have a (inaudible word) test rate installed with ten degrees trim and twenty degrees list, and we installed full scale MES system on that, and we deployed at a harbor test witnessed by the authorities.

So, it is a, it is a full scale test of the, of the worst conditions regarding trim/list at the same time. That is also described in the test requirements for type approval.

Q. Okay, Mr. Pedersen, and Mr. Fanelli, that is all the questions that I have, I want to thank you both very much for your time and answering my questions.

A. MR. PEDERSEN: Thank you.

A. MR. FANELLI: Yes, thank you.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY MR. YETS:

Q. This is Jason Yets from the United States Coast Guard. I just have one follow-up question for you. Again, going back to the bowsing lines. Do the bowsing lines for this particular system, do they serve any structural support capability? And what I mean by that is, if the bowsing lines aren't used, is there a higher chance of the slide being separated from the ship, or, you know, like in rough seas? Is it supplying the structural capability?

A. MR. PEDERSEN: Yes, it does. That's -- you can say that's the sole purpose of the, the purpose of the bowsing lines is to keep the platform and the slide in position. If you didn't -- if you don't use the bowsing line, the slides, it will depend on the stiffness of the slide, but it is not designed to cope with the seas and the wind to kept it in position. It is kept in position by the bowsing lines, so that's, that's the purpose of the bowsing lines, and we need the bowsing lines to keep it in position, and to help to keep it straight.

Q. So if a bowsing line is not used correctly and untrained boat handler would make an attempt to re-orientate the slide, or the platform, it would be more susceptible to damage, is that correct?

A. MR. PEDERSEN: Sorry, I have -- I didn't understand that question.

Q. That's okay. So the bowsing lines provide -- I just want to make sure I understand this. The bowsing line provides structural support in a way of -- if an untrained boat operator, someone who wasn't familiar with how the MES works, and what their role as a boat operator is, if they were trying to pull the platform, or re-orientate the platform into the correct position, but the bowsing line is not being used correctly it could, in turn, cause damage or separate the slide from the ship, is that correct?

A. MR. PEDERSEN: That's correct, depending on the situation, because we have never tested this handling a platform with a boat. And depending on how you would pull it, it could cause damage. And that's also one of the facts that we have mentioned in the report.

We could see from the videos, from the (inaudible word), that fast rescue boats were used to, trying to stretch out the slide. And I guess that's

the question, if they could have mishandled something. Yes, that could have happened, I cannot, I don't know what, because (inaudible word) that, but that's a possibility, for sure.

MR. YETS: Okay, thank you both very much. I have no further questions.

BY CDR CAPELLI: Good morning, Commander Mike Capelli with the U.S. Coast Guard.

MR. PEDERSEN: Morning.

MR. FANELLI: Good morning.

CDR CAPELLI: I have no questions so I am going to pass it out to the interested parties. Does Panama have any questions for the witness?

MR. ARENAS: No questions.

CDR CAPELLI: Panama has no questions for the witnesses. Does Baja Ferries have questions for the witness?

MR. RODRIGUEZ-BIRD: Yes, Commander. If we could take a five minute, brief break, just to make sure I can talk to my co-counsel here, and make sure we --

CDR CAPELLI: Yes, sir.

MR. RODRIGUEZ-BIRD: -- have our lines together, as to whether we want to ask questions or not.

CDR CAPELLI: Okay, the time is 10:15, we will take a recess so that counsel can gather their questions.

(At 10:13 a five minute recess was taken.)

CDR CAPELLI: Good morning the time is 10:21, we will now reconvene the hearing. We are going to continue questioning from Baja Ferries with the witnesses. I would like to remind you that you are still under oath.

MR. PEDERSEN: Yes.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION (Cont.)

BY MR. RODRIGUEZ-BIRD:

Q. Good morning Mr. Pedersen, I am attorney Manolo Rodriquez, I am one of the attorneys representing Baja Ferries.

A. MR. PEDERSEN: Okay, good morning.

Q. And I have just a few follow up questions here, or question on our part. I understand from your testimony this morning that the inspection of the MES systems of the Caribbean Fantasy and the report you prepared regarding the MES system of the Caribbean

Fantasy is based on an inspection you did on board the ship a month after the event, is that correct?

A. MR. PEDERSEN: We were on board one month after the event, yes.

Q. September 15, 2017 (sic), to be accurate?

A. MR. PEDERSEN: 2016, yes.

Q. 2016, I'm sorry. And your testimony today about the MES system of the Caribbean Fantasy is based on that inspection carried on September 15, 2016, correct?

A. MR. PEDERSEN: Yes, and yeah, and of course and the videos we have seen, the pictures, and the investigations we have done afterwards.

Q. And did you interview the MES operators of the Caribbean Fantasy?

A. No.

Q. Did you interview the person who placed the equipment pier side in San Juan, after the casualty?

A. MR. PEDERSEN: No.

Q. Did you inspect the platform of the MES for any structural damage?

A. MR. PEDERSEN: Yes.

Q. Did you see any?

A. MR. PEDERSEN: Not structural damage, not that we identified at least. We did inspection, and we saw

as we had heard, what had been through, the issues with the bowsing lines and the bowsing winches. But we didn't, as far as I remember, we didn't see any structural damage to the -- system. Of course the system has been left open, and left for one month. But directly structural damage that could be caused by the incident, if that's what you mean, I don't recall, we didn't see any information (inaudible few words).

Q. No structural damage, for example, by the boats pushing on the platform to the side of the ship, anything like that that you could identify?

A. MR. PEDERSEN: I don't think, I say again, I don't think that the system has caused any damage to the ship on the deck, not that we have seen.

Q. No, I am referring to the platform of the MES system. You didn't see any structural damage on the platform, right?

A. MR. PEDERSEN: The platform was destroyed. When we saw it on the key side, it was, it had been on the key side for one month, and it has been through an evacuation, so it was unusable.

Q. Okay. But whatever damage was observed by you on that inspection of September 15, you cannot say what was the origin of that, right?

A. MR. PEDERSEN: No, you mean one month later?

Q. Right.

A. MR. PEDERSEN: No, of course not.

Q. Now from --

A. MR. PEDERSEN: Sorry, Antonio, sorry, are you here again?

A. MR. FANELLI: Yes, sorry.

A. MR. PEDERSEN: Okay, so we have Antonio with us again.

Q. Now from your earlier testimony, did I understand correctly, did you say that both the starboard and the port side winch were -- you know, were they made fast, the bowsing lines, did they have the same amount of rope coiled on the winches, is that what you said earlier? Both of them?

A. MR. PEDERSEN: I don't remember exactly the condition of the coiled rope. But we saw that on at least one of the winches, I don't remember if it was both of them. And again, we saw the situation one month after what happened. What is interesting to me is to -- we could conclude that the bowsing winch and system has not been used, we could see that from the videos in the media, and also from paint marks on board the ship. That's the main part.

Q. Okay, so you don't know if both winches have the same amount of line coiled on the winches,

starboard and port side, right?

A. MR. PEDERSEN: I don't remember.

Q. Okay, and what you mentioned about paint and the rope, were you referring to sides, port and starboard, or only one?

A. MR. PEDERSEN: I am not a hundred percent sure it were both sides, I think so, but I'm not a hundred percent sure.

Q. Now, did I -- did we understand correctly this morning, when you said that the MES system is inflated in ideal conditions, meaning the harbor. It should be deployed at the correct angle, correct?

A. MR. PEDERSEN: It should, of course be deployed at the correct angle.

Q. Okay, and the bowsing line would be more to bring the MES system closer to the ship, is that correct?

A. MR. PEDERSEN: That's part of it. It is also true the way you pull it it helps to straighten out the slides.

Q. But under ideal conditions, if the MES had the correct air pressure in the harbor, for example, it should be floating at the right angle, correct?

A. MR. PEDERSEN: Yeah, but if you have seen the slide's deployment, you would also notice that the

slide is not straight, it is bending. And the less you use the bowsing winch, the more it is bending. So it has an effect, and that is also an effect you saw on the Caribbean Fantasy.

Q. Right, and in this case, you say that the bowsing line may be one of several contributing factors, right?

A. MR. PEDERSEN: Yes.

Q. Okay, it would not be the sole factor?

A. MR. PEDERSEN: It is difficult to say. But we have made our report, and we -- our assessment, our conclusion is that we cannot -- we are not confident to say that we have the sole root cause. We believe there were several contributing factors in this.

Q. And did I also understand from your testimony earlier today that the manual, the use of the MES, does not specify that the MOB boat has to be used one way or the other in the process of deploying the slide, is that correct?

A. MR. PEDERSEN: That is not correct. The Crew Manual states exactly the purpose of the MOB boat, and describes scenarios where it can be used. It is a requirement to have a MOB boat on the water before you deploy the MES system. And that is described in the Crew Manual.

Q. So is it your testimony that the Manual provides that the MOB boat has to be used to straighten slide?

A. MR. PEDERSEN: That doesn't -- it doesn't say that in the manual because that's not, that is not the purpose it is described for, it is not what it is meant for. There could be many purposes of the MOB boat. Some of those are described in the manual.

Q. Viking cannot guarantee that people using the MES system will not get friction burns, right?

A. MR. PEDERSEN: Do I have to answer this? I mean, it is, I mean (inaudible word), and I am not sure if I -- of course we cannot, when you slide down the -- when you use the slide, and we have tens of thousands of descents on slides. You can see you are, of course you are sliding down a twenty-five meter slide, so there could be some, you could feel some, some warm. And I cannot say that you cannot get some kind of burns, but not serious, not --

Q. Right, it would be expected that if you are three hundred, or whatever, a hundred people using the slides, some of them would get friction burns, right?

A. MR. PEDERSEN: I don't know, you cannot say that. Depending, I guess it is depending on the situation. It is a -- I'm not sure some of them will

get burns, that's a -- are they wearing sleeves or not, and whatever happens, I cannot say that, I am not saying that some of them will get burns, and when you say burn, what do you mean by burns, what degree of burns is that? And I cannot, I am not going to confirm that.

Q. Okay, you cannot answer that.

A. MR. PEDERSEN: You are asking me if I can confirm that some -- if three hundred slides down the slide some of them will get burns?

Q. Correct.

A. MR. PEDERSEN: I cannot say that.

Q. You cannot say that.

A. MR. PEDERSEN: No, I cannot say that some of them will get burns. I am not sure they would get burns.

Q. But by the same token Viking cannot guarantee that people will not get friction burns, right?

A. MR. PEDERSEN: There is a possibility of friction sliding down slides.

Q. Thank you, I have no further questions.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY MR. CHENAULT:

Q. Hello Mr. Pedersen, my name is A.T. Chenault, and I am another one of the attorneys for Baja Ferries. I just went through the Manual, which is Exhibit #317 which has the name of the MV Victory on it. Is that similar to the manual that would be used for the Caribbean Fantasy?

A. MR. PEDERSEN: Sorry I don't know what manual are you referring to? Are you referring to the Crew Manual?

Q. I, well I don't know, unfortunately we can't show you the -- Exhibit #317 in our group. But maybe you can answer this question. I looked through the Manual, and for the deployment instructions for the MES I did not see any point in there where it said that either the boat, or the bowsing line should be used to pull on the slide if it has not fully inflated, or if it starts to get a kink in it, is that correct?

A. MR. PEDERSEN: No, that's not correct. The Manual says clearly when you launch the system, the very next step is to use the bowsing winch to keep the bowsing line taut, that's the purpose of the bowsing line. It was not done on the Caribbean Fantasy. We saw that it was slack, it was not used.

Q. It also says not to overly tighten it, doesn't it?

A. MR. PEDERSEN: Slack is not overly tightened for sure.

Q. All right, but you -- the point that you made earlier is that if you deploy the slide in a no wind, calm water situation like the harbor, it should fully inflate without any kinks in it, is that right?

A. MR. PEDERSEN: Yes, that's correct.

Q. And does the manual have any section that says that the boats should be used to pull the ramp tight if it does have kinks in it?

A. MR. PEDERSEN: No, I don't think that is one of the scenarios.

Q. Okay.

A. MR. PEDERSEN: It is, it says that a boat should be on the water, it describes some scenarios where the boat can be used to marshal the drop rafts, for example. But the position of the raft is only -- of the platform, that's maintained from the bowsing winch.

Q. Thank you, I have no further questions.

CDR CAPELLI: Does anyone from Baja Ferries have any further questions?

MR. RODRIGUEZ-BIRD: No, we don't, thank you.

CDR CAPELLI: Baja Ferries has no further questions. We have one question for you sir, just a second.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY MR. YETS:

Q. This is Jason Yets of the United States Coast Guard. I just want to clarify for the record, when you say in both the report, and in this testimony that the bowsing lines were not used, you are saying that they were not used in accordance with the manufacturers specs, or manufacturer's recommendations, correct?

A. MR. PEDERSEN: That is correct.

Q. Okay.

A. MR. PEDERSEN: Yes, thank you, that's correct, it is.

Q. Thank you, I have no other questions.

WITNESSES

MR. RENE PEDERSEN

MR. ANTONIO FANELLI

VIKING LIFESAVING EQUIPMENT

EXAMINATION

BY CDR CAPELLI:

Q. Good morning, Commander Mike Capelli with the U.S. Coast Guard, I have a question regarding when you test the slides. Do you test the slides with people going down them?

A. MR. PEDERSEN: Yes. Yes, that's part of the crew training. It is not that, it is not a requirement from our side. That's normal procedure, when there is a new build, or whether it is the rotational deployment described in the SOLAS, we do a full deployment test at least every six years. And the ship should use it as a crew training also.

Q. Do you prescribe the amount of clothes to wear when sliding down the slide?

A. MR. PEDERSEN: I am not sure if there are any recommendations regarding clothes.

Q. Okay.

A. MR. PEDERSEN: I would have to check on that.

Q. Has Viking taken into consideration for vessels that operate in warm weather that passengers might not be wearing much clothes at the time of a casualty?

A. MR. PEDERSEN: Sorry, say again? Have we considered?

Q. Yes, in the design of the system?

A. MR. PEDERSEN: Considered the clothing of the passengers?

Q. Correct, like say, say I am wearing only a bathing suit, has Viking considered that in their testing?

A. MR. PEDERSEN: The development of this system goes back twenty-five years, and I have to say I am not sure what kind of considerations were done at the time. But there is not, there is not a test requirement according to the SOLAS regulations, and to achieve a type approval there is not a test for going down in a bathing suit, for example.

So I can -- regarding the testing on this area with burns, or not burns or with bathing suits we have done all the tests required. And there are no tests for this, this situation. I mean, it seems that it is not in the regulations that -- it is not considered in the regulations to go down the slide in a bathing suit.

Q. Okay.

CDR CAPELLI: Now that I have asked some more questions, does Panama have any questions for the witness?

MR. ARENAS: No.

CDR CAPELLI: Does Baja Ferries have any questions for the witness?

MR. RODRIGUEZ-BIRD: No, thank you.

CDR CAPELLI: Baja Ferries has no questions for the witness. Sir, you are now released as a witness at this hearing, thank you for your testimony and cooperation. If I later determine that we need additional information from you, I will contact you. If you have any questions about this investigation, you may contact the recorder, LTJG Diaz-Colon. Thank you very much for your time.

MR. PEDERSEN: Thank you.

CDR CAPELLI: The time is --

MR. FANELLI: Thank you.

CDR CAPELLI: -- 10:40 we will -- this hearing will now recess until 11:00.

(Brief recess 10:40 to 11:00.)

CDR CAPELLI: Good morning time is 1100 we will now hear testimony from representatives from Shadt, please come forward and LTJG Diaz-Colon will administer your oath.

LTJG DIAZ-COLON: Good morning sir, would you be able to stand for me and raise your right hand.

FRANCISCO ELLSON (VIA SKYPE)

REPRESENTATIVE FROM PALFINGER MARINE COMPANY

A witness produced on call of the Coast Guard was duly sworn according to the law, was examined and

testified as follows:

THE WITNESS: I do.

LTJG DIAZ-COLON: Please be seated. For the record could you please state your full name and spell your last?

THE WITNESS: Okay, Francisco Ellson, spelled, E-L-L-S-O-N.

EXAMINATION

BY LTJG DIAZ-COLON:

Q. Okay, and Mr. Ellson where are you currently employed and what is your position?

A. I am currently employed at Harding, currently known as Palfinger Marine, and we are based her in Pompano, in Florida.

Q. Okay. And your position there, sir, with the Company?

A. I was a service engineer for, until recently. Right now I'm currently in the office as a technical advisor and service coordinator.

Q. Okay and prior to working there, what type of experience did you have?

A. Well I used to work for the Spanish office of Shadt Harding, as it was known back then. Prior to that I had my -- I had a carpenter company, I had my own little company in Spain.

Q. Okay.

A. Had to do with --

Q. Okay. And what is the highest level of education that you have completed?

A. High school.

Q. Okay. And do you hold any professional licenses or certificates?

A. I hold various certificates, obviously for our Company, from training that is given in Holland and Rotterdam. I also hold some certificates, actually they are not valid because they have not been renewed, but from some Japanese, Korean, and oriental general makers of davits, winches, and lifeboats.

Q. Thank you for that, sir. What I am going to do now is I am going to pass the microphone over to Mr. Jason Yets, who will begin questions with you.

THE WITNESS: Okay.

WITNESS

FRANCISCO ELLSON

EXAMINATION

BY MR. YETS:

Q. This is Jason Yets of the United States Coast Guard, good morning.

A. Good morning Jason.

Q. How are you?

A. Good.

Q. Good. I would -- do you want me to refer to the Company as Harding, or as Palfinger Marine for the duration of this testimony?

A. Well, since the beginning of the year, the Company name is Palfinger Marine, I guess that would be the correct (inaudible word).

Q. Okay then, just for the record, at the time that the independent assessment was done in San Juan, Puerto Rico last year, the Company was named Harding.

A. Yeah.

Q. But since then, it has now been named Palfinger Marine. So, for the rest of this hearing I'll refer to it as Palfinger Marine.

A. Okay.

Q. Can you tell me with regards to how Harding is structured as a Company, do you guys authorize or allow for third parties to install hook systems in your boats?

A. I believe that it is not up to the manufacturer to decide who puts hooks in what boats. I think the class surveyors would have to approve of that. But to be honest not a hundred percent sure of that. I do know that other manufacturers put hooks in our boats, and I have seen documentation that it has

been approved by class, RINA or (Inaudible few words).

Q. Okay, so to the best of your knowledge, there is no company policy or anything within the corporate structure of Palfinger Marine that would not allow, or not recommend for the install of a -- or another company to install their hooks in the boats, is that correct?

A. That is correct.

Q. All right. At this time I'd like to call an exhibit, it is Exhibit #23, or I'm sorry, no, it is Exhibit E263. We are going to be sharing a document with you, so just be patient with us.

A. Okay.

Q. And if you could scroll to page twenty for me, can you see the document that we have up on the screen?

A. Yes.

Q. All right, so what I'd like to ask, this is the report that was issued by Tunisia Ship Repairers for the annual inspection of the lifeboats on the Caribbean Fantasy.

A. Okay.

Q. And under Section D, Miscellaneous, Number Six it says, "Check if all stickers are fitted and readable", and in parenthesis it says, "instructions". Is that referring -- or let me rephrase this. When

Harding inspects a boat, one of your own boats.

A. Um-hmm.

Q. Would this item be referring to the starting instructions that are in the boats that are posted in the boats?

A. Yeah it would be -- no, it refers to the operation of the release gear.

Q. Okay, so, "Check if all stickers are fitted and readable, (instructions)", that is for the release gear and not for the starting instructions, is that correct?

A. Many lifeboats you find the starting instructions for the engine. In our case, our posters refer to the release gear, and that are mandatory to have. To my knowledge it is not mandatory to have stickers on how to start the motor.

Q. If, during the annual inspection of a lifeboat -- let me rephrase. During the annual inspection of a lifeboat would Harding verify if starting instructions were posted, that they are accurate for the boat in which they are installed? Is that something that would be within the scope of an annual inspection?

A. No, it would not.

Q. If we could close down this Exhibit please? The next exhibit I would like to call, if you will give

me a minute. So what I am going to be doing is I'm going to be pulling up the report that was issued by Palfinger Marine to myself, or the Coast Guard after your independent survey last year.

A. Okay.

Q. It is Exhibit E281. Can you see the document on the screen?

A. Yes.

Q. All right, I'd like to refer to item 5.4 in the report.

A. Okay.

Q. (Reads) "It was confirmed that VC Services completed the retrofit, however, it could not be confirmed if the installation was carried out in accordance with IMO, MSC Cert 1392. Further, there was no information available on the IMO/GIG/IS website to confirm the U-hook was on the IMO's White List for Release and Retrieval Systems". Could you explain to me what the IMO White List is for Release and Retrieval Systems?

A. Well it's a list of all the existing on load release hooks, and it states if it is compliant to the new regulations or if it needs to be modified to be compliant to current regulations. Or if, simply, it is non-complaint and it -- and therefore, it needs to be

replaced by a compliant hook no later than 2019 or the first dry-dock.

Q. And since this report was drafted, have you done any additional research on the system that was installed in the lifeboats on the Caribbean Fantasy? And do you have any additional information that you would like to share with that regard?

A. Yes, yes. Yes we do. Our first reaction, when we saw these unfamiliar hooks to us, was to go to GG's (sounds like) White List and see if it was there. We could not find it there, it was not listed. Therefore, our first reaction was to think it was not compliant.

So, we approached the customer with this issue and -- but they cleared up that the fact was, that this hook was approved after the 1392 IMO Circular, therefore it wouldn't be on this list. But it is a compliant hook to the new regulations, and that statement should not be taken into account.

Q. Okay good, thank you for the clarification on that. Referencing Item #5.7 in the report, (reading), "The end cover was missing suggesting that lifeboat #1 engine was undergoing repairs at the time of the incident thus rendering the lifeboat engine inoperable, see picture below".

I don't want to talk about theoreticals. But, what I do want to confirm is this end plate that was fitted on the -- or that should have been fitted on the front of the motor, was that a critical component to the operation of the engine?

A. I believe so. The first thing that, that I saw, that made me suspect that the engine was being worked on is the engine is surrounded by a GRP cover that is, has multiple bolts keeping it in place. And to be able to -- in order to access certain parts of the engine easily, that cover is removed to work on the engine.

This cover, when I went on board this particular lifeboat #1, all the bolts were removed. So in my, that is a fact, and it makes me think that they were in the middle of working with the engine when they had to use it.

Q. Have you ever in your line of work, disassembled the hatch cover, either on the same lifeboat, or a similar type of lifeboat with the same amount of bolts and nuts in the orientation?

A. Not personally. I, let me see, I can maybe pull up a picture.

Q. That's okay.

A. Of the cover itself, so I mean, so it is clear

what we are talking about.

Q. Not -- that won't be necessary for this testimony, but thank you. Can you explain the tools that are required and the time that would have to be dedicated, to be able to remove all these nuts and bolts, and remove this hatch?

Is it a very easy process, are they like a quick disconnect bolt, or is it something that they manually would have to be disassembled one by one? Is it a very short process, or is it a longer process?

A. No, it is a relatively long process, because I have never counted them, but there must be like maybe forty, forty bolts bolting this section in place. It is not something that is removed frequently. The only reason to remove it is to extract the engine or work on it. It is -- yeah, it's got plenty of bolts, and you need like, I think it is a 13mm wrench to remove them all.

Q. All right, going back to the end cover that is mentioned in 5.7. I had asked you before if that was a critical component to the operation of the engine. What exactly does the end cover do as related to a component of the engine? And what could the effects be of it not being in place?

A. I am not an engine expert. I did ask our

engine guy about this cover. He did mention, if I recall correctly, that that cover needs to be on for the engine to work properly. Right now I can't recall exactly but I think maybe it loses water through there, or something. To be honest, I can't remember. But he did, I remember he did say that that needs to be in place.

Q. Okay, thank you. Referencing line item 5.8, (reads) "Lifeboat #1's engine oil level was excessively high, and water was present, mixed with the engine oil. Further, the engine coolant tank was empty".

A. Correct.

Q. Would an excessively high engine oil level or the presence of water in the oil, would that affect the operation or the ability of the engine to start?

A. Well, I think it might start, but I don't think it would run long. The lubrication of the engine wouldn't be correct with water mixed in it. And I would -- if it -- it was -- if it was completely out of coolant it would overheat pretty quickly. That's my supposition. Obviously I, I wasn't there, I don't know. But, yeah, I think it would, maybe it would start but it, I don't think it would run more than five, ten minutes.

Q. Okay, thank you. Referencing Item 5.9,

(reads), "Lower portion of the engine compartment in lifeboat #1 was full of oily water. The coolant hose from the manifold to the pump is not the original elbow type, and is excessively kinked".

Could you explain to me what an "excessively kinked elbow" -- or how an "excessively kinked elbow", would affect the operation of an engine?

A. Well that, in particular, would restrict the flow of the coolant. It should have an elbow, an elbow type fitting there so the flow is easy, it flows easy, it doesn't have that restriction there. That would also help the cooling of the engine to not be so effective.

Q. All right, thank you. Referencing Item 5.11, (reads), "The drain plug was not in place, and could not be found inside the lifeboat. The drain plug, even if open, would have stopped the water intrusion by means of a floater ball that would close the opening when water born".

It was found during the initial investigation that two of the lifeboats had the plugs out of the boat, the plugs were not in the boats. And during previous interviews it was stated that the policy on board the ship is to -- when the boats are in the stowed position, that the plugs are to be left out to

allow for drainage because of the sea state that the ship is under on a regular basis.

What is the -- what is the policy, or what does the Manual say for the boats with regards to the plugs being in? Are they supposed to be stowed with the plugs in and the lifeboat ready to launch? Or are they supposed to be stowed with the plugs out to allow for that drainage that I spoke of before?

A. I don't know for a fact, but I do know that the drain plug is normally -- it is not out of place, the drain plug is designed so you can unscrew it, okay? And it opens up, but it is still in place. But it stays there, okay, in most of the designs.

But a normal practice is to leave it so the water, drain water can come out, and it is one of the checks that you do before deploying the lifeboat is, between other things is check the drain plug, make sure that it is closed.

Q. All right, so you had said that the drain plug can be left open when it is in the stowed position, because the floater ball would prevent the ingress of water. When you have done the --

A. Yeah.

Q. -- the third party inspection of the boat last year, was the drain plug in and open? Or was it just

completely missing?

A. No, it was -- I couldn't find it inside the lifeboat. I couldn't find it. I found the ball.

Q. And where did you find the ball?

A. But ah -- it was in the bilge.

Q. Okay, so the drain plug was not in place, it was unable to be located in the boat. But the floater ball was found in the bilge of lifeboat #1, is that correct?

A. That's correct.

Q. Okay, next I want to reference 5.18. (reads), "Evidence suggests that the hook systems of lifeboats #1, #2, and #3" -- and I think you only meant #1 and #2, because we did not survey #3 -- "suffered considerable damage caused by improper lifting of the lifeboats by means of a shore crane with a single lifting point".

Can you just speak to what the process is, or what policy is, or what Palfinger Marine recommends when you are lifting a boat from the water -- when you are lifting a boat from the water?

CDR CAPELLI: Hold on one second. The time is 1124; I think we have a microphone out. So we are going to take a quick recess to get the microphone working, thank you.

(Whereupon a brief recess was taken.)

CDR CAPELLI: Good morning, the time 1128 and we are going to continue with questions from Mr. Jason Yets.

WITNESS

FRANCISCO ELLSON

EXAMINATION (cont.)

BY MR. YETS:

Q. This is Jason Yets of the United State Coast Guard, I just want to remind you that you are still under oath.

A. Okay, understood.

Q. All right, so before we went on recess you were about to explain what is the recommended process for lifting a lifeboat by its hooks, so if you can go ahead and explain that process, and any applicable requirements that need to be met to do that successfully.

A. Yeah, well there is two ways to lift a lifeboat; both of them require connecting to the maintenance pendant of the hook. And one process would be with a spreader bar, so you are lifting straight up on the hooks, or as straight as possible.

And if the spreader bar is not available, the -- each sling that you hook on to the lifeboat needs to

be 1.5 times the length of the lifeboat in order for the pull to be -- to not be vertical, but mostly horizontal to a max of fifteen degrees, I believe.

Q. And can you --

A. And those are --

Q. -- go ahead.

A. Yeah, those are not designed vertical -- horizontal forces. Okay, they are designed for vertical forces, and excessive force, vertical force will damage the hook, or the surrounding GRP area.

Q. Okay, and the 1.5 times the length of the lifeboat, is that something that was calculated for use with your hook system, or is that an international standard for lifting lifeboats?

So, I guess what I am asking is would that 1.5 times the length rule apply to the VC hook system as well? Or is that specific to your Company?

A. I know for a fact that it is specific to our Company. I don't know for a fact that it is specific for others.

Q. Thank you. Now I'd like to talk to you about the Teleflex cables that were in the boat. You did a full inspection of the Teleflex cables as they are related to the on load release inside the boat. Can you talk about your findings with the Teleflex cables?

A. Ah yes --

Q. And we will start with lifeboat #1, if you could?

A. Yeah. In particular, the aft cable, I believe it was aft, was excessively long, for some reason. And therefore, I had to, like; make a loop around the engine area. Part of the cable near very close to like where the generator is, and the water pump. There is a -- which is obviously a moving part there. It wasn't exactly touching, but it was like a centimeter away from the moving axle. It shouldn't be there.

Another section of the Teleflex cable was right on top of the muffler, even though they had -- it was insulated. The point that I was trying to make is that the Teleflex cable should be no longer than necessary, because the longer it is, the more resistance that you get, and the more loops that you have, obviously the more resistance you get with the operation of the Teleflex cable.

Q. So, referencing what you were just speaking about are you referring to Item 5.22 and the pictures underneath it here?

A. Yeah.

Q. Can you that?

A. Yeah.

Q. The Teleflex cable runs right in front of the -- what looks like a water pump pulley?

A. Yeah.

Q. And then the picture on the right does that represent the Teleflex cable that was sitting on top of the, the exhaust -- the exhaust for the lifeboat engine?

A. Correct, yep.

Q. So can you go into a little more detail for me as to how Harding -- I'm sorry, how Palfinger Marine would install Teleflex cables in lifeboats.

A. Well, in absence of a tube, a pipe, PVC pipe normally is what it is guided through. You would try to keep it, obviously away from any moving part, out of the bilge, out of the water and the humid. We would attach it along the side and we would definitely not use a longer cable than necessary.

So basically keep it in a safe route that the elements don't deteriorate it, and make sure it wouldn't have unnecessary resistance, because of length or bends. That would be it.

Q. Okay, thank you for that. When you did the inspection of the lifeboats, were the Teleflex cables run through this PVC pipe that you had mentioned? Or how were they -- how were those Teleflex cables secured

inside the boat?

A. Well the, the aft line was run through the -- it made a loop in the engine compartment and then headed back towards the hook through the bilge. The forward one, I think it made its way through the bilge all the way to the, to the front.

Q. Does Palfinger Marine have specific guidelines on how the Teleflex cables should be installed and routed in their lifeboats?

A. Yeah, um-hmm. Well not, not -- they don't specify the exact route. They give a guideline as I mentioned before to keep that away from moving parts. Avoid, there is a certain bend that it -- it can't have more than a certain bend. I don't have, I mean, there is a guideline for the installation of these cables.

Q. Were the Teleflex cables in lifeboats #1 or #2 installed in accordance with Harding's guidelines on how Teleflex cables should be installed and routed?

A. No, they were not.

Q. Was there any -- during the survey of lifeboat #1, and lifeboat #2 last year, was there any information that you were not able to come to a conclusion on due to any damage that was found?

A. Well, as mentioned before the -- it wasn't for me to check the hook system, VC Service was there for

that. But that couldn't be done because of what we -- what was supposed, the lifting method of the lifeboats had damaged the hooks to such an extent that it was not really possible to see if the damage was before or after the lifting of the lifeboats. That was the piece of the puzzle that would have been nice to see. But yeah, I think that would be it.

Q. All right, than you very much. I have no further questions at this time.

WITNESS

FRANCISCO ELLSON

EXAMINATION

BY MR. TUCKER:

Q. Good afternoon Mr. Ellson.

A. Good afternoon.

Q. My name is Adam Tucker, I'm with the National Transportation Safety Board.

A. Hello Adam.

Q. Hello. I just have a few follow-up questions mostly related to what Mr. Yets had asked you. Just so I can -- I am clear that I understand. And the first question I have is related to this condition of the engine on lifeboat #1 that was found.

You mentioned that in order to gain access to this particular area where that plate was missing

required removal of a certain amount of bolts. I'm just wondering, with the lifeboat full of, I believe there, I don't have the exact number of people in the boat, but with a number of people inside that lifeboat, is it possible to remove those bolts with people inside the boat?

A. I don't think so, no.

Q. Okay, and furthermore, I understand that it is a requirement that lifeboats have to be fitted with a certain amount of tools. You mentioned in specific that there was a 15mm wrench that was required to remove these bolts. Do you know if that type of wrench is available in the toolkit of the lifeboat?

A. I don't know the specific tools that they had in their lifeboat. I do believe I said 13mm wrench.

Q. 13mm.

A. And just to clarify, to take off that cover that was missing, you can reach it just taking off the top hatch, you wouldn't have to remove the whole surrounding cover of the engine.

Q. Okay. So you can, you can actually take off the top hatch, which is not bolted down?

A. Yeah, there is a top hatch, which is normally just to check the oil and so forth. That was -- which is latched down with four latches. That can easily be

taken off. The cover that I am referring to is, say the square portion that holds that back latch down cover. It goes down, and then it goes out to the sides, and is bolted to the deck itself. It is a permanent fixture, basically. And that's the one that had all the bolts removed.

Q. Okay. There is a bit of a delay between us, so I may take a pause, just so you can -- I make sure my questions go through.

A. Okay.

Q. The other question I have is, still staying with lifeboat #1 what type of engine did that lifeboat have?

A. I think I recall it was a Stier engine.

Q. Is that S-I-R-E?

A. S-T-I-E-Respondent, I believe.

Q. Okay, and I know that lifeboats require a certain amount of parts to be from the original equipment manufacturer. Do you know if that cooling hose was an OEM part?

A. I believe it is not. I can't fathom that that would come out of the factory with a hose in that in that manner. I don't know for a fact, but I have never seen a hose -- I've seen many of these engines, never seen a hose kink like that.

Q. Okay. Also in the report, you made mention of a bailer not working in lifeboat #1, what exactly is a bailer?

A. I was told that it was an accumulation on lifeboat #1 that the -- okay the cover for the drain hole was missing, so they wanted to pump the water out, with like a -- a bailer is basically a hand pump with a hose that runs down to the bilge or to the engine compartment. Or it has a closed position and then you just pump and it, flows water outside.

That is basically what it is, and I, they said that they used it, that it was not pumping. When I went on board it was in the off position, the valve was closed. It was to the bilge let's say. And in the engine compartment, it was working I hit the valve and then pumped and it -- and I was able to pump a lot of the water out.

Q. Just so I understand, so it did work. But in the condition when you inspected it, the valve was in the closed or off position?

A. Yeah, exactly.

Q. Okay. And for clarity, is that a pump that is located -- where is that in relation to the, to the driver, to the driver of the boat? Is that something that he can he access or is it another -- keeping in

mind there is people inside?

A. No, it -- that would be directly behind him as he is sitting in the console seat. Somebody else would have to activate the pump.

Q. We also spoke about the -- these Teleflex cables, is that the correct word to use for these cables?

A. That's the only one I know of. I know Teleflex is a brand, I believe.

Q. Okay.

A. But I have never heard them referred to in another way.

Q. Okay.

A. Personally, I don't know.

Q. So I just wanted to get clarification. Mr. Yets had asked but so no one from Shadt Harding, had -- sorry, from Palfinger inspected the installation of the hooks after it was completed in dry-dock on the Caribbean Fantasy, is that correct?

A. That is, as far as my knowledge, that is correct.

Q. Okay, and who would be expected to inspect that installation?

A. Well, the company installing the hooks, the release hook system, but I have to, I mean, there is a

checklist that you have to go through at least that we have, I don't know what they have. But they would be the ones to check that everything is installed correctly and approve it. Class is also involved and they should receive -- take a look and make sure everything is in place and sign off on it.

Q. My -- another question unrelated to the actual condition of the boats is throughout this proceeding, we learned that the lifeboat on the port side of the ship, there was a gap when they were trying to embark the passengers, and they were unable to do so.

What mechanism is in place to prevent a gap between the ship and the boat when the ship is listing to one side, as was in this case?

A. All the lifeboats unless -- yeah, the majority of them are equipped with a, what's called a bowsing, pricing equipment. Basically what it is is two sets of straps one attached to the forward link, one attached to the aft link of the hook, and attached to the davit arms.

So when you lower the lifeboat those straps at a certain point start pulling the lifeboat towards the ship and bring it to an embarkation position. They bring it against the ship and at the level of the deck.

Once the -- theoretically, once the people

embark, these straps, you loosen them. And you take the hooks -- I mean, the lifeboat slips out, I mean it goes directly under the davit heads, and then those are detached, and you are lowered to the water.

Q. Thank you.

A. You are welcome.

Q. So for this mechanism, it is -- is it a manual system, or an automatic system? How do you, how do they control these straps?

A. It is -- it is a manual system. It has a winch, to say it in some manner, it is basically a roll of strap and then a -- normally it would be something that you screw in and screw out, you screw it in, and you squeeze your strap so it stays there. As you screw out then your straps start rolling out and the length, I mean, they get loose, and let the boat go to its natural position, but it is manually -- it is something manual.

The one thing that these need to be is when the boat is in position they need to be attached and adjusted prior to deploying the boat.

Q. So they have -- these straps have to be adjusted properly before deploying boat.

A. Correct.

Q. Okay. All right, Mr. Ellson, thank you very

much, that is all the questions that I have.

A. Thank you, Adam.

WITNESS

FRANCISCO ELLSON

EXAMINATION

BY MR. YETS:

Q. This is Jason Yets of the United States Coast Guard. I just have one follow-up question, or one additional question for you. When you did the survey last year were you able to get lifeboat #1 engine to start?

A. No.

Q. Okay, thank you.

A. I am trying to recall correctly, I don't think so.

Q. That's all I have.

A. Thank you.

BY CDR CAPELLI:

Q. Good morning, Commander Mike Capelli with the U.S. Coast Guard.

THE WITNESS/MR. ELLSON: Hello Mike.

CDR CAPELLI: I have no questions for you, so I'm going to open it up for our parties. Panama do you have any questions for the witness?

MR. ARENAS: No questions.

CDR CAPELLI: Baja Ferries, do you questions for the witness?

MR. RODRIGUEZ-BIRD: Yes, a couple.

CDR CAPELLI: Counsel from Baja Ferries will ask you some questions.

THE WITNESS/MR. ELLSON: Okay.

WITNESS

FRANCISCO ELLSON

EXAMINATION

BY MR. RODRIGUEZ-BIRD:

Q. Good morning sir, how are you?

A. Good morning, how are you doing today?

Q. Fine. My name is Manolo Rodriquez, I am one of the attorneys representing Baja Ferries. Just to make sure, because I don't know if it came out during your testimony this morning. But your inspection, what has been referred to your survey last year and your inspection of the lifeboats and the testing of the engine and all that you have mentioned this morning was based on an attendance you made to San Juan a month or so after the casualty, correct?

A. I went in August I believe. And the incident --

Q. Are you sure --

A. And the incident -- yeah, and the incident was

in -- no, the incident was on August of -- I can't recall right now when I went there, I can look it up if you need me to?

Q. Was it September 15, by any chance? Of 2016?

A. Ah, let me see -- I can't find the report right now sir, I'm sorry. I have to look at my, my calendar on -- but yeah, I think it was after -- sometime after the incident.

Q. Okay.

A. A month and a half, maybe.

Q. You don't remember if it was September 15th?

A. I -- let me see, just one second --

(Brief pause.)

CDR CAPELLI: Sir, may I ask a question? Is there any reason that the date on the report would be wrong? That we --

THE WITNESS/MR. ELLSON: The date of the report?

CDR CAPELLI: Yes, when you showed up. Is there any reason that that would be wrong?

THE WITNESS/MR. ELLSON: I don't think so.

BY MR. RODRIGUEZ-BIRD:

Q. Do you have the date? I don't have the report. September 15, right?

A. Ah -- (inaudible few words).

Q. That's fine, I don't want to delay the proceedings. You don't remember when you attended this --

A. I'll find it, let -- we can proceed and I will find it while we speak, and I will --

Q. Okay, you do know that it was after the casualty?

A. Excuse me?

Q. You do know that it was after the casualty?

A. Yes.

Q. Sometime after the casualty.

A. Yeah, that is a fact, yeah.

MR. CHENAULT: It is in paragraph 5.6.

BY MR. RODRIGUEZ-BIRD:

Q. Okay, they are telling me paragraph 5.6 of the report.

A. Excuse me?

Q. Paragraph 5.6 of the report, I believe, references the date.

CDR CAPELLI: Yes, in the report it says, (reading) "On September 16th, 2016 when Harding safety representatives attended the carry-out and investigation.

BY MR. RODRIGUEZ-BIRD:

A. Okay, that is as I find the report that, yeah,

verifies that.

Q. So your testimony this morning about your inspection of the lifeboat and the evidence what you witnessed was based on that attendance to San Juan on September 16, 2016, correct?

A. Correct.

Q. Okay, now did you witness, I don't believe you witnessed when they took the lifeboats, they pulled the lifeboats out of the water and put them pier side, correct?

A. No, I did not.

Q. Okay. Do you know if Shadt Europe was asked to quote, was asked by Baja to quote on the renewal of the hooks in Tunisia?

A. I believe that they did, they were asked, yes.

Q. Okay, then you know what was Shadt Harding's response to that?

A. I believe that at that point in time there was a ban, a travel ban because of security reasons to Tunisia on behalf of what was then Harding safety.

Q. Okay, I have no more questions. Thank you, sir.

A. You are welcome.

CDR CAPELLI: Okay, no more questions for the witness. So you are now released as a witness at this

hearing. Thank you for your testimony and cooperation. If I later determine that we need additional information from you, I will contact you. If you have any questions about this investigation you may contact the recorder, LTJG Diaz-Colon.

The time is 11:57 the hearing will now recess until 1300.

THE WITNESS/MR. ELLSON: Okay, thank you Mike.

LTJG DIAZ-COLON: Thank you for your time.

(Whereupon a luncheon recess was taken 1158-1307.)

CDR CAPELLI: Good afternoon the time is 1307, we will now reconvene the hearing. We will now hear testimony from the technical manager from Baja Ferries. Lieutenant Diaz-Colon will administer your oath and ask you some preliminary questions.

LTJG DIAZ-COLON: Sir please stand raise your right hand. Do you mind standing for me?

THE WITNESS: I will --

LTJG DIAZ-COLON: Thank you.

MR. NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

A witness produced on call of the Coast Guard was duly sworn according to the law, was examined, and testified as follows:

THE WITNESS: I do.

LTJG DIAZ-COLON: Okay, please be seated. For the record, can you please state your full name and spell your last.

THE WITNESS: Nicolas Carion, C-A-R-I-O-N.

LTJG DIAZ-COLON: We are getting a delay. Does anybody have the livestream going on right now?

CDR CAPELLI: Recess, deal with technical issues.

THE WITNESS: No.

LTJG DIAZ-COLON: We are hearing our whole conversation probably about two or three minutes after it took place. So what I am going to do is, I'm going to end the call and then try to call you guys back to hopefully clear the conversation.

CDR CAPELLI: Okay, the time is 1309 and we will recess.

(Feedback/Livestream delay -- recess to resolve technical difficulties.)

CDR CAPELLI: Good afternoon, the time is 1317 we will now reconvene.

LTJG DIAZ-COLON: Okay, good afternoon, if you can, for the record again, if you could just please state your full name, and then spell your last name, sir.

THE WITNESS: I am Nicolas Carion, C-A-R-I-O-

N.

EXAMINATION

BY LTJG DIAZ-COLON:

Q. Okay, thank you. And where are you currently employed and what is your position?

A. I am Technical Manager for Baja Ferries, in France.

Q. Baja Ferries in France?

A. The subsidiary of Baja Ferries is France, France Ferries.

Q. Okay, and how long have you worked for Baja Ferries?

A. Since the middle of January 2016.

Q. And prior to working with Baja Ferries, what did you used to do?

A. I was technical manager on a French passenger ship company.

Q. Okay. What is the highest level of education that you have completed?

A. I have a Marine (inaudible word) Naval School, master and a chief engineer license, unlimited. And a master of corporate strategy and a lot of courses in training, with class (inaudible word) in Germany (inaudible few words).

Q. Are you guys getting the feedback as well?

A. Yeah.

CDR CAPELLI: Okay, the time is 1319 we are going to recess to fix our technical difficulties, thank you.

(RECESS 1319 to 1345.)

CDR CAPELLI: Good afternoon the time is now 1345 we will now reconvene the hearing. We were getting the technical manager's history when we recessed, we will continue there, Lieutenant Diaz.

LTJG DIAZ-COLON: Okay, just a reminder you are still under oath, sir.

THE WITNESS: Sorry?

LTJG DIAZ-COLON: I just wanted to remind you that you are still under oath.

THE WITNESS: Oh.

LTJG DIAZ-COLON: Okay.

THE WITNESS: Yeah.

WITNESS

NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

EXAMINATION

BY LTJG DIAZ-COLON:

Q. All right, so first question, as a technical manager, what are your responsibilities?

A. In fact I am in charge of a lot of projects

for Baja Ferries, new (inaudible word) project to Mexico, to buy ships, and I was trying also to our supervise the (inaudible word) on the Caribbean Fantasy, because of some problem on engine detection.

Q. Okay, so do you oversee any of the maintenance, of the engineer side?

A. Yeah, also, yeah.

Q. Okay. Prior to the fire how many times have you been on the Caribbean Fantasy?

A. I spent -- I've been, I made one trip in February -- joining Baja Ferries, maybe five days, and I spent a lot of time in Tunisia with the ship also.

Q. Okay.

A. Maybe (inaudible few words) .

Q. Okay, and you had stated you have been working with the Company since January of 2016 correct?

A. That is correct.

Q. Okay, so when you started, did you get any notes, or any files on the Caribbean Fantasy from the previous technical manager?

A. No because you have some problem, I am sure that I have just a few contacts with the previous superintendent. But he was fired maybe just before the dry-dock end of March, something like that, yeah.

So I just have some, few contacts with him,

sharing some information, but after he had some problem, I don't know what happened exactly with him, he left the Company.

Q. So what type of information do you have in -- my question is mainly geared towards the main engine, do you have the original drawings, what type of information, like how familiar are you with that engine for this vessel?

A. In my previous company, one of my vessel was fitted with the original engine, (inaudible word) engines, which is quite, not exactly the same one, but same type of engine. But anyway, most of the four stroke medium speed engine are quite similar, you know, on these new ones, they are much more complicated with electronic and ..

Q. Okay, so you have previous experience with this engine type because of your previous company?

A. Yes, with a (inaudible word) engine, MH/DMA, but more or less, yes.

Q. The (inaudible word) okay. Did you know any differences from this engine -- actually, forget that question. Do you receive any reports from the engineering department?

A. I receive few reports, just because more or less I joined the Company mid-January, and the dry-dock

was planned mid-March so I just received a few report, yeah.

Q. And what type of reports do you receive, and also from who?

A. From chief engineer, I am getting reports from captain, some monthly report with just a few stuff, deflection on engine, whether they are requesting some points or so, dry-dock job lists, all those kind of -- because my concern was to prepare efficiently, the dry-dock mid-March.

Q. Okay, part of the monthly report, did -- is the maintenance schedule part of that report as well?

A. No there is no maintenance, can you -- I mean, there is some forms that the crew is emitting as soon as we made the job for them. But if he will -- old ones -- (inaudible few words) report. And I got this report from the main engineer that (inaudible few words). You know, when will be the next steps of maintenance, this is an Excel file, more or less.

Q. Okay, so the Excel file, or whatever the spreadsheet is, you'll get the list of scheduled maintenance, and then whatever the plan schedule for the next maintenance, that's what you'll get?

A. Yeah, for the main components, yes, it is a directly linked to the running hours, and the running

hours is (inaudible few words).

Q. Okay, and who generates what items have to be -- what items need maintenance? Does that come from the manufacturer's manual on what they recommend, or does the engineers themselves, they kind of pick and choose what they want to do maintenance on?

A. No, no, no it is according to the manufacturer steps, there are some steps for over work, and after depending the type of (inaudible word) of running hours, and so on, you can adjust this several points, but it is depending of the manufacturer manuals, there are some steps at 3,000, 6,000, and 12,000 hours and so on, yeah.

Q. Okay, thank you for that. So that would be for preventative maintenance. Do you get any reports for any type of corrective maintenance? What I mean by that, so preventative, for me, my understanding is something that you have planned to keep the plant operating the way it is intended to. So corrective maintenance would be a failure of a system? Something failed and then they have to get it fixed. Do you get any type of corrective maintenance reports?

A. I get mostly corrective maintenance. And the only preventive maintenance that I get is prior to similar amount of time is the job list for the dry-

dock.

Q. Okay, are you aware of the engineer, engineering department, chief engineer, do they send reports to other people at the Company, or are you the sole person that receives the engineering side, the reports?

A. It is sent to the captain of port, and to the DPA.

Q. Okay.

A. And there is also a common email, I think, yeah for the technical rep.

Q. Okay.

A. One main general name for all technical departments.

Q. Since the fire, have you been aware of how it started? Are you aware of what specific part of the engine failed for the Caribbean Fantasy?

A. Yes, I have been onboard since the fire, and I've seen the engines and I've seen the reports from the Coast Guard, and for the representative of the engine room, yeah.

Q. Okay, in previous interviews that we had through the preliminary section where we started collecting our information, we were notified that the starboard engine had a very similar problem to the port

that, of the -- the flange failing and the, the leak of fuel to the turbo. Were you aware that the starboard engine also had the same issue?

A. No, no.

Q. Okay.

A. Also kind of tough is -- equation the flanges, usually is not going to the chief engineer sometimes or even to the superintendent to take (inaudible word), they stay on board. Yeah, I was not aware about that.

Q. Okay. Would something like that normally be -- should it be reported? I know that you weren't aware of it, but say leaking fuel next to hotspots, I guess. Is that something that should reach your level, or --

A. No, no I don't think so. I should be -- on my part it should be at least reporting on the engine output, that's all.

Q. Okay.

A. At least to the chief engineer, that would be aware of that, but on my side no, because there is quite often some leaks onboard, on fuel oil, on boiler, on (inaudible word), you know. Which is the main job of the crew to fix this, these (inaudible word).

Q. Okay, are you aware of any, and I am not to familiar on how the engineering department works on these types of vessels, so I apologize if this is one

of those questions that everybody should know. But as far as oversight for the work that happens on the main engines, should the chief or the first, should they always be there watching what they are doing? Or could they, the motormen or the oiler, they could just do whatever maintenance that has to get taken care of? And how does that generally work as far as oversight and checking their work?

A. Generally, the chief engineer is trained to get a look on a monthly work, or maybe a six monthly works. But every day, in fact most days the first engineer is making a meeting with the engine crew and saying okay guys, we have to check this, this, within the week. Or this is the steps that we have to follow.

And this is for the maintenance staff, or corrective maintenance for some check. But there is also some normal, watch, check, there is some (inaudible word), some cleaning to do and all those kind of stuff.

So more or less (inaudible few word) monitoring, they do it by themselves. There is a guide that is given by the first engine, who came and discussed with the chief engineer we have to do that.

But after, of course, if during watch the motorman is seeing one of the (inaudible word) he has

to fix it immediately, depending of the what he has seen, he has to report to the engineer on watch, to the first, or fix it immediately. And so (inaudible few words).

Q. Okay. I'd like to show you a picture real quick, let me see if I can share the screen.

(Brief pause.)

A. I can't see your computer.

Q. Okay. I may need to reset my computer, shut everything down.

(Brief pause.)

Q. Okay, this is Exhibit #E275 it is the Materials Laboratory Report, Report #17-008 for the NTSB, I just wanted to show you a picture of the blank flange that you have seen before.

A. Yes, sir.

Q. First time, okay. So this was the flange that was at the -- the blank at the end of the fuel rail where the, the fuel had sprayed. I believe there is twelve holes in here.

A. Yeah.

Q. There is twelve.

A. I don't know -- about this flange.

Q. Right, well this -- it appears it was made, whether it was made on the vessel, I'm not sure. But

it -- you can see that they had cut it out and made it. Now the, the bolt that it connects to is just four bolts. So work like this, though, would it be safe to say that somebody else, I mean.

Let me rephrase my question. For the amount of holes that this flange has, do you think it would have the same -- in your opinion, is that a common practice, if you will, to put at the end of a flange?

A. No, (inaudible few words) install such a flange, especially on the fuel line, it is stupid stuff, yeah, I mean, this flange is for garbage.

Q. Okay, thank you.

A. Yeah. There is a lot of flanges on board. It is quite often (inaudible few word) with these flanges, and we are doing sometimes flanges, so it is very easy to have a flange that is adapting, I don't know why they put this kind of stuff.

Q. Okay, I'm going to show you one more exhibit. Have you heard the name of a buffer piston?

A. Yeah.

Q. You have, do you recall what a buffer piston does?

A. Yeah, it is just a -- I mean it is a, in addition valve (inaudible few word) the fuel is managing, and you have to reduce this pulse by some by

damper (inaudible word) you will do that -- buffer piston.

Q. And I am bringing up Exhibit #127, this is some information that I receive from the manned 58-64 engine. Chief engine if he had a PDF, he had a CD with this file of PDF. So ah --

A. Yes, (inaudible few words).

Q. Okay, so this is the type of engine that was on the Caribbean Fantasy?

A. I don't know if it is (inaudible few words), two engines are almost the same.

Q. Okay, so #16, it shows the name of the buffer piston.

A. Yeah.

Q. And it is pointing at the location where we removed the flange from, the blank.

A. Yeah, no (inaudible word) 68-44 from the manual on engines. I don't remember (inaudible word) the managing, but on those kind of engines, a Mitsubishi engine, the buffer piston are on the other side of the manifold, I mean in front of the (inaudible word) not on the flange side.

Q. Okay. So you are saying that -- and I am --

A. This valve on the Mitsubishi (inaudible word) engine, on the -- in front of the engine on a cylinder

one, at the (inaudible word) of the manifold.

Q. Okay.

A. You can see it.

Q. Do you recall if the Caribbean Fantasy was fitted with these buffer pistons?

A. Yes, they are still on board, (inaudible word) manifold, yeah, they are on the manifold.

Q. Okay, they are still connected you said?

A. Yeah, but on the other part not on -- opposite of the flanges, yeah.

Q. Okay.

A. Maybe they have a different design between the Mitsubishi and the (inaudible word) on this point.

Q. As far as location?

A. Yeah, but it is a different location, (inaudible word) where, maybe where is two (inaudible word) of the fuel oil. Because on the Caribbean Fantasy the fuel oil pipes, I mean, from the booster pump, and fuel conditioning module, it is coming from the front of the engine, from cylinder #1. Connection to the supply line and the return.

Q. Okay, thank you. I have no further questions at this time.

CDR CAPELLI: Good afternoon, it is -- we are going let Luke start asking questions now.

THE WITNESS: Okay.

LTJG DIAZ-COLON: Luke Wisniewski it is your turn.

MR. WISNIEWSKI: Well thank you, Lieutenant.

WITNESS

MR. NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

EXAMINATION

BY MR. WISNIEWSKI:

Q. Nicolas hi, this is Luke Wisniewski from the National Transportation Safety Board, can you hear me okay?

A. Yeah, I hear you loud and clear.

Q. Okay, thank you for taking your time out this evening, I understand it is 7:05 p.m. locally, your time in France, so I will try to get through this as quickly as possible. I really appreciate your time here this evening.

A. No problem.

Q. Nicolas I'd like to just go back up through your maritime experience. How many years at sea did you sail as an engineer?

A. I attended school in 1993, and so, in France it is five years school with one/two years in between the school at sea. So after I sail on a (inaudible

word) ship on the gas carrier, on ferries since 2007. So about, we'll say 1995 to 2007, yeah. And I was also for (inaudible word) for one year in a shipyard for repairs like Caribbean Fantasy, as engineer.

Q. And you graduated from the maritime school in 1995?

A. It is not any -- it is very specific in France it is a (inaudible word) license, like -- so in 1997 I got my certificate. But after you have to justify some years of practice to get to the final license, yeah. And I think my first class -- I mean my captain and chief engineer unlimited, I think in 1998.

Q. Okay, and how many years experience with passenger ferries?

A. I mean, I entered this French company in 2007, I was chief engineer (sounds like) for three and a half years, and after I become the technical manager in 2011 until the end of 2015, so about eight years, yeah.

Q. Okay, can you please discuss the organization structure of your Company, French Ferries as it relates to Baja Ferries.

A. Okay, so I, in fact, the president of Baja Ferries met me when he want to buy, I mean, my present Company in France to operate some ROPAXs between France, Corsica, and North Africa. Committing now, at

this period and just, I join him with one of the colleague, two of my colleague, which is a manager, and a commission manager. Our aim was to be located in France to take care of the new lines that were to open in Europe.

In the same time, I have some other jobs, for the companies about new (inaudible word) contracts, about survey on ships, he wanted to sail or to purchase, and also specifically on the Caribbean Fantasy because he had some problem, very new problems from his side, concerning the speed of the vessel, that he was afraid the speed was going down, and he told me to take care of that, yeah.

France Ferry is a European subsidiary of Baja Ferries, and I am directly reporting to the CEO and the president of the Company. And I have been some trans-vessel information with the bureau operating in Mexico, with the DPA, with the technical manager also, the fleet manager that is based in Mexico. We share also some information, yeah.

Q. Could you go through again, and just clarify for me, who you report to directly within Baja Ferries and the Caribbean Fantasy?

A. I am reporting directly to the CEO, Mr. Oscar Ruano and Mr. Dan Berrebi the President of the Company.

Q. Did you interact with the Designated Person Ashore?

A. Yeah, of course, of course, yeah.

Q. And I'd like to go down, a little bit farther now, with the technical manager, your responsibilities to the Caribbean Fantasy. You indicated that you had issues with the speed reduction or RPM on the port main engine. Can you go through and discuss some of that?

A. Yeah, in fact the president of the Company was no a technician, but he was very (inaudible word) of his vessel, particularly in Puerto Rico and Santo Domingo, but he was afraid because he see from year to year the speed going to the vessel. And just to be efficient, the ship has to follow a certain speed to be on time for commercial operation.

So he told me that I have to check the (inaudible word) to find a solution. And the, the end could be to support this repair when the vessel would be dry-dock. The vessel should be off hire mid-March until the mid of May, I think it was organized to make the dry-dock, yeah, in accommodation of a dry-dock.

So the main problem from the President was this speed that is going down, and sometimes vessel was late, and not able to in case of a delay for loading the ship to be on time on the last stops.

I have made a survey on board just to see what was the state of the vessel, check some stuff, and to be -- at this time it was not to follow directly the dry-dock, but just to have an overall view of the ship and the crew.

So for the crew there was not so many problem on board, they worked quite hard on the problem area was. The ship was, on its treks it was quite a long time, so they do not tell me that there was some problem on board. I've seen (inaudible word).

Q. Were you part of hiring of the crew?

A. I was not directly part, but of course as a technical manager I have some ideas, and at least I wanted to be to (inaudible word) on board when man who I can trust because I am not on site, and do that's why we decide to put a French captain on board, because -- not because it is the same language as me, because we speak English (inaudible word), and so on, but because I know French officer, these captains are also very used to go in the engine room.

And the main problem reported from the (inaudible word), from the Board was the engine crew was not very, was not following very deeply all the problems, all this kind of stuff, yeah. And the captain, the previous captain take care of the deck

job, but in the case for the engine, you have to go to the engine.

This is quite, much more easy for French because I know that when you speak about engine problem with a French captain he knows what I'm speaking about and he can go to (inaudible word) the chief engineer to get the information.

So I was not involved directly, but of course I have some idea, and for some of the people I say okay we have to change, we cannot keep them. But the responsibility of the crewmember is from the captain and chief engineer on board like in all of the company. They make appraisal and (inaudible word) about the appraisal we go on with the crew, or was change a crew, yeah.

Q. And so your direct communication with the ship was with the vessel's captain?

A. Yeah, yeah.

Q. Did you interact or communicate via e-mail or phone with the chief engineer?

A. Mainly -- with the chief engineer mainly by email. And when I was speaking with the captain by mail, by phone sometimes with the phone I can speak with the chief engineer, because the captain had a professional mobile for him, from the Company, it was a

(inaudible few words) from the chief engineer.

Q. Okay, so from what I understand, the captain, staff captain, safety officer they were all hired and employed by Baja Ferries. Was the chief engineer employed by Baja Ferries?

A. It is quite complicated, it is not Baja Ferries directly, Baja Ferries is working with a company in Miami which name is Chief Sup (sounds like), that is supplying the crew, like a manning company. But this manning company was before part of Baja Ferries so there is, they had a very close relationship.

But what decide just to --because one of my concern on a ROPAX ferry is just to have, all the time, I mean, if possible, the same crew on board, you know. The crew on board the ferry have a life contract, we say just have a --the contract six-month until the sign off. And sometimes I go back, sometimes I do not go back. My concern was to, just to that is good for the maintenance, and for the shore team (sounds like), to have the same crew but know when he will spend six month on board, he will come back. And if he cannot fix some stuff he will have to face it once, he will not say okay, I don't care, I will not go back, and then will not fix anything.

So we try to, to make some improvement on those sides, and we, we just open some discretion with a new European Company, Mid-Ocean, that is also giving some crew. And we start to have some engine officers from Mid-Ocean Company before crossing the Atlantic back from Europe to America. So only the engine official were from Mid-Ocean, the other one from Chief Sup (sounds like).

Q. Would you have liked to have had a permanent chief engineer that would come back on a routinely basis?

A. It is much more efficient for me, especially on such a vessel which are doing all the time the same line, yeah with passengers and so on, yeah. Usually on a tanker ship, or (inaudible word) carrier, you spend a lot of time at sea, so you have some time to fix the installation, and there are not so many installation like on the ROPAX ferries, when you are sailing or doing (inaudible word) version. So it is very nice to be on board quite often, and to have a regular attendance on board yeah. But it was the case for most of the crew, yeah. Even if it was not particularly (inaudible word).

Q. Did you have any returning engineering staff on board the Caribbean Fantasy?

A. Yeah, yeah.

Q. In which capacities?

A. With the --

Q. Which engineers?

A. It was quite, I mean, I think the -- there was a crew of chief engineer that knows very well the vessel and the maintenance. But he was no so efficient for my side, but management, I mean as soon as I was (inaudible word), and said okay, I will do by myself. But after that, yeah the crew, most of the crew they know what is the ship, what was a big surprise sometimes is I'd say, do not -- I mean, there are all the time as soon as there is a small problem, that have to report to the chief.

Which is quite surprising for me, you know, is they couldn't decide by themselves, or take a decision by themselves, which is not so good. That was why we tried to improve and say okay, if he is out, to, spend to many time on a routine basis, you know, I have to be more efficient, to say okay, the problem is there, you know.

Q. Thank you for sharing that, what was your initial thoughts on the condition of the vessel when you first visited the vessel?

A. Okay, so when you visit the vessel first steps

that you have to do is to check all safety certificates of the vessel, to see certificates are follow, updates, if the class -- there is no pending recommendation or some kind of stuff.

On the vessel it was okay, there was just a very few recommendation. But after that, going a bit deeper on the engine, I saw some problems with the engine itself, for example for the lube oil filter, for some system that were working, but, I mean, none of all the crew knew that it was -- used for (inaudible word).

But the status of the vessel was okay, I mean, the accommodation were in good order. The garage was a bit dirty, some stuff to do, still to review, but it was quite normal for such an old vessel, and it was plan to do that during the dry-dock.

Q. Can you summarize the general housekeeping on board, in the machinery space, and the auxiliary spaces, engineering wise?

A. I would say, I have seen much more clear vessel, I have seen what was missing on the cabin (inaudible word) was the paint, and the lights. But the vessel was not so dirty, the ECR was not so oil in the bilges. Not so many (inaudible word). But I think the look should have to be, should be improved, and it was one of the status, I was pushing in dry-dock to try

to improve the look for the engine side, yeah.

Especially, also engine lockers where they tools, the spare parts were stored, were quite a mess, and you cannot know where how the new spare versus the old one, so I was also pushing to organize this better. But it was really just the chief decide to (inaudible few word), also with me, everything, everybody knows that we have to improve those kind of (inaudible word) even if there was no remark from class, but there were some (inaudible word) from Coast Guard too before, yeah.

Q. And with that, let me just go into a little bit with the labeling and various languages that were labeled on the equipment and the spaces on board. Did you have a plan or any layout to correct those or to make that better for the staff?

A. Yes, yes I agree with you, this is one of the main concerns when you have different crew on board, speaking different languages, as the ISM --

(Lost connection to witness.)

CDR CAPELLI: Okay, the time is 1422, we are going to recess until we get our connections back, so ten minute recess.

(Whereupon a ten minute recess was taken.)

CDR CAPELLI: Okay, the time is 1432 we will

reconvene, we have the connections back. We will continue with Luke questioning the technical manager from Baja Ferries. I'd like to remind you that you are still under oath.

LTJG DIAZ-COLON: Do you gentlemen hear?

THE WITNESS/MR. CARION: Yeah.

LTJG DIAZ-COLON: Okay, so just wanted to remind you that you are still under oath, and we have started the recording again, so you may start whenever you are ready.

THE WITNESS

MR. NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

EXAMINATION (cont.)

BY MR. WISNIEWSKI:

Q. Thank you Lieutenant. This is Luke Wisniewski with the National Transportation Safety Board. If I can go now through the Tunisia shipyard.

A. Yes.

Q. And Cadis shipyard.

MR. BLASINI: If --

BY MR. WISNIEWSKI:

Q. Can you go through the Mitsubishi Main, Port and Starboard Main Engines and Conditions.

CDR CAPELLI: Luke hold on one second.

MR. BLASINI: Yeah, this is attorney Jorge Blasini for Baja Ferries, the Nicolas answer concerning the tags, the language tag was not recorded. I think they continue and it was not on record, because we had lost comms. I think we have to go back to that.

LT PROCTOR: Yes.

LTJG DIAZ-COLON: Okay, so Baja Ferries, Mr. Blasini, he just noted that the question about the nametags did not come on record. If we could go back to that first, before we get into the shipyard. If you could just tell us what the Company plan was, or whatever you had stated with changing out all the different tags into the language of the crew?

BY MR. WISNIEWSKI:

A. Yeah, if it was -- I am starting to -- the vessel is with ISM, as English like main language or communications on board. So English should be found on all documentation and all labeling, main engine and bridge, and so on.

So we start to replace this labeling, and managing by the (inaudible word) in Tunisia, and later on after in Cadis, and during the crossing. Trying to share, for everybody the correct (inaudible word) and correct (inaudible word) not to get labels in Italian, or in Spanish, or in Japanese still existing.

This also was important because as we discussed before we (inaudible few words) engineers in the engine room, and they are not sure of the vessel what it is -- what was then that this labeling in English was much more efficient, yeah. We start to do that, to replace the muster --

MR. WISNIEWSKI:

Q. Thank you. And Nicolas, and following on to that -- this is Luke Wisniewski with National Transportation Safety Board -- was there any concerns from the crew in engineering regarding documentation, language issues for repairing of the main engines?

A. No, not at all, I mean, I was quite surprised, but they are really not complaining about these languages, they try to -- it is easy to get the documentation with the language, I found that it was no problem for that, yeah. No complaint for --

Q. Was the manuals on board, were they available in English to the crew?

A. Most of the Manuals, the original manual for the engine side, where the chief engine cabin, after that there was, yes, some English or Spanish manual. Which is quite strange for me that it was also the language, I have seen that also in Puerto Rico as if everybody was speaking English in Puerto Rico, but in

fact everybody is speaking -- were English or Spanish, and it was also the case for the crew.

So they get some instruction in Spanish from the previous vessel when she was berthing in Mexico and English, yeah.

Q. Okay, so now I'd like to go into Tunisia shipyard, and Cadis shipyard regarding the port main engine and starboard main engine, work performed. Can you go through and summarize the work and job lists that were performed.

A. Okay, I will focus on main engine, so because it was one of concern. As a ROPAX vessel the Caribbean Fantasy has to dry-dock two times in five years, on a class schedule, that if it was to perform an intermediate survey with class in 2016.

So part of the job was to focus on this and impending survey, which is quite normal list of jobs to perform in the Manual and to be surveyed about safety, capable, fire, boat, control, about all items, engine items, but more of, also what we were doing is was for the -- all of the (inaudible word) boat, and starboard main engine. All the engine were completely dismantled, the only starboard was not dismantled, was the fuel oil pumps, and the fuel oil line, because it was already performed before, and checked by RINA.

In fact on the class, the class is requesting to have a look on all parts, on most of the engine, parts of the engines each five years. So when you see -- when you check with the class (inaudible word) there are some items that we have to follow on a regular basis. And on a dry-dock, it was the case to solve and to show to the class all of those items.

And we were also dismantling those engines to see what happens with this problem of the defection and the loss of speed of the engine, yeah. So each, it means that on both engines we take out all the bearings all the pistons, all the cylinder heads, all the rotors, the turbo charger, I mean everything.

Q. And I appreciate you sharing the scope of work, job lists, and work acceptance forms for the main engines. Did you have any concern after the ship left the shipyard regarding its maintenance on, and work performed on the main engines?

A. No, no, no I was very happy because it was quite unusual, because when opening the engines we discovered the problem, in fact, of this defection, the problem of the bearing condition. Because of wrong oil treatment, I mean, part a variation from the crew, for the oil (inaudible word), and the oil filters.

And on those kind of vessels there is not so

many choice to, to fix a proper defection, proper alignment of the crank shaft is -- you take out the crankshaft, or you do that in (inaudible word), which is quite complicated, because it is a step by step, you are just going through (inaudible word).

So I was quite happy to have the job performed, and (inaudible word) the test that we have done prior to go back to America. Tunisia shipyard there is lake, just to access, and we lose some, some (inaudible word) in the lake, we don't have any problems as a technician.

And after the vessel was doing the transfer to Gibraltar (inaudible word) it was a plan and also to -- for the running problem of the engine we prepare already in program just to secure the engine prior to cross the Atlantic.

And it was not so many problems. Yeah, the main problem was some liquidages (sounds like), on the exhaust gas manifold because of, we tried to repair the (inaudible few words), it was completely banded, and we order new ones. There was some fixing, that is quite usual after a dry-dock, when you re-start the apparatus, you have to fix some stuff. In fact, there was three technicians from the yard during the crossing from Tunisia to Gibraltar on board, yeah.

Q. Was there new lagging or insulation installed on the exhaust manifold in the shipyard?

A. Yeah, yeah. We renew -- there was some liquages on some of the exhaust composants (French for component). And as soon as -- you can see from outside that there is a liquages, it means that the (unintelligible few words) and so on.

So we replace a few composants and then we renew the insulation in between there. So it was more or less a big part of the insulation of the port side turbo charger, in fact was replaced. The outlet of the exhaust gas, from the turbo charger port side was replaced because it was a (inaudible word) 900 compensator (sounds like) leaking. And after we replaced we renew insulation on the exhaust gas manifold on port side engine, yeah.

This is in the report from the shipyard, yeah. It has been checked also by the RINA class because we have to put that (inaudible few words) on board.

In Europe we used MED material not exactly the same in the USA, but it is -- there is come combination of approval, I mean, with the (inaudible word) Europe MDI Team (sounds like), and the U.S. Coast Guard approval.

Q. And how was it verified that insulation and

lagging was installed correctly, where you wouldn't have hotspots?

A. In fact, it was verified, like is done most of the time, I mean, you start the engine and you see if there is some liguages, or if some, there high temperature, but not with a lot of (inaudible word).

Q. Did you have thermal imagery performed?

A. No, no, we just have an infrared thermometer to check the temperature. But it was not used for that, yeah, no we do not do thermal imagery, it is not requested by class, but it could be (inaudible word) what I learned from this problem. Because usually we use the thermal imagery for the switchboard, to control the tightening of the bolts, and all those kind of things, this has been done, but not for the insulation, yeah.

Q. I'd like to bring up Exhibit #147 this is the Customer Information Bulletin 211 --

A. What -- I know there is a lot of, yeah, for SOLAS?

Q. Yes.

A. Retro fit (inaudible word), yeah.

Q. Do you know if any of the retrofit kits, or insulation was conducted on board the Caribbean Fantasy?

A. I don't know. I have all (inaudible few words). I know there are some instructed circular (sounds like) from manufacturer, engine manufacturer. I mean, in this case, if it for a main engine and it is not exactly the same design for Mitsubishi. I know that is the engine of the cabin that is quite forward, so this, there is some, this (unintelligible word) between the vessel that are built now, and the one built in 1988.

But there was no specific requirement from on this stuff, I mean, the (inaudible word) was -- acceptable. If I remember well you cannot have some points that are more than 220 degrees, and you have to put on all flanges some (inaudible word) tape, anti-spray tape and so on. We do that without using any -- I don't know what the company was using before, but on my side, we did not put any retrofit kit from engine manufacturer.

And I will, I'm saying that usually installing those kind of stuff with engine manufacturer is not quite common. You are working with companies that are used to make insulation that can provide improvement there, or so that with a much more reasonable price and more knowledge of the system, you know.

But I -- I don't know, but I am quite sure if

I had, if I ordered those kind of retrofit kit from the (inaudible word) it will be very difficult to install them properly on board, because it is not exactly the same engines.

Q. Okay, I appreciate your sharing your view on that. Could I also now pull up Exhibit 156, which is also a MAN, Customer Information Bulletin. It is number 195E, with a date of May 2003.

A. (Inaudible response), yeah.

Q. This goes into the thermographic analysis, which you stated you performed, or had knowledge of on switch gear to ensure there is no hotspots with loose bolts. But I, I am specifically asking you for the main engine now here, if this was ever performed as part of the shipyard package.

A. Yeah, this (inaudible word) control of the (inaudible word) is, I mean, on my part I never see this done by thermal camera. Usually it is done only by (inaudible word), other visual status of the installation.

The class is requesting mainly on these spray tapes, and the state of the installation, because behind the concern for the temperature, for the liguages and for the fire risk, there is also concern for the crew. I mean, (inaudible few words) feel that

just to avoid to be burned by approaching the engine, of course, we cannot (inaudible word).

So most of the time, the crew and is making some implementation as soon as there is a problem there, they ask to replace part of the insulation and to repair those kind of stuff, because it is dangerous for the crew. There is two concerns, one for the fire, the other for the safety of the crew.

But I agree could be a good idea to do this with a thermal camera, but I think it is, yeah -- it is not so easy to fix it properly on engine because main problem of the insulation on such an engine and it like everywhere the same, is as soon as you will have to access the engine to dismount some parts, most of the time you crush the insulation, or you destroy insulation and step by step you have to redo it again.

So it is a never ending story this insulation on the main engine. All the time you have to take care to renew step by step. And it is quite rare to renew all the insulation together, you do step by step as we have done here, in dry-dock, on the turbo chargers, on part, when there was no more insulation, or the insulation was totally destroyed.

Q. Okay, but there was no concerns voiced to you from the ship?

A. No.

Q. Okay, well thank you. Was there ever a problem or issue regarding the performance of the main engine after the shipyard?

A. No, I mean, after the shipyard we don't have so many time, so we go to Gibraltar for (inaudible word). The test that we have to perform, and the measurement that we have done in terms of temperature on the safety devices, everything was okay. But we have to make the (inaudible word) program. So I have not so many (unintelligible word), no.

Q. Okay, I, and the, to further drill down I'm just, I am particularly interested in reading through a lot of your reports. The -- any vibration or high temperature reading on all the journal bearings that were replaced?

A. No, it was, of course, a main concern, because when you replace, when you machine the crankshaft, and you replace the bearing, you have to be extremely careful about the temperature, and the (inaudible word) program.

And I was satisfied, because on this form there was no problem, the temperature was okay, we fix -- because I'm sorry, at the same time, just to be sure that we can secure the repairs, we have also check all

the electronic devices to control the temperature.

I mean, the (inaudible word) system for the connecting rod bearing, and the temperature bearing of the main piling was already replaced, (inaudible few words) to avoid any problem on managing. And everything was okay. Especially on the cylinder #9 all time which was the most complicated to solve, most complicated problem to solve, no, temperature was okay, yeah.

Q. Yes, and #9 bearing that was taken place in Cadis, correct?

A. Yes, in fact it is also very complicated, because on this Mitsubishi engine, or manage the same, in fact, this is not the three layers bearing, it is aluminum bearings. And as soon as you are going to record an undersized bearing then the (inaudible word) is very, very low. These engines are quite, very strong engines, it means that you can take out 10mm on the crankshaft diameters, very, very bit for an engine.

And we go -- if I remember well, to minus six on the (inaudible word) for the cylinder #9. But we (unintelligible word) this with (inaudible word), when we open the engine, we see that we have to machine the crankshaft.

And then we don’t know before which kind of

(unintelligible words), which kind of size we will reach, we have order prior to the engine -- to the dry-dock some bearings, but we cannot order all size of bearing before knowing what will be the final size. And for this bearing the (inaudible word), we cannot get the final bearing, (inaudible word), before the departure.

So we work with the companies that we use to make the (inaudible word), and they bring temporary three layer bearing, and we decide that as soon as we receive the new one with the -- the final one, we fix it, put it in place, and it was done in Cadis. Yeah, it was just because of a delay to receive those kind of bearing because they are not on shelves. You need a, at least two months, or three months, sometimes, to get those bearings.

Q. Can you go through the port main engine coupling, the Vulkan coupling that was replaced?

A. Yeah. Okay, also when, when preparing for the dry-dock, I have check also on board the status of the coupling and the item, it is a class item, the coupling. And we decide to order a new one, because the status of old was not so good, in there, I don't remember. I think that we have any way to show the class the status of this coupling, and plus couplings

they were a class status.

So we order a new one and we replace it totally, during dry-dock, yeah, we check also starboard side one to schedule for the (inaudible word) and safety (inaudible word) according to manufacturer limits. Many cracks on the (inaudible word), for this kind of coupling.

Q. And then balancing on the port main engine coupling, all the rubber balancing, that one okay?

A. Yeah, yeah, yeah, it was okay. I mean, we were within the (inaudible words) criteria, yeah.

Q. The tolerances?

A. Yeah.

Q. Okay, why was the decision, to just specify a little bit more for me the decision not to do the starboard coupling even though it was 28 years old?

A. I'm not sure it was 28 years old. I mean, after that, you know it, all -- the problem on this specific maintenance and preventive maintenance is to order the spares in advance and to be able to use them, because we decide to order one of the two. And when we say, okay, anyway it is just visually it seemed to be okay on starboard side. We can match part of further on port side from starboard side with balancing. So they looking the same, we have to replace part of the

starboard one, but it was okay.

We cannot order all spares because it is very expensive spares, if we are not sure that we will be using. You know, just for information and coupling with that (inaudible word) is a hundred thousand Euro, and it is about four months delivery.

So all the time we -- with an old vessel is to be able to match the delivery time, and the requests to be (inaudible word). I mean, the need to do be -- it is on board. Of course it is better to replace all spares on a basis, but on the Vulkan coupling, for example, there is no specific replacement times, you know, it is not written you have to replace the coupling after then year, after fifty years, or after five years. You just have to secure the size of the cracks on the (unintelligible word), it is the only (unintelligible few words).

Q. Thank you, in discussion with the Chief engineer on Monday, I discussed the Alliance Diesel Retrofit Technical Reports that you provided to me. I appreciate it. I'm going to pull up Exhibit #154 which is an Alliance Diesel Retrofit Report, dated July 24th, 2016.

If we could just scroll down to Section G, the Hydraulic Tool. Nicolas if I can just paraphrase while

we are scrolling down to it. The content of it, it talked about the hydraulic jacks, and the hoses, the ship's flexible hoses. And I am trying to assess from you, and I am not sure if you have this readily available in front of you, but the -- the ship's hydraulic pump and the flexible hoses, I'm just curious to know when these were changed out.

A. We -- concerning the hydraulic pipes, I don't know. Concerning the jacks and the engine (inaudible word) we replaced them during the dry-dock we ordered that from (inaudible word).

Q. Would the ship need this hydraulic jack in order to test anything while they were underway?

A. Usually this kind of test of main bearing is not done by the crew itself, it is done by a contractor, or manufacturer, or specialist, yeah. Because it is very touchy stuff, yes, you cannot do that, I mean, you have to do that quite open (sounds like), because it is not really easy to do, it is not done by crew most of the time, yeah.

Because there is this one, because there was some temporary repairs on the side of the cylinder on the (inaudible word) line, and to this one there was a proper condition that was found to be efficient to this one that to remount the bearing without any problem for

the alignment, because of the elasticity of the (inaudible word), were fitted on the side of them, yeah.

Q. And class was present for --

A. Yeah.

Q. -- the Cadis shipyard?

A. Yes, in Cadis and in Tunisia, yeah. But in fact, class is not going -- they are just checking, okay, the man that is doing the job, is professional, he knows the job, just check the condition, take some pictures, that's all that most of the time they do not know exactly what should be done, they just see the class side of the requirement.

You know, they need to have an approved bearing, you need to have a subcontractor that knows the job, and you need to have a report that is quite accurate to be used by class. Yeah, they way used, yeah, it is -- the repairs were followed by class and it was in the class status report after dry-dock in Cadis, yeah, yeah.

Q. Okay, thank you for that Exhibit. So there -- just to clarify, there was no class non-conformities for the vessel when it departed Cadis?

A. No, no on the engine department, but where there were no big issues. There was some issue of the

pinnings (sounds like) of bilges, all the time it is it is a mess at the dry-dock, and some fuel stuff, but not a big issue, yeah.

Q. Okay, I'm just going to cover some other shipyard job lists. Can you go through an overview of the repairs to the -- or that was performed in the high fog, the crew was referring to, the water mist system in the engine room?

A. No, no job was performed on the engine room -- or mist system, that -- the nebular system, water mist system, (inaudible word) was not overhauled, nothing was done, no.

Q. Okay, so no work in the shipyard?

A. No work in the shipyard. It was test with class, and after with Coast Guard in Puerto Rico, but no specific work in the shipyard, no. There was some job performed by the shipyard in the garage for the drencher system when we replaced part of the tubes, the piping, but not on the engine room, if I -- no, I don't think so.

Q. Can you go through the drencher system repairs -- you said, indicated pipes?

A. Yeah. Okay, (inaudible word) water mist is engine room, the class item, I mean, as soon as you are doing an exam, it is to be by class. Or with Coast

Guard you are doing a test of the drencher system which is quite normal on the ROPAX ferries. So when -- I presume that there were some problems on blocking, usually some rust that is inside the pipe that has broke the nozzle.

So the ship's crew that provides to us to replace some part of the piping, and so in dry-dock we make some tests with air. And I assume that the air was not going out of the nozzle. We replaced some piping. So there is a job in the report from the shipyard where we replace part of the drencher pipes in the garage.

After this replacement, we do a test with our drencher system, with class, and it was okay. The test was completed, and have also during the test with Coast Guard in Puerto Rico without any problem. I mean, there was a small problem because there was still some rust in the nozzle, but we unblocked the nozzle and it was okay. We did the test without problem for the drencher system in the garage, yeah. It is not the same system, but for the main engine, it is a stand-alone system with a specific pump.

Q. Understood. Thank you. Was work performed on the fuel quick closing valves?

A. No, nothing was after the shipyard. Test was

done with RINA, with class. It is like the ventilation, like the drencher, it is a normal test that is performed all the time without exception during class annual survey, or for Coast Guard. So we do not make any repairs. We have done some -- we have checked, I mean, the quick closing valves have been checked by RINA in the shipyard, and also been tested with the Coast Guard in Puerto Rico without remarks.

Q. And how about the mechanical ventilation dampers for the engine room that are tied to the quick closing valves?

A. I mean the dampers, the fire damper in the engine room, there were some repairs on the fire dampers down in the garage. I don't remember, it is also maybe the case in the engine room during dry-dock there were some remarks from class and we fixed some.

Because the class was very pushy about the cable plate (sounds like) pressure and about the damper system so that we have to fix a lot of issues about that in dry-dock. I don't remember where, exactly, but I know that there were some issues from dampers so, replace the (inaudible word) to be completely water tight, this, to put some grease on the flap if necessary, or this kind of stuff, yeah. There were some jobs performed, but part from the (inaudible

word), part from the crew, I think.

Q. And would that work be recorded on the job list?

A. Yeah, I mean, all the jobs that has been performed by the shipyard, are on the job list, because I am quite pushy about, for the shipyard this kind of stuff, because you have to start the next dry-dock when you complete the one that you are doing.

So you need to have an accurate list of job, because when you are on site you know what to do, but if there is another chief engineer unless you (inaudible word) you lose a step and you don't know what you have to do next time. So I am quite pushy to try to get an accurate list in dry-dock, yeah. Everything was in the list, yeah.

Q. And did you have any outstanding items leaving for the damper system?

A. No.

Q. When you left the shipyard?

A. No, and it is not possible to have an outstanding point on this kind of stuff because we passed the RINA annual survey, and it was okay. There is some safety items where you have no choice you have to fix them in the day. Sometimes we have some -- the class is giving you one week, one month to fix some

stuff. But most of the time on the safety devices, there is no choice either you repair or you cannot leave, so everything was fixed prior to departure.

Q. Okay, and as you indicated, yes, both functional tests for the activation was done by class?

A. By class and by Coast Guard later on, yeah. But as usual, it is not 100% system that is test, it is a spot test that is -- and this is how the rules is made, I mean, you cannot control 100% of the installation it is too big, but you make spot tests. Yeah.

Q. No, I understand, and yes it is a sampling and it is usually done locally and then also some, some of the remote access are activated, tested.

A. Yeah, the aim is to first to control by the ship's crew, because we know, I mean, all the time it is the same story, for the class, for the flag, or -- you are doing the test of the quick closing valve of the damper and so on, so the aim was to, first to control by the crew, because I am not happy when the class, or the Coast Guard test a damper and it is not working, because it is not their job.

Their job is to see that it is working, and the crew have to check before if it is not working, and to fix it, it that's that case.

So I was pushing on the side, okay, sometime it is done or not, but (inaudible word), okay yes, so we found some problem, we fix some of them, after, yeah.

Q. Okay, appreciate it. Now, I'm trying to stay in a little bit of a chronological order to help aid you in the memory and recall of events. So the ship left the Cadis shipyard, and then traveled over to Dominica.

A. Yeah.

Q. And my questions now are regarding the turnover from chief engineers. On one day the chief engineer told us that he assumed command without signing the Baja Ferries' Safety Management Systems, and the form number is OP42, and these are forms that actually, you provided me some of these, Chief Engineer Handover Form.

A. Yeah.

Q. The one that is in the Safety Management System is version one with an issue date of January 2014. I just want to ask you are you responsible to review the turnover forms that are mailed to the Company?

A. No, no I am not responsible, and the one that you request from my side, AI think that there was no,

nothing I discussed with the DPA to (inaudible word), or from the -- with the captain, and we do not have anything. I think they do not make a proper handover. Because the chief engineer that was on board during the fire, he sign on, on board in Cadis, but our main concern it to give him a big handover.

So he spends maybe fifteen days with the previous chief engineer (inaudible word) with the ship, yeah. Yeah, but I do not be able to find any handover, as to the DPA and the captain, I do not have anything, I think there was no handover form.

Q. Who is responsible to ensure the turnover forms are completed?

A. Usually all these forms are requested by the by DPA. The first one that has to be in charge of this is the captain. But after there is no -- lot of reports to send to the DPA, to the shore, for the safety management, so it is not so easy. And we accept sometimes after dry-dock, when there is a huge amount of jobs, some delay about the paperwork, documentation.

Especially because here I mean the ship was (inaudible two word), that means the DPA on board in Tunisia, the DPA was on board in Cadis, like me. In Gibraltar, we spend a lot of time on board then, so all those documents, okay there is a formal way to get

them, but we know exactly what was the status of the vessel because we were on board, yeah.

Q. And then your discussion with the DPA and ship's captain, so you have an official date when the chief engineer assumed command?

A. I have no -- what was expected is that -- I mean, the chief engineer in that, sign on in Cadis, he had a quite long handover with the chief engineer, the previous one. The previous one needs to follow the Coast Guard code (sounds like), in support of the chief engineer. After, I don't remember exactly when, he formally take command of the engine (inaudible word), yeah.

Q. Okay, I'd like to now go through a little bit of your involvement. You mentioned with the Lieutenant regarding corrective and preventative maintenance on board. So I'd like to just drill down and add on to what the Lieutenant was discussing regarding corrective maintenance.

A. Yeah.

Q. Are you involved with spare parts and tools for the vessel?

A. Yeah, I am involved, in fact I am involved about all the maintenance problems. After that, of course, as I spend a lot of time on board, they ask me

about a lot of stuff, and the aim for this vessel, and according to the owners was to try to improve the situation of the ship.

So more or less the president to me, there is (inaudible two words) for this dry-dock, we have to face to the problems, there is more or less some problems, we have been detained twice by Coast Guard, and the third chance, if we cannot pass then the vessel will be banned from America. So there is no chance, so we have to do our maximum to improve the situation.

And so if they need some tools, if they need some spares, they just have to ask, if it is requested if it is acceptable we will, of course we will provide to the crew, yeah. So some of them have (inaudible word) through me, not all, but some of them yeah.

Q. Did you receive any requests for -- I'm just trying to assess the torque wrenches and -- aboard the vessel. Did you have any concern from the engineering crew regarding torque wrenches?

A. No, I have no concern about that, I am sure that -- I hope that there was torque wrenches on board. It was, I was quite surprised on board the ship, and it happened also when I was sailing sometimes depending of the crew, when it is not all the time the same crew part of the crew, there is one man that is in charge of

the tools, and he is closing the cabinet with the tools. Or some of the officers or engineers that came with their own tools, you know.

Sometimes tools is quite a mess on board, because when there is too many tools everybody is losing the tools, and there is a lot of tools be around the bilge. And when there is no tools I cannot do anything.

So I do not have any, any comment on that. But of course, I ask, and I told them if you need something I don't want you to work on anything with an adjustable -- I think there were some adjustable spanner (sounds like), it is not a proper tool. You must have (inaudible word) so if you need some proper tools we order, that is not, of course a (inaudible word).

So I think there were some adjustable tools, spanners on board, some torque wrench on board. But I don't know, I do not see. I know that in the shipyard we use the ones from the shipyard, for example there is some specific torque wrench for the coupling, torque and -- but, yeah, I don't know, I mean, they are just tools, you know, I cannot manage all tools. I told them if they need something they just have to ask me. I don't remember any issue with that.

Q. And that would come from the storekeeper to the shore?

A. Yeah, also the storekeeper was in charge of the inventory and of the requests. It is -- this was also some standard I want to change because the storekeeper was doing the inventory for the officer. I mean, for example if you see the main, the managing papers, the storekeeper was in the locker trying to make a list.

For me it is not a proper job, the storekeeper is not there to do that, the officer in charge who manages own inventory, after they can give to the storekeeper the (inaudible word) discrepancy, and order the ones that are missing. So yes, the storekeeper was who was requesting using the Handover Form from Baja Ferries, or using and Excel file. To myself, my colleagues, some parts, or some tools, so consumable, yeah.

Q. Thank you, yes, and the chief engineer went through that with us on Monday regarding how the monthly reports that would be filed (sic) out -- he would review, but it would go through the storekeeper.

A. Thank you. I'd like to now just go through the starboard main engine, the Lieutenant indicated that there was a repair on the fuel supply, the same

inlet manifold that a week before the accident. And I just want to just clarify a little bit. He indicated that you could not find any records?

A. I didn't even know that there was a problem on the (inaudible word), no.

Q. Okay, and just to clarify, though, from a Baja Ferries, like the Safety Management System, they have a form, it is OP33, which lays out the maintenance and repair.

A. Yeah.

Q. And you provided a lot of those to me.

A. Yeah.

Q. Would this type of corrective repair, would you expect this to be captured in this type of report?

A. I mean, if it is just a -- I would that I will be focusing much more on the fuel leakage, oil leakage, especially on the managing. So I would say there could be some liquages. If it is the first time there is liquages, okay no problem, I am not very sure (inaudible word) they didn't put this in the report.

But if they used to do that, then if it was the case, because if they do this on port side, and starboard side, it's not the first time. Then, maybe we have to solve, maybe the -- good proper seal for the gasket, maybe there is a problem of pressure, of

limitation of pressure. Sometimes that is not near liquage, so those kind of -- if it is happen often, should be in the report. If it is not -- if it is only the first time I will accept that you have this in the report, yeah. I mean, so it is my point like that.

Q. So who would make that determination, for, like you indicated, the severity, the risk associated with this type of fuel leak?

A. I mean, it is not so easy, that is really depending of the chief engineer. If he trust his crew, if he is confident with the shore, he will say, okay I have to share everything with shore, or if I do not have to share, it is not so easy as -- all, like all new kind of stuff, many what we consider to put, yeah, in the record, is all the class items, when it is related to class.

And for example, for the safety, the security on board. A liquage on the fuel line, on the flange, it is not related, it is not a class related item, you know. If there was a crack on the manifold, then, of course it will be in the report, because it is related to class. So that is not so easy to manage, you know, some people they put a lot stuff, some just a few, but it is not real easy to --

Q. I understand, yes. So -- and let's say it was

a crack, would this be, you know, how would that near miss be brought up, and reported? I would say it would start in this form here.

A. Yeah.

Q. This Maintenance and Repair Report form here. But then, tell me how you understand that would be reported ashore, or up to other vessels in the class?

A. Okay, so if there is a crack on the manifold then of course, there is a specific report that is done, so the crew is doing the first repairs as they can. The crack on the fuel manifold for the repair is not so easy, yeah.

So all you insulate the manifold any way you are -- immediately, you send a report to the superintendent or the technical manager, and to the DPA, because we have to advise class, about the status and class have to know that there is a crack on the manifold that we have to repair. Depending of the problem and where is the vessel, we can make temporary repairs, but on those kind of stuff, for example, a lot of cracks, then it is much more complicated to do that.

Because you need to be in that (inaudible word) weather, you need to make pressure tests, allow pressure tests prior to back in service, the fuel manifold. Then it is quite complicated, on the

liquage, on the flange class is requesting nothing, you just change the gasket or tight the flange.

Of course, I mean, if class, or if I see or if something that is intelligent sees the flange with this twelve holes this is not accepted, because -- this is, yeah, it is not a class item, but you cannot put, I mean, it just, you are -- you have to know what is engine, the temperature, the pressure, you cannot put such a flange on the manifold, of course.

I mean, if you are -- if you know something about engine, engineering you cannot accept to put this kind of flange. So for me, it is the first step, depending of the problem, you have to report directly to the superintendent, and then to be in touch with class and so see what is necessary to do.

After that, if it is necessary, if you cannot fix it important, then you continue to sail with only one engine. Since -- you will take some risk and especially on this vessel because you are changing the fuel oil also from heavy fuel oil to low-sulfur, and then the viscosity, temperature, the pressure will change. You have to take care of that also, or it is not the same. If you have pressure with -- or liquage with fuel oil it will not be the same issue, it is these are all inside, so you have to take care, yeah,

yeah.

Q. I --

A. So, I would say all -- yeah.

Q. I'm sorry with those questions, I would just like to stay on that. The switching from heavy fuel oil over to ultra-low sulfur fuel to comply with the United States/Caribbean Sea Emission Control Area under MARPOL Annex VI was there any reported issues that you were brought into regarding fuel switching?

A. No, I do not have any issue. What I saw when I visited the ship is that this viscometer (sounds like) were not operational. So replace the viscometer which quite a big issue because without viscometer you read only by temperature, (inaudible word) is not so easy to do.

And also my -- if the vessel after I was discussing with the president, with the manager to say okay maybe the vessel is staying, maybe five years more here, we can invest in automatic changeover system, because know there is a fuel (inaudible word) with automatic changeover with specific sequences that it controlling the temperature it is decreasing or increasing and it is much more safe than the one that is used on board the Caribbean Fantasy.

But my concern was is it specific and a proper

explanation, I mean, to make the changeover which was also requested by the Coast Guard in Puerto Rico is it a specific process, procedure for the changeover to be followed. Because it is quite important to have to fix this on a proper way to avoid pressure, job, or temperature job.

So, I mean, on my point I was not, I didn't have any concern, nobody told me that there was some problem, but I know that those kind of manual stuff is very, I mean, very depending of the people that are operating that. If you have an operator that is, that understands what he is doing, then he can do it carefully and without any problem.

But, if there is another one that don't know why you open this valve slowly or not, then it would be a problem. That is why it is better on all vessel, on my point to put -- for the automatic changeover, it's more safe, I mean, and not depending of the qualification of your -- of the people. Yeah.

Q. And exactly, to follow-on with that, because I have seen this a lot before, but did you review the bunker or delivery notes, and fuel analysis that the ship took on board?

A. I did not review, I was trying -- my concern with the engine was to be sure that the vessel had on

board the (inaudible word), and the quality of the fuel that is needed and requested by the engine. Yeah.

So I am taking care also, also because in Europe it was the same problem. In Tunisia you can stay with 3.5 percent sulfur HA4 (sounds like). But as soon as you go to Gibraltar in European then you have to switch to the old .5 percent sulfur (sounds like).

So there is also some points to solve before, yeah, yeah. So I was taking care of that and checking yeah, yeah, the quality of fuel that we have, we are bunkering, yeah.

Q. Okay thank you. So going into that, let's go back to the port main engine, the fuel inlet manifold, end flange. The chief engineer reiterated on Monday as with his initial on scene interview that he witnessed fuel oil spraying from the end flange in the direction of the turbo charger and the exhaust manifold.

My question or I want to go into a little bit more, the Lieutenant showed you the NTSB Materials Examination Report and that had a number of 17-008. Now as an agreed upon with the Parties-in-Interest, the Coast Guard, National Transportation Safety Board we agreed, you know, we agreed to remove that flange that pipe, and end flange, and it was removed for examination by the parties at the National

Transportation Safety Board laboratory.

And so my question is, and I think you already answered it, but you say you did not review that examination?

A. No, I didn't get it, no.

Q. Okay, I mean, as a Company employee of Baja Ferries Group, I welcome your technical review on that. That aides us to make sure that we are technically, and factually correct.

A. Yeah, with that problem, I think. I mean on my point if there was a liquage on this flange, all the flanges is not adaptive, all the gasket is not adaptive, or there is a big over pressure in the pipes there is not so many solution, yeah.

Q. Were you able to find any records, logbook entries that show that, that replacement of that flange?

A. No, nothing.

Q. How far back do your records go?

A. We are only two.

Q. Only two years of records that you have available to review for that?

A. No, no, that is not what I said, I was wondering if we are still online with Puerto Rico.

LTJG DIAZ-COLON: We are here.

THE WITNESS/MR. CARION: Okay.

LTJG DIAZ-COLON: I have turned off the video because we were having issues with the connectivity, and you are freezing a lot on the -- we could hear you perfectly, so I just turned off our video to help limit the bandwidth.

THE WITNESS/MR.CARION: Okay, it is good, no problem.

BY MR. WISNIEWSKI:

A. Okay, so say again, Luke? Your question, and I will listen very clearly.

Q. I was asking, regarding that port main engine end flange, the records, how far back could you look to see if any corrective maintenance was performed? Engine room logs --

A. They were --

Q. That --

A. To prepare the dry-dock I requested to the crew the jobs since they have performed since the last dry-dock, more or less, since 2014. And I requested some reports from their side since this period.

But nothing, there was nothing specific on flanges, I mean, and really, I was not looking for such a stuff. I was just much more looking about big issue that need to be done, and that can only be in dry-dock.

You know, repair a flange you can do that alongside, not only in dry-dock. So my aim, when I ask for the crew to give me the records it was since the last dry-dock in 2014.

And here, I check on this is record I have something on the flange, but had nothing no. Nothing specifically, and I will say if without the incidents if I see in a report there was leaking flange, I am not sure I would have done something, you know, there are so many liquages on a ship, you -- that's so easy, just if it is a record, that is (connection breaking up in audible few words).

Q. Okay, thank you for that. I'd like to now just go through quickly the fuel quick closing valves, can we display Exhibit 155? Nicolas, to give you a little background while they are loading it, this is Quarterly Safety Device Report, with a revision date on the form of August of 2015. It is Baja Ferries Form OP48.

A. Yeah.

Q. And this was provided to you at the initial step of the investigation, and we notice most of the reports or tests were conducted in March. Do you have anything that is more recent than this that would carry the second quarter?

A. I do not have anything. I know that all this -- at least the safety device is on the main engine have been tested in my presence, prior to restart the engines in Tunisia. I was there, the class was there, and there was a -- the engine, there is a representative, I mean, the engine maker representative who were here. And prior to restart the engine after this major overhaul, we have to check all the alarms one by one and the CP devices.

Q. And where would that be recorded?

A. I don't know if it has been recorded, something, I do not see anything. But I am sure that that --

Q. Okay --

A. -- because I was there.

Q. Okay, yeah, because we are still trying to find that. I asked the chief engineer on Monday, and he thought it was on a form too, but we, we still have not received that, the investigators.

A. Because also, unfortunately, there is a problem, the chief engineer got a problem with his computer it was some kind of virus or something like that, I think, all the fonts were corrupted, in this, in his computer with all the forms so he had some problem to recover and to send the proper form.

Q. Okay, the chief engineer indicated that on Monday. But you don't have any replication ashore?

A. No, no, no replication ashore. I asked to the DPA for -- because also we are about to change out CMMS system, and just trying to get this replication ashore with all the documents that are centralized ashore and ship, because this is not efficient, and we are -- ongoing now we will complete with that with the (inaudible word), with the remaining fleet to have this replication and the -- to have a replication ashore, yeah.

Q. Okay, thank you, I'd like to have just two more exhibits brought up now, it is Exhibit #221 this is a wide view of the storage tank quick closing valve, can you see that Nicolas?

A. Yeah.

Q. Okay, can we go to Exhibit #222, which is the -- just a tighter picture of that image. Yes, the Image number is 321. And Nicolas, during the initial investigation, investigators found the jackbolt and jacking nut, if we can scroll on a little bit in this picture to highlight that.

A. Yeah.

Q. You have probably seen these in the shipyard.

A. I have seen, I do not have seen this in the

shipyard because I remember when we do the test in Puerto Rico with the Coast Guard, chief engineer was discussing with the Coast Guard officer telling him that it is quite complicated on the ship to restart the system.

And the quick closing valve is not like on some other ships where you can select fuel oil tank, auxiliary tank, and (inaudible word) tank, and he was explaining to the Coast Guard if it was possible to put some bolts behind the -- below the valve in order to avoid, to close all valves together. And just to keep open some of them, and to show that the other ones were working properly.

It was agreed with the Coast Guard, okay, I want to see this one working. But okay, I accept that you put the bolts on the other one trying to maintain a block out prior to restart the operation, yeah. But he, he is quite stupid to put the bolts on the fuel oil storage tank, here.

Q. We found on scene eight of these left in after the accident. And they included the lube oil storage tank, the fuel oil storage tanks, the heavy fuel oil settling tank, the service tank, the diesel tanks, and diesel service tank.

A. Sure, that was a problem, I don't know why

they put those, those stuff here, yeah.

Q. That's my question, I was just curious why the bolt and the jacking were left in on all right quick closing devices, was there any issue brought up to you ashore?

A. Of course not, because like I told you before, the quick closing valve, are your safety device I mean, there are just a few stuff you cannot accept such stuff. I mean, the for safety reason you have to close properly this, the damper, the quick closing valve, you -- there is no issue here, I mean, you cannot accept this kind of stuff, if I had seen that, of course I have been shocked. It is very stupid, especially just after we do the test with class, with the Coast Guard was not point, I don't know why they put these bolts, I really don't know.

Q. Okay, thank you very much, that's all I have, the questions at this time, thank you very much, Nicolas.

WITNESS

MR. NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

EXAMINATION

BY MS. McATEE:

Q. Good evening, this is Nancy McAtee of the

NTSB, and I have a few questions about the fire protection systems on the Caribbean Fantasy. Let's start with the carbon dioxide system, first. What spaces are protected by carbon dioxide on the Caribbean Fantasy?

A. So the engine room, I mean, managing, the generator room, there is also on this schedule there is a galley, I mean, the part of the galley for the exhaust for the galley protected with CO2. Yes, and there is -- no, I guess, I think that's all. Yeah.

Q. What is the maintenance and testing procedures for the CO2 system?

A. Okay, CO2 is -- I mean, it is a class item so you have to show the status of the system once a year to class, which was done. And you have to make some leveling of the CO2 bottles on a yearly basis, and some pressure tests, doing a 10% of the bottles each year.

So hydro tests, level check, I mean for the -- to secure that the -- the ship has CO2 inside, and after there is some other test about the directing valve, the ventilation of the CO2 room, also to prevent any release by mistake. There is also some horn to test, prior to CO2 release, all those kind of stuff, and it is control of the levers/levels (sounds like) is by class.

Q. Thank you. Have any issues come up with -- during the maintenance and testing of the system as far as you know?

A No, no, the survey have been done, leveling has been done by the shipyard, and the -- under class supervision, and with no, no remark, nothing, no. It has been approved, no.

Q. Have there been any issues with corrosion or degradation of components of the CO2 system, in the CO2 room, itself?

A. No, but it is not accepted, that was something that class will have make a limited repair request, no, on my point it was not found.

Q. Are you aware of any materials placed on the bottles, or the hoses, themselves to protect them from corrosion?

A. To protect them from corrosion, no I don't think so. I mean, there is a specific room for all the CO2 bottles in the main garage, port side aft, I think. The (inaudible word) is setting in, because once we are sea with specific ventilation on this room to avoid CO2 inside. And no, I do not think -- I do not, I am not aware of any specific protection (inaudible three word), no.

Q. So they did their annual maintenance when you

were in the shipyard then.

A. We have -- yeah, we do the regular maintenance, I mean we check the level of the bottle, we arrange the bottles, yes. It was requested. And we do some pressure test, about ten percent of the boat, if I remember well. Maybe there was a few pipes to change, flexible pipes, I don't remember exactly. But the class was there and they controlled the system also.

Q. So for the most part, pretty much routine maintenance of the system. That's --

A. Yeah, routine maintenance, because it is normal annual maintenance, yeah.

Q. Okay. Let's move on to the water mist system, do you know off hand how many water mist nozzles are in the main engine room?

A. I do not have this in mind. I have the drawings on my computer. I don't know exactly this system -- the system is an Italian system that has been fitted in 1998, I think. It is a nebula system. The valve, the directing valve is locker that is forward of main engine. And there is some manual release at the forward entrance of the main engine room, and in the engine control room. But I don't know exactly how many nozzles there is, I don't know. I have to check on the

drawings, yeah.

Q. Now is that system -- can that also be operated automatically through --

A. Yeah.

Q. -- detection and suppression?

A. Yeah.

Q. Okay.

A. Yeah, a combined temperature and smoke sensor, yeah.

Q. So it has to have one of one, and one of the other to --

A. Yeah.

Q. -- if not, okay.

A. Or together, and yes it -- like the high fog system, all of this water mist the aim is to keep them in automatic mode all the time, yeah, even if there is some people in the engine room or not, yeah. Automatically is the most efficient, because we all know that in case of fire the first seconds will be the most important step to avoid any measure (inaudible word).

Q. Could you walk me through the maintenance and testing for the high fog system, please?

A. We do not any specific stuff, there was no request. We have tests, the boiler I think on the

boiler, I don't remember if it was with the class or with Coast Guard. We test in real -- a release of one nozzle, I think on boiler, starboard side, if I remember well. It was with Coast Guard. But no job, no specific job had been performed, and requested from the shipyard.

Q. And no issues or repairs otherwise to that system?

A. No, no, no, no, no.

Q. Any upgrades since 1998?

A. I have no idea. I don’t think so, I mean, the documents that I have there is no update, and maybe some replacement, or for some repairs but no -- usually a system like that it is not great, I mean, it is -- this system was fitted because when the vessel was bought it was for coastal trades in Japan.

Then it starts to be transferred to SOLAS, and it was, this high fog system was installed 1998, but after that, you do not improve, I mean, it -- the system is staying on board all the lifetime of the ship. On it, some make twenty, sometimes there is some retrofit, but usually for those kind of stuff it stay all the lifetime of the ship.

Q. I have one question about the fire detection system, and that’s basically, what is the maintenance

and testing protocol for the Fire Detection System?

A. You mean for the sensor?

Q. Yes, for the, the smoke detectors, flame detectors.

A. Yeah smoke detectors, yeah, okay, so like -- I don't really, I don't know exactly what was the steps, that the -- what is there, the crew is doing. That is, I think it is the safety officer, maybe is checking the sensor with a specific (inaudible word). Checking this on a quite often, if it is working or not, if there is no problem of the loop (sounds like), cleaning sensor if necessary.

There is a specific apparatus on the bridge, that as soon as there is a problem with a sensor, there is an alarm or something like that. So we have, all the routine service and we check on a regular basis, status of the sensors.

Yeah, in most cases like that, and as soon as they have a problem with a sensor, we buy a new one and we put it in place. And we have done some tests, spot check random test with class in Tunisia. And with the Coast Guard to see that it is properly working. And there is -- it is -- there is an alarm, a fire alarm, and yeah.

Q. Okay. Last set of questions is going to be

focused mostly on the drencher system. What is the maintenance and testing protocol for the drencher system, itself?

A. The drencher system, there is a very big pump with a specific sea test (sounds like), there is not so many tests to do. What we are doing, we test with air, I mean, we put air on the piping to see that there is a proper circulation in all the pipes and in all the nozzles. In case of problems, then we replace the pipes. And after we do tests in real, in reality with the class or with the Coast Guard. We have done here with RINA, and with Coast Guard in Puerto Rico.

So we start the pump and we check that the (inaudible word) is correct in the areas that are open and covered by the drencher system. The (inaudible word) is okay, usually the garage is divided in different areas, and depending of the surveyor or representative says okay, I want to see the drencher working here, there or other direction in totality.

So then we start the pump and we check that there is full coverage of the area. And there is no pipes blocked or (inaudible two words) is the garage.

Q. Thank you. I know that there had been some issues with corrosion on the drencher system when it was using salt water. When did the ship switch over to

using fresh water for the drencher system?

A. This I don't know. I think was not so long time ago, because it was a, all the time a safety to switch, you pump from fresh water, but as soon as you do not have any more fresh water, you can pump to sea water on board.

So it, I have -- I don't know, maybe three, three years ago, I don’t know. But it was still some corrosion, and in dry-dock we replace part of the garages piping because of the corrosion that is blocking the nozzles.

Q. Thank you, do all of your water systems for your fire protection come off of the same tank?

A. No, I mean, it, this is also a question by SOLAS as I recall the rules, but you have to -- for the safety pumps, I mean, for the, I am informed we have be able to pump on the -- below the minimum level of the fresh water consumption on board. I think they are pumping, I don’t remember, they want on the two aft, starboard aft tank, freshwater tank. But I don’t remember exactly which tank we have pumping for all the system, no.

Q. Okay, how many drencher zones can be operated at one time?

A. I don't remember, I am not sea man, I am not

the operating the vessel. So, I think we can operate all -- one -- maybe all areas at the same time, huh? I don't remember.

Q. Ah --

A. When I was on ships I knew exactly on each ship what is the status but I am not operating it anymore though.

Q. I think I have just one more question, and it is actually about A class boundaries. I understand that there has been some maintenance issues. Are you familiar with the maintenance issues regarding the A class boundary and where this boundary issue was on this ship?

A. Yes, of course, all the time. I mean, as an exam or survey, we are checking the A class boundaries, and just to up update the drawings, and to see that they are in accordance with the reality. As far as the Fire Control Plan as we -- has been updated with RINA during the survey in Tunisia we were checking all the insulation, all the of cable trays -- I mean the cable passage and the boundary and all those kind of -- this is, it is part of the intermediate survey.

Q. Okay, I think that's all I have, thank you.

WITNESS

MR. NICOLAS CARION

TECHNICAL MANAGER BAJA FERRIES

EXAMINATION

BY CDR CAPELLI:

Q. Good evening Mr. Carion, this is Commander Mike Capelli with the U.S. Coast Guard.

A. Good evening.

Q. You had mentioned a few times you passed the Coast Guard exam, is that an accomplishment?

A. Yeah, because it was, it was a very big issue. We knew that without this Coast Guard exam we cannot operate anymore on the trade, on Puerto Rico. So all the environment of the crew and the improvement has been to pass this efficiently. And it was done so we were (inaudible word), this. Yeah.

Q. Thank you. Have you ever witnessed a Coast Guard Port State Control Exam?

A. I have been there, I was in Puerto Rico, yes during the Coast Guard (inaudible word), yeah.

Q. Is that -- is that a detailed exam?

A. It was an exam like I have seen a lot of time, with class or with French flag and it is, yeah, it is a mock evacuation, alarm, test, I mean it is detailed, it is -- I was not surprised, I mean, I've seen a lot of exam like that in France or in Europe like the Port State Control and yeah. So it was, yeah, big, a lot of

stuff, all people were involved, and yeah.

Q. Does RINA do exams like the Coast Guard does?

A. Yeah, in the same way, yeah, yeah.

Q. Same or more --

A. Because RINA -- I mean RINA spends more time on board, so for a spot check, when you spend two days on board or one day, you test some stuff, but you cannot test a lot of stuff. With RINA, I think the RINA surveyor spend maybe one month on board. You know --

Q. And ah --

A. But then, after that it is -- I would say it is not comparable because also there is some statutory points that are directly for Rule by RINA, but it is under RINA -- RINA is representing the flag. And I will say no, it is more or less the same. I say the only different is (inaudible word). But it was not the case here.

The class for weighing, the class surveyor is all the time on board the vessel, so we spend more time on board the vessel as Coast Guard. Or the group, the representative of the flag. But at this point, in fact, as the vessel go to Europe, to Tunisia, the class surveyor was no from the -- he didn't (inaudible word) the ship, he just discovered the ship. So I will say

no, it is the same level tests from my point.

Q. And in addition to the Coast Guard and RINA, does anyone else looking into the conditions of the vessel?

A. Yeah, the NCR in their waters.

Q. Excuse me, sir? I didn't --

A. (Inaudible word) workers usually checking also the condition of the vessel. And after the technical department.

Q. Okay, thank you very much. I have no further questions. So I am going to pass it around. Panama do you have questions for the witness?

MR. ARENAS: No.

CDR CAPELLI: Panama does not have any questions for the witness. Baja Ferries?

MR. BLASINI: No sir, we don't have any questions.

CDR CAPELLI: Baja Ferries has no questions for the witness. You are now released as a witness at this hearing. Thank you for your testimony and cooperation. If I later determine that we need additional information from you, I will contact you through counsel. If you have any questions about this investigation you may contact the recorder, LTJG Diaz-Colon. Thank you very much for your time, appreciate

all your answers.

The time is 1553 and the hearing is now in recess until Monday morning 0800.

THE WITNESS/MR. CARION: Thanks to everybody, good night.

CDR CAPELLI: Thank you.

MR. WISNIEWSKI: Thank you Nicolas, good night.

THE WITNESS/MR. CARION: Thank you Luke.

(The proceeding then concluded.)

CERTIFICATION

This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of the Formal Investigation of the Caribbean Fantasy Marine Casualty, heard in the Hilton Caribe, San Juan, Puerto Rico, Saturday March 25, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to one hundred ninety-three constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 16th day of May, 2017.

_____

Sally S. Gessner, Court Reporter