

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
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 THE EL FARO INCIDENT OFF : NTSB Accident No.
 THE COAST OF THE BAHAMAS ON : DCA16MM001
 OCTOBER 1, 2015 :
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Interview of: CAPTAIN [REDACTED] [REDACTED]

Thursday,
January 21, 2016

U.S. Coast Guard Office
Portland, Maine

BEFORE:

BRIAN YOUNG, NTSB
 TOM ROTH-ROFFY, Investigator-in-charge, NTSB
 [REDACTED] [REDACTED] USCG
 [REDACTED] USCG
 MIKE KUCHARSKI, NTSB*

This transcript was produced from audio provided by the National Transportation Safety Board.

*Via Teleconference

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PRESENT ON BEHALF OF THE INTERVIEWEE:

[REDACTED]

P-R-O-C-E-E-D-I-N-G-S

(9:05 a.m.)

1
2
3 MR. YOUNG: Good morning, it's Thursday,
4 January 21, 2016. We're at Coast Guard headquarters,
5 interviewing Captain [REDACTED] We'll go around the room.
6 My name is Brian Young, I'm the engineering
7 investigator for the NTSB for the El Faro accident.

8 CAPT. [REDACTED] Captain [REDACTED] [REDACTED] I'm the
9 office chief for commercial vessel compliance policy at
10 Coast Guard headquarters, and I acknowledge that this
11 is a recorded interview.

12 MR. YOUNG: Thank you.

13 [REDACTED] Lieutenant [REDACTED]
14 representing the witness.

15 CAPT. [REDACTED] Captain [REDACTED].
16 I'm the chairman of the El Faro MBI.

17 MR. O'DONNELL: Louis O'Donnell, assistant
18 chief surveyor with ABS, part of the engineering group.

19 MR. [REDACTED] [REDACTED], U.S. Coast
20 Guard civilian, assigned to the structures and
21 (Inaudible).

22 LCDR. [REDACTED] Mike [REDACTED] U.S. Coast Guard
23 traveling marine inspector assigned to the NTSB
24 engineering board.

25 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB

1 investigator in charge.

2 MR. YOUNG: Thank you. You have
3 acknowledged the recording. If, at any time, you don't
4 understand -- I'm sorry, who do we have on the phone?
5 Mike?

6 MR. KUCHARSKI: Good morning, everyone, Mike
7 Kucharski, NTSB, group chairman, nautical operations.

8 LCDR. [REDACTED] Good morning. This is [REDACTED]
9 [REDACTED] with the Coast Guard. I'm part of the marine
10 boaters investigation, and part of NTSB's nautical
11 operations group.

12 MR. YOUNG: Great, thank you. If you don't
13 mind, Captain, just to start off, can you just educate
14 us in your role with the Coast Guard overseeing or
15 interacting with the ACP program?

16 CAPT. [REDACTED] Sure. My role with the ACP
17 program -- can I back up and just give a little more
18 overview, and then it'll be easier to understand? Per
19 law, I think it's 46 U.S.C. 3316, there is an
20 opportunity to develop programs like the Alternative
21 Compliance Program. How that is actually used, there's
22 a set of regs in Title 46, U.S. Code of Federal
23 Regulations, Part 8 has regs that govern how the ACP
24 program can be used, and then we have policy that also
25 goes into more detail as to how it's used and

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1 implemented. Within the policy, there's two primary
2 documents. There's a NVIC, a navigation and vessel
3 inspection circular. It's Nav (Phonetic) 295. I think
4 it's changed, too, as our last current version, from
5 2006. Then we have the Marine Safety Manual, Volume 2,
6 which is also -- it elaborates on how to actually use
7 the Alternative Compliance Program. My role is really
8 with ensuring that the NVIC and the MSM, as policy, are
9 current, in place, and make sense for meeting the
10 intent of the Alternative Compliance Program.

11 MR. YOUNG: Do you review those documents on
12 a scheduled basis?

13 CAPT. [REDACTED] We do. The Marine Safety
14 Manual, Volume 2 -- I got to my current position in
15 2012. There was a review ongoing of the Marine Safety
16 Manual, Volume 2 at that time for a rewrite. We picked
17 up what my predecessor had started, continued the
18 review, and then published a change to the Marine
19 Safety Manual somewhere within '12 or '13. I can't
20 recall. That was an ongoing review.

21 The intent at the time, and still is, was to
22 try to update it annually and constantly review the MSM
23 to upgrade it on a yearly basis. That's a mark that's
24 a little more difficult to meet because there's so much
25 volume to Volume 2 that it's a lot of stuff to go

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1 through. With regard to the NVIC, we are using the
2 NVIC, and there are efforts ongoing to -- been going
3 for a couple years -- to update the NVIC, as well,
4 recognizing that the last edition published was in '06.

5 MR. YOUNG: In terms of the documents, such
6 as the NVIC and the MSM, are there any other
7 responsibilities of yourself or your division that
8 oversees the actual day-to-day operation of the ACP, or
9 are you more working on just the documents?

10 CAPT. [REDACTED] Kind of. I know that's a
11 poor answer. A primary purpose is to generate national
12 policy. Actually, I'll go into a little more history.
13 We used to have a position that was called the LORACS
14 (Phonetic). That's an acronym for the liaison
15 alternative compliance program class societies --
16 there's an acronym. I can't remember what it is
17 exactly. The position of the liaison to the authorized
18 classification societies, one of the things that they
19 used to do was to put out an annual list of vessels in
20 ACP that were worthy of some additional oversight.

21 This is kind of outlined in the MSM and the
22 NVIC, as well as in loose terms as to what policy
23 oversight can be. That dedicated billet was not filled
24 after the summer of 2012's Coast Guard transfer season,
25 but one of the responsibilities of that billet was to

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1 put together a yearly list of vessels that were worthy
2 of a second look. That billet used to work for my
3 office. Office staff took up one of the
4 responsibilities of that and does generate a list that
5 -- puts out a list of vessels that are worthy of
6 additional oversight in the Coast Guard's mind. In
7 that regard, there's policy, and then that is sort of
8 an active role in the day-to-day management, but not
9 specific day-to-day management.

10 MR. YOUNG: That leads us nicely into one of
11 the questions that I had is about the lookout list. We
12 understand that El Faro was slated to go on the lookout
13 list in October 1st of 2015 --

14 CAPT. [REDACTED] Correct.

15 MR. YOUNG: -- based on a risk assessment
16 matrix.

17 CAPT. [REDACTED] Correct.

18 MR. YOUNG: I think we talked last week.
19 One of the reasons was obviously her age, and another
20 reason was due to an incident on board with a heart
21 attack, apparently, that had bumped up that rating.
22 What other criteria is used to determine whether
23 vessels are placed on these lookout lists?

24 CAPT. [REDACTED] There's a number of data
25 sources that go in to developing that list. The list

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1 is designed from a cube that we put in our MISLE, which
2 is our database system. A cube is essentially just an
3 algorithm that takes a bunch of data, spins it up, and
4 then does some algorithm type of calculations and says,
5 "Here's what we're going to work with." The dataflow
6 into that cube includes data from the authorized
7 classification societies, which includes things -- I
8 don't have all the details on the top of my head, but
9 includes things such as any outstanding conditions of
10 class, any port state control detentions that vessel
11 may have had in a foreign port.

12 It can also include operational controls or
13 administrative things from class. I'm not sure about
14 the administrative things as much. I don't know all
15 the details that go into it, but there is an authorized
16 classification society data stream that goes into the
17 cube in MISLE that gets churned up. We also use MISLE,
18 itself, and we look at operational controls that the
19 Coast Guard has put on it. We look at reportable
20 casualties. A heart attack onboard may meet the
21 reportable casualty that you mentioned.

22 We do look at the vessel's age. I can't
23 remember -- things of that generic nature. That's all
24 spun in to this cube. Sometimes points are assigned
25 based on factors. You look at a vessel's age and it

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1 may get a certain value of points. If it's relatively
2 new, it may get a higher value of points. Some of this
3 is for official use only. I don't think I've crossed
4 any lines, but I'll look for you to stop me if I do.

5 PARTICIPANT: I think if we talked the
6 actual scoring factors (Simultaneous speaking).

7 CAPT. [REDACTED] Okay.

8 PARTICIPANT: If you don't talk about the
9 actual point values (Simultaneous speaking).

10 CAPT. [REDACTED] Okay, I won't talk about the
11 actual point values. An older vessel may get more
12 points in that category. All that is bubbled into the
13 algorithm, and then out comes a list. It rank orders
14 the list, and then we use the top 10 percent -- the
15 lowest 10 percent of that list, and we publish that in
16 a (Inaudible) message to the field and say, "Here are
17 vessels that, as a field command, the OCM I should pay
18 special attention to, look for them on notices of
19 arrival, look for them if they notify the OCM I that,
20 'We're going into drydock,' via the authorized
21 classification society, and plan on doing a periodic
22 oversight re-examination of some sort."

23 Then we usually give very prescriptive
24 elements as to how to enter that into MISLE for the
25 OCM I field purpose. For example, "In your narrative,

1 make sure you cite that the exam was this kind of exam,
2 for this reason, and here's what we looked at."

3 MR. YOUNG: Could a vessel ever come off
4 that lookout list, or once it's on, you're on there for
5 the rest of your lifetime?

6 CAPT. [REDACTED] It was a yearly list.

7 MR. YOUNG: Annual?

8 CAPT. [REDACTED] Annual list, yes.

9 MR. YOUNG: So if a vessel made it, say, in
10 2014, and they didn't have any incidents, could they be
11 removed it?

12 CAPT. [REDACTED] Right (Inaudible) then the
13 same algorithm would be run in the cube, and if it
14 didn't pop up, it was off the list.

15 MR. YOUNG: So it could be just the one-year
16 spot based on that?

17 CAPT. [REDACTED] Could be.

18 MR. YOUNG: Are a lot of these data points
19 that go into the cube, are they automatically entered
20 or manually entered? Is it an automatic function that
21 a computer generates it, or is --

22 CAPT. [REDACTED] I think it's both. We have
23 people in the office that manually will take the
24 classification society data and put that in because
25 that has to be -- I don't think we have it set up to be

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1 an automatic (Inaudible). Our staff does that. Even
2 manipulating the data within MISLE and the cubes, it
3 takes a certain amount of operator influence. It's not
4 all -- it would be nice if it was all automated, but
5 we're not there with technology yet.

6 MR. YOUNG: Once a vessel hits the lookout
7 list, it gets additional scrutiny, I understand, an
8 additional exam, and Coast Guard's required to be there
9 out of drydock, is that correct?

10 CAPT. [REDACTED] It varies. If the vessel's
11 just doing a port -- let's say a vessel is on the list
12 and it's making a port call, it's not a drydock. The
13 OCMI staff should be looking for that vessel because
14 we've put a lookout on the vessel with the list, and
15 they should go do a periodic oversight re-examination.
16 We script it out a little bit in the message.
17 Generally, it's a paperwork and documentation check.

18 It's a general walkthrough, paying special
19 attention to the factors that may have gotten it on the
20 list in the first place, if it was a structural failure
21 -- structural failures is another element to the cube
22 if there was any -- operational control that was put on
23 the vessel for such and such. In the field, within our
24 MISLE system, the marine inspectors, they can look up
25 the history and pull up the narratives of the vessel as

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1 they start to do their research before they go and do
2 an examination. When the field inspectors are doing
3 their exams, they'll do a walkthrough, and they do have
4 the authority -- they are the flag state marine
5 inspector -- to expand that exam if they see things
6 that need to be looked at a little closer.

7 MR. YOUNG: So the inspectors in the field
8 are equipped with the information they need to inspect
9 the vessel, based on the matrix that put it on the
10 lookout list?

11 CAPT. [REDACTED] Yes, sir.

12 MR. YOUNG: They would know what to look --

13 CAPT. [REDACTED] That's my opinion, but yes,
14 sir.

15 MR. YOUNG: Is there any limit to the number
16 of these oversight exams in a calendar year period, or
17 would there only be one extra? Could they run --

18 CAPT. [REDACTED] No. I'll mention two things
19 to that. One is that if the list comes out -- if I
20 recall correctly, there was a provision if the vessel
21 has had a periodic oversight re-examination within the
22 last six months prior to the list coming out, the OCMI
23 does have authority to waive off the requirement for a
24 little bit of time. Some of this is dependent on what
25 the OCMI has as responsibilities and resources at the

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1 time that the vessel pulls into port. Also, I'll
2 mention that the OCMI and their staffs, if they see
3 things -- they're in a discussion with an authorized
4 classification society surveyor, or they decide to go
5 visit the vessel on their own for a drive-by and a
6 walkthrough, they have the authority to recommend to my
7 office that we add a vessel to the list, or they can
8 stop by (Inaudible) certificated U.S. flag vessel with
9 the Coast Guard (Inaudible). Coast Guard retains that
10 authority.

11 MR. YOUNG: In the case of the El Faro,
12 October 1st, it technically makes the lookout list.
13 Based on its previous annual exam would kind of dictate
14 when the first oversight exam could take place.

15 CAPT. [REDACTED] Sure.

16 MR. YOUNG: Based on that first oversight
17 exam, could additional oversight exams be recommended
18 within that one-year period (Simultaneous speaking)?

19 CAPT. [REDACTED] Yes.

20 MR. YOUNG: It could?

21 CAPT. [REDACTED] Yes.

22 MR. YOUNG: Based on their findings?

23 CAPT. [REDACTED] Yes.

24 MR. YOUNG: Is there any limit to the number
25 of exams? That ship comes in every week.

1 CAPT. ██████ Theoretically, no. But I
2 think that if there starts to be that many exams
3 happening, the Coast Guard and the authorized
4 classification society are going to start a little more
5 robust discussion about what is the way to forward to
6 get a vessel into compliance with its COI. In that
7 robust discussion, there would be -- this is
8 theoretically how it should work -- there would be
9 reference back to the NVIC, which has provisions for
10 pulling certificates, pulling COI, operational controls
11 by class, essentially potentially taking the vessel out
12 of the Alternative Compliance Program, either
13 voluntarily or unvoluntarily.

14 That's a dialogue that would -- there's no
15 magic mark to say, "We've been on it every week and
16 found problems. Let's keep doing this for a year,"
17 versus, "Let's engage to say what's the next step here,
18 so we can get this vessel back (Inaudible) service."
19 That's a communication and a balance that has to be
20 arrived at between Coast Guard and ACS, the authorized
21 classification society.

22 MR. YOUNG: When an oversight exam takes
23 place, where is the inspection record recorded?

24 CAPT. ██████ MISLE.

25 MR. YOUNG: In MISLE?

1 CAPT. [REDACTED] Mm-hm.

2 MR. YOUNG: How is that information
3 communicated to the ACS?

4 CAPT. [REDACTED] Very specifically, I don't
5 know, but I do know -- I'd have to reference back to
6 that particular procedure. Let's say the Coast Guard
7 does go on and writes a requirement or an 835. Per the
8 NVIC, we are required to give that to class, and then
9 have a discussion with class, so that they can enter
10 that 835 into their database as a condition of the
11 class. There is going to be a dialogue between the
12 classification society surveyor and the marine
13 inspector after that, especially if there were
14 problems.

15 MR. YOUNG: If there was a finding that did
16 not require an 835, are there notes or comments or
17 remarks put into MISLE?

18 CAPT. [REDACTED] There's supposed to be, yes.

19 MR. YOUNG: Are those communicated to ABSC?

20 CAPT. [REDACTED] I'd have to check. I would
21 assume that we would do that out of courtesy, if not
22 out of requirement, but I can't recall right now the
23 very specific language in the NVIC on that.

24 MR. YOUNG: Going the other way, when ABS
25 does their annual exam through a vessel, the findings

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1 are recorded in eagle.org, and Coast Guard has access
2 to that information. Is there a requirement or a job
3 that requires Coast Guard to actually access the data,
4 record it, and look at it? In eagle.org, in ABS's
5 case?

6 MR. YOUNG: Yes.

7 CAPT. [REDACTED] Any time that the marine
8 inspectors are going to go onboard a vessel, especially
9 if it's a targeted exam, they should be looking at the
10 history. That may lead them to pull up the data in
11 eagle.org. Other provisions in the NVIC do dictate
12 that Coast Guard be informed if class -- the part of
13 your question was, if I recall, when does class have to
14 notify Coast Guard?

15 There's many instances that are outlined in
16 the NVIC where class is required to notify Coast Guard
17 if there's an outstanding condition of class, or if a
18 classification certificate or an international
19 certificate that class is issuing, as delegated by
20 Coast Guard -- if there's things that are going to be
21 pulled or conditions entered that affect the viability
22 of those, they're required to notify the OCMI, Coast
23 Guard. Then again, a dialogue would ensue from that.

24 MR. YOUNG: What is the vehicle for
25 notifying Coast Guard? Is there a form to fill it out,

1 or an email? What is the method of communication?

2 CAPT. [REDACTED] I think it varies by port.
3 Here, from the national policy perspective, we just put
4 out the policy, "Here's what to do." We've highly,
5 highly, highly encouraged relationship building between
6 the marine inspectors and the chief inspection
7 department with principal surveyors from the various
8 authorized classification societies. So the very
9 specific mechanics of how that communication happens in
10 the field I don't think we prescribe, but it can be an
11 email. Back in the design of the early days, it could
12 have been a facsimile, but nobody uses those anymore.
13 Remember, this program's 20 years old.

14 MR. YOUNG: Just going back to the oversight
15 exams list, the question I forgot to ask, is there a
16 specific checklist for the inspectors when they do go
17 out for an oversight exam on exactly what to be looking
18 for? I know sometimes --

19 CAPT. [REDACTED] No.

20 MR. YOUNG: -- from my shipping experience
21 --

22 CAPT. [REDACTED] In the targeting message, we
23 do put in there that, as I mentioned, paperwork check,
24 document check, general walkthrough, focus on the areas
25 that have led to it being on the targeted list. That

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1 is at the OCMI's discretion.

2 MR. YOUNG: Before I move on to my next
3 round of questions, I'll just pass it around the room.
4 If anyone has any questions, we'll start a round with
5 Captain [REDACTED] about, in general, oversight and
6 communication between ABS and Coast Guard and general
7 policies. Don't mean to put you on the spot.

8 CAPT. [REDACTED] No, I had one question.
9 You mentioned the program's been in place 20 years, and
10 that there are circumstances where a vessel can be
11 kicked out of the program involuntarily. Do you know
12 how many times that's occurred over the history of the
13 ACP program?

14 CAPT. [REDACTED] Involuntarily kicked out?

15 CAPT. [REDACTED] Yes.

16 CAPT. [REDACTED] I don't know, but I think
17 once. I'd have to check. Generally, what will happen
18 is as you go down that road and it's getting to the
19 point of -- it's not hard for the operator to see it
20 coming. Sometimes they voluntarily withdraw
21 themselves.

22 CAPT. [REDACTED] Preemptively, before they

23 --

24 CAPT. [REDACTED] Mm-hm.

25 CAPT. [REDACTED] Thank you. That's the only

1 question I have.

2 MR. O'DONNELL: Lou O'Donnell, ABS. Just
3 one question, or maybe one clarification. Brian asked
4 about the communication back and forth between ABS.
5 We're actually required, per how we understand the
6 NVIC, to notify Coast Guard -- or we notify Coast Guard
7 every attendance (Phonetic) on an ACP vessel, whether
8 it's an occasional attendance, periodic annual exams,
9 things like that. We have a few formats. We actually
10 have a form that's attached to every vessel, survey
11 status, that comes from Eagle Survey Manager, which can
12 be completed and faxed or scanned and emailed to the
13 local sector OCMI or inspectors involved. Sometimes it
14 may just be as much as when we get survey requests, we
15 would forward it by email -- with the advent of email
16 now, we would forward that request on, with maybe some
17 additional information, to the attending inspectors or
18 sector, when and where (Inaudible) we would forward it
19 that way.

20 I think that's mostly how communications
21 work now. That's what we see in the field. But there
22 is specific avenues we put in place to make that
23 communication back and forth to the attending sectors
24 under ACP, and that's worldwide, we follow the same
25 process.

1 PARTICIPANT: So some sectors might do it
2 with a phone? It's all electronic?

3 MR. O'DONNELL: Lou O' Donnell again here,
4 ABS. It's normally by sector. I think it's a decision
5 between that surveyor in charge and the OCMI or the
6 chief (Inaudible) how they like to do the
7 communication. It can be a phone call. Like I said,
8 with the advent of email, I think both sides prefer to
9 have something in paper now. We actually -- one of our
10 requirements is we like to have the surveyor have
11 evidence in the work order, which is our whole package
12 we put together for survey attendants, that that
13 communication was made to the Coast Guard that, "Vessel
14 XYZ's coming in for surveys A, B, C. This is what
15 we're going to do." We just put that process in place
16 as a requirement maybe six or eight months ago. It was
17 not a firm written policy since HCP has started, since
18 we had the notifications, but now we like to have those
19 notifications in that work order package, so more of a
20 clarification. Just to come back for clarification.
21 Brian, you asked a question about maybe how a non-835
22 issue might be communicated to ABS.

23 MR. YOUNG: To the Coast Guard.

24 MR. O'DONNELL: Let's say it wasn't a
25 material issue of the vessel or condition issue or

1 structural issue. More of a clarification than a
2 question. Sometimes there may be something that's
3 confidential, and under ACP, we have a duty to the
4 Coast Guard -- if a crewmember tells us there's
5 something going on, maybe it's with the operation of
6 the vessel or there's drugs on the vessel or something
7 like that -- (Inaudible) get a little off target --
8 we're really not supposed to report those in writing.

9 It's supposed to be confidential directly to
10 the sector. We have to hold that information and keep
11 that crewmember in confidence and protect that
12 information. We're required to protect that and report
13 it to the Coast Guard. Then from there, it's out of
14 our hands, and the Coast Guard takes charge of that.
15 But that could be confidential. Correct me (Inaudible)
16 if I'm wrong, but sometimes some of that stuff wouldn't
17 go on writing or on paper until the investigation
18 starts. It would be kept confidential and probably be
19 more verbal than anything, more face to face or a
20 telephone call from that attending surveyor directly to
21 the OCMI or the sector saying, "I was told this by a
22 crewmember. This is the information I have. This is
23 the vessel." We just give whatever details we have.
24 We have to keep that in confidence. We can't share
25 that with the crew or anything like that. That's all I

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1 have.

2 CAPT. [REDACTED] [REDACTED] [REDACTED] It's a
3 field-level communication. That generally is not going
4 to come to Washington, from a policy perspective. It's
5 going to be worked out in the field.

6 MR. [REDACTED] Jeff [REDACTED] Coast Guard.
7 Brian, were you going to go back and discuss the roles
8 of CVC (Inaudible)?

9 MR. YOUNG: You can do that.

10 (Simultaneous speaking.)

11 MR. [REDACTED] I just wanted to clarify.
12 You talked a little bit about the roles and
13 responsibilities of your office. Could you just very
14 briefly summarize the major differences between --
15 Captain [REDACTED] (Phonetic) going to come in this
16 afternoon and talk -- where the line is and whether or
17 not there any areas of overlap (Inaudible)?

18 CAPT. [REDACTED] Captain [REDACTED] he's the
19 commanding officer of the Marine Safety Center. The
20 Marine Safety Center does the plan review for -- if a
21 vessel wants to enter into the ACP, Alternative
22 Compliance Program, a piece of that is plan submittal
23 for review to the Marine Safety Center. The Marine
24 Safety Center will look at, functionally, the gap
25 analyses and the plans of the vessel -- back up, look

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1 at the plans and say, "Does this vessel comply with" --
2 let me clarify the question. You mean Captain [REDACTED]
3 as the CO of the Marine Safety Center, not CGNs
4 (Phonetic), right?

5 MR. [REDACTED] Correct, yes, in terms of the
6 ACP and (Simultaneous speaking).

7 CAPT. [REDACTED] I was going to start to go
8 into the whole development of the supplement
9 (Simultaneous speaking).

10 MR. [REDACTED] I was just looking for a
11 summary. I just want to make sure (Simultaneous
12 speaking).

13 CAPT. [REDACTED] Let's see if we can confuse
14 them (Inaudible).

15 PARTICIPANT: It won't be hard to do.

16 PARTICIPANT: Jeff, thank you.

17 CAPT. [REDACTED] Marine Safety Center will
18 look at the plans of the vessel to see how the vessel
19 aligns on paper with the classification society rules,
20 the IMO conventions, and the supplement. Each
21 classification society, as part of entering into the
22 ACP for a given subchapter, has to develop what they
23 call a U.S. supplement and submit that to another
24 office in Coast Guard that gets approved.

25 The whole purpose of the supplement is to

1 cover those things that the Coast Guard is concerned
2 about for safety and environmental protection and
3 security that are in the U.S. C.F.R.'s -- Code of
4 Federal Regulations -- that may not be theoretically
5 addressed well enough by IMO conventions or
6 classification society rules.

7 MSC, Marine Safety Center, Captain [REDACTED]
8 folks do that plan review for new construction, or if
9 there's a change of class -- an ACP vessel is changing
10 class societies. There's a requirement that they
11 submit. The receiving ACP class society has to -- one
12 of them, the giver or the receiver -- I think it's the
13 receiving has to submit documentation that shows the
14 vessel that they're going to accept into ACP meets
15 their class rules, or if they don't, here's the gap of
16 the rules that were met by the old classification
17 society that are not going to be met by the new
18 classification society. That's a gap analysis. The
19 Marine Safety Center will look at those sorts of
20 things. The Marine Safety Center also will look at if
21 there's requests for acceptance of equipment that might
22 not be in strict alignment with class society rules or
23 IMO conventions.

24 The Marine Safety Center has the authority
25 to look at that and do an analysis to say it's

1 equivalent and can be accepted, generally those sorts
2 of things. The highly technical engineering side of
3 things is done by the Marine Safety Center. The
4 handoff comes once the Marine Safety Center says, "Yes,
5 the vessel's good to go. Here's a letter that says
6 (Inaudible) issues are all satisfactorily resolved or
7 look out for these things. We can resolve these things
8 with attention by a marine inspector in the field,
9 etc."

10 Then the vessel will be surveyed by the
11 class society and the Coast Guard marine inspector.
12 That's when you're physically looking at the vessel and
13 starting to look at to say, "Physically, does it comply
14 with the plans that the Marine Safety Center has looked
15 at?" It's the visual verification that the technical
16 aspects are as they say they were in paperwork. It's
17 real generic, but --

18 MR. [REDACTED] Thank you. I think that
19 means you were saying you don't have oversight
20 functions in your office, is that correct, that you
21 administer the program --

22 CAPT. [REDACTED] Of plan review?

23 MR. [REDACTED] No, of the ACP program,
24 oversight into -- all that stuff gets done in the field
25 by the OCMI's?

1 CAPT. ██████ There's a couple of levels of
2 oversight. Every time we do an annual exam, it has an
3 oversight element to it. Every time we do a periodic
4 oversight re-examination, that's an oversight element.
5 If an OCMI has some indication that things aren't quite
6 right and they step onboard an ACP vessel, that's
7 oversight. What we don't do and we leave to Captain
8 ██████ shop is oversight of the technical side of the
9 house. Make sense?

10 MR. ██████ I think so, yes.

11 CAPT. ██████ You have a question. I can
12 see it.

13 MR. ██████ You basically defer to the
14 OCMI's? You don't go onboard? Your folks don't go
15 onboard? I just want to make sure I understand that.
16 It seems like a subtle difference (Simultaneous
17 speaking).

18 CAPT. ██████ The MSC is a little more
19 operationally oriented than developing national policy,
20 yes. While CVC develops the national policy of how to
21 carry out the program, the Marine Safety Center is
22 actually looking at very specific vessels, with
23 specific issues, in applying the regs and the policies
24 that govern the Alternative Compliance Program.

25 MR. ██████ In the field, the OCMI's

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1 perform that function, correct (Simultaneous speaking)?

2 CAPT. [REDACTED] Correct, but we don't have
3 enough engineers in the field to get into those
4 technical details.

5 MR. [REDACTED] Thank you.

6 MR. YOUNG: I'll just go around, unless you
7 have a clarification?

8 PARTICIPANT: No, redirecting his question,
9 maybe the level of CVC oversight, you kind of oversight
10 a little bit what happens in the field with ACP, with
11 the local sectors, and then also if there's something
12 like an interpretation of policy or something from the
13 NVIC, like a unique vessel or a vessel that's not
14 described clearly in the NVIC, your office would be the
15 office to make the decision on how to proceed in cases
16 like that, correct?

17 CAPT. [REDACTED] Correct.

18 PARTICIPANT: I think that's maybe what he
19 was --

20 CAPT. [REDACTED] CGNs, Marine Safety Center,
21 and CVC all have different roles based on if certain
22 questions have to be resolved about compliance or
23 equivalency. If an issue develops in the field that
24 needs to be resolved, that could roll up on a very
25 specific vessel for a determination by CVC if it's an

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1 operational sort of thing, or if it's an inspection
2 determination.

3 I don't have a clear example off the top of
4 my head. Another tool that we have, if it does get to
5 that point, is we can also do another layer of
6 oversight. We can ask the traveling inspection staff
7 to attend a vessel. Sometimes if things -- this is
8 backtracking a little bit. You asked earlier, Brian,
9 does oversight stop and there's no other opportunity to
10 go onboard a vessel, or if you did an oversight exam
11 every week, is there a limit to that?

12 I offered that at some point, you have to
13 stop, rehuddle, and say, "What's the way forward?"
14 Another way forward could be to invite our traveling
15 re-inspector staff to attend the vessel. Generally,
16 our traveling re-inspection staff are a little more
17 senior. They have a little more experience, and they
18 can go and do an official audit on the vessel or audit
19 the classification society and/or witness an audit that
20 the classification society may have as they look into
21 how they're conducting their business in compliance
22 with the safety management system protocols. That's
23 another tool that's (Inaudible). Did that answer your
24 question?

25 PARTICIPANT: Yes, sir (Simultaneous

1 speaking) .

2 LCDR. [REDACTED] [REDACTED] [REDACTED] with the Coast Guard.

3 Just to be clear, who makes the final decision to
4 accept the vessel into the ACP program? Who has that
5 final authority (Inaudible)? Who signs off on it and
6 accepts it into the program?

7 CAPT. [REDACTED] CVC.

8 LCDR. [REDACTED] Every OC in my office is
9 required to have -- for the purpose of communicating
10 the class, each individual OCMI is required to have an
11 officer designated as a BCP (Phonetic) officer within
12 their office, is that correct?

13 CAPT. [REDACTED] Correct.

14 LCDR. [REDACTED] That officer's purpose is what?

15 CAPT. [REDACTED] To coordinate the OCMI's role
16 in surveying the vessel, inspecting the vessel, and
17 overseeing the classification society, so that when the
18 marine inspector makes his recommendation up to the
19 OCMI that the vessel's fit for route and service for a
20 certificate of inspection that it's all going according
21 to plan.

22 LCDR. [REDACTED] Their purpose is to communicate
23 with class. That's their class (Simultaneous
24 speaking) .

25 CAPT. [REDACTED] That's part of it, yes.

1 LCDR. [REDACTED] Also, going back to the 835,
2 whenever they write 835s and how they communicate that
3 to class, whenever a marine inspector writes an 835,
4 who would they write to clear that deficiency? Who has
5 the authority to (Simultaneous speaking)?

6 CAPT. [REDACTED] Clear an 835?

7 LCDR. [REDACTED] Who do they only write it to
8 clear it, to class or to Coast Guard?

9 CAPT. [REDACTED] The marine inspector will
10 write the 835 to the ship, to the operator. Authorized
11 classification societies do have the authority to clear
12 835s.

13 LCDR. [REDACTED] Right, and normally the marine
14 inspector will write it for class to clear it, with
15 instructions in the 835 for the operator to contact
16 class and clear the (Inaudible).

17 CAPT. [REDACTED] Right.

18 LCDR. [REDACTED] Right? Okay, just to make sure
19 it's clear. That's verbiage that's in the 835
20 (Inaudible), so there's really no out for the owner to
21 not contact class and have that issue cleared. Is
22 there any circumstances, normally, in an 835 --

23 CAPT. [REDACTED] Wait, can you back up? What
24 was that last one?

25 LCDR. [REDACTED] For an 835, the marine

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1 inspectors, when they write it on an ACP vessel, they
2 write it as a condition of class for a class to clear
3 the 835, so there's really no other way for an owner to
4 resolve an 835, other than (Simultaneous speaking).

5 CAPT. [REDACTED] Going through the class.

6 LCDR. [REDACTED] Right (Simultaneous speaking).

7 CAPT. [REDACTED] Right, the 835 is supposed to
8 go to the classification society. The classification
9 society enters that into their database as a condition
10 of class.

11 LCDR. [REDACTED] (Simultaneous speaking.)

12 CAPT. [REDACTED] The classification society's
13 going to notify the owner/operator and say, "You now
14 have a condition of class, per the 835." Then to clear
15 a condition of class, they have to go to the authorized
16 classification society.

17 LCDR. [REDACTED] Also from a program
18 perspective, can you tell us what purpose does ACP
19 serve? What advantage does an owner have in
20 volunteering to be in (Simultaneous speaking)? What
21 advantage does it give the Coast Guard, class, or the
22 owner of the vessel?

23 CAPT. [REDACTED] The genesis of the ACP
24 program was out of an initiative back in 1992 that
25 looked to save some time and effort and eliminate

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1 duplicative inspections by both class and Coast Guard.
2 It was recognized that many things that the
3 classification society surveyors are doing as a
4 function of class, vessel classification, can satisfy
5 the intent of what the Coast Guard was looking at
6 various items for.

7 No need for both classification society
8 surveyors and marine inspectors to look at the same
9 thing for the same reason and force owners and
10 operators to have a tank available twice, for example.
11 That was the workgroup that was developed in the early
12 '90s, and it led to the first 295 NVIC. Essentially,
13 to answer your question, [REDACTED] it was to eliminate
14 duplicative efforts and help give the industry a little
15 bit of relief from overburdensome inspections.

16 The checks and balances were put in there to
17 still ensure the safety, security, environmental
18 protection methods were dealt with, and the Coast Guard
19 retained certain authorities, like manning
20 determinations, and the Coast Guard still issues
21 (Inaudible). Did that answer your question?

22 LCDR. [REDACTED] That answered it. Last
23 question. From a program perspective, how does
24 accepting a vessel into ACP change the rules it's
25 regulated under? Normally, under a COI (Phonetic), we

1 regulate a vessel under 46 C.F.R. How does that shift
2 under ACP? We go to class rules, international
3 regulations?

4 CAPT. [REDACTED] This gets back into the
5 supplement. The idea is that if a vessel complies --
6 if a vessel is not in the ACP program, it is being
7 inspected by the Coast Guard, and it is in compliance
8 with the Code of Federal Regulations and the
9 appropriate IMO conventions for international service,
10 etc.

11 Under the ACP, a vessel has to be -- and to
12 quality to be in the ACP, you have to be an
13 internationally trading vessel. You don't have to be
14 an internationally trading vessel, but you have to be
15 in compliance and ready to be an international trading
16 vessel.

17 So compliance with the IMO conventions,
18 SOLAS, MARPOL, Load Lines, etc., compliance with an
19 accepted classification society's class rules, and then
20 compliance with the supplement, which I mentioned was
21 here's the gap that the Coast Guard felt strongly about
22 of issues that need to be also included, compliance
23 with those three things is, in essence, sufficient for
24 the issuance of a COI because it protects the issues
25 that the Coast Guard's concerned about for the issuance

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1 of a COI.

2 LCDR. [REDACTED] Thank you.

3 MR. ROTH-ROFFY: I have a few questions.
4 Tom Roth-Roffy, NTSB. I've got just a few questions in
5 follow up to some of the areas that Brian has already
6 covered. I appreciate your patience with my questions.
7 Regarding the revisions to the NVIC, I believe it was
8 0295, you said that there are some changes that are
9 anticipated in that NVIC. Could you perhaps describe
10 where that revision process is and the contemplated
11 changes to that, if you can, if you're familiar?

12 (Simultaneous speaking.)

13 CAPT. [REDACTED] That's my question, in draft.
14 I can speak to generic ideas to it?

15 LT. [REDACTED] You can speak to ideas of why
16 we're reviewing it. I don't think you can speak to
17 policy decisions made in it because (Inaudible) yet.

18 CAPT. [REDACTED] The last issue of the NVIC
19 was in 2006. I believe it was signed by Admiral
20 Gilmour (Inaudible). The advancement of the shipping
21 industry, the responsibilities for how we carry out our
22 functions in a post-9/11 world, how the Coast Guard has
23 re-organized and shaped into even other things -- you
24 look at what is in the law that a chief of prevention
25 must have certain qualifications, etc. -- it was time

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1 to update the NVIC and incorporate the changes that we
2 see as pertinent for continued evolution of efficiency
3 of the program.

4 MR. ROTH-ROFFY: That's pretty general,
5 isn't it? Is there any mechanism that we at the NTSB
6 could get this information off the record, perhaps? I
7 don't know -- this transcript will be made public.
8 Perhaps there's a way we could get this (Inaudible)
9 talk to you afterwards or not? Are we completely
10 excluded from your pre-decisional type (Simultaneous
11 speaking)?

12 CAPT. [REDACTED] I'll have to get back to you
13 on that.

14 LT. [REDACTED] I don't know off the top of my
15 head if we can get that to you, but we can look into
16 that.

17 CAPT. [REDACTED] There have been occasions in
18 the past where the Coast Guard has taken a draft NVIC
19 and put it out for public comment. There's been other
20 occasions where the Coast Guard has not. I don't think
21 we're bound by -- I'll refer to my counsel. I don't
22 think we're bound by law for a NVIC -- to put it out
23 for public comment. However, we have on some cases in
24 the last five to six years, at least in my experience.
25 Where we will reside with our approach on this one, I'm

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1 not going to comment on that.

2 MR. ROTH-ROFFY: Can you give me an idea of
3 how far in development of the revised NVIC you are?
4 Are you just starting? Are you almost done? Can you
5 even say that?

6 CAPT. [REDACTED] I'm hopeful to have it out
7 within the next six months to a year.

8 MR. ROTH-ROFFY: I'd like to back up. If
9 you would, describe your overall responsibilities as
10 CVC. I know ACP is one of the things you do. Could
11 you just generally describe the other areas of your
12 oversight?

13 CAPT. [REDACTED] The office is the Office of
14 Commercial Vessel Compliance. It has four divisions.
15 The first division, CVC-1, deals with inspection policy
16 for domestic vessels. That includes everything from
17 mom-and-pop charter boats and head boats on the coast
18 to deep draft international trading vessels, ferries,
19 the whole gamut. The second division, CVC-2, is
20 responsible for how the Coast Guard examines port state
21 control -- carries out its port state control program
22 and how we examine foreign flag vessels coming into
23 U.S. waters.

24 Also within CVC-2 is development of policy
25 and oversight for the offshore energy sector. That

1 would include (Inaudible) floating facilities, etc.
2 CVC-3 is dedicated exclusively to fishing vessels, and
3 CVC-4 is dedicated to mariner credentialing and the
4 policies that govern how the Coast Guard analyzes the
5 competencies and requirements for merchant mariners to
6 get a merchant mariner credential.

7 MR. ROTH-ROFFY: The ACP would be, I
8 suppose, under CVC-1?

9 CAPT. [REDACTED] Yes, sir.

10 MR. ROTH-ROFFY: Looking at your overall
11 arrangement, in terms of the number of staff, can you
12 just give me a rough idea of how big these offices are,
13 in terms of personnel? Are they all about the same
14 size?

15 CAPT. [REDACTED] No, CVC-1 and 2 are staffs of
16 about 10 to 12. CVC-3 is currently three people, and
17 we are short -- there's one billet that's empty. CVC-4
18 is five people.

19 MR. ROTH-ROFFY: (Inaudible) CVC-1, overall
20 domestic inspection. How big is your ACP element in
21 that CVC-1? How many staff members do you have working
22 on that program?

23 CAPT. [REDACTED] It's not a dedicated singular
24 body. We have a civilian who has worked on many of
25 these programs over the course of the last 20 years.

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1 That includes going to the IMO and talking about IMO
2 initiatives, like the auto code and how we do all those
3 sorts of things. He also does a lot of the audits of
4 classification societies. He attends -- if the
5 classification society has a higher level corporate
6 executive review of their rules, that member will
7 attend those. Other issues can get worked in amongst
8 three to four of the officers there, depending on their
9 skillsets and expertise. I mentioned in 2012 there was
10 a billet that was cut. That was the LORACS, the
11 liaison to the authorized classification societies.
12 The duties of the LORACS had to be assumed throughout
13 the remaining members of the division.

14 MR. ROTH-ROFFY: In terms of the workload of
15 CVC-1, how much time do you think they spend on ACP
16 issues, 10 percent or 5 percent or more, just rough
17 numbers?

18 CAPT. [REDACTED] You've got to consider
19 there's -- I'm just thinking out loud a little bit.
20 You've got barges. You've got T-boats. You've got
21 ferries. You've got OSVs. OSVs can also be in the
22 ACP. I would say 30 to 50 percent. ACP is (Inaudible)
23 amongst many different elements.

24 MR. ROTH-ROFFY: You mentioned that LORACS
25 position was cut. That was a dedicated position to ACP

1 liaison, right?

2 CAPT. [REDACTED] That wasn't a policy maker,
3 per se. It was the facilitator, but a valuable
4 facilitator, nonetheless, because that was the
5 interface between the policy makers and the authorized
6 class societies (Inaudible) carried out business. The
7 position was in Houston because the majority of the ACS
8 class societies have corporate offices or some sort of
9 office in Houston. They're required, per 46 C.F.R.,
10 Part 8, to have a regional office in the United States.
11 That position was moved up to Washington in 2010, and
12 then it was cut in 2012.

13 MR. ROTH-ROFFY: So it's completely
14 eliminated from --

15 CAPT. [REDACTED] Correct.

16 MR. ROTH-ROFFY: Do you have any other
17 similar positions that have been eliminated from your
18 program in ACP oversight, any vacancies or any other
19 billets?

20 CAPT. [REDACTED] Not in my tenure as CVC
21 office chief, with regard to ACP.

22 MR. ROTH-ROFFY: Do you happen to know if
23 the El Faro or the El Yunque were previously on the
24 (Inaudible) the lookout matrix, or is this the first
25 appearance for the El Faro?

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1 CAPT. ██████ I know the El Faro was on the
2 2015 list. I don't recall whether the El Yunque was on
3 there or not.

4 MR. ROTH-ROFFY: Previous to that, do you
5 know if there's been any history of these vessels being
6 on this lookout list?

7 CAPT. ██████ I don't recall. I'd have to
8 look.

9 MR. ROTH-ROFFY: Perhaps we can ask for that
10 information, just to remind you.

11 CAPT. ██████ Sure. I think the list is on
12 the Internet.

13 (Simultaneous speaking.)

14 CAPT. ██████ Not the criteria (Inaudible).
15 It's internal. I'd have to look at the list to see.

16 MR. ROTH-ROFFY: Is the company made aware
17 of any vessel that's on the list, or is that kept
18 internal?

19 CAPT. ██████ That's internal.

20 MR. ROTH-ROFFY: Is the company aware of
21 this list at all, or is it also internal?

22 CAPT. ██████ It's internal.

23 MR. ROTH-ROFFY: You're aware of it now.

24 (Inaudible.)

25 MR. ROTH-ROFFY: If you'd like to go off the

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1 record, it's no problem. We can stop the tape.

2 PARTICIPANT: I'm just going to pause the
3 recording here.

4 (Whereupon, the above-entitled interview
5 went off the record, and went back on the record, no
6 times provided.)

7 PARTICIPANT: The recording's back on.

8 MR. ROTH-ROFFY: Captain, I'll just maybe
9 restate the question. Is the company aware of this
10 sort of a targeted matrix or lookout list that
11 (Inaudible)?

12 CAPT. [REDACTED] If the company reads the
13 Marine Safety Manual, they should be aware that it is a
14 possibility.

15 MR. ROTH-ROFFY: Is it only a vessel that
16 can be put on the list, or is a company -- can an
17 operator of a fleet vessels be targeted?

18 CAPT. [REDACTED] Currently, vessels.

19 MR. ROTH-ROFFY: Only vessels? You
20 mentioned that one of the increased oversight
21 mechanisms was to perhaps assign a traveling inspector
22 to do some additional inspections or audits. Has that
23 ever happened?

24 CAPT. [REDACTED] Yes.

25 MR. ROTH-ROFFY: You have, in the past, used

1 that mechanism?

2 CAPT. [REDACTED] The Coast Guard has, yes.

3 MR. ROTH-ROFFY: The Coast Guard. Can you
4 give me an idea of how many times you've done that?

5 CAPT. [REDACTED] I can think of three in the
6 last eight years, but what will generally happen is my
7 position may write a memo to a traveling inspection --
8 the chief traveler and request it. Then it would be
9 upon the chief traveler to dispatch a traveler on that.
10 I have a hunch there's more than three.

11 MR. ROTH-ROFFY: Just rough numbers. That's
12 fine. Regarding this lookout list, you send a message
13 to the sector commanders, the OCMI's, of the ships that
14 are on the list and the measures you expect them to
15 take. Is there any follow up by your office to verify
16 that these additional inspections actually occurred and
17 the findings?

18 CAPT. [REDACTED] I think that we would -- I
19 don't know off the top of my head. I can't recall
20 whether, in the message, we task them with reporting
21 back to staff the results, but we have the capability
22 to pull the MISLE data and look at the (Inaudible).

23 MR. ROTH-ROFFY: Do you, as a routine, go
24 and pull the MISLE data and look at these inspections
25 to verify that the information in your directive letter

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1 has actually been addressed during the inspection? Is
2 anybody assigned to do that?

3 CAPT. [REDACTED] I did not order that, per se.
4 Division chief and his staff may have done it.

5 MR. ROTH-ROFFY: I'd like to go back to
6 something that Commander [REDACTED] said about there is an
7 ACP program in each sector, a person that's responsible
8 for doing that. Is that a dedicated position, or is it
9 just (Inaudible) is it an inspector that has that as a
10 collateral duty?

11 CAPT. [REDACTED] Generally, it's going to be
12 an inspector that has that as a collateral.

13 MR. ROTH-ROFFY: What sort of qualifications
14 or training does this sort of person receive? Is there
15 some sort of an ACP endorsement or something on his
16 inspection record, or how does he learn about ACP?

17 CAPT. [REDACTED] Most ports that would have an
18 ACP officer also are going to have a training officer,
19 and the chief inspector will ensure that the person
20 that has the collateral understands the program and can
21 educate them through OJT. We currently -- I can't
22 recall whether the criteria in our re-inspection course
23 goes into ACP. I think it might, in general, but I'd
24 have to look at the curriculum. We don't have a
25 dedicated ACP course.

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1 MR. ROTH-ROFFY: I'm sorry, again, the
2 number of these ECP, what do you all them, officers, is
3 it each sector, is it each subcommand? How many are
4 there, say, in a sector? Is it just one per sector
5 that the subordinate (Simultaneous speaking)?

6 CAPT. [REDACTED] We have, I think, 42 sectors.
7 Some sectors don't have an ACP fleet. So if you're a
8 sector that has an ACP fleet, you should have an ACP --
9 a marine inspector in your bullpen that is the ACP
10 coordinator.

11 MR. ROTH-ROFFY: What about the subordinate
12 commands, like the marine safety detachment or the
13 other lower-level offices that also have inspection
14 (Inaudible)? How would they oversee the ACP?

15 CAPT. [REDACTED] I would leave that to -- if
16 you're talking about an MSD Houma (Phonetic) or an MSU
17 Houma, I would leave that to the sector commander to
18 make that decision for his OCMI staff.

19 MR. ROTH-ROFFY: I've just got one or two
20 questions left. Is ABS the only participant in the
21 Coast Guard's ACP program?

22 CAPT. [REDACTED] No.

23 MR. ROTH-ROFFY: How many other class
24 societies, if you know?

25 CAPT. [REDACTED] I think there's currently

1 four, and two pending, I think.

2 MR. ROTH-ROFFY: So I guess there's going to
3 be a little competition? That's all I have. Thank
4 you.

5 MR. YOUNG: I'm going to go to the phone for
6 additional questions on this topic. Mike Kucharski?

7 MR. KUCHARSKI: Good morning, Captain.
8 Would the vessel fully comply with SOLAS and all
9 international conventions to which the U.S. is
10 signatory to to be an ACP program participant?

11 CAPT. [REDACTED] Yes.

12 MR. KUCHARSKI: Thank you. You mentioned
13 that you have a lookout list within the ACP program.
14 Is there also not a lookout list or a watch list if a
15 vessel is not in the ACP program?

16 CAPT. [REDACTED] There is not a non-ACP
17 lookout list.

18 MR. KUCHARSKI: So there's no watch list
19 that MSC has or anything like that for vessels that are
20 not participants in ACP?

21 CAPT. [REDACTED] That's a very open-ended --
22 is it Mike?

23 MR. KUCHARSKI: Yes.

24 CAPT. [REDACTED] Hey, Mike. I think what I
25 hear you asking is is there lookout lists for the

1 general fleet of inspected vessels?

2 MR. KUCHARSKI: Sure.

3 CAPT. [REDACTED] Is that your question?

4 MR. KUCHARSKI: Yes.

5 CAPT. [REDACTED] There's various criteria that
6 will be used to evaluate by the OCMI staff as to
7 whether they want to go and inspect the vessel off
8 cycle.

9 MR. KUCHARSKI: Okay. Do you ever compare
10 lookout lists with any of the vessels that are not on
11 the lookout list, the OCMI-type list? Is there any
12 interface with those two?

13 CAPT. [REDACTED] I don't know if I understand
14 your question, Mike.

15 MR. KUCHARSKI: This voluntary program, and
16 you have a lookout list for vessels that are in the
17 ACP, this is a voluntary program to reduce the burden
18 of duplicative efforts, correct, inspections?

19 CAPT. [REDACTED] Correct.

20 MR. KUCHARSKI: They voluntarily go into
21 this program to reduce, maybe, inspections by the Coast
22 Guard, yes?

23 CAPT. [REDACTED] Yes.

24 MR. KUCHARSKI: Okay. If you see certain
25 triggers, they go on the lookout list. Does that

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1 differ any from the policy that the MSC (Phonetic) has
2 for vessels that are not on the lookout list or not
3 with the ACP program?

4 CAPT. [REDACTED] I just want to -- you said
5 MSC, meaning Marine Safety Center.

6 MR. KUCHARSKI: Yes.

7 CAPT. [REDACTED] The Marine Safety Center's a
8 different command, that has a different function with
9 regard to ACP, that we kind of covered earlier.

10 MR. KUCHARSKI: (Simultaneous speaking.)

11 CAPT. [REDACTED] I think the easiest way to
12 answer your question is let's use an example. If it's
13 a non-ACP boat, like a passenger vessel, the Coast
14 Guard is responsible for carrying out the inspections
15 of that vessel, so they are doing the inspection of all
16 the tanks, all the systems, and if there's a need for
17 follow up or a hiccup that they want to address at a
18 different time, they are more into the continuous
19 survey business of that vessel, so they, as their own
20 staff, can develop how often they may want to check
21 back or talk to somebody onboard that vessel. That's
22 non-ACP.

23 MR. KUCHARSKI: Thank you.

24 CAPT. [REDACTED] The whole idea behind ACP is
25 certain functions are delegated to a third party, an

1 authorized classification society.

2 MR. KUCHARSKI: Great, thank you.

3 CAPT. [REDACTED] You're welcome.

4 MR. YOUNG: Is that all you have, Mike?

5 MR. KUCHARSKI: Yes, thank you.

6 MR. YOUNG: [REDACTED] [REDACTED]

7 LCDR. [REDACTED] No further questions from
8 me.

9 MR. YOUNG: Okay, thank you. This is Brian
10 Young again with the NTSB. Just one clarification,
11 Captain. When you're talking about updating the NVIC,
12 I know you mentioned it was an attempt to update the
13 MSM annually. Is there any sort of requirement to
14 attempt to review and update the NVIC on a periodic
15 basis?

16 CAPT. [REDACTED] My goal when I got into the
17 office in 2012 was to try to get policy as current as
18 possible. I am transferring out of the office this
19 summer, so I don't know what my predecessor will
20 establish for those kind of goals.

21 MR. YOUNG: The next topic I'd like to
22 discuss is talk about the quality of the surveys and
23 inspections. We understand that the surveyors that are
24 outsourced, such as ABS, are adherent to their own
25 internal policies, where they are trained and

1 certified, and they have internal checks to make sure
2 that they are qualified to perform the inspections in
3 those areas. How do you and your division oversee the
4 inspections that take place on these ACP vessels? Is
5 there a process that checks and audits these
6 inspections?

7 CAPT. [REDACTED] It depends. Let me back up a
8 little bit. There's a training program for our marine
9 inspectors. They go through -- a marine inspector, for
10 his or her first tour, by design, is supposed to go to
11 what we call a feeder port. In that three-year tour,
12 they're labeled as an apprentice marine inspector, and
13 they go through a series of steps to gain
14 qualifications in inspecting vessels. Each of those
15 feeder ports has a marine inspection training officer
16 that supervises that training, and at the end of that
17 three-year tour, they're qualified to go out and do
18 inspections on behalf of the OCMI for whatever they
19 have their qualification in. Usually, to gain that
20 qualification, there is a verification board that has
21 to sign off on the inspector. After they leave their
22 feeder port and take their next tour, generally they're
23 referred to as a journeyman marine inspector.

24 They still advance qualifications in various
25 schools and training scenarios. With regard to your

1 question for follow up, if an exam is done under the
2 ACP, if there are issues that those trained inspectors
3 find, the authority of the OCMI kicks in to say, "Does
4 this have to be addressed, and how does it have to be
5 addressed?"

6 That's usually where the development of
7 resolution will happen if there are issues, and
8 sometimes there's a recommendation up the chain that we
9 have found these issues or those issues, let's either
10 use one of our tools, such as bringing travel
11 inspection staff on board. The OCMI has the authority
12 to require audits, internal or external audits of
13 either the classification society or the owner/operator
14 company of the vessel. That is usually a mechanism for
15 how that will kick in.

16 MR. YOUNG: Okay, It's kind of, I guess, two
17 different sections of that question. You answered both
18 of them partially. I think it's off to a good start,
19 but when it comes to the ABS side on auditing it, is
20 there a requirement that the Coast Guard periodically
21 audits the ACP program when it comes to a third-party
22 survey of vessels?

23 CAPT. [REDACTED] Can you be a little more
24 specific?

25 MR. YOUNG: Do any of your people actually

1 go out and monitor the quality of the surveys that are
2 taking place onboard U.S. flag vessels in the ACP
3 program?

4 CAPT. [REDACTED] Every time we do an annual
5 exam, it's a method of oversight to say is the vessel
6 -- when a marine inspector does his annual exam, which
7 usually results in the issuance of -- it usually
8 coincides with the COI exam and the issuance of the COI
9 -- their focus is on the human element type of things,
10 the fire drills, the factors of compliance by the
11 mariners -- are they qualified, do they know what
12 they're doing -- but there's also a generic walkthrough
13 of the vessel, a spot check of things to say is the
14 vessel in compliance from an overview, and if not, an
15 expanded exam can occur. That is one method of an
16 oversight of the classification society (Inaudible) we
17 have.

18 MR. YOUNG: I understand that. It seems as
19 if during the annual exam, the Coast Guard inspector is
20 unhappy with some of the conditions of the ship, it may
21 warrant a further look into --

22 CAPT. [REDACTED] Correct.

23 MR. YOUNG: -- the vessel's condition, but
24 --

25 CAPT. [REDACTED] It can also warrant a further

1 discussion and dialogue with the classification society
2 to say, "How has this been addressed, or how has that
3 been addressed?" It could open up another dialogue to
4 say, "We have some additional auditing of the
5 classification society that we want to do."

6 MR. YOUNG: Is that the only way that you
7 know, as the chief of this department, that the quality
8 of the inspections by third-party ACS's are being
9 conducted to your standards?

10 CAPT. [REDACTED] Are you asking do we have a
11 routine auditing scheme set up for all the
12 classification societies?

13 MR. YOUNG: Yes, exactly.

14 CAPT. [REDACTED] The answer's yes, but I don't
15 know -- one of my members of staff does go and audit
16 the classification societies on a regular basis. I
17 don't know the schedule.

18 MR. YOUNG: Then when it comes to your Coast
19 Guard inspectors, with third-party companies conducting
20 more and more inspections of vessels, are there less
21 inspections that are being carried out by the marine
22 inspectors, and is there any sort of, say, becoming
23 disconnected with the inspection process on these
24 ships? Are you minimizing the number of inspections by
25 your inspectors based on farming out more inspections

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1 from third parties?

2 CAPT. [REDACTED] I think the Coast Guard is
3 challenged, and there are a lot of inspections that
4 have to take place, and there's resources that have to
5 be used to do those inspections. Each sector commander
6 makes those decisions as to how to use his or her
7 resources to cover the responsibilities they have to
8 cover.

9 MR. YOUNG: When it comes to old vessels,
10 such as the El Faro, and her sister, El Yunque, being
11 steamships, does each of your sectors, especially in
12 the ACP program, have steam-qualified inspectors to
13 inspect steamships, or is that becoming a thing of the
14 past?

15 CAPT. [REDACTED] Specifically, I don't know in
16 the case of those two vessels. Steam is a
17 qualification that is not as widespread as it used to
18 be within Coast Guard marine inspectors, and the OCMI,
19 if they need a qualified steam inspector, they should
20 be seeking one out from another location to come do a
21 steam inspection. I don't know specifically with the
22 El Faro, nor the El Yunque. I have not pulled up the
23 individual cases on those vessels. Again, my office is
24 national policy. OCMI has certain responsibilities in
25 the field. But I do know from past experience on

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1 separate cases that units have actually, in one case,
2 gone to the travelers and pulled a steam-qualified
3 inspector to come do a steam inspection. That's the
4 responsibility of the OCMI to make sure he's got the
5 right qualified people to do the job.

6 MR. YOUNG: This might be a little off the
7 ACP program, but you mentioned something in, I think it
8 was Jeff's question, about your responsibility, as a
9 whole, with four different sections of CVC. One of
10 them is mariner credentials. If this is a topic for
11 another interview, just let me know, but when it comes
12 to marine credentials, does your office oversee the
13 required training for initial licensing of mariners?

14 CAPT. [REDACTED] There's a couple of layers to
15 that. We have a National Maritime Center that -- the
16 basic answer to your question is who evaluates the
17 training and the training that's required per the regs?

18 MR. YOUNG: Yes.

19 CAPT. [REDACTED] That is the National Maritime
20 Center's responsibility.

21 MR. YOUNG: They report to you?

22 CAPT. [REDACTED] No, they don't. The National
23 Maritime Center reports to the director of prevention
24 and compliance. My staff's role within credentialing
25 is the development of policy if there's a need for

1 interpretation of the regulations that the National
2 Maritime Center would have to use in that evaluation.

3 MR. YOUNG: The determination of policy for
4 credentials?

5 CAPT. [REDACTED] For the actual evaluation of
6 the training and things that mariner has done to earn
7 the credential.

8 PARTICIPANT: (Inaudible.)

9 CAPT. [REDACTED] I am not.

10 PARTICIPANT: Okay (Inaudible).

11 CAPT. [REDACTED] If there's an appeal to a
12 mariner's credential -- let's say a mariner says he is
13 qualified -- the National Maritime Center looks at a
14 mariner's record, says, "No, you're not qualified."
15 That mariner decides to appeal that decision, which is
16 allowed for in the regs. The director of prevention
17 and compliance is the appeal authority for that.
18 However, my staff will oftentimes help look at the
19 record to say, "What are the issues?" and help decipher
20 the research.

21 MR. YOUNG: If it comes to a policy on how
22 initial licenses are obtained, would that come through
23 your office? Would you be --

24 CAPT. [REDACTED] Potentially, yes. Not how,
25 but what goes into how, so what has to be evaluated,

1 and what is the criteria of that -- what are the
2 specifics of the evaluation? Let's say it's an IMO
3 STCW issue and standing in the engine room watch or
4 standing a bridge watch, rating for standing watch.
5 There's a question of certain criteria, and it's not
6 clear in the STCW how the United States, as a flag
7 state, is going to roll that in. The policy
8 development of how the Coast Guard may do that may come
9 through my shop before it is actually used as a
10 criteria by the National Maritime Center.

11 MR. YOUNG: That's somewhere that I'm going
12 to be looking into on this investigation is how, let's
13 say, engineers on steamships are actually given their
14 steam license. What are the qualifications, when it
15 comes to hands-on training, required to get a steam
16 license. I guess my question here is where would we --

17 CAPT. [REDACTED] Most of that's on the
18 Internet. If you go to the National Maritime Center
19 web page, you can pull down the criteria for just about
20 any endorsement for any element of the license. I see
21 you have a license.

22 MR. YOUNG: Yes.

23 CAPT. [REDACTED] I'm assuming you've been to
24 the National Maritime Center's web page?

25 MR. YOUNG: Oh, yes, numerous times.

1 CAPT. ██████ Most of that you can find
2 there, at least to get started. Further to that,
3 there's a Marine Safety Manual, Volume 3, which governs
4 the criteria that goes into what goes into a license.

5 PARTICIPANT: (Inaudible.)

6 CAPT. ██████ It is. It's a combination.
7 Marine Safety Manual, Volume 3 has two parts. One is
8 for manning determinations, how many qualified
9 mariners, roughly, does each vessel type need to stand
10 the watch, and the other part is what are the criteria
11 that go into qualifying for a (Inaudible) credential.

12 PARTICIPANT: Thank you.

13 MR. YOUNG: It's a little off topic of ACP,
14 but just (Simultaneous speaking) that fell under your
15 umbrella.

16 CAPT. ██████ No, that's fine.

17 MR. YOUNG: Just getting back to the quality
18 inspection and the audits, if and when there are audits
19 of the ABS surveys aboard vessels, the results and the
20 findings, how are they addressed?

21 CAPT. ██████ If there's no problems, then
22 the COI is issued.

23 MR. YOUNG: That's if there's a survey on
24 the ship. I get it. But if the Coast Guard is
25 auditing the survey process by a third-party ACS, how

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1 are you and your staff notified of any deficiencies or
2 non-conformities? Is there a report generated? Is
3 that something that comes to the program manager for
4 the ACP? How is the audit --

5 CAPT. [REDACTED] Of the classification
6 society? A report is generated.

7 MR. YOUNG: How frequently does that happen
8 on an annual basis?

9 CAPT. [REDACTED] How frequently on an annual
10 basis?

11 MR. YOUNG: Mm-hm.

12 CAPT. [REDACTED] I think it's once a year, but
13 I'd have to check.

14 MR. YOUNG: One external audit per year?

15 CAPT. [REDACTED] One audit by my staff of an
16 authorized classification society per year. That's
17 tentative. I'll have to check on it.

18 MR. YOUNG: I'll go around the room with
19 more quality of inspection topic questions. Captain?

20 CAPT. [REDACTED] Okay, Captain [REDACTED] Do
21 you or CVC-1 staff monitor conditions of class and the
22 parameters of those issued, for instance, days given to
23 correction, things --

24 CAPT. [REDACTED] Not directly.

25 CAPT. [REDACTED] Are you generally aware of

1 the overall actions taken by ABS with what types of
2 condition they issue, especially the severe conditions
3 class that would be like (Inaudible) a no-sail order on
4 a vessel?

5 CAPT. [REDACTED] Yes.

6 CAPT. [REDACTED] In general, do the actions
7 taken by the ACP class surveyors, for instance, those
8 no-sail orders or correct prior to departure orders, do
9 those align with actions you'd see from a Coast Guard
10 inspector under a traditional inspection program?

11 CAPT. [REDACTED] My opinion would be yes.

12 MR. O'DONNELL: Louis O'Donnell, ABS. Going
13 back to Brian's question about your oversight or the
14 auditing of ABS, would it be true that the auditing's
15 done at several levels before it even gets to CVC?
16 Would it be inspector to surveyor, if there's actual
17 oversight going on when they work together onboard
18 (Inaudible) survey? Would it be inspector to survey
19 office if a vessel is inspected for their annual after
20 ABS completes their surveys and endorses the
21 certificates and the inspector's coming behind to do
22 their annual or periodic for the COI? Then would there
23 be another level, where CVC staff attends various
24 audits, whether internal or external, at the ACS, at
25 the (Inaudible) class society?

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1 CAPT. [REDACTED] Yes, that would all be true.
2 This is a great point, Lou. There are a lot of layers
3 to the oversight.

4 MR. O'DONNELL: Lou O'Donnell with ABS. One
5 more question (Inaudible). If a major non-conformity
6 or a non-conformity was found in that portion, at those
7 different levels, would it most likely be reported back
8 to your department?

9 CAPT. [REDACTED] Yes, because that's a pretty
10 big deal.

11 MR. O'DONNELL: One last question, Lou
12 O'Donnell from ABS. Minor non-conformities in that
13 oversight, especially at the local level, are usually
14 addressed at the inspector, or probably at the OCMI,
15 maybe COTP level, and probably not even to the COTP
16 level, correct?

17 CAPT. [REDACTED] Correct.

18 MR. O'DONNELL: Okay, thank you. That's all
19 the questions I have.

20 MR. [REDACTED] Nothing for me.

21 LCDR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard.
22 To be clear, since we're talking about audits of the
23 authorized class society, does anybody audit your
24 program outside the Coast Guard to ensure that it's
25 being administered properly, any other government

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1 agency or anything (Inaudible)?

2 CAPT. [REDACTED] Other than the GAO from time
3 to time for various --

4 LCDR. [REDACTED] Who audits you to make sure
5 that your office is administering the program properly?

6 CAPT. [REDACTED] Our supervisors.

7 LCDR. [REDACTED] What about the OCMIIs? Do they
8 receive any type of audit from the Coast Guard to
9 ensure that they are administering their programs
10 correctly, like (Inaudible) system or something like
11 that?

12 CAPT. [REDACTED] There's been a few variations
13 of how the field units are audited. A couple years
14 ago, there was a peer-to-peer audit program that was
15 set up, run by the traveling inspection staff. It
16 basically had colleague offices kind of stopping in and
17 auditing another office. There's an element of
18 FORCECOM -- I can't remember the branch number -- that
19 govern what we call our mission management --
20 specialty, is that what it is?

21 LT. [REDACTED] System.

22 CAPT. [REDACTED] System -- mission management
23 systems. Force Command is a command within a different
24 directorate at Coast Guard headquarters that governs
25 the training regime by which all the Coast Guard folks

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1 are trained. Within the mission management system,
2 that staff would go out to the various sectors and
3 audit them as to how they were systematically
4 developing procedures to comply with the requirements
5 (Inaudible).

6 LCDR. [REDACTED] Thank you, Captain. Also, to
7 be a little bit more specific to a question Brian had,
8 do you think BCP has resulted in a degradation of the
9 skill of the Coast Guard marine inspector or the
10 quantity or quality of marine inspections that we
11 administer? Specific to the marine inspector, do you
12 think it's affected their skill level as marine
13 inspectors?

14 CAPT. [REDACTED] My personal opinion is yes,
15 it's been a factor into quality, the depth of a marine
16 inspector's experience.

17 LCDR. [REDACTED] Has it resulted in a loss of
18 marine inspection resources as a result of that
19 program?

20 CAPT. [REDACTED] I don't know the answer to
21 that off the top of my head. I know that OCMIs and
22 field commands are challenged to ensure that the
23 opportunity to do inspections of certain criteria is
24 available for a marine inspector to stay sharp with
25 their skills. That's what I mean by a degradation.

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1 With regard to your point about a loss of resources, in
2 general, I would have to check the record to say how
3 many marine inspectors have been taken from the program
4 because the program utilizes a third party. There's
5 been ebbs and flows in that over the years. Separate
6 program, it was passed into law in -- I don't remember
7 what year, but we are going to have to -- there's a
8 program that towing vessels are going to be inspected
9 vessels very soon. We're waiting on a rulemaking
10 project for that.

11 When the authority to inspect towing vessels
12 first went into law, resource folks recognizing that
13 getting that program up and running was a little bit
14 away, resources were given to the Coast Guard dedicated
15 to greasing the skid and getting certain people in the
16 groove of how to start looking at towing vessels and
17 start familiarizing the towing vessel community with
18 the ideas of the Coast Guard being a little more
19 visible on their vessels. That would be an example of
20 where resources (Inaudible) over the years, there's
21 been resource shifts to dedicate to other programs.
22 It's an ebb and flow scenario, but the net balance I
23 don't know off the top of my head.

24 LCDR. [REDACTED] To kind of segue off of that,
25 your role previously in the Coast Guard, before CVC,

1 was a traveling marine inspector?

2 CAPT. [REDACTED] I was.

3 LCDR. [REDACTED] Then 2007, I believe it was,
4 somewhere around that time, there was a report
5 generated called the Card Report.

6 CAPT. [REDACTED] Right.

7 LCDR. [REDACTED] In that Card Report, there was
8 a recommendation to stand up national centers of
9 expertise to provide subject matter expertise to the
10 Coast Guard to specific vessel classes, for example,
11 liquefied gas carriers, towing vessels, cruise ships.
12 These centers were created, and there was one that was
13 specific -- again, going back to what Brian was saying
14 -- to steam vessels and vintage vessels. What was the
15 result of that (Simultaneous speaking)?

16 CAPT. [REDACTED] That was set up in the
17 Great Lakes. It was the Vintage Vessel National Center
18 of Expertise. Then those resources were cut at 2012
19 time frame-ish.

20 LCDR. [REDACTED] Part of that center of
21 expertise was to provide subject matter expert with
22 regards to steam vessels to the Coast Guard OCMIs
23 (Simultaneous speaking) correct?

24 CAPT. [REDACTED] Right. I'll elaborate a
25 little bit on that. Each of the NCOEs, when stood up,

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1 they were stood up by the traveling inspection staff.
2 It was a three-pronged approach and philosophy. The
3 staff at the National Centers of Expertise were to a)
4 provide expertise to the industry section as a liaison.
5 They were to facilitate training of marine inspectors
6 in whatever that area was. As ██████ said, there was a
7 gas carrier NCOE. There was an outer continental
8 shelf, OCS, National Center of Expertise, towing vessel
9 National Center of Expertise.

10 The third leg was to actually go and be as a
11 traveler and help out where there was no available
12 skillsets at the field unit. Steam might have been one
13 of those. Going back to your original question, if
14 there was no steam inspector at your port, you had a
15 steam inspection to do, then vintage vessel NCOE might
16 have been a resource you could call upon and ask them
17 to come down and do the exam.

18 LCDR. ██████ But that no longer exists?

19 CAPT. ██████ That no longer exists.

20 LCDR. ██████ One other thing, going back to
21 how the lookout list works, just real quick, can you
22 explain to the group here what an inspection note is in
23 MISLE and would an ECP vessel get an inspection note
24 assigned to it in MISLE if it had any concern regarding
25 that vessel by your staff or by the traveler?

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1 CAPT. ██████ Yes. An inspection note is
2 essentially just that. It's a note that's put into the
3 vessel's profile in the system, so that if you were to
4 pull up a generic profile, it's going to come out very
5 clearly on the critical profile page as a note. It's
6 open text to put however you want to flavor the note.
7 There's usually an open and close date, so you can say
8 how long the note would stay there. The most relevant
9 example of where we would use it, per this discussion,
10 would be on the targeting list. We put a note in on
11 each vessel that's targeted, so that would be one of
12 the mechanisms for the marine inspection staff. The
13 vessel's arrival notification comes in, they pull up
14 the critical profile, that note is staring them in the
15 face.

16 LCDR. ██████ (Inaudible.)

17 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB,
18 again. I'd like to return to the topic of inspector
19 skills and qualifications within the Coast Guard by
20 first asking about the difference between the
21 inspections that are currently being done by Coast
22 Guard under ACP, relative to how they were being done
23 before ACP. Could you describe, if you're able to, how
24 the Coast Guard inspections of these vessels has
25 changed since ACP, in terms of level of detail?

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1 CAPT. ██████ Sure. I'll speak to my
2 personal experience. I started doing inspections in
3 1990. We had a shipyard in Baltimore that was active
4 as a repair yard and a new construction yard. In that
5 case, with U.S. flag vessels, we worked quite
6 collaboratively with the ABS surveyor, and it was a
7 good trust relationship, but working relationship all
8 combined. For example, let's say you had to do a
9 couple of internal exams on some double-bottomed sets.
10 By the book, ABS was supposed to go through all of
11 those for their internal structural exam, and Coast
12 Guard was supposed to go through all of those.

13 You could do it a number of different ways.
14 You could go together through the tanks, or if somebody
15 wanted to take the ports -- once you got to know the
16 marine surveyor and understand where each of you were
17 coming from individually, Coast Guard might take the
18 port, ABS take the starboard, meet you at the other end
19 and compare notes, "What did you see? What's this?
20 What's that?" spot check each other, etc.

21 At the end of the day, there's going to be
22 two narratives written. Coast Guard's going to have
23 his or her own diary saying, "I looked at all these
24 things." ABS may be doing the exact same thing. But
25 the point I'm making is you were in to all the details

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1 of that structural exam of that internal -- popping
2 safeties on boilers, yes, you're both there, you're
3 both witnessing it together. Overspeeds, generators,
4 basically you, as a marine inspector, were doing it
5 with ABS. There were times where ABS might be a little
6 bit behind you, or ABS might be a little in front of
7 you, and that was up to the individual inspector as to
8 say, "John, did you see this, this, this, this? How'd
9 it go?" It was basically a relationship that you
10 developed and said, "I'm going to credit that for Coast
11 Guard purposes," and you would spot check as needed.

12 In general, we were into the weeds, into the
13 overall inspection. Through the ACP program, Coast
14 Guard no longer has to do that level of detail. We
15 accept the data flow per arrangements and set up of
16 ACP. That class, looking at those things is sufficient
17 for satisfying the need for fit for route and service.
18 The Coast Guard accepts that data flow and oversees it
19 in the various methods we've already gone over and
20 says, "Yes, the vessel's fit for route and service."
21 In a nutshell, Coast Guard inspectors aren't as into
22 the details, which is also very time intensive, so
23 there's not as much time spent on the vessel.

24 MR. ROTH-ROFFY: As a result of not being in
25 the weeds and in the details, you lose that skill of

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1 even being able to do that. Is that a fair statement?

2 CAPT. [REDACTED] That's a fair statement.

3 MR. ROTH-ROFFY: How does the oversight the
4 Coast Guard gives to ACP vessels through their periodic
5 participation compare with the foreign vessel
6 examinations that you do on, say, other vessels that
7 are non-U.S. flag vessels that call in U.S. ports?

8 CAPT. [REDACTED] There's a slight nuance to
9 the approach of authorities there. As a port state --
10 to answer your question generically -- I'll back up.
11 The annual inspection on an ACP vessel actually has in
12 the verbiage of the NVIC, "To treat this as it might be
13 a port state control exam."

14 But there's a couple of differences that I
15 think are very important to recognize. The first is
16 that in the ACP program, the Coast Guard is still
17 issuing the certificate of inspection that that vessel
18 is fit for route and service, so the responsibility
19 still comes back to the OCMI for that ultimate
20 determination.

21 Within a foreign vessel, the Coast Guard is
22 the last safety rung on that vessel, and it's an audit
23 or spot check, if you will, as a port state because the
24 vessel is a potential risk to U.S. waters or U.S.
25 territory. There's a flag state and a classification

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1 society that have the obligation to carry out that
2 business to make sure the vessel is fit for route and
3 service. When the Coast Guard goes on as a port state,
4 there are similarities, in that if you see something
5 that isn't right, you can do an expanded exam. But
6 where that goes at the end state is much different as a
7 flag state inspector. As a port state examiner, you
8 could report that vessel as -- you could detain the
9 vessel and say, "This vessel is substandard condition
10 for what that flag nation recognizes and what we, as a
11 representative to the IMO, recognize as being safe, and
12 we'll report it to the IMO."

13 Then that vessel would be detained and
14 reported. To get that vessel back into compliance with
15 the required standards is that flag state's
16 responsibility, and with U.S. flag vessels, it's the
17 United States Coast Guard's responsibility if a vessel
18 is substandard or an expanded exam has led to an issue
19 that needs further classification and examination.

20 MR. ROTH-ROFFY: Thank you. So in overall
21 sense, how would you compare the skillset
22 qualifications for inspection or survey between, say, a
23 typical Coast Guard inspector, senior guy, and an ABS
24 surveyor? Are they equivalent sorts of skillsets and
25 levels of competence and proficiency and expertise

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1 (Inaudible) understand the question or not.

2 CAPT. [REDACTED] No, I do. I think that the
3 two -- most classification societies and the Coast
4 Guard come at it from a different angle. There's been
5 a fair amount of sharing of training that goes into it.
6 I would say my gut instinct is that class surveyors, in
7 general, have a better place to start from because most
8 of them are already maritime graduates, so they've been
9 at a four-year school in the curriculum that is gearing
10 them towards licensure or a document; whereas there are
11 times when a marine inspector is going to start out,
12 perhaps, as a graduate with an English degree and does
13 not have technical proficiencies in that vocation. But
14 over time, as the training programs progress, I would
15 say at the 10 to 12-year mark, they're pretty
16 comparable.

17 MR. ROTH-ROFFY: The Coast Guard has a mix
18 of junior guys and more senior guys, and they're all
19 kind of thrown together, to some extent, right?

20 CAPT. [REDACTED] Right, but the experience --
21 it takes a while to gain the experience needed to
22 really understand the job and carry out the job. I
23 would say out of the gate, Coast Guard's a little
24 behind, but after 10-12 years, if a Coast Guard
25 inspector's been doing it for that long, they've

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1 figured it out.

2 MR. ROTH-ROFFY: At the headquarters program
3 level, do you have any concerns with a Coast Guard
4 inspector perhaps has less skillset overseeing the work
5 of an ABS surveyor who, perhaps, has a higher skillset,
6 in terms of that oversight (Inaudible)? It seems like
7 the more skilled guy would oversee the less skilled
8 guy.

9 CAPT. [REDACTED] No, sir. To me that comes
10 down to communications and understanding each other's
11 roles and a collaborative effort to make sure --
12 there's enough checks and balances in the system to
13 cover those sorts of arrangements.

14 MR. ROTH-ROFFY: That's all I have. Thank
15 you.

16 MR. YOUNG: On the phone, Mike Kucharski.

17 MR. KUCHARSKI: I'm good; thank you.

18 MR. YOUNG: [REDACTED] [REDACTED]

19 LCDR. [REDACTED] Yes, thanks. [REDACTED] [REDACTED]
20 with the Coast Guard. Captain, this is sort of a
21 follow on to Mr. Roth-Roffy's question about the
22 difference between an ACP exam and an exam of a non-ACP
23 vessel. Can you just, in general, describe for us the
24 -- I know it's going to vary from vessel to vessel,
25 service to service, but can you describe, in general,

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1 the average amount of time a Coast Guard inspector
2 would spend onboard an ACP vessel versus (Inaudible)
3 ACP vessel, for example, on an annual?

4 CAPT. [REDACTED] Can you repeat the question,
5 [REDACTED] I'm sorry.

6 LCDR. [REDACTED] Sure can. Just in general,
7 the amount of time that a Coast Guard inspector would
8 spend onboard an ACP vessel versus a non-ACP vessel,
9 for example, on an annual?

10 CAPT. [REDACTED] Sure. Theoretically, a
11 non-ACP inspection should take longer than an ACP
12 examination. I don't have the -- because there's a lot
13 of different nuances to the vessel type -- for example,
14 OSVs and deep draft -- I don't have the current data
15 that measures whether that's true to -- whether what's
16 happening in the field is true to the theory.

17 LCDR. [REDACTED] Would it be uncommon,
18 Captain, for a non-ACP vessel annual to take a matter
19 of days versus an ACP vessel take a matter of hours?
20 Is it that range? I know there's a range. I'm just
21 trying to get a general sense for approximately the
22 difference. I know it's tough.

23 CAPT. [REDACTED] I would say when I was in the
24 field, yes, that was the range. I know within various
25 ports now, some ACP exams take substantially longer

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1 than other ACP exams due to -- like I mentioned, with
2 OSVs becoming very complex, some of those ACP OSV exams
3 have become quite long. Other times, ACP exams on deep
4 draft, to try to build in some of the training for our
5 marine inspectors, have also taken a bit longer than
6 they used to. Usually, we'll hear about that from the
7 industry through various chains of command and politics
8 that we're holding the vessel up, but it was just an
9 attempt to get people trained.

10 LCDR. [REDACTED] Understood. Thanks,
11 Captain.

12 MR. YOUNG: This is Brian Young, again, with
13 the NTSB. I just had one follow-up question when it
14 came to the difference with inspections. I know the
15 ACS is involved with automation testing, and I know
16 Coast Guard used to do that. How much automation
17 testing is actually witnessed by Coast Guard in an ACP
18 program, when it comes to engineering automation, such
19 as (Inaudible) safeties and shutdowns?

20 CAPT. [REDACTED] I don't know off the top of
21 my head. I'd have to go pull the book down on that and
22 see what the latest is.

23 MR. YOUNG: Is there a requirement that
24 certain safety functions are tested?

25 CAPT. [REDACTED] For automation?

1 MR. YOUNG: For automation.

2 CAPT. [REDACTED] You're talking about
3 automation of machinery, for the purposes of an
4 unmanned engine room?

5 MR. YOUNG: No, say in the sense of the El
6 Faro with a boil water level, boiler safeties,
7 shutdowns, overspeeds.

8 CAPT. [REDACTED] I'd have to check.

9 LCDR. [REDACTED] Mike [REDACTED] with the Coast Guard.
10 I have a follow-up question, also, with regards to the
11 qualification level of marine inspectors. Is there any
12 law, policy, or legislation, that you're aware of, that
13 specifically states that a Coast Guard marine inspector
14 will be equivalent to an authorized class society
15 surveyor?

16 CAPT. [REDACTED] Yes.

17 LCDR. [REDACTED] Do you feel like we comply with
18 that law (Inaudible)?

19 CAPT. [REDACTED] Yes.

20 LCDR. [REDACTED] Thank you.

21 PARTICIPANT: (Inaudible.)

22 MR. YOUNG: Before I turn the questions over
23 to you, Captain, I'll just go around the room, if
24 anyone else has any general questions on any topics we
25 have or have not yet covered, just random questions

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1 (Inaudible).

2 CAPT. [REDACTED] This is Captain [REDACTED]
3 with the Coast Guard. Does the ACP program encourage
4 that the Coast Guard try to align the annual exams with
5 ABS?

6 CAPT. [REDACTED] Yes.

7 CAPT. [REDACTED] Do you know if that practice
8 is followed in the field, generally?

9 CAPT. [REDACTED] Generally, I think so.

10 CAPT. [REDACTED] Do the differences in class
11 society rules and the federal regulations ever create
12 issues or confusion for the ACP program inspections,
13 from your experience?

14 CAPT. [REDACTED] Yes.

15 CAPT. [REDACTED] Can you give an example of
16 some of the confusion that you've seen during the past
17 exam, or just an example of what the differences in the
18 rules can create from an inspection standpoint?

19 CAPT. [REDACTED] That's why we have the
20 supplement. Maybe I'm misunderstanding your question,
21 Jason. The supplement covers part of that. Type
22 approvals can cover some of that. Oftentimes, there's
23 whether an approval to an international standard is
24 sufficient, or it has to be a Coast Guard approval.
25 That gets into life-saving approvals.

1 That often gets debated. Then the Coast
2 Guard, that's why we have things like equivalency
3 determinations, and we can evaluate whether an
4 internationally approved element is equivalent, in
5 fact, to what the CFRs want or the Coast Guard wants.
6 They should likely be rolled into the supplement, as
7 needed, but I don't have control over the supplements.
8 I don't do that engineering analysis of the
9 supplements.

10 CAPT. [REDACTED] In your opinion, does the
11 supplement and the measures you just mentioned, the
12 equivalent (Inaudible) terminations, does that
13 adequately address the problem, so it's not an issue
14 from an ACP standpoint?

15 CAPT. [REDACTED] I don't know if I understand
16 the question.

17 CAPT. [REDACTED] Do you see instances where
18 maybe an ABS surveyor, or anybody under the ACP
19 program, holds the vessel to ABS rules or the class
20 society's rules, rather than the minimum regulatory
21 standards? Does that ever happen? Is that a problem
22 from a Coast Guard standpoint or an issue that you've
23 seen?

24 CAPT. [REDACTED] I don't know. I could see
25 where it would be a problem, but that's why there would

1 be an oversight. That's why there's an equivalency
2 determination, and that's why we have meetings with
3 class societies.

4 CAPT. [REDACTED] Thank you. That's all.

5 MR. O'DONNELL: Louis O'Donnell, ABS.

6 Expanding on Captain [REDACTED] question. I think what
7 he was trying to maybe get at was if there's a
8 conflict, or ABS is trying to hold the vessel to
9 something that's not required, where the supplement is
10 a bridge over C.F.R. (Inaudible) or it's an umbrella
11 between class society rules and IMO requirements or
12 international standards. The supplement's kind of that
13 equal sign that takes the things that Coast Guard
14 wanted from the C.F.R. that weren't in class rules and
15 IMO requirements and applies those, that's what's
16 applied on ECP vessels.

17 CAPT. [REDACTED] Right.

18 MR. O'DONNELL: I guess the determination,
19 if there's a conflict between marine inspector
20 surveyor, usually it's resolved -- would it be resolved
21 -- most likely the determination could be made at a
22 local level, between, say, an OCMI or a chief of
23 prevention and a principal surveyor?

24 CAPT. [REDACTED] That would be the starting
25 place.

1 MR. O'DONNELL: Then if it got to
2 equivalency or, let's say, really out of hand
3 (Inaudible) if it got past the district and everything
4 would end up in your office, but you have several
5 layers it would probably go through before it got to
6 you?

7 CAPT. [REDACTED] Yes. Depending on the issue,
8 it could end up in my office, CGNG's office, or the
9 Marine Safety Center.

10 MR. O'DONNELL: Excuse me, Captain, but
11 before that level, it would probably go sector,
12 district --

13 CAPT. [REDACTED] District, headquarters.

14 MR. O'DONNELL: Per the process
15 (Simultaneous speaking), yes. Thank you. No further
16 questions.

17 CAPT. [REDACTED] Prior to that getting inside,
18 if it's ABS, you've probably already talked to my staff
19 about it.

20 MR. O'DONNELL: Probably.

21 LCDR. [REDACTED] Mike [REDACTED] Captain, per the
22 Memorandum of Understanding that the Coast Guard has
23 with the authorized class societies that execute ACP on
24 our behalf, whose responsibility is it to ensure that
25 the class surveyor is qualified to perform the

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1 inspection on behalf of the Coast Guard? Is that the
2 Coast Guard's responsibility, the local OCMI? Could
3 they verify that, or is that up to the class society to
4 ensure their people are properly qualified?

5 CAPT. [REDACTED] Are you asking do we check
6 the quals of all the classification societies?

7 LCDR. [REDACTED] (Simultaneous speaking)
8 conducting the ACP exam is qualified, per the class
9 rules, to conduct that (Inaudible) who verifies that?
10 Who's responsible (Simultaneous speaking)?

11 CAPT. [REDACTED] I don't do the annual audits,
12 but I'm assuming that would be an audit item, and the
13 authorized classification societies would have to turn
14 that up on request if it was asked for, if it's not an
15 automatic item for check.

16 LCDR. [REDACTED] Do the class surveyors have any
17 authority under the Memorandum of Understanding to
18 execute a control action against a vessel? Could they
19 stop it from sailing or do anything to restrict the
20 vessel's movement if they found deficiencies that they
21 thought were -- what process would we use (Simultaneous
22 speaking)?

23 CAPT. [REDACTED] It depends on what the issue
24 is. If it was a condition of class that affected a
25 class certificate outright, and that condition actually

1 impinged on the vessel's sailing schedule, then they
2 have the authority directly to do that because it's a
3 class item. If it's an item that goes into a delegated
4 statutory element, then they're required to also notify
5 the Coast Guard, the OCMI.

6 LCDR. [REDACTED] Could they revoke the safety
7 equipment certificate, essentially, on behalf of the
8 Coast Guard, if they found deficiencies that were
9 relevant to that specific (Simultaneous speaking)?

10 CAPT. [REDACTED] No, I think that the
11 authority to revoke a statutory certificate comes back
12 to the Coast Guard.

13 LCDR. [REDACTED] (Simultaneous speaking.)

14 CAPT. [REDACTED] They would make the
15 recommendation, though.

16 LCDR. [REDACTED] Thank you. That's all I have.

17 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Just
18 to follow up on Mike's question about the audits and
19 the verification of qualifications the surveyors
20 (Inaudible) Coast Guard annual audit of the class
21 society, is that correct? Is that specified in some
22 program that the Coast Guard will annually audit
23 approved class societies? How does that work, and what
24 are the standards for auditing?

25 CAPT. [REDACTED] I would have to check. We

1 have a qualified auditor on staff that does that.

2 MR. ROTH-ROFFY: Okay, but in terms of the
3 program, the auditing program, is there some policy or
4 some guidance, a letter that specifies what this
5 auditor is to do?

6 CAPT. [REDACTED] I'd have to check. It's been
7 going on for a while. I haven't pulled the records to
8 say, "What are the standing orders to make those audits
9 happen at the schedule that they happen?" It's a
10 dedicated civilian that does it, been doing it for
11 years.

12 MR. ROTH-ROFFY: He does these audits,
13 presumably prepares some kind of an audit report?

14 CAPT. [REDACTED] Yes.

15 MR. ROTH-ROFFY: Perhaps we could look at
16 those previous audit reports that you've done? We
17 could ask for those. Would that be okay?

18 CAPT. [REDACTED] Sure.

19 MR. ROTH-ROFFY: Okay, thank you. That's
20 all I have.

21 MR. YOUNG: Any follow-up questions on the
22 phone, Mike Kucharski? (No audible response.) Or [REDACTED]

23 [REDACTED]

24 LCDR. [REDACTED] No questions for me.

25 MR. YOUNG: I have one, kind of a loaded

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1 question for you, but do you see any room for
2 improvement or any suggestions that you could add to
3 improving the ACP program to make vessels safer, but
4 not duplicate any more work, if you could redesign the
5 system?

6 CAPT. [REDACTED] I'll go back to an earlier
7 conversation here. That's why we're updating the
8 standards, or updating the policy, so the answer's yes.
9 Through updates of policy, generations, evolution, it
10 all goes into getting current.

11 MR. YOUNG: Are there any questions we
12 haven't asked you that you feel need to be addressed
13 during this discussion?

14 CAPT. [REDACTED] (Inaudible.)

15 MR. YOUNG: At some point, maybe we could
16 get your contact info, so we could (Simultaneous
17 speaking) communicate with you down the road if we do
18 have any further requests or questions? We'll
19 communicate through Captain [REDACTED] or whoever. Does
20 anyone else have any further questions before we call
21 it a day? Thank you very much for your time and
22 patience with us, answering all our questions. It's
23 five after 11:00. We'll go off record.

24 (Whereupon, the above-entitled interview was
25 concluded at 11:05 a.m.)

C E R T I F I C A T E

MATTER: El Faro Incident on
October 1, 2015
NTSB Accident No. DCA16MM001
Interview of Capt. [REDACTED] [REDACTED]

DATE: 01-21-16

I hereby certify that the attached transcription of page 1 to 84 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

[REDACTED]

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U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave SE
STOP 7501
Washington, DC 20593-7501

5700
February 16, 2016

National Transportation Safety Board
Attn: Mr. Brian Young
Office of Marine Safety
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Young:

In accordance with your memo of February 1, 2016, which included the transcript of my January 21, 2016 interview with the NTSB regarding the sinking of the EL FARO on October 1, 2016, the enclosed documents offer my comments and corrections to the transcript.

Please recall that per email exchanges between you and CAPT [REDACTED] your request for these comments and corrections to be submitted to you by February 12, 2016, was extended to February 16, 2016.

I have included two enclosures with items that I wish to include in the record. The first includes line-item corrections or clarifications to the transcript. The second is a more succinct overview of the oversight process for the Alternate Compliance Program that hopefully provides some clarity to some of the answers I provided during the interview and fills in some of the questions I took for the record. If you have any questions or concerns, please feel free to contact me at [REDACTED]

Sincerely,

[REDACTED]
Captain, U. S. Coast Guard
Chief, Office of Commercial Vessel Compliance
By direction

Enclosure (1): 1/21/2016 NTSB Interview with CAPT [REDACTED] Transcript Errata table
(2): 1/21/2016 NTSB Interview with CAPT [REDACTED] Addendum to testimony

Enclosure (1): 1/21/2016 NTSB Interview with CAPT [REDACTED] Transcript Errata table.

Page 1:

- The location of the interview is indicated as being U.S. Coast Guard Office, Portland, Maine. The interview took place in U.S. Coast Guard Headquarters, Washington, D.C.

Page 3:

- Mr [REDACTED] comment beginning at Line 19 "... assigned to the structures and stability group."

Page 4:

- LCDR [REDACTED] comment at Line 10, "boaters" should read "board of"

Page 5:

- Line 4: "it's changed, too," should read "it's change two"

Page 6:

- Line 10-11: "that's a poor" should read "that's not a full"

Page 9:

- Line 5: PARTICIPANT is CAPT [REDACTED]
- Line 8: PARTICIPANT is CAPT [REDACTED]
- Line 16: (Inaudible) is FOUO (acronym meaning For Official Use Only)

Page 11:

- Line 1: (inaudible) is "roll-in"
- Line 22: "if there was any" should be "that goes in"

Page 13:

- Line 8: (Inaudible) is "anytime they choose, it is still a"
- Line 9: (Inaudible) is "COI (Certificate of Inspection) that says fit for route and service."

Page 14:

- Line 18: (Inaudible) is "it's fit for route and"

Page 17:

- Line 19: CAPT [REDACTED] response of "no" needs some clarification. There is an Alternate Compliance Program, Freight Vessel Examination Book. It is meant for use as a job aid and is not meant to be either an "exact" checklist, or fully mandatory checklist. It is a job aid.

Page 20:

- Line 1: PARTICIPANT is CAPT [REDACTED]

- Line 6: (Inaudible) is "Chief of Prevention"
- Line 17: Mr. O'Donnell arguably said "HCP" but to reduce confusion it should read "ACP"

Page 21

- Line 7: (Inaudible) is "I'm kind of"
- Line 7: "get" should be "getting"
- Line 15: (Inaudible) is "CAPT [REDACTED]"

Page 22

- Line 8: (Inaudible) is "basically CAPT [REDACTED] office?"

Page 23:

- Line 3: "CGNs" should be CG-ENG
- Line 15: PARTICIPANT is Mr. [REDACTED]
- Line 16: PARTICIPANT is CAPT [REDACTED]

Page 25:

- Line 6: (Inaudible) is "vessel plan review"

Page 27:

- Line 8: PARTICIPANT is Mr. O'Donnell
- Line 18: PARTICIPANT is Mr. O'Donnell
- Line 20: "CGNs" should be "CG-ENG"

Page 29:

- Line 5: (Inaudible) is "what office"
- Line 8: "OC in my office" should read "OCMI Officer"
- Line 11: "BCP" should be "ACP"

Page 30:

- Line 7: "only" should be "normally"
- Line 16: (Inaudible) should be "issue"
- Line 20: (inaudible) should be "that the inspectors write"

Page 31:

- Line 20: (Simultaneous speaking) should be "ACP"

Page 32:

- Line 12: "295" should be "2-95" for clarity.
- Line 21: (Inaudible) is "the COI"

Page 33:

- Line 12: "quality" should be "qualify"

Page 34:

- Line 8: "0295" should be "02-95" for clarity
- Line 17: (Inaudible) should be "are not"
- Line 20: [REDACTED] (Inaudible)." Should read [REDACTED] Change 2."

Page 37:

- Line 1: (Inaudible) is "MODUs"
- Line 19: (Inaudible) is "Now, narrowing in on"

Page 38:

- Line 2: "auto" should be "RO (Recognized Organization)"
- Line 22: (Inaudible) is "weaving"

Page 39:

- Line 6: (Inaudible) is "as they"

Page 41:

- Line 2: PARTICIPANT is Mr. Young
- Line 7: PARTICIPANT is Mr. Young
- Line 11: (Inaudible) is "you all have"

Page 43:

- Line 22: "re-inspection" should be "marine inspection"

Page 44:

- Line 2: "ECP" should be "ACP"

Page 57:

- Line 5: PARTICIPANT is LT [REDACTED]
- Line 12: PARTICIPANT is Mr. Young

Page 59:

- Line 3: (Inaudible) should be "equivalent to"
- Line 18: (Inaudible) should be "on a"
- Line 25: (Inaudible) should be "approved"

Page 61:

- Line 10: (Inaudible) should be "Mission Management System"

Page 62:

- Line 5: (Inaudible) should be "that we have."
- Line 8: "BCP" should be "ACP"

Page 63:

- Line 20: (Inaudible) should be "were given"

Page 65:

- Line 23: "ECP" should be "ACP"

Page 73:

- Line 6: "can" should be "Captain"

Page 74:

- Line 19: (Inaudible) is "boiler"

Page 76:

- Line 1: (Inaudible) should be "if you will."

Page 77:

- Line 12: "equivalent (Inaudible) terminations" should read "equivalency determinations"

Page 78:

- Line 16: "ECP" should be "ACP"

Page 79:

- Line 8: "CGNG" should be "CG-ENG"

Page 80:

- Line 7: (Simultaneous Speaking) should be "Do we verify that the surveyor"

Page 81:

- Line 20: (Inaudible) should be "you said it was maybe done during a "

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During my original testimony on January 21, 2016 there were several questions pertaining to the various policy and oversight mechanisms that the Coast Guard employs for vessels enrolled in the Alternate Compliance Program (ACP). Following a review of my testimony and in an effort to provide responses to questions that were either left unanswered at the time or required additional research, the following comments are provided:

AS IT PERTAINS TO “DAY-TO-DAY” OVERSIGHT OF THE ACP BY COMDT (CG-CVC-1):

- Generally speaking, CG-CVC is responsible for developing, promulgating and interpreting policy as it relates to the ACP while the cognizant OCMI is responsible for the day to day administration of the program. However, my staff does receive daily notifications from ABS of U.S. Flag vessels with overdue surveys or findings. While these reports are not specifically geared for the ACP in that they capture all U.S. flag vessels, the reports would include ACP vessels and are designed to inform the Coast Guard, as the flag state, that certain surveys and/or “conditions of class” are overdue. Keeping in mind that a class society is not an enforcement agency, this information is then processed and filtered by my staff and sent to the cognizant OCMI for action. For example, my office may receive a report that a vessel is overdue for a loadline survey. My staff would then verify the report and then send that information to the OCMI who may make additional inquiries regarding the vessel’s status. In the vast majority of cases, the class society and the owner resolve the issue with no Coast Guard involvement; however, when necessary, the Coast Guard may intervene to ensure the integrity of a required statutory certificate is maintained.
- In addition to these daily reports, my office is also informed of any action taken under the International Association of Classification Societies (IACS) Procedural Requirement No. 17: “Reporting by Surveyors of Deficiencies relating to Possible Safety Management System Failures” (PR17). This process is designed to provide a mechanism for a class society surveyor to connect material deficiencies discovered during the course of a survey to a possible non-conformity under the vessel or company’s safety management system. Through this notification process, we are able to stay abreast of on-going or long term issues as it relates to the root cause analysis of deficiencies all the way through to corrective action. In addition, this process allows the Coast Guard to take interim steps, such as additional audits/inspections, control actions and/or enforcement until corrective actions are proposed and accepted.
- CG-CVC maintains internal process instructions for how staff officers should respond to daily survey and PR17 notifications.

AS IT PERTAINS TO AN INSPECTION “CHECKLIST” FOR THE ACP:

- The Coast Guard does promulgate guidance in a “checklist” type format for how to conduct an ACP Oversight Exam. This is in the form of a CG-840 book entitled “Alternate Compliance Program Examination Book.” There is a separate book for Freight Vessels, Oil Ships and Chemical/Gas carriers. These are located on the Coast Guard portal. While these checklists are designed as tools or guidance to assist a Marine Inspector with completing an oversight exam, it is not mandatory that each and every block be “checked” nor the book retained as part of the official record.
- In addition to the CG-840 books, supplemental guidance regarding the scope of targeted inspections is promulgated in the annual targeting message as part of the ACP Risk Assessment (aka “Lookout List”).

AS IT PERTAINS TO PROGRAM LEVEL FOLLOW-UP OF ADDITIONAL OVERSIGHT EXAMS COMPLETED AS A RESULT OF THE ANNUAL RISK ASSESSMENT:

- There is no direct follow-up from the Headquarters level to ensure that vessels identified as part of the annual risk assessment actually receive the additional oversight exams prescribed in the message. The Traveling Inspections Staff may attend an oversight exam at the invitation of the OCMI, which would provide some headquarters level oversight. CVC does provide clear guidance on how to document ACP oversight exams within our databases, should a situation arise where a particular inspection activity would need to be reviewed.

AS IT PERTAINS TO “LOOKOUT LISTS” FOR NON-ACP VESSELS:

- There is no additional “lookout list” for vessels not enrolled in the ACP. Most of these vessels are fully inspected by the Coast Guard and generally operate within a limited area. As such, any on-going issues are more easily tracked and dealt with by the OCMI, making headquarters level targeting of these vessels unnecessary.

AS IT PERTAINS TO AUDITS OF A U.S. COAST GUARD AUTHORIZED CLASS SOCIETY:

- The Coast Guard conducts periodic verification that Recognized Classification Societies are implementing the quality system requirements as prescribed in 46 CFR 8.230(a)(15). As a baseline to establish compliance, the class society must be audited by an Accredited Certification Body (ACB). Since all current Coast Guard recognized class societies are members of the International Association of Classification Societies (IACS), the Coast Guard accepts certifications from ACB’s that are approved by IACS for use by its membership. IACS conducts

oversight of the ACB audits and publishes the list of accepted ACB's on its web page. In addition, the Coast Guard periodically observes selected ACB audits as detailed in the Marine Safety Manual (MSM) Volume II, Section B, Chapter 9L.

- The purpose of each recognized class society maintaining a quality management system (QMS) is to ensure that the standards and processes that have been accepted by the Coast Guard are implemented in a consistent manner. The QMS establishes internal controls over the quality and consistency of the work performed by the Class Society. In addition to self critical analysis required by the QMS through internal audits and activity monitoring, the QMS is externally audited by the ACB. Since the inception of the Alternate Compliance Program the Coast Guard has elected to rely upon ACB certification supplemented by audit observation rather than conduct independent audits of the QMS. A schedule for observation of quality audits is outlined in the MSM. This schedule has generally been maintained over the last 20 years, but due to the loss of the LORACS position and recent reductions in travel budgets government wide it has sometimes been necessary to defer audit observations.
- The ACB audits the class society at all levels and activities. Each class society provides its audit schedule for the year to the CVC-1 program manager who generally attends the head office audits and notifies CG field activities of any audits in their area so they can assign observers if available based on unit workload.
- The CG requests that the class society provide a copy of the ACB audit report at the conclusion of any audit observation. Prior to audit observation the CG identifies for the ACB auditors any US Flag vessels that may have had a serious deficiency or control action during the preceding year so the ACB can include it in their audit sample.

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