

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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SEASTREAK WALL STREET ALLISION
WITH PIER 11 IN NEW YORK, NY
ON JANUARY 9, 2013

Docket No.: DCA-13-MM-005

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Interview of: SCOTT THORESEN

U.S. Coast Guard
New York, New York

Monday,
January 14, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: R. JON FURUKAWA
Accident Investigator

APPEARANCES:

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I N T E R V I E W

(10:49 a.m.)

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3 MR. FURUKAWA: Good morning this is for the interview of
4 Chief Warrant Officer Scott K. Thoresen of the U.S. Coast Guard.
5 We are at the Staten Island Coast Guard Activities. It is Monday,
6 January 14th at 10:49 in the morning. And I'm Jon Furukawa with
7 the National Transportation Safety Board, the Chairman for the
8 Deck Operations Team.

9 Mr. Thoresen, why don't you go ahead and state your name
10 and spell your last name? Yeah.

11 CWO THORESEN: Sure. Scott Thoresen. Last name is
12 spelled T-h-o-r-e-s-e-n.

13 MR. FURUKAWA: Okay. And your billet here at --

14 CWO THORESEN: I'm a Marine Inspector, Chief Warrant
15 Officer in the Inspections Division.

16 MR. FURUKAWA: Okay. Thank you. And representing the
17 Port of New York?

18 MR. REAGAN: This is John Regan, New York City
19 Department of Transportation, Division of Ferries. I'm the
20 Director of Marine Terminal Security and Private Ferry Operations.

21 MR. FURUKAWA: And for Seastreak?

22 MR. BEVINS: Jack Bevins, Seastreak Ferry, Marine
23 Operations.

24 MR. FURUKAWA: And for Coast Guard?

25 LCDR GROSSMAN: This is Lieutenant Commander Bill

1 Grossman. I'm the Chief of the Investigations Divisions here at
2 Sector New York.

3 MR. FURUKAWA: And?

4 MR. BOWLING: Larry Bowling with the National
5 Transportation Safety Board.

6 MR. FURUKAWA: Do you want to say it? And also sitting
7 in. Go ahead.

8 LTJG ARNOLD: Lieutenant Junior Grade Matthew Arnold,
9 United States Coast Guard, Sector New York, Investigations
10 Division.

11 CWO2 DAVAN: Chief Warrant Officer Thomas Davan, Sector
12 New York, Coast Guard Investigations.

13 MR. FURUKAWA: Okay.

14 INTERVIEW OF SCOTT THORESEN

15 BY MR. FURUKAWA:

16 Q. And let's see. Why don't you go ahead and describe your
17 duties here at the -- your present position as a marine inspector
18 with the Coast Guard?

19 A. Okay. I'm assigned to the Inspections Division. I work
20 under the Bullpen Section. And the Bullpen Section is responsible
21 for large vessels, over 100 gross tons passenger vessels, small
22 passenger vessels, deep draft vessels inspected under Subchapter I
23 or D.

24 We work for two different section chiefs: The cargo
25 section chief, Mr. Dan Croce, he's responsible for anything cargo

1 related, so -- and then Mr. Jim Castillo, who is in charge of
2 passenger vessels.

3 Q. Okay. Anything else?

4 A. No.

5 Q. Okay. I can call you Scott?

6 A. Yes.

7 Q. Okay, Scott, I forgot to say that we are taping the
8 interview and we have to ask for your permission that you're aware
9 that it's being taped and --

10 A. I'm aware.

11 Q. -- and we'll get transcripts and we'll send them out to
12 you, so --

13 A. I authorize that, so --

14 Q. Okay. Let's see. Why don't you go ahead and also
15 describe your career with the Coast Guard from when you enlisted
16 until what got you to where you are now?

17 A. Okay. I enlisted in 2000. Went to boot camp and I
18 graduated on May 5th of 2000. I was assigned to the *Coast Guard*
19 *Cutter Morgenthau*, a high endurance cutter, as a seaman
20 apprentice. I made seaman, which is E3.

21 Q. And what years were you on the *Morgenthau*?

22 A. 2002, late 2001.

23 Q. Okay.

24 A. After my tour there I attended Marine Science Technician
25 A School in Yorktown, Virginia. It was an 8-week school at the

1 time. I graduated there as an E4, third class petty officer, and
2 was assigned to Group Marine Safety Office, Long Island Sound in
3 New Haven, Connecticut.

4 There I was a trainee. I began in pollution response
5 investigation. I then moved into the facility inspections and at
6 the same time I was working on Port State Control, foreign vessel
7 inspections.

8 Later on in that tour -- I was there for 4 years from
9 2001 to 2005. In 2004, I began doing domestic vessel, passenger
10 vessel inspections. And in October 2004, I attended the marine
11 inspector course in Yorktown, Virginia. At the time it was a 5-
12 week course. It focused on -- 2 weeks of that course was on
13 foreign vessels, 2 weeks of the course was passenger vessels,
14 small passenger vessels, and 1 week of the course was focused on
15 barges.

16 After leaving Group MSO, Long Island Sound, then Sector
17 Long Island Sound, I was transferred to Marine Safety Detachment,
18 Portsmouth, New Hampshire. Portsmouth, New Hampshire was a
19 detachment out of Sector Northern New England, which is in
20 Portland, Maine. There I was responsible for facility
21 inspections, foreign vessel inspections, pollution response
22 investigation, and I also assisted in domestic U.S. vessel
23 inspections. I was there for 2 years, advanced to chief petty
24 officer and was transferred to Sector Portland, Oregon.

25 Portland Oregon, I was -- the first year of that tour, I

1 was the Facilities chief, Facilities Branch chief, responsible for
2 all domestic facility inspections in Southern Washington and
3 Oregon. The second tour there -- the second year there, I moved
4 to the Domestic Inspection Branch and I was at the detachment in
5 the shipyard in Portland. I spent a year there and that's where I
6 was immersed in domestic deep draft inspections. I earned
7 additional qualifications there: T-boat inspector, K-boat
8 inspector, hull and dry dock inspector.

9 After there I was promoted to chief warrant officer and
10 I was stationed here. I've been here for 2½ years.

11 Q. So you started here in 2011?

12 A. 2010, 2010.

13 Q. Or 2010?

14 A. Yeah.

15 Q. Okay. In Portsmouth, what was your tour in Portsmouth,
16 the years?

17 A. Portsmouth was 2005 to 2007.

18 Q. And Sector Portland, Oregon?

19 A. 2007 to '10.

20 Q. '10. Was that Swan Island?

21 A. Yeah.

22 Q. Was that the shipyard?

23 A. Yep.

24 Q. Okay. Okay. I would like to do some -- what the Coast
25 Guard accountability for passengers and the crewmen. Let's see.

1 Can you tell us about how the Coast Guard accounts for passenger
2 safety and the numbers of crewmen on the -- well, let me scratch
3 all that.

4 What's your involvement with the *Seastreak Wall Street*?

5 A. Okay. On July 24th I was assigned by Mr. Castillo to
6 conduct a COI inspection on the *Seastreak Wall Street* for a COI
7 renewal following dry dock in New Orleans where they did
8 modifications from jet propulsion to controllable pitch
9 propellers, repowering of engines, and new electronics in the
10 pilothouse.

11 Q. Okay.

12 A. I was assigned with Chief Warrant Officer Van Hoyden.
13 Here in Sector New York, the way we treat the high-speed craft or
14 more technical craft that have engine automation and things like
15 that --

16 Q. Okay.

17 A. -- the way Mr. Castillo runs it is he has people from
18 the Deep Draft Section, that are more familiar with the more
19 extensive regulations that go along with it, versus we have a
20 Small Passenger Vessel Branch that are more responsible for all
21 the other Subchapter T and K boats that aren't as technical. But
22 because the Deep Draft Branch has more of that technical knowledge
23 for the additional systems and safety test procedures and things
24 like that, that's the way these boats are treated, even though
25 they're under Subchapter K.

1 Q. Okay.

2 A. So we were assigned as a team.

3 Q. Okay.

4 A. And that's the way that the deep draft inspection is
5 run. You have a deck inspector --

6 Q. Uh-huh.

7 A. -- who's responsible for everything above the main deck,
8 including lifesaving, firefighting, stability, crew knowledge,
9 those aspects. The machinery inspector is responsible for
10 everything below deck, so bilge equipment, machinery equipment,
11 any kind of pumps, things like that, that's the machinery
12 inspector's role during those inspections.

13 Q. Okay. So we call it COI renewal. It was more of a --
14 it's an interim COI?

15 A. No, no. The way we do it is -- I think you're alluding
16 to the temporary?

17 Q. Right.

18 A. What we do, because things change from the time of the
19 inspection to the time of final routing, depending upon many
20 different variables --

21 Q. Okay.

22 A. -- we assign -- we sign now a temporary certificate of
23 inspection. They're all numbered.

24 Q. Okay.

25 A. And they're all kept in a log. They're pre-signed by

1 Commander Messmer (ph.), who's the Officer in Charge of Marine
2 Inspection by direction.

3 Q. Okay.

4 A. So they're pre-signed. And when you're assigned to do a
5 COI renewal --

6 Q. Okay.

7 A. -- what we do is you print out this COI. And they're
8 normally good for 5 years, but with a temporary COI you limit it
9 to 1 year.

10 Q. Okay.

11 A. And that gives us time for the administrative pieces, in
12 case something changes in the COI, that we didn't issue him a full
13 5-year one and then have to reissue another 5-year one. This
14 gives the commander the administrative time to review the case, to
15 review everything, you know, as part of it, and then to issue a
16 full-time 5-year COI.

17 Q. Okay.

18 A. So that's how it went on that day. I signed it out in
19 the morning. Specifically to this one, I was aware that they had
20 a new stability test done while they were in New Orleans, so I
21 took the information that was relevant to that and I changed the
22 COI to reflect the new passengers they were allowed based off the
23 stability letter issued on July 23rd, 2012.

24 Q. Okay. Did it change the numbers of the passengers at
25 all?

1 A. Yes, it did. I can, I can look at the old COI. I think
2 it went up 200 people, or 100 people? It was -- yeah, 399 to 499.

3 Q. Okay.

4 A. So I changed that. And when you change the passengers
5 permitted, I also have to change the required lifesaving that's
6 permitted.

7 Q. Okay.

8 A. So I also changed those things within the system. And
9 what you do, inside of our MISLE system, is you change the
10 information before you generate the certificate. So once you
11 change the required fields --

12 Q. Uh-huh.

13 A. -- the temporary certificate will gather that relevant
14 information and print it on their certificate. And that's what I
15 did in this case.

16 I do remember when I was issuing the COI that I did make
17 a mistake and I didn't update -- in the routes and conditions
18 piece, I didn't update the amount of children life preservers as
19 required, so I hand-marked it and I made the change later in the
20 system when I returned.

21 Q. Okay. Did this also, increasing by 100 passengers,
22 change the number of life rafts required?

23 A. No, not in this case. They have inflatable buoyant
24 apparatuses and they had capacity for 400.

25 Q. Okay.

1 A. But based on their route, on lakes, bays and sounds for
2 a boat under Subchapter K, I'd have to look, but they -- I
3 remember that they had met that. They exceeded the requirements.

4 Q. Okay. Let's see. I guess we'll stay on that subject.

5 A. I can expand but I don't want to get ahead of your
6 questions.

7 Q. Right. Did increasing the number of passengers, did
8 that increase the number of crew required?

9 A. In this case the scale that they had for crew required
10 is documented on a table under their routes and conditions.

11 Q. Okay.

12 A. So those standards were already set on the COI so I
13 didn't have to change that. One thing that did come up this
14 morning was the -- under the routes and conditions, the total
15 number of passengers allowed is 299. And I know that came up as a
16 question. And remembering back, part of what I did that day -- so
17 I changed the passengers permitted because I had a stability
18 letter to support that. The other half of what I was doing there
19 was a general arrangements verification to check seating and deck
20 space criteria, which would ultimately increase the number of
21 passengers allowed per deck.

22 Q. Okay.

23 A. The way that the regulations are written is, each seat
24 is one person and then there's a deck space criteria that can be
25 combined with that. So I was asked by Mr. Castillo, after a

1 meeting with Mr. Bevins, to verify those numbers. So that 299
2 stayed on the COI.

3 Q. Okay.

4 A. Thinking back, it should have changed.

5 Q. Okay.

6 A. It wouldn't have changed on this temporary COI; it would
7 have changed on the full-term COI, which hadn't been issued yet
8 but was generated by me.

9 Q. Okay.

10 A. I, as an oversight, did not update that, but
11 Mr. Castillo would have -- he would have seen that based on
12 previous meetings that he had with Mr. Bevins. But the question
13 originally, as I understand it, was with the additional -- they
14 were previously limited by their stability. So their calculations
15 for seating and deck space criteria were not the controlling
16 factor to the amount of people that they could carry, rather, it
17 was the stability.

18 With the new stability test, they increased the amount
19 of passengers they could, so the limiting factor became the amount
20 of deck space and seating criteria as a limiting factor. So what
21 I did was verify the new general arrangements plan that identified
22 each seat and the deck space that they were using to increase
23 those numbers.

24 Q. Okay. And I guess, so the *Wall Street*, Seastreak sister
25 vessels, they're probably still limited to 399?

1 A. No, that's where -- I can't speak for that.

2 Q. Okay.

3 A. I don't know. I don't know, because I do think you had
4 another stability test on those as well, but I don't -- I don't
5 know without looking at them.

6 But what I went for that day is, originally they had
7 gone out to do that verification and the general arrangements
8 plans that we had didn't match what the vessel had.

9 Q. Okay.

10 A. There was multiple general arrangements out there.

11 Q. Okay.

12 A. So the ones that I went off of that day were based on
13 the correct ones.

14 Q. Okay.

15 A. It was an additional row of seating, I believe.

16 Q. Okay. We notice on the COI that when you don't use the
17 top deck you can reduce a line handler by one.

18 A. A deckhand, yes.

19 Q. Or a deckhand by one.

20 A. Yeah.

21 Q. Is that from deck space or stability?

22 A. No, that's based off of -- with the OCMI -- OCMI
23 determines stability -- or, no, sorry. OCMI determine manning.

24 Q. Uh-huh.

25 A. There is no rules that govern manning. The OCMI

1 determines manning and the way he -- the way the OCMI does that is
2 they use the *Marine Safety Manual* as a guide. And in the *Marine*
3 *Safety Manual*, Volume 2 -- Volume 3, it sets out the manning
4 requirements or the recommended manning for, in this case, small
5 passenger vessels under 100 gross tons.

6 Q. Okay.

7 A. So the chart that we see on the COI is directly from the
8 sample manning that they provide in the *Marine Safety Manual* that
9 is provided to the OCMI to determine manning.

10 Q. Okay.

11 A. So that's -- I did verify that this morning.

12 Q. Okay.

13 A. And it is the same one as -- that's in the *Marine Safety*
14 *Manual*.

15 Q. Okay, okay.

16 A. So, as a general rule, each deck is requiring a
17 deckhand.

18 Q. Okay.

19 A. And then there's additional deckhands that are required
20 based on the amount of passengers, and those additional deckhands
21 are required because you need more passenger control. It's
22 unreasonable to think one person could control 300 people.

23 Q. Okay.

24 A. So you increase two additional deckhands with the
25 increase in passengers.

1 Q. Okay.

2 A. So in this case if you reduce -- if you close the top
3 deck or if you close one of the decks --

4 Q. Okay.

5 A. -- that relieves you of that additional deckhand, but
6 doesn't relieve you of the additional deckhand that's required for
7 the amount of passengers.

8 Q. Okay. Okay. So it's three decks -- so starting off
9 three deckhands, zero passengers, you have three deckhands?

10 A. Uh-huh.

11 Q. Okay. The day of the accident we noticed there were 326
12 passengers on board?

13 A. Uh-huh.

14 Q. And we just kind of looked the other night that
15 according to the COI there should have been 6, a crew of 6 if it's
16 over 300 passengers?

17 A. Yes.

18 Q. And there's some kind of confusion with the --

19 A. So, yeah, I can explain. So if you look at the chart.
20 So if you're in the range of 300 to 399 --

21 Q. Okay.

22 A. -- you're required one master and one mate --

23 Q. Uh-huh.

24 A. -- which can be replaced with a senior deckhand in this
25 case. And then you would be required four deckhands.

1 Q. Okay.

2 A. So that's a total of six.

3 Q. Okay.

4 A. I don't know if the -- if the upper deck was closed you
5 can remove one of those deckhands --

6 Q. Okay.

7 A. -- and then that would be a total crew of five.

8 Q. Okay. But then it says maximum allowed is --

9 A. Is 299.

10 Q. -- 299?

11 A. And that's what I was discussing earlier where that 299,
12 I believe, was originally based off of stability --

13 Q. Okay.

14 A. -- and not -- or it was based -- I can't say what it was
15 originally based off it.

16 Q. Okay. Is that going to change? Where if you have the
17 number of passengers that were on there during the accident, that
18 will be a crew of six required or changed -- there will only be a
19 crew of five?

20 A. If the top deck was closed, the crew would still be
21 five. The requirement would still be five people.

22 Q. Uh-huh.

23 A. The question here is 299. I believe that number will
24 increase because when we did the general arrangements verification
25 the first and second deck had enough deck space and seating to

1 accommodate the entire complement of passengers allowed.

2 Q. Okay.

3 A. So that 299 was originally based -- I can't say what it
4 was originally based off without going into the file. It may have
5 been -- I can speculate that it may have been based off the
6 original seating criteria that they had and that they were using
7 at the time.

8 Q. Okay. Because when you read it, it appears that there
9 should have been six crew members on board, not five crew members,
10 at least that's the way I read it. Is that -- so, the COI would
11 have to be changed?

12 A. No, the COI wouldn't have to change for the amount of
13 deckhands if the upper deck was closed. If the upper deck was not
14 closed, then they would be required six.

15 Q. Okay.

16 A. If the upper deck was closed, they'd be required five --

17 Q. Okay.

18 A. -- eliminating that additional deckhand.

19 Q. Okay. And you also went to another term that I've heard
20 thrown around is the mate/senior deckhand.

21 A. Yes, sir.

22 Q. I guess, one of the interviews with the senior
23 deckhand/mate at the time of the accident, it seems like his
24 interpretation is the license was just a benny, you know, it
25 wasn't required. But when I look at the COI -- the senior

1 deckhand did have a license. But when I look at, when I see
2 mate --

3 A. Right.

4 Q. -- that's not a license as a benefit. It's he has to
5 have -- the officer in charge of the navigational watch unless
6 it's 0 to 149 passengers, where it's not required at all.

7 A. Right. Typically, I've seen the endorsement on the COI
8 for the senior deckhand. I don't know what they've done
9 previously. I recall that they have a senior deckhand program,
10 and the senior deckhand program is allowed through Coast Guard
11 policy.

12 Q. Uh-huh.

13 A. And, again, it's OCMI's because it goes back to manning,
14 and the OCMI determines manning. That if the company has a
15 training program and they designate certain people to be senior
16 deckhands, meaning that they have additional knowledge beyond what
17 a regular deckhand has and they have a training program for that,
18 then they don't have to have a mate, they can have -- use the
19 senior deckhand in lieu of the licensed mate.

20 Q. Okay. What's the transition to the training program?
21 Can you tell me about the training program for the Seastreak?

22 A. For Seastreak? I can't get into what their training
23 program is. I know that they have training manuals. I know that
24 the crew members and the captains that I've interacted with seemed
25 knowledgeable.

1 When I come for inspections, all of that information is
2 provided to me at the beginning of my inspection. What I evaluate
3 as an inspector is crew preparedness for emergencies, for
4 specifically fire and man overboard and security. So as part of
5 any COI inspection we conduct drills to test crew competency in
6 those areas.

7 Q. Okay.

8 A. So in this -- I remember in this case we did a man
9 overboard drill. I brought a -- we have a dummy that we use that
10 floats in the water, so I used that as a victim to throw into the
11 water to see how the crew responds. The things I'm looking for
12 with that is, is there a lookout, you know, someone watching the
13 victim? I'm looking -- I'm verifying the captain's ability to
14 maneuver the vessel to deal with the situation. And then I'm also
15 observing or my other team member's observing the other crew's
16 response. Do they know that I'm supposed to be setting up this
17 piece of equipment; are they helping each other out?

18 In this case, they used a rescue platform. It's -- and
19 I think it's commonly referred to as a Jason's Cradle. So I
20 observe how they use that, how they deploy it, and I can usually
21 tell that -- you know, whether the crew members are familiar with
22 it or not. In this case, I didn't run a second drill so they
23 would have been proficient in the first one.

24 Q. Okay.

25 A. And then the fire drill that day -- I don't remember

1 what space I picked.

2 Q. Okay.

3 A. But my fire drills are generally half drill and then
4 half training. I like to see how the crew responds to what I give
5 to them as a fire scenario, see what they would do. And then when
6 I feel that they would have taken appropriate action, I end the
7 drill and then I discuss other things that would be relevant to
8 that scenario and ask other crew members questions to see -- you
9 know, to gauge their knowledge. For instance, if there's an
10 electrical fire, do they know to use a CO2 extinguisher, things
11 like that. So I test the crew that way.

12 Q. Okay. Did you do an abandon ship drill?

13 A. No.

14 Q. No? Okay.

15 A. Generally as a T or a K-boat, we don't do abandon ship
16 drills.

17 Q. Okay. Okay. For the training manuals, do you know who
18 at the OCMI signed off on those?

19 A. I don't know.

20 Q. Okay.

21 A. I know that just from my knowledge of being here that
22 Mr. Castillo, the passenger vessel branch chief, would have been
23 involved in that, but I don't know who signed it, no.

24 Q. Okay. Are you familiar with the NVICs and the NMC
25 policy letters for high-speed craft?

1 A. Yes, I am.

2 Q. Okay. Can you tell me a little bit about that?

3 A. Well, the high-speed craft code is an international
4 code. I believe back in 2001 the NVICs were published as guidance
5 to operators of vessels that operate high-speed craft. High-speed
6 craft is denoted in there as going over 30 knots. The focus of
7 the NVIC is training and -- is really training based, training of
8 crew members and having manuals that will aid in the training of
9 the crew members.

10 Q. Okay. And the NMC policy letter, any familiarization
11 about that?

12 A. No.

13 Q. No, okay. Okay. And you've broken out the manuals, the
14 training manuals?

15 A. Yes. I don't remember specifically. I do remember the
16 day of this inspection. I do remember that there was a lot of
17 manuals. I remember because we had the new system, we had the
18 PSTPs. I don't -- I can't say if I specifically remember seeing
19 that manual or going through that manual that day.

20 Q. Okay. And, let's see. Were you in New Orleans for the
21 repowering or --

22 A. No, sir.

23 Q. No, okay.

24 A. No.

25 Q. You became of this, trim tab installation --

1 A. Uh-huh.

2 Q. -- that happened post -- do you know what trim --

3 A. I know what trim tabs are. I had no knowledge of the
4 trim tabs being installed.

5 Q. Okay, okay. Can you tell me about a trim tab?

6 A. Trim tabs are, they're installed on all types of
7 vessels. Typically they are -- they move to force the bow of the
8 vessel down so that it can get up on plane. I think they can be
9 for fuel economy or speed. They can be hydraulically operated or
10 I've seen them just fixed.

11 MR. FURUKAWA: Okay. Okay. I think we'll go around the
12 room now.

13 MR. REGAN: New York City DOT has no questions.

14 MR. BEVINS: Jack Bevins, Seastreak, no questions.

15 MR. FURUKAWA: Go to Coast Guard first.

16 LCDR GROSSMAN: This is Bill Grossman with the Coast
17 Guard.

18 BY LCDR GROSSMAN:

19 Q. I just wanted to try and reiterate. So who sets the
20 deckhand limits on a small passenger vessel?

21 A. The officer in charge of marine inspections.

22 Q. Is there guidance provided to the OCMI within the Coast
23 Guard?

24 A. Yes, the marine -- Coast Guard *Marine Safety Manual*,
25 Volume 3, sets recommended manning levels.

1 Q. And was that guidance used for this vessel?

2 A. Yes.

3 Q. And then who is the overall authority in charge to issue
4 the COI?

5 A. The officer in charge of marine inspection.

6 Q. So there's a chain of command that you use, correct?

7 A. Yes.

8 Q. And then who -- can you briefly describe who is that
9 chain of command?

10 A. Sure. My chain of command starts with my section
11 leader, Lieutenant Cridland. At the time it was Lieutenant Valez.
12 Lieutenant Valez reports to the appropriate division chief,
13 whether it's cargo or passenger. In this case it was the
14 Passenger Vessel Branch chief, Mr. Castillo. Mr. Castillo reports
15 to Commander Messmer, who has OCMI authority by direction from
16 Captain Lobel (ph.), at the time Admiral Fagan.

17 Q. Okay. And then getting back to the day -- what was it
18 July 24th of 2011, I believe was the date of the inspection?

19 A. 2012, sir.

20 Q. 2012?

21 A. Yes, sir.

22 Q. When you departed Sector New York and went to the
23 inspection, do you bring paperwork with you?

24 A. Yes, sir.

25 Q. Within that paperwork, is that temp COI in that

1 paperwork?

2 A. Yes. Before going to a vessel to do a renewal of a COI,
3 when you begin a renewal of a COI it begins by removing the
4 existing COI.

5 Q. Okay.

6 A. So I always remove the existing COI, so you come with
7 the intent that you're going to issue them a new temporary
8 certificate of inspection.

9 Q. Thank you. And then you were talking about the
10 temporary certificate of inspection earlier and how it's only
11 valid for one year; is that correct?

12 A. Yes, sir. We as a policy make it for 1 year, which
13 gives time for the full-term 5-year COI to be administratively
14 reviewed.

15 Q. So, correct me if I'm wrong, there's a certain
16 expectation that that temporary COI is going to be changed for one
17 reason or another?

18 A. Yeah. Oftentimes things are found administratively by
19 the other members in the chain of command that they may catch or
20 there may be something that they want to add. So, yes, that's it.

21 Q. On the date of the allision, last week the date that the
22 *Seastreak Wall Street* allided with the dock, where exactly was the
23 temp COI within its routing process?

24 A. It was on Chief Warrant Officer Van Huysen's desk. When
25 I completed my portion of the case, which includes after the

1 inspection I come back, I enter a narrative, I enter inspection
2 details pertinent to my portion of the inspection, and then I
3 routed it to Chief Warrant Officer Van Hoyden.

4 Van Hoyden, he had it on his desk since then until
5 Wednesday or Thursday, whenever the accident was, which I turned
6 it over to Mr. Fisher, our training officer, who brought it to
7 Lieutenant Commander Grossman. And it was my understanding it was
8 there because we were still waiting for final approval from the
9 Marine Safety Center for the periodic safety test procedures and
10 the modification approvals.

11 Q. Is that typical?

12 A. Yes.

13 Q. So it's typical to have maybe the 12 months to actually
14 make amendments and go back and forth to ensure the validity and
15 accuracy of the final COI, of the 5-year term COI; is that
16 correct?

17 A. Yeah. When some COIs are issued and there's no changes
18 and those can go through the system faster. But when you have
19 modifications like this, it certainly extends that timetable and
20 the year is an appropriate amount of time. That's why we do a
21 year vice 3 months.

22 Q. Okay. And I guess that the reason for the year is
23 approximately -- how many small passenger vessels are assigned to
24 Sector New York?

25 A. I believe it's over 300 small passenger vessels

1 operating in the New York AOR.

2 Q. So there's a significant amount of administrative --

3 A. Oh, yes. Yes.

4 Q. -- duties that are required?

5 A. Each one is required at least an annual inspection and
6 then in any given year half of the fleet is having dry dock
7 inspections as well.

8 Q. So it provides the United States Coast Guard with an
9 opportunity to kind of finish up the administrative burdens that
10 are associated with each of the inspections?

11 A. Yes.

12 Q. I just have one final question. Do you know how
13 Seastreak prevents passengers from going up to this upper deck?

14 A. I don't know. When I do my COIs or my annual
15 inspections, I've noted other operators, I've noted things before
16 where they used chains and there's a sign that prevents them from
17 going up the stairs. I don't recall on this day of seeing
18 anything like that. I do take note that they marked the maximum
19 amount of passengers on that upper deck, but I don't recall how
20 Seastreak prevents people from going to the upper deck when it's
21 closed.

22 Q. And then from either your memory or the actions that you
23 took, is there any reason to believe why the temporary COI would
24 not have been issued to the *Seastreak Wall Street*?

25 A. No. The inspection went well, from what I recall. We

1 had no 835s to issue. We took the boat through full power trials,
2 full drills. My inspection, the scope of my inspection was quite
3 in-depth. I had no reason not to issue the temporary COI.

4 Q. Okay. And just to get it out there, that's a Coast
5 Guard 835?

6 A. Yeah, that's a --

7 Q. And can you describe what a Coast Guard 835 is?

8 A. Sure. The Coast Guard 835 is for the marine inspector
9 in the field who, again, is operating on behalf of the officer in
10 charge of marine inspection, and that's our ability to issue
11 requirements to a vessel. The requirements could be anything from
12 documentation requirements to lifesaving, to anything that might
13 be outside of the rules and regulations that the vessel is
14 required to have.

15 That gives the marine inspector the ability to determine
16 how long things can be outstanding. If it's a documentation not
17 related to safety, it could be 7 days, it could be 2 weeks. If
18 it's related to safety and if it's anything relating to life --
19 primary lifesaving, or bilge, firefighting, those are usually
20 prior to carrying passengers.

21 Q. Okay. Based on your experience, are vessel operators
22 required to fulfill the limitations listed on the temporary COI?

23 A. Yes. The COI is the operator's authorization to operate
24 within the limitations set in the routes and conditions in the
25 manning, in the lifesaving. And if, at any time the vessel's not

1 in compliance with that, they need to call the officer in charge
2 of marine inspection and report that.

3 Q. Is there a process that the Coast Guard has that will
4 maybe amend a COI prior to the reissuance of a COI, maybe during
5 that 5-year period?

6 A. Yeah. The Coast Guard has a Coast Guard Form 858, which
7 is used to amend an existing COI. Sector New York has a policy
8 letter for issuing those amendments. The amendments we also have
9 pre-signed by the officer in charge of marine inspection and we
10 typically use them for vessels that go through a dry dock within
11 their 5-year COI, and vessels in salt water are required to go
12 through one every 2 years. So to reduce the administrative burden
13 of issuing another certificate of inspection, we issue the
14 amendment form to facilitate that.

15 Q. And then would it be my understanding that come the
16 following COI, the inspector would take all of those 858s, the
17 Coast Guard 858s, along with the existing COI, and then make any
18 changes that were previously made over the previous 5 years and
19 correct the next COI?

20 A. Yeah, that's exactly how it should work.

21 Q. Or maybe not correct. Correct's probably -- amend.
22 Amend is probably a better word. The inspector would then amend
23 the next COI?

24 A. Right. In the case of dry dock dates that -- those
25 dates should be updated in the system already, so the temporary

1 COI will catch up with that. If there was any other kind of
2 amendments the inspector would collect first the COI and then any
3 858s that would go along with that, then you would verify that
4 your COI that you're issuing, the temporary COI that you're
5 issuing, captures the correct information from any of those
6 amendments that may have been issued previously, whether they're
7 for boiler dates or pressure vessel dates or dry dock dates.

8 Q. Okay.

9 A. So if the amendment is still effective, meaning that the
10 COI -- the new COI or the old COI don't have those numbers, I
11 would leave the amendment until I could get the corrected COI.

12 Q. Okay.

13 A. I can elaborate if that wasn't clear.

14 Q. No, no, that was crystal clear. Thank you.

15 Is there a process or a regulation that you're familiar
16 with, that if something adversely affects anything within that COI
17 that the operator is supposed to make notifications? Are you
18 familiar with --

19 A. Yeah. There's a -- in regulation, if they're not
20 fulfilling their COI, they must report that to the OCMI.

21 LCDR GROSSMAN: Okay. Thank you. I don't have any
22 other questions. Thanks.

23 BY MR. BOWLING:

24 Q. Hey, Scott, Larry Bowling with the National
25 Transportation Safety Board. I'm the assistant IIC and just kind

1 of working with Jon and his group. I've got a few quick questions
2 for you.

3 Tell me -- you mentioned your K-boat training.

4 A. Yes, sir.

5 Q. Tell me about your qualification board -- what kind of
6 process was that?

7 A. The qualification for K-boat, I received in Portland,
8 Oregon under the OCMI there. I was immersed in the shipyard and I
9 was going through several extensive deep draft vessel repairs and
10 modifications and full COIs. While I was doing that I was
11 pursuing the hull inspector qualification, the dry dock inspector
12 qualification, and I was previously assigned the T-boat inspector
13 qualification.

14 So the general hierarchy, and it doesn't have to follow
15 this, is T-boat is the smaller of the two small passenger vessels,
16 K-boat is the medium passenger vessel, and then H or vessels
17 inspected under Subchapter H are the larger ones, because they're
18 over 100 gross tons and they're not limited by passengers.

19 Because I was pursuing the H qualification and I met all
20 the requirements for H, that is 90 percent of the K-boat. So I
21 did several K-boat inspections and then I had one qualification
22 board in Sector Portland for K-boat inspector, hull inspector and
23 dry dock inspector.

24 Q. And that qualification board, tell me about that.

25 A. It was roughly around 5 hours. You sit down with pre-

1 designated verifying officers. They've been approved by the
2 command to sign off qualifications and to sign off my personal
3 qualifications for each item that's required for me to demonstrate
4 knowledge in. Roughly for -- there's hundreds of individual
5 signatures for each knowledge element within the, what we call the
6 Performance Qualification Standard Book.

7 So the board comprised of four senior marine inspectors
8 who were designated as verifying officers by the command. To be a
9 verifying officer you have to have -- not only hold the
10 qualification, but you -- it's recommended that it's a second tour
11 with the qualification, so it's not trainees training trainees.
12 And they've demonstrated the knowledge for the command to sit on
13 boards and to sign that stuff off.

14 Q. Right.

15 A. So during the board it was roughly 5 hours and the board
16 members asked me questions relevant to the qualifications and
17 scenario-based questions as follows.

18 Q. And then it -- after the board did you get a
19 qualification letter issued to you?

20 A. Yes, sir.

21 Q. Okay. Is that still part of your training file?

22 A. Yes, sir.

23 Q. And are there recency requirements? In other words, do
24 you have to go through refresher training for K-boat?

25 A. Right. Yeah, the Coast Guard has a recency program

1 that's relatively new and -- maybe it's 4 years old or so, that
2 requires -- once you achieve qualification you need to maintain
3 certification. I think it's annually you have to do at least one
4 inspection in the -- whether -- applicable to the type of vessel,
5 whether it's a T -- inspector under Subchapter T, Subchapter K,
6 Subchapter H, Subchapter I, you need to do one inspection to
7 maintain certification.

8 If you fall outside of that certification window,
9 meaning it's been more than a year, you need to do an additional
10 inspection with a verifying officer to ensure that you still
11 maintain the knowledge for that qualification.

12 Q. When was the last time you did a K-boat prior to the
13 *Wall Street*, the inspection on the *Wall Street*?

14 A. I couldn't tell you from memory. Fairly recent. I
15 would say within the last 3 months.

16 Q. All right. And you're current on your training?

17 A. Yes, sir.

18 Q. I want to ask you a couple questions related to the
19 temporary COI. Lieutenant Commander Grossman walked you through a
20 good scenario that laid out the concept of a temporary certificate
21 of inspection. But one of the things that Jon and both Lieutenant
22 Commander Grossman were getting at -- I'm just going to get
23 straight to the point there -- was this the document that was on
24 the bridge of that vessel on the day of the accident, invalid?

25 A. Yes.

1 Q. So am I correct in that all manning issues and
2 operational issues, including wave height restrictions and so
3 forth, should have been adhered to on the day of the accident?

4 A. Yes.

5 Q. Now, with the manning that was in place on the day of
6 the accident and the passenger count, was that vessel in
7 compliance with its temporary certificate of inspection?

8 A. I would need -- no. I mean, no. In order for them to
9 be compliant with the manning, they would have had to have closed
10 the upper deck. If they closed the upper deck, then they would
11 have been restricted as per their temporary COI to 299 passengers.
12 It's my understanding there was 320-

13 Q. 6.

14 A. -- -6 passengers. So if that was the case, then the
15 upper deck would have had to have been open which would have
16 required an additional deckhand.

17 Q. Okay. Now, the other document I want to refer to is an
18 unsigned copy of the 5-year cycle certificate of inspection dated
19 24 July of 2012 through 31st of July 2017. And is that the
20 document you were referring to, the COI that had not been issued
21 at this point or had not been signed?

22 A. Correct. That's a -- when I feel that I'm completed
23 with my casework on the deck side of it and I know that the
24 information, to my knowledge, is updated, I print that off for my
25 supervisor to review.

1 Q. Okay.

2 A. So in this case it went to Chief Warrant Officer Van
3 Hoyden. After him it would have gone to Mr. Castillo.
4 Mr. Castillo would review each line of that COI for its validity,
5 for any changes. He would check that based off of his experience
6 and the computer system and what we inspected, my narrative and
7 things like that. If there was any changes, he would either
8 return the case to me to be revised or in small cases he will make
9 the changes himself and continue routing the COI.

10 Q. Thank you. And I believe at least through some of your
11 responses, I want to say with Mr. Furukawa, you had indicated that
12 that section in the scope of the COI that's to be issued which
13 relates to the total number of passengers allowed being reduced to
14 29 factored in the deck, is that removed from the COI that's going
15 to be issued?

16 A. I'd have to discuss with Mr. Castillo.

17 Q. Okay.

18 A. From my knowledge, Mr. Castillo and Mr. Bevins had had
19 meetings about that item specifically.

20 Q. Okay.

21 A. Recalling only -- after these events, recalling those, I
22 do believe that the first and the second deck can accommodate the
23 499 passengers through seating, through deck space criteria, which
24 would change that 299 and make it 499.

25 Q. Okay.

1 A. Again, I think I would have mentioned before, is
2 originally their manning was set by their stability. Sorry.
3 Their total persons was set by stability. And with the new
4 stability test that gave them more passengers.

5 Q. When you're referring to the new stability test, you're
6 referring to the tests that were conducted, I guess, down in New
7 Orleans but actually ended up resulting in the stability letter
8 1201993 being issued dated April 19th, 2012? That's the most
9 recent stability letter that you're referring to? It's got the
10 506 -- or 505 total persons, which if you reduce 6 crew, would be
11 your 499?

12 A. No, sir. I have a new --

13 Q. You have a newer version than that?

14 A. -- a more -- newer version of that stability letter.
15 The test was conducted on July 3rd, 2012. The requirement came
16 after -- after they changed their modifications and removed their
17 engine, it was -- I don't know who made the determination then
18 but it required a new stability test to be conducted.

19 Q. Okay.

20 A. So I have one dated, that I used for my case.

21 Q. If I may take a look at that, please?

22 A. Absolutely. It's the bottom one. July 23rd the letter
23 was issued.

24 Q. Okay.

25 A. And on the, on the -- I think it said July 3rd there,

1 the test was witnessed.

2 Q. All right. I'll make sure you get this back too.

3 A. Certainly. I have copies. It's in our database. I
4 printed that right from the vessel file.

5 Q. Okay. We'll move on. I'll look at that and if we go to
6 a second round of questions --

7 A. Sure.

8 Q. -- I may do a follow-up on that. I'll take a quick look
9 at it. But were you lead on this particular --

10 A. Yes, sir.

11 Q. Okay.

12 A. Typically when we split -- when we do deep draft
13 inspections or when we do a two-person -- two half inspection
14 where the machinery person, the machinery inspector does the
15 machinery and the hull inspector does the deck, the hull is
16 traditionally the lead inspector.

17 Q. Okay. From the Coast Guard's standpoint as a marine
18 inspector, what are your expectations from a marine operator, such
19 as Seastreak, for use of their deckhands while the vessel is
20 underway?

21 A. Deckhands, when I do my crew competency, deckhands need
22 to be familiar with crowd control. They need to be familiar with
23 basic firefighting principles. They need to be familiar with man
24 overboard procedures. They need to be familiar with security
25 regulations and requirements for that. I test them on all of

1 those things while I'm doing my certification of inspection.

2 Q. Okay. Now, with the deckhands responsibility having, at
3 least per security manual -- and I have not seen Seastreak's
4 security manual -- but do they have outlined responsibilities in
5 that security manual that you're aware of?

6 A. In the security manual, yeah, they're required by
7 regulation. So their plan, not having their plan in front of me,
8 they would be required to have knowledge under the rules.

9 Q. Okay. What about the -- or would they be considered
10 safety-sensitive persons on board?

11 A. Absolutely.

12 Q. Okay.

13 A. Yeah.

14 Q. What is the officer in charge of marine inspections'
15 position with the deckhands having responsibilities for what I
16 would call hotel services, in other words, working the food and
17 drink bar on the vessel?

18 A. Uh-huh.

19 Q. How does that -- how does the Coast Guard view that from
20 a standpoint of ship's business versus other?

21 A. I couldn't say how the officer in charge of marine
22 inspection here views that. What I can say as an inspector, if
23 someone was in charge of hotel services that took them away from
24 their deck, that they're responsible for maintaining, where they
25 wouldn't be able to see -- for instance, if they had to work below

1 decks doing hotel services, that would be unacceptable.

2 Q. Okay. And when you completed the certificate of
3 inspection on the 24th of July, were you aware that the deckhands
4 on board the *Seastreak* had functions that were non-marine related,
5 in other words, that they worked the food and drink bar?

6 A. Yes.

7 Q. Okay. Let me follow up on the drills. You said you
8 held a man overboard drill and a fire passenger drill -- or a fire
9 drill --

10 A. Yes, sir.

11 Q. -- on board the vessel? Did you at all use the approved
12 operations manual as evaluation for how they were doing per the --

13 A. No, I did not, no.

14 Q. Okay. Did you use the manual at all during the
15 inspection to do any cross-verification that -- for example, the
16 master's got pre-start checks and some other checks, daily
17 readiness checks. Did you ask the master to show you what he'd
18 signed off on for the date of the 24th when you on there?

19 A. No, I did not.

20 Q. Okay. Had you been through this manual before to look
21 at the --

22 A. I have before. I don't remember seeing the manual that
23 day. I may have. As I stated before, there were so many new
24 manuals. There was new things going on with the safety test
25 procedures.

1 Q. Right.

2 A. I may have looked at the manual but I don't recall.

3 Q. Okay. On probably your temporary COI, there's actually
4 an insert on that under the scope of operations. And if you
5 wouldn't mind, read that on the record with regard to vessel
6 operations and crew training. Do you see that?

7 A. Yes, sir. "Vessel operations and crew training shall be
8 conducted in accordance with the High-Speed Craft Operations
9 Manual and Training Program marked approved by the OCMI, New York,
10 dated 25 October 2010."

11 Q. Now, why as a Coast Guard inspector do you put that
12 sound bite into the scope of operations on a COI?

13 A. I believe that's the recommended verbiage within the
14 NVIC issued by the Coast Guard.

15 Q. Would you be referring to NVIC 5-01, which is this
16 guidance on enhanced safety for high-speed craft?

17 A. Yes, sir.

18 Q. Okay. But from an expectation of the Coast Guard, and
19 you represented the Coast Guard as the senior inspector on the
20 vessel, when that clause is put into that scope of operation, is
21 it an expectation that the Coast Guard expects the marine
22 operator, whether it's Seastreak or any other high-speed craft
23 operator, to use those documents as guidance for daily operation?

24 A. Yes.

25 Q. Is that why that statement is actually put into the

1 COI?

2 A. I believe so, yes.

3 Q. Passenger accountability, non-crisis. What was your
4 understanding of passenger accountability and how the crew was
5 keeping count of passengers that -- passenger count on the vessel
6 before they pulled away from the dock or after they docked?

7 A. Right. I do remember -- I'm not sure if it was in the
8 *Wall Street* inspection -- it was a Seastreak inspection that I did
9 ask how they do the passenger count. I believe it's tickets that
10 are collected so they know the exact number of people and then
11 they call it into the office.

12 Q. Okay. Now, was it your understanding that a solid
13 passenger count was determined before the vessel left the dock or
14 afterwards?

15 A. Yes, before they left the dock and it's required to be
16 before they leave.

17 Q. And you say required. Required by who?

18 A. It's in regulation, in Subchapter K.

19 Q. Okay. Now, through the course of the investigation, I
20 want to say it was the mate, and for the record I'm not sure if I
21 got the -- who provided this, but somewhere along the line the
22 process ended that once the vessel was underway, a count was
23 developed based on the ticket count and it was taken up to the
24 bridge and texted or communicated to the Seastreak facility in New
25 Jersey. Would that meet the intent of the reg that you just

1 described?

2 A. No, sir.

3 Q. Why would that not meet the intent of the reg?

4 A. Well, there are several casualties linked to the
5 requirement for passenger count. And those -- that came about
6 because there were accidents and the Coast Guard didn't know how
7 many people to search for when the vessel was lost. So if the
8 vessel was away from the dock and they had an immediate accident,
9 catastrophic event, and if it was never conveyed to the office, we
10 wouldn't know how many people that we were looking for and when to
11 suspend the search.

12 Q. On a vessel such as the *Wall Street*, which has a sliding
13 manning scale based on passenger count --

14 A. Uh-huh.

15 Q. -- would it also be essential to get that to ensure that
16 your vessel is properly manned?

17 A. Yes, sir.

18 Q. With regard to the maximum wave heights, have you ever
19 had a situation that's come to your attention with the *Wall Street*
20 where the vessel has been operating outside the scope of that
21 limitation on the --

22 A. I'm not familiar with any event.

23 Q. Okay. What about through some earlier statements we
24 learned of, I want to say a couple of bottom, unintended
25 groundings or strikes of the propulsion blade on the sand, and

1 were you aware of any of those? Have you been made aware of any
2 of those marine casualties since the temp COI was issued?

3 A. Yes.

4 Q. Tell me what you know there.

5 A. I can't recall when it was. I was speaking to
6 Mr. Bevins, and it may have been on a different Seastreak
7 inspection or it may have been over the phone. And he did tell me
8 he was in the dry dock in May Shipyard replacing a blade on one of
9 the propellers.

10 Q. Okay.

11 A. I think that the boat had already been back in the water
12 at the time. I think it was over the phone we spoke.

13 Q. How did you handle that call?

14 A. I didn't. I assumed that it had been reported --

15 Q. Okay.

16 A. -- to the investigators. It's not uncommon that if it's
17 reported during the workday that I wouldn't have any knowledge of
18 it.

19 Q. Right.

20 A. Unless it was -- unless I was the duty marine inspector.

21 Q. Did you pull up MISLE to see if there was investigating
22 officer activity entered in there?

23 A. No, I didn't.

24 Q. Did you talk to anybody in the investigation shop to see
25 if it had been reported from Seastreak?

1 A. No.

2 Q. Are there procedures in place between the investigation
3 shop and the inspection shop where those communications are
4 expected to flow? In other words, if an investigator gets a call
5 over the weekend that -- you know, not necessarily *Wall Street* but
6 any vessel is involved in a marine casualty, that that data is
7 communicated to the inspection shop?

8 A. Yes, absolutely.

9 Q. How's that work?

10 A. They exist through the chain of command. There's
11 information passed daily at morning briefs. There's information
12 passed through text. In this case, I just wasn't the duty marine
13 inspector. I happened to be calling for other business.

14 Q. Right.

15 A. So, I guess, it didn't occur to me to run it down
16 further. We have a lot of casualties happen every day.

17 Q. Sure.

18 A. I'm certainly not familiar with any of them -- with even
19 a small portion of them. I'm only ones when I'm the duty marine
20 inspector or I'm the assigned inspector to go out and to survey
21 the boat.

22 Q. Okay. And I understand. I know New York's a busy
23 place. With that said though, when you ended the call on other
24 business, you did or did not provide any --

25 A. I did not.

1 Q. Okay. What about any other marine casualties that --
2 whether or how -- regardless of how they got to your desk, were
3 you aware of any other reportable marine casualties since the temp
4 COI was issued?

5 A. No. No, that was a -- no.

6 Q. Okay.

7 A. I think if this inspection was -- this inspection was in
8 July. I think that happened relatively soon after that and I
9 didn't --

10 Q. Okay.

11 A. -- I didn't take any other action.

12 Q. Two more questions and I'll be done. Some of the
13 earlier certificates of inspection did have the senior deckhand in
14 lieu of mate exemption that we've seen. The newer COI does not
15 have that.

16 A. Uh-huh.

17 Q. Do you expect the revision to have that clause on there
18 or is that something that's in your --

19 A. Right.

20 Q. -- is gone?

21 A. I would expect it to be on there. I don't add anything
22 to the routes and conditions or remove anything from the routes
23 and conditions without Mr. Castillo's permission.

24 Q. Okay.

25 A. That's something that I would bring to him if I noticed

1 it was not there or if I noticed something was there and, you
2 know, I thought should be removed. The only minor things I would
3 change is in this instance I changed the amount of children's
4 lifejackets from 41 to 51.

5 Q. Okay.

6 A. But I would never remove a condition that -- the way
7 that's been explained to me is that's specifically what the OCMI
8 is saying to the operator.

9 Q. Is that something that is still put on the -- within the
10 route permitted and conditions of operation text on the COI, or is
11 that something that's no longer put in there?

12 A. Oh, I believe it's still put in there.

13 Q. Okay. The final question I have is, what is your
14 understanding of the work/rest cycles for K vessels? In other
15 words, personnel serving in safety-sensitive positions such as a
16 master, mate and a deckhand?

17 A. Well, we put it directly on the COI. Any more than 12
18 hours in any 24-hour period, they're to be provided with an
19 alternate crew. I take that to mean that the crew cannot work
20 more than 12 hours in 1 day.

21 Q. Okay. Have you seen any guidance from commandant that
22 clarifies what rest is and work is?

23 A. I have before. I'm not familiar with what policy or
24 what -- where that guidance is specifically, but I do understand
25 rest to be not on board the vessel.

1 Q. Okay. And is that a general understanding with the
2 other inspectors?

3 A. I can't speak for them.

4 Q. Okay. Where did you pick that understanding up or
5 develop that understanding?

6 A. I think it was through someone who trained me.

7 Q. Okay.

8 A. I couldn't say who. These are just things, you know, as
9 a trainee that you ask questions when you're out in the field.

10 Q. Okay.

11 A. And that's how I think I became familiar with it.

12 Q. All right. What was your understanding of the watch
13 rotations for the master on the *Seastreak*?

14 A. I know that they had a morning run and an afternoon
15 run, and that during the space they weren't working -- I mean,
16 they went home or went somewhere else not on board.

17 Q. Did you have any conversations with the master during
18 the inspection to that extent?

19 A. No, not to that extent. It's not always part of my
20 inspections. Usually, like with an operation like *Seastreak*, you
21 become familiar with what their operation is. So I may have asked
22 it on a different inspection.

23 Q. All right.

24 A. But in this case I don't specifically remember.

25 Q. And I know I told you two questions. One just hit me

1 here. There's a deckhand on this particular vessel in the
2 accident named Mr. Soe. He's got some real nice engineering
3 credentials but he's serving as a deckhand per the COI.

4 A. Uh-huh.

5 Q. Did you -- was he on the vessel during the --

6 A. I don't recall.

7 Q. Okay.

8 A. No.

9 Q. All right. That's all I have.

10 MR. BOWLING: Mr. Furukawa?

11 MR. FURUKAWA: Okay. Okay. We'll go around and do it
12 again. Do you have anything further?

13 MR. BOWLING: Coast Guard has nothing further. This is
14 Bowling. Yeah, I have nothing further.

15 MR. FURUKAWA: Okay. Go ahead.

16 MR. REGAN: New York City DOT has nothing further.

17 MR. FURUKAWA: Okay.

18 LCDR. GROSSMAN: Coast Guard has one. This is
19 Lieutenant Commander Bill Grossman again with the Coast Guard. We
20 just have one question.

21 BY LCDR GROSSMAN:

22 Q. Try and go back in your memory. The date of the
23 COI inspection, did you say that you got underway with the
24 vessel?

25 A. Yes, I did.

1 Q. And you do drills, correct?

2 A. Yeah. And today this -- in that case we did full power
3 trials. So we were on the way, I think, for a minimum of 10
4 minutes at full power. That was Mr. Van Huysen's requirement for
5 his testing.

6 Q. Okay. Where were you located during those full power
7 trials?

8 A. I was on the bridge.

9 Q. So you were on the bridge with the captain?

10 A. Yes.

11 Q. Do you remember the name of the captain at the time?

12 A. I don't remember. Through discussions with Mr. Van
13 Hoyden, I know it was the same captain.

14 Q. It was the same captain?

15 A. Yes.

16 Q. So it was Captain --

17 UNIDENTIFIED SPEAKER: Reimer.

18 LCDR GROSSMAN: Reimer. So Captain Reimer.

19 BY LCDR GROSSMAN:

20 Q. Do you recall his proficiency?

21 A. Yeah, he seemed --

22 Q. Can you expand on that?

23 A. -- he seemed very proficient. He was particularly
24 excited about the vessel. He was the captain who brought the
25 vessel from New Orleans, and we discussed their trip on the way

1 up, up the coast of -- you know, up the coast of the Atlantic. He
2 seemed very knowledgeable about the boat.

3 Q. During -- whether or not during the full power trials or
4 at some point, at any point during the Coast Guard certificate of
5 inspection, was there a shift in the operating stations? Is that
6 a requirement?

7 A. It's not a requirement. In this case, there was a shift
8 and it's because the way that their rescue platform was set up,
9 the captain is required to be able to observe the victim in the
10 water. And where their rescue platform is, the captain needs to
11 go to either the port or starboard wing station to observe the
12 victim in the water, in this case the dummy.

13 Q. Would you happen to remember if it was a port side to or
14 starboard side to rescue?

15 A. It was a port side to.

16 Q. It was port side to. And then would they -- would there
17 be another occasion that the master would have to go to one or the
18 other operating stations?

19 A. Sure, for docking. For just increased visibility,
20 anytime you would need to see the side of the vessel, whether it's
21 for -- to line up mooring stations, you know, go ahead go, you
22 know, where the -- location of the brow, anything like that, it's
23 easily -- more easily seen from the wings.

24 Q. And then during all of these evolutions, did you remain
25 in the wheelhouse the entire --

1 A. I left the wheelhouse for a portion of the man overboard
2 piece. I was there for the power trials. I was there, I believe,
3 for the deployment of the victim and then I went down below to
4 watch and observe the crew members and how they interacted and how
5 they set up the equipment and recovered the victim from the water.
6 That's also a piece where I asked general first-aid questions
7 after the victim's on board the vessel.

8 Q. And is that some sort of like a Rescue Randy that gets
9 thrown overboard?

10 A. Yeah. We have two styles that we use. One is a square
11 buoyant material and then there's a larger one that's more a
12 manikin. In this case, I believe I used the square smaller one.

13 Q. Okay. And, again, going back to your memory, I'm going
14 to ask that -- did the master seem proficient when he was
15 switching either from the center -- and I don't want to put words
16 in your mouth, but -- and correct me if I have a different visual
17 here, but I assume that he's typically operating from the center
18 control station and then he'll move to either the port or to the
19 starboard side operating station based on the given event, whether
20 it be the recovery of the Rescue Randy or the buoyant apparatus,
21 or mooring up?

22 A. In this case, I wasn't there for the man overboard
23 because I had already gone below to observe the crew. I stated
24 that he was on the port wing because I was observing him from
25 where they were picking the victim up, so I was able to see him

1 there. So I couldn't speak to that.

2 From my memory, I think he did need to go to the wing
3 station when he moored back up to the facility when we returned,
4 which, if I recall -- I guess my -- if I just consult my
5 narrative. I believe we were moored port side to that day is what
6 I put in my narrative. So he would have had to have gone back to
7 that wing station. But I couldn't -- no. That day we took the
8 boat back and we moored it in a different spot than when we left.
9 We put it in their other dock where they put the smaller boats.
10 So I couldn't say what station he went to then. But I do remember
11 we went to a different dock after we came back.

12 Q. And just to recap everything. Based on your experiences
13 and your qualifications and everything that you've gone through to
14 become a qualified inspector, on the date of the inspection
15 was there any reason to believe that the captain wasn't
16 proficient?

17 A. No. There was no reason to believe that at all.

18 Q. And I think I asked it earlier, but based on that
19 inspection that given day, was there any reason to believe that
20 the COI shouldn't have been issued to Seastreak for the *Seastreak*
21 *Wall Street*?

22 A. No, absolutely not. The vessel was in full compliance
23 on that day.

24 LCDR GROSSMAN: I have no other questions.

25 MR. FURUKAWA: Okay. Let's see. This is Jon Furukawa,

1 NTSB.

2 BY MR. FURUKAWA:

3 Q. You said that the children's lifejackets were increased
4 from 41 to 51?

5 A. Right.

6 Q. Why was that?

7 A. What the regulations require is a minimum of 10 percent
8 of children's lifejackets be provided for the total complement of
9 persons on board. So when we increased to -- passengers to 399
10 passengers, 405 total persons, we increased -- we had to increase
11 the number of children's.

12 Q. Okay. Is there anything on the COI of operating speeds
13 or any operating drafts of the vessel?

14 A. They have operating drafts here on their stability
15 letter.

16 Q. Okay.

17 A. There is nothing on their COI that discusses operation
18 speeds.

19 Q. Okay. Do you have that stability letter? Do you know
20 what the draft --

21 A. Yeah. The draft and trim, amidship says 6 feet, 7½
22 inches.

23 Q. Okay. Okay. Thank you very much.

24 And getting back to the day of the incident, with the
25 upper deck closed, the vessel should have been limited to 299

1 passengers?

2 A. In accordance with the temporary COI, yes.

3 Q. Temporary. But if they had opened it?

4 A. They would have been able to carry as many people --

5 Q. Carry as many people --

6 A. -- as required by the COI, which is 499.

7 Q. With five crew or six crew? Okay.

8 A. That would have been with four deckhands, one master,
9 one mate, a total of six.

10 Q. Okay. Okay, and for the temporary COI that was going
11 through the chain process on the day of the accident, that has
12 been approved or --

13 A. The temporary COI has not been through my administrative
14 chain of command.

15 Q. Okay.

16 A. That was issued by me. The full term 5-year COI has
17 been drafted, not signed or reviewed. It has not been reviewed by
18 the administrative chain of command yet.

19 Q. Okay. Well, but it was the temporary COI that was -- is
20 that right -- the question?

21 MR. BOWLING: I think for the record, Jon, let's move
22 on. But I will clarify it. The temporary COI is a document that
23 the Coast Guard has established on the interview here that is
24 issued for a small duration, in this case a year.

25 MR. FURUKAWA: A year.

1 MR. BOWLING: So what will happen is they will come back
2 in and then they generate the full term COI, which is a 5-year
3 cycle COI.

4 MR. FURUKAWA: Okay.

5 MR. BOWLING: That COI is laying on a desk still being
6 edited.

7 MR. FURUKAWA: Okay.

8 MR. BOWLING: So, for all intents and purposes, the
9 vessel was operating under the authority of that temp COI,
10 regardless of whether that manning will be reduced --

11 MR. FURUKAWA: Okay.

12 MR. BOWLING: -- when the original -- or when the 5-year
13 cycle COI is issued.

14 MR. FURUKAWA: Okay.

15 MR. BOWLING: So it was in effect the day of the
16 incident.

17 BY MR. FURUKAWA:

18 Q. Okay. So it's already dated, but it's still making its
19 way through the chain? So it's in effect?

20 A. Yes, sir. The dates don't change.

21 Q. Okay.

22 MR. FURUKAWA: Okay. And that's all I have. One last,
23 anybody?

24 MR. BOWLING: Seastreak?

25 MR. BEVINS: Yeah. I actually just have two quick

1 questions.

2 BY MR. BEVINS:

3 Q. Who was it that had the authority to change the manning
4 on the COI?

5 A. The officer in charge of marine inspection.

6 Q. Which is?

7 A. Commander Messmer, and Mr. Castillo would be the first
8 person in that link.

9 Q. In that link. Okay. And on the day of the inspection,
10 or the initial inspection for the COI there, did you perform a GA
11 verification --

12 A. Yes, I did.

13 Q. -- for the (indiscernible), right?

14 A. Yes.

15 MR. BEVINS: That's all. Thank you.

16 MR. FURUKAWA: So it is 12:03, Monday, January 14th, and
17 that's it for the interview with Mr. Thoresen.

18 MR. BOWLING: Scott, thank you very much.

19 CWO THORESEN: Thank you, sir.

20 (Whereupon, at 12:03 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: *SEASTREAK WALL STREET* ALLISION
WITH PIER 11 IN NEW YORK, NY
ON JANUARY 9, 2013
Interview of Scott Thoresen

DOCKET NUMBER: DCA-13-MM-005

PLACE: New York, New York

DATE: January 14, 2013

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Cheryl Farner Donovan
Transcriber