



September 16, 2016

Brian W. Young
Office of Marine Safety
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington DC 20594-2000

Re: Investigation of the Marine Casualty *El Faro*, October 1, 2016
NTSB Investigation No. DCA16MM001

Dear Mr. Young:

In our letter to you dated August 12, 2016, we conveyed various concerns about the assumptions, analysis, and conclusions contained in the "Report on Review of Cargo Securing Manual and Cargo Stowage and Securing" produced by the National Cargo Bureau, Inc. ("NCB") and dated August 4, 2016 ("NCB Report"). We also informed you in our letter that we intended to provide a more detailed response to the NCB Report. The company undertook a comprehensive review of the NCB Report in consultation with relevant operational and technical personnel. I have enclosed a report containing the results of our review, along with supporting exhibits, for your consideration.

As set forth in the enclosed response, the NCB Report appears to be based on erroneous information and assumptions, the source of which is unclear. We found that the NCB Report demonstrates a pattern of failing to link key assumptions and methodologies with facts and evidence in the record in order to support those assumptions and methodologies. The net result is that the NCB Report makes leaps of logic in its conclusions, without adequate factual basis or explanation, many of which are contradicted by the facts.

Some of the more significant erroneous assumptions and methodologies are:

- The NCB fails to apply (or even mention) the simplified lashing procedures in use on board the EL FARO (as reflected in the EL Class Minimum Lashing Requirements document), and, as a result, erroneously assumes that certain inner stacks of LO-LO containers were not lashed;
- the NCB erroneously assumes, without factual basis, that 60% of the RO-RO trailer cargo on the second deck was stowed with a Roloc box off the button;
- the NCB incorrectly assumes a vessel speed of 24 knots (when the correct service speed is approximately 19.5 knots);
- the NCB assumes an incorrect lashing angle of 60 degrees for the RO-RO cargo (when the Cargo Securing Manual specifies a lashing angle of 45 degrees.); and
- in performing its calculations under Annex 13 of Cargo Securing Code, the NCB oversimplifies its calculations and erroneously: (a) assumes 1/2 of the RO-RO trailer weight rests on the Roloc box

(which conflicts with the CSM), and (b) fails to calculate actual restraining forces due to lashings and higher coefficient of friction associated with the RO-RO trailer wheels.

As discussed in more detail in the enclosed response, when just a few of these erroneous assumptions are corrected, the corrected calculations that we have submitted with the response demonstrate that the cargo securing procedures employed on board the EL FARO were sound, adequate (and, in fact, demonstrate a substantial margin of safety), and complied with the Cargo Securing Manual and other applicable guidelines.

Given the findings contained in the enclosed response, the NCB Report has the potential to significantly mislead the public and surviving family members about the factual record developed by the NTSB and Coast Guard during the investigation. This report is not a fair or objective analysis of the cargo securing and lashing on the El FARO on the accident voyage and, from our perspective, fails to meet the exacting standards of the NTSB. We respectfully request the NTSB correct the errors in the NCB report before publishing the report, or not publish it at all.

Sincerely,

A black rectangular redaction box covers the signature of Lee Peterson. A blue ink scribble is visible above the box.

Lee Peterson
Party Coordinator, TOTE Inc.