

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE AND GROUNDING OF THE *

RO-RO P/V *CARIBBEAN FANTASY* OFF *

Accident No.: DCA16FM052

SAN JUAN PUERTO RICO AT 0744 *

ON AUGUST 17, 2016 *

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Interview of: GUSTAVO ABAROA

Tuesday,
January 17, 2017

APPEARANCES:

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National Transportation Safety Board

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A.T. CHENAULT
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I N T E R V I E W

(2:14 p.m.)

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3 CDR [REDACTED]: Good afternoon, everybody. This is Commander
4 [REDACTED] [REDACTED] with the U.S. Coast Guard. This is an interview with
5 Gustavo Abaroa with Baja Ferries. This is in regards to the
6 incident on the *Caribbean Fantasy* in August. Today's date is
7 January 17th. The time is 1414 Eastern Standard Time here in Fort
8 Lauderdale. We're at the Cruise Ship National Center of
9 Expertise.

10 In the room with me to my left is?

11 LT [REDACTED]: Lieutenant [REDACTED] [REDACTED], U.S. Coast Guard.

12 MR. ABAROA: Gustavo Abaroa, DPA, with Baja Ferries.

13 MR. RIVERA: Ramon Rivera for the P&I.

14 MR. CHENAULT: A.T. Chenault for Baja Ferries.

15 CDR [REDACTED]: And then on the phone we have?

16 MR. TUCKER: Adam Tucker with the National Safety
17 Transportation Board.

18 CDR [REDACTED]: Nancy?

19 MS. MCATEE: Nancy McAtee, NTSB.

20 CDR [REDACTED]: Carrie? Is Carrie still on the line?

21 Okay, not hearing Carrie. How about [REDACTED]?

22 LTJG [REDACTED]: This is Lieutenant Junior Grade [REDACTED],
23 [REDACTED], from Sector San Juan, Puerto Rico.

24 CDR [REDACTED]: And is anybody in the room with anyone on the
25 telephone?

1 MS. BELL: Can you guys hear me? Carrie Bell on the line.

2 CDR [REDACTED]: Now we hear you, Carrie.

3 MS. BELL: Okay.

4 CDR [REDACTED]: Okay. I'll start out the interviews, and then
5 we'll go around. We'll do short bits of -- so we can keep the
6 subject matter specific.

7 INTERVIEW OF GUSTAVO ABAROA

8 BY CDR [REDACTED]:

9 Q. Gustavo, first, if you don't mind providing us your
10 employment history and your professional expertise regarding
11 maritime operation?

12 A. Yes. I was in nautical school in Mazatlan, Mexico from 1963
13 to 1968. Next year I will have my golden anniversary, hope.
14 After school, I went out as -- well, in Mexico we call this
15 (untranslated). That's a junior officer devoted to engine room.
16 Made my practices and professional examination, and got the degree
17 of second engineer and the naval mechanical engineer.

18 Was sailing in several companies, and always with a Mexican
19 flag: the tankers, general cargo vessels, car ferries. Well, not
20 cargo, ro-ros, passenger ferries. Filled the chief engineer
21 position. Sometime after work I was in charge in a ferry boat
22 company, government-owned. The name was (untranslated). I was in
23 charge of the naval engineering department in charge of the fleet
24 maintenance, and the company closed because decision of the
25 government.

1 Then the position of this company or the business of this
2 company was taken by a private-owned company which name was
3 (indiscernible) Ventura, California. Has eight vessels -- seven
4 vessels. All of them were ro-ro passenger, different routes
5 working with the -- between Mazatlan and La Paz, Topolobampo and
6 La Paz, and Guayamas and Santa Rosalia. This is all in the West
7 Coast of Mexico, and going from mainland to the Baja, California
8 peninsula.

9 And after in (indiscernible) Ventura, California, I was
10 technical manager. Afterwards, I was working with the shipyard in
11 charge of commercial repair. That was about from '91 to '95. And
12 after that, I was involved in the personal business as chief
13 repairer with ultrasonic measurement for vessels, diesel engine
14 repair, stack boats repaired in dry dock. That was not from out
15 own. It was hired from another company, but the repairs was done
16 by our self.

17 And after, in 1999, I came back to (indiscernible) in
18 Ventura, California as technical director. Since the companies
19 were moving and replacing one to each other, the capacity of the
20 vessels of (indiscernible) was short. So there came another
21 company. Someone, shareholders worker (indiscernible) and in the
22 new company. So I came to California (indiscernible). We had the
23 work building catamaran for passengers only, and with Linea
24 California, which had two ro-ro vessels, no passenger.

25 When the time came, I think the vessels the *California Star*,

1 which actually is working Mexico in the route between the mainland
2 and the La Paz -- this vessel was built in 2002 and now belongs to
3 Baja Ferries. I think the owners were changing it from one
4 company to another. At the end of the day, I came to Baja Ferries
5 as technical manager. The company decided to hire the technical
6 administration of the vessel and put a foreign company to do it.
7 So I was about to be unemployed, and I had the opportunity to
8 change to another company, the company here, and I came as
9 technical director and DPA of Transport (indiscernible)
10 California. That was about 2003 to 2007.

11 In 2007, change again the situation again of Baja Ferries.
12 They started growing and they require more people. By that time,
13 the technical and management was back in Baja Ferries, so they
14 gave me a call. We made an agreement and I came back to Baja
15 Ferries. That was in 2007 to 2013.

16 In that time I was chief superintendent who was in charge of
17 the *Chihuahua Star*, which now is named *Caribbean Fantasy*. In
18 2011, the *Chihuahua Star* went to dry dock. I made the dry dock as
19 superintendent in Panama, and released the vessel to a good
20 superintendent who go to work in a charter basis between San Juan
21 and Santo Domingo. By that time the company, Baja Ferries, has
22 another vessels in Mexico, and I was in charge of one of them.

23 I retire in 2013, in May, with the proper age, but the
24 company called me in 2014 and came back to business again. And
25 since then, I am the -- from 2014 up to date, was in April about

1 -- at the beginning of April, we took over the management of the
2 *Caribbean Fantasy* from these ships to Baja Ferries. The agreement
3 in which it was that they would provide us the safety management
4 system that they were using, and my job was to adapt this to Baja
5 Ferries, and it's minor changes. For example, the -- this ship
6 uses a software named the Ship Shore. With this software they
7 control inventories, requisitions, purchase orders, maintenance
8 reports, whatever, all related to the vessel. But Baja Ferries
9 didn't buy this system. So that's one of the things I had to
10 remove from the system from the ship.

11 And since April 2014 up to date, I have been the DPA of the
12 *Caribbean Fantasy* and DPA of the vessel in Mexico where we have a
13 different system. This system in Mexico was already running, and
14 now we are in the process to switch from the system that we have
15 in Mexico in Spanish (indiscernible) because we are flying the
16 Mexican flag and the working language is Spanish. So we are in
17 the process to adapt the system from the *Caribbean Fantasy*
18 translated it into Spanish to be implemented in the Mexican flag
19 vessel.

20 Also, we are in the process now of a deep review of the
21 system of the *Caribbean Fantasy*. We have found some things that
22 we have to improve, and now with the incident that we have in
23 August 17th, we are taking notes of things that we should improve.
24 And in short time, that's me.

25 Q. Thank you very much. And who do you report to?

1 A. CEO of Baja Ferries.

2 Q. And what's your relationship with the technical
3 superintendent?

4 A. I have no seniority over him, but we have communication. We
5 communicate very often because there are some things which are
6 related from my job to his job and likewise from his job to my
7 job.

8 CDR [REDACTED]: Okay. Thank you very much. I don't have any
9 further questions regarding his employment or professional. Does
10 anyone have any comments or questions?

11 LT [REDACTED]: No questions U.S. Coast Guard.

12 UNIDENTIFIED SPEAKER: No questions.

13 MR. RIVERA: No questions P&I.

14 CDR [REDACTED]: Adam?

15 MR. TUCKER: Yeah.

16 BY MR. TUCKER:

17 Q. Adam Tucker, NTSB. Gustavo, thank you very much for speaking
18 with us. It was a pleasure to meet you last week, and I'm sorry
19 that I can't be there in person to see -- to speak with you
20 face to face as planned.

21 I know we spoke briefly on it, but I'd like to get it on
22 record. I understand -- we spoke last week, but I want to get a
23 bit of clarity on this. So the company is in Mexico, but then
24 there's a U.S. company, and then there is a technical management
25 company in France. Could you explain that kind of relationship,

1 how things work?

2 A. Yes. There was, maybe 2014 or somewhere there, the Baja
3 Ferries was trying to buy rollback boats which were training in
4 France in Marseilles. And this company was SMCN [sic] or
5 something like that. That was a government-owned company or
6 partially owned. They have five or six vessels. We bought, Baja
7 Ferries bought one of them, ex *Monte Cinto*, which became
8 *Mata*(indiscernible).

9 The idea of Baja Ferries France I understand because I have
10 no -- you may understand that the decisions of the owner sometimes
11 come to one and a partial only. But as far as I understand, the
12 idea was to buy the vessels of this company in Marseilles and hire
13 some guys which were working with that of government or partially
14 owned company. They became three persons. One is Nicholas
15 Carion, Eric Brionne -- Nicholas Carion you already have notice of
16 him as a technical manager and acting as superintendent now. Eric
17 Brionne, which is in charge of purchasing in Europe. Another guy,
18 Robert Mulic (ph.), was in charge of logistics and things like
19 that. For reasons which I don't know and I could not explain,
20 this business was not -- didn't land. But Baja Ferries hired the
21 three guys so they remain as France service.

22 When the *Caribbean Fantasy* required to go to dry dock that
23 was in April 2016, there was a technical superintendent based in
24 La Paz with the vessels which were running in Mexico. There was a
25 technical director based in China with another vessel. This is

1 the *Baja Star*. They made -- removed all the accommodation and
2 install all new. That took about from November to end of April
3 beginning of May, maybe. And that was a big investment and a big
4 job, so would require a superintendent to take the *Caribbean*
5 *Fantasy* to dry dock.

6 Then came on scene Nicholas Carion, and he was assigned to
7 this task. That's the relationship. Nicholas Carion report to
8 Salvatore Bilardi, which is the technical director, and reports
9 also to the owners in Miami. That's the way they like to work,
10 and that's it. And I don't know if I am clear with this answer,
11 but that's what I know.

12 Q. Okay. And so just to clarify, the day-to-day management of
13 the ship is run mostly from what office? Is it Mexico or U.S. or
14 kind of everywhere?

15 A. No. The day-to-day is in hands of Nicholas Carion. Always
16 followed by the owners and by La Paz. And La Paz is the
17 headquarters of Baja Ferries.

18 MR. TUCKER: Okay. All right. That paints a picture. Thank
19 you very much. That's all the questions I have for now.

20 MR. ABAROA: Okay, Adam.

21 LT [REDACTED]: Is there anyone else on the line that has
22 questions?

23 MR. BOWLING: Commander [REDACTED] and the rest of the team,
24 this is Larry Bowling. I'm actually at the National Safety
25 Transportation Board Headquarters in D.C. I arrived late. But I

1 have no questions at this point. Thank you.

2 LT [REDACTED]: Nancy or Carrie or [REDACTED] for Mr. Abaroa's
3 background.

4 MS. McATEE: I have no questions.

5 LTJG [REDACTED]: I have no questions either.

6 CDR [REDACTED]: Okay. Following up with -- we're going to go
7 into -- I would say we'll start with maintenance of the engine.

8 BY CDR [REDACTED]:

9 Q. What kind of work do you do or monitoring or maintenance of
10 the engine?

11 A. Basically following the manufacturer's instructions. And
12 there are all the -- here there is different opinions of how to do
13 it, because how we do it is (indiscernible) and the main component
14 by -- each by one by one.

15 In the Class records there is two systems. One is the
16 continuous service machinery, and the other one is the other
17 machinery at (indiscernible). Some companies prefer to do all
18 together in dry dock because they don't expect any stoppage during
19 one dry dock to the next one, just small jobs. But in our
20 experience, we prefer the continuous survey of machinery because
21 we have -- in the weekends we have time to remove one cylinder,
22 make repairs, adjustments, clearance, measurements or whatever, if
23 needed, according the running hours of each component.

24 By example, if we go from the cylinder head, we have the
25 exhaust valve, which are (indiscernible) type. So we can remove

1 exhaust valve, install already, repair or fix the valve and
2 continue on the cylinder, the injector fuel valve, the same story.
3 We used to have a spare or whatever (indiscernible), just remove
4 one and install another one. And we go in that way all the way
5 down to the crankshaft.

6 Each component has the frequency required to do maintenance,
7 and we are talking about normal maintenance which, for example,
8 6,000 hours for a cylinder head. But if there is some problem in
9 between, will be done when is necessary. And the crew members are
10 already -- they are qualified and have the special tools required
11 to remove, to loose nuts which are hydraulically operated.

12 And we combine sometimes the experience with the engine
13 because is not the same. When the manufacturers write the
14 instructions book they are in certain condition. But in Mexico we
15 have a kind of fuel oil. In Puerto Rico it's another one. So
16 chief engineer has to make some adjustments according to
17 experience of how the frequency is okay or he has to do in shorter
18 period of time or he can leave a little bit more. But always is
19 everything is recorded. Mostly following the instructions of the
20 manufacturer. Something to clarify?

21 Q. No. That's perfect. Thank you. You mentioned all the crew
22 are qualified. Who hires the qualified crew?

23 A. The crew management. We have in Miami -- previously Baja
24 Ferries USA had a crew manager, which was employee of the company,
25 and she was in charge of the selection and hire of the crew. Now

1 this is a service outside of Baja Ferries. Remained the same
2 person with his own staff, and they continue hiring the crew
3 member. There was (indiscernible) on scene, the Ocean, another
4 company which already does technical management and crewing also.
5 They started working with Baja Ferries maybe on July -- July,
6 August last year just was starting.

7 Q. Okay. So how do they know who you need, what kind of people
8 you need? Do you tell them or are they going off of a standard
9 crew list?

10 A. They send the qualifications of the candidates and they are
11 analyzed by the company, the higher level, at least, and they are
12 hired.

13 Q. Okay, great. Thank you. In regards to the -- you were at
14 the lab with the flange and the pipe.

15 A. Um-hum.

16 Q. How -- is that part of the maintenance on the engine, that
17 flange and link that get routinely maintained?

18 A. It's a routine maintenance. Any leaks will be stopped and
19 controlled as soon as possible. Sometimes is not possible. For
20 example, the leaks in the crank case covers, they are not very
21 big, cause problems with gear shift. And when we have Coast Guard
22 on board they see gear shift dirty, oily, and that's a problem.
23 This is normal maintenance.

24 Q. Okay. Do you have any idea when the maintenance on that
25 flange had been last conducted?

1 A. No idea.

2 Q. Is that something that's tracked?

3 A. Some abstract?

4 Q. Does the company or you or someone, does someone track when
5 that maintenance is supposed to happen or is that not on the
6 maintenance list?

7 A. No, it's not considering a main item because the maintenance
8 of the engines are considering from turbocharger, cylinder head
9 with all its components, down to the crankshaft passing through
10 the cylinder liners connecting rolled bearings, all of these
11 components. But not the specific task to do, for example, change
12 gaskets of flanges each so many hours, there's nothing completing
13 like that.

14 Q. And when the maintenance is completed, who tells you?

15 A. Monthly reports.

16 Q. Monthly report.

17 A. We have the control, because we have the working hours of
18 each component and how it's coming -- is going to be due the next
19 part and has to be maintained.

20 Q. And who reports that to you?

21 A. Chief engineer.

22 Q. The chief engineer.

23 A. Chief engineer, and reports to superintendent.

24 Q. Okay. Is that the same process for your lifesaving systems
25 or no?

1 A. It is the same process, but not comes from the chief
2 engineer. This comes from the safety officer.

3 Q. Okay. Safety officer.

4 A. Yes. Lifesaving appliances are another type. Only when
5 there are jobs together between safety officer requires the
6 assistance of one engineer, then they come together. But their
7 reports come from the safety officer.

8 CDR [REDACTED]: Okay, thanks.

9 That's all the questions I have regarding the engine and
10 engine maintenance. I'm going to go around the room.

11 LT [REDACTED]: No questions, Coast Guard.

12 MR. CHENAULT: No questions, Baja Ferries.

13 MR. RIVERA: No questions, P&I.

14 CDR [REDACTED]: Adam?

15 MR. TUCKER: Yeah.

16 BY MR. TUCKER:

17 Q. Again, Gustavo, thank you. Adam Tucker with the National
18 Transportation Safety Board.

19 A. Yes, Adam.

20 Q. Yeah, just related to planned maintenance and the sending of
21 information, shore-side reports, and we mentioned machinery comes
22 from the chief engineer, hours-based a lot of it, and safety
23 officer sends over the status of lifesaving and firefighting
24 equipment, et cetera. Just is there any process in place for any
25 type of unplanned maintenance or unexpected technical problems on

1 board, for communication of that to shore side?

2 A. Is there any process, you mean --

3 Q. Yeah.

4 A. -- for things which are not scheduled?

5 Q. Yes.

6 A. There's a way to report things which are not I would say the
7 maintenance performed to some part of the vessel, which is not
8 controlled by running hours, by example, and this should be
9 reported. But this is according to the criteria of the chief
10 engineer. There are many jobs done on board, which are not
11 reported officially. Let's say there is no report which is
12 written removal of line flange and put (indiscernible), install
13 new gasket and tighten and test and everything found in order.
14 There's many jobs we have done on board, and they are not reported
15 because they are common maintenance things.

16 For example, leaks in the crank exhaust. Request remove the
17 covers, replace gasket or a bonding silicone and pack and then
18 that's it, finished. Other jobs like disassemble the main
19 starting air compressor, that's requires a report specific.

20 Q. Okay. And I wanted to clarify the hiring of deck and engine
21 crew. So I understand that it's to a crewing agency, but I wanted
22 to clarify. Does that include hotel crew as well or are they from
23 a different agency?

24 A. The crew hotel is hired by the -- in the case of the
25 *Caribbean Fantasy* is hired by the charters. However, the same

1 crew manager was hiring the crew also. Previously, was done by
2 the ship, but in the last days was by the crew manager, the same
3 one which hire the deck and engine crew. And this is only a
4 commercial matter. I don't know which -- how is written the
5 charter part, but the charter provides hotel crew. The owner
6 provides deck and engine crew. And that's why only, that is the
7 only reason. Why they doing the charter (indiscernible) that way,
8 I don't know.

9 Q. That clears it up, though. Thank you. And are there any --

10 A. You're welcome.

11 Q. -- exceptions to that? Is it all the crew from the same crew
12 manager or are some hired individually? If you don't know, that's
13 okay.

14 A. No. Some crew members came from (indiscernible), the crew
15 manager, and some other one, the engine officer, came from Mid
16 Ocean.

17 Q. Okay.

18 A. Yes, that's it.

19 Q. And I'm aware that the official language on the ship is
20 English, but is there any consideration given to the hiring of
21 deck and engine crew for their knowledge of Spanish?

22 A. We have many problems with that matter, and because there was
23 no -- how I would say? There were crew members which were not
24 communicating sufficiently in English, and we started with a
25 program doing them the -- there is an Internet test which they

1 were taking, Marlin. So they should make the test and pass at
2 least 70 percent, I think, to be hired. I think this matter was
3 solved with that situation.

4 Q. And with respect to the officers, the deck and engine
5 officers, is that the same? Do they have to do the Marlin test as
6 well?

7 A. Well, they did, but with deck and engine officers was not
8 nothing to concern because they communicate in English regardless
9 their mother language. Because we have the Ukrainians and the
10 Panamanians, French, there were Greeks we had also
11 (indiscernible).

12 MR. TUCKER: Okay. That's all the questions I have for now.

13 BY LTJG [REDACTED]:

14 Q. This is [REDACTED] [REDACTED], Coast Guard, from San Juan, Puerto Rico.
15 I had a few questions just to follow up on the maintenance report
16 that you receive from chief. You had stated that you receive
17 monthly preventative maintenance reports.

18 A. Yes.

19 Q. Those are based on like engine hours or whatever the
20 manufacturer suggests. And so preventative maintenance you're
21 just doing maintenance to prevent any type of failure in the
22 system. Do you have anything in place for corrective maintenance?

23 For example, if your jacket water for whatever reason, the
24 coolant -- the temperature starts going up really high and the
25 engineers, they have to do something to figure out what's wrong

1 with it, would they provide any type of report of, hey, we had
2 this issue with this system that we had to correct? Do you
3 receive those reports as well?

4 A. No, that I remember. There was a common issue upon arrival
5 to Santo Domingo, the (indiscernible) was the vessel that goes
6 alongside, very dirty. Comes down with -- the water is like
7 chocolate and it comes, it's very -- there's too much garbage in
8 it. So the sea chest filter very often was clogged, and many
9 times was necessary to start switching from one sea chest to
10 another and clean immediately doing it manually. But that's the
11 extent what I remember right at the moment. But not other, that I
12 could say the temperature of one cylinder is increasing and there
13 is no idea of why. No, nothing like that.

14 Q. Thank you. That example that I gave you was just a general
15 example and not necessarily specific to the overheating of the
16 jacket water. The reason why I asked that, the starboard engine
17 had a similar issue at the port with a (indiscernible) gasket
18 where it was also leaking fluid from it. And they did the
19 maintenance on board and they were able to fix the problem. Were
20 you aware of that or was that -- did they notify you of that
21 corrective maintenance that they had? You can't really consider
22 that preventative maintenance because it's not something that you
23 would schedule for.

24 A. No. It was not reported to me. And that happened, we have
25 the Coast Guard inspection -- I think it was on the 8 or 9 August.

1 I was on board in San Juan, and we sail from San Juan to Santo
2 Domingo. The next normal schedule of the vessel, I think it was
3 Wednesday. Let me see a calendar just to -- it was August 9th we
4 had the -- August 9th we were in San Juan. We left August 10,
5 which was Wednesday. And I disembarked in Santo Domingo on August
6 11. After when this incident happen, then I had notice of this
7 gasket in the starboard side which fail, but not before.

8 Q. So you received notification after they completed the work?

9 A. No. I did not receive notification. I knew when we were
10 talking about the -- what happened, I had notice of it happened
11 previously in the other engine.

12 Q. Okay. So would it be fair to say that you guys do have a
13 system in place to report monthly preventative maintenance, but at
14 this time you don't have a system in place to report corrective
15 actions?

16 A. No, no report in this regard. And I don't want justify
17 anybody, but maybe chief engineer consider this as a normal
18 maintenance and didn't pay -- didn't give the more value.

19 LTJG [REDACTED]: Understood. Thank you, sir. I have no
20 further questions at this time.

21 MR. ABAROA: Yes. Thank you.

22 BY MS. BELL:

23 Q. This is Carrie. Can you hear me?

24 A. Yes.

25 Q. Okay. This is Carrie from NTSB. Just a couple of questions.

1 You mentioned that the crewing manager has all the qualifications
2 for the crew. Who puts the qualifications together for hiring the
3 crew?

4 A. When they comply with STCW they are investigated by the --
5 his background, by the crew manager. If they comply with this,
6 they are hired. Because if you follow the background of people
7 and then consult the previous employers, we can find what's the
8 truth about his job or his performance.

9 Q. You had mentioned something about the proficiency test for
10 the hotel crews. I wasn't sure if that was something that was
11 added as qualifications for the crew based on what you had found
12 to be an issue before. So I was curious if there were other
13 qualifications that you might add on to STCW requirements to
14 ensure that your crew has everything they need for specific duties
15 they are required to have on this ferry. So nothing other than
16 that.

17 A. No, nothing. For example, what you refer to is we could say,
18 I need the person, engineer which are experienced with this type
19 of engine. So something like that. Is that the idea?

20 Q. Yes. Anything that might have to do with that and, you know,
21 like the language issue, if that was something that you were
22 including with the deck and engine or it was just the hotel crew
23 like you said. So did you see that as an issue, you know, during
24 your safety meetings, would that be something you might add to
25 your qualification list?

1 A. Yes, you're right.

2 Q. But you guys don't currently do that. Do you have any -- do
3 you review the qualifications on a regular basis and decide if
4 you're going to add anything new based on issues that you have?

5 A. Yes. For several years we have most (indiscernible) with the
6 crew. There was one, they went on vacations and came back on
7 board. That was giving the confidence to do it. For example, we
8 have two Greek captains, and there was one off and one on. They
9 already knew the vessel. Sometimes was not possible to have them
10 on board and substitute by other one, and now the company started
11 with the French captains, which are working and I think that they
12 are working well.

13 Q. And you mentioned the safety officer. Are they required to
14 conduct regular safety meetings on board the ship?

15 A. Yes. They have to do every month.

16 Q. And do you get a report of that?

17 A. Yes. I receive reports of them. Just between the long
18 period of dry dock, the situation was different. All of them was
19 involved in the, mostly in the repairs of the vessel. It took
20 about, I think, for 3 months. Yeah, about 3 months they took in
21 dry dock, going and coming back, because the dry dock was in
22 Tunisia.

23 Q. That's all the questions I have. Thank you very much.

24 A. Yes. And I am taking notes of your comment regarding the
25 qualifications. That's something I will discuss in the company.

1 And thanks for the comments.

2 MS. BELL: Sure. Thank you.

3 BY MS. McATEE:

4 Q. This is Nancy McAtee from the NTSB. I just have a couple of
5 questions. You said that the safety officer was responsible for
6 inspection and preventative maintenance of the life safety
7 systems. Does that include the fire protection systems?

8 A. It depends. For example, CO₂ system we don't touch. We just
9 hire a qualified company, an approved one by the Class, and they
10 do the service. The only thing that's done regarding CO₂ is that
11 it be available and be certified. Regarding other type of
12 firefighting systems, like drencher, this is tested I think twice
13 a month, different section.

14 And regarding the sprinkler for the accommodation, it's
15 inspected each section. They have the pressure gauges, and there
16 are some procedures to test each one of the sections to make sure
17 that it's available when it's needed. Also the -- in the
18 sprinkler, a pressure tank which holds the fresh water to start
19 the -- when required deployed is also inspected.

20 And portable extinguishers, they are inspected all around a
21 month. Also the valve, they inspect all around the month. What
22 else? Blankets in the galley available, they just -- they just
23 pull down and cover fire if needed. The fire protection system of
24 the galley, there is a CO₂ system, just a small one just for the
25 (indiscernible), and there is another system above the deep fat

1 fryers, which is already available also to (indiscernible) in the
2 galley. And I think that's all for firefighting.

3 And the high pressure level of the main -- the engine room,
4 and one CO₂ bottle, which is in the space of the purifier. This
5 is also certified by the company.

6 Q. All right. So let me be sure I have this correct.

7 Particularly the CO₂ systems.

8 A. Yes.

9 Q. The high pressure mist system.

10 A. Yes.

11 Q. The galley systems.

12 A. Yes.

13 Q. Are done once a year by an outside company. They don't have
14 any monthly inspections by the crew?

15 A. The (indiscernible) systems --

16 Q. Correct.

17 A. They don't do nothing. They just make sure that nothing
18 changes because we are not allowed to touch the CO₂ unless we need
19 to release.

20 Q. But they are doing walk-throughs in those areas to make sure
21 everything is normal?

22 A. Yes. They have to.

23 Q. Yeah. And that includes the drencher system as well on the
24 car decks, correct?

25 A. Yes, that is tested by the crew. The drencher has now --

1 didn't have previously but now has a double bottom tank is
2 designated for the drencher system. The problem with this is
3 usually the drencher is a system which takes water from sea and
4 pumps in the line and goes through the nozzle. But even if after
5 the test there is a system to blow the line and make sure there is
6 no remaining seawater in the line, it doesn't work like that.
7 Every vessel has its problem. It comes corroded in the inside the
8 pipe and one day when you make a test, the pipe itself is
9 breaking.

10 We had already that problem in the *Caribbean Fantasy* when we
11 were starting in 2011 in San Juan. Then the company decided to
12 dedicate one tank to have the fresh water. Then the only test of
13 the drencher are made from this fresh water tank. So problems
14 with the corrosion come down dramatically.

15 In case it's necessary to use the drencher and the fresh
16 water (indiscernible) is possible to suction from the sea. Is not
17 can fail this system.

18 Q. Other than the problems with the drencher systems, are you
19 aware of any other issues that the yearly inspections have found
20 in the high pressure mist system and the CO₂ system?

21 A. Other issues in the high pressure CO₂ system, you mean?

22 Q. The mist system over the engines, when those have been
23 tested, have you had any issues with those?

24 A. No. And this was tested 1 week before.

25 Q. Right. And the same was true with the CO₂ system, no issues?

1 A. No, no issues in the CO₂ system.

2 MS. MCATEE: I think that's all I have at the moment.

3 MR. ABAROA: Thank you, Nancy.

4 BY MR. BOWLING:

5 Q. Gustavo, this is Larry Bowling with the NTSB. I have -- I'm
6 up in D.C. We haven't met yet. But I have one follow-up with you
7 related to a response you provided to Commander [REDACTED]. You were
8 talking about the Coast Guard visit, sir, the Port State Control
9 Examinations, and it was related to the conditions, the
10 cleanliness of the engine room. You were talking about, I guess,
11 some oil on the surfaces in the engine room. And my question is
12 this: Do you as the DPA, what did you understand was the Coast
13 Guard's concern with the cleanliness in the engine room when it
14 was written up on several different Port State Control
15 Examinations? What was your understanding of their concern with
16 the excessive oil?

17 A. Yes. It was for fire. That's what I understand from the
18 Port State Control point of view.

19 Q. Yes, sir. With that response, were there any procedures or
20 processes that were put into place specifically to address the
21 cleanliness of the engine room and mitigate the oil in the area?
22 I say mitigate, as far as keeping it to a minimum in the bilge and
23 on the deck plates and so forth. Were there any safety management
24 procedures that went into play, say, from 2014 to present?

25 A. It was instructed several times to keep the bilges empty and

1 free of oil and fuel. Nevertheless, it was established we have
2 sometimes the (indiscernible) officers found oil in bilges. And
3 once we have a remark on this. It was in October 21st in 2015.

4 Q. Okay.

5 A. Yes. And everyone was aware of this requirement for safety.

6 MR. BOWLING: All right, thank you.

7 MR. ABAROA: You're welcome.

8 CDR [REDACTED]: Anybody else on the line regarding, I guess,
9 hiring and the main engine maintenance?

10 Okay. Not hearing any, we'll move on to other systems
11 including the emergency shutdown for the fuel.

12 BY CDR [REDACTED]:

13 Q. How many emergency stops for the fuel are you aware of on
14 *Caribbean Fantasy*?

15 A. Yes. Quick-closing valve in each service tanks and interior
16 something I can't explain. Because the quick-closing valves are
17 one of the most required systems on board. That is the way how
18 you can stop the flow of fuel or lube oil into a zone which is
19 compromised.

20 From the pictures I saw, there was bolts preventing to close
21 this. I can't explain that. I was -- before the incident, I
22 didn't see the bolts. We had -- afterwards, we have the
23 inspection of the Port State Control Officers. I assume they
24 didn't see it. But that's all I can say about that.

25 Q. So do you routinely visit the vessel yourself personally?

1 A. At least each 3 months.

2 Q. Every 3 months?

3 A. Yes.

4 Q. And is that -- you provide a report or is it just --

5 A. I provide report, and I do write some deficiencies. Always
6 there are deficiencies. Any type of deficiencies found, and I
7 provide a report and send to the captain, chief engineer, and the
8 company.

9 CDR [REDACTED]: Okay. I don't have any more questions
10 regarding the fuel stops. Anyone on the phone or at the table
11 have any? None here in Fort Lauderdale.

12 Adam?

13 MR. TUCKER: Yeah, I do have a question.

14 BY MR. TUCKER:

15 Q. Gustavo, this is Adam with the NTSB. Related to the quick-
16 closing valves, I understand you had no knowledge of this prior to
17 the incident; however, recognizing that you're a chief engineer,
18 was there any type of practice for testing the quick-closing
19 valves in place or was there any type of policy or process or what
20 -- basically, what kind of process or policy was there for testing
21 of quick-closing valves?

22 A. Always the test is done having a crew member in place where
23 the valve is. Because maybe -- no, not maybe. Sometimes will be
24 (indiscernible) an auxiliary engine or two auxiliary engines. It
25 depends. So before closing the valve is necessary to have a crew

1 member in place in such way that once the valve is closed the crew
2 member will open. Because it has to be done by hand. There is no
3 system to set the valve to an open position. But that is the only
4 procedure.

5 Q. And had you ever -- like in your time with this company
6 during your engine walk-arounds on any occasion, had you ever seen
7 anything like this before?

8 A. You mean something like what we found in the *Caribbean*
9 *Fantasy* in the quick-closing valve?

10 Q. Yes.

11 A. Never.

12 Q. Just one -- my last question. Had there ever been an issue
13 or problem reported to you or anybody within the company that you
14 know of related to the quick-closing pneumatic system on the
15 *Caribbean Fantasy* prior to the accident?

16 A. No. There was nothing reported that say it doesn't work or
17 something like that. No report.

18 MR. TUCKER: All right, thank you again. That's all the
19 questions I have.

20 CDR [REDACTED]: Nancy?

21 MS. MCATEE: I don't have any further questions.

22 CDR [REDACTED]: Larry?

23 MR. BOWLING: No thank you.

24 CDR [REDACTED]: Carrie?

25 MS. BELL: No questions. Thanks.

1 CDR [REDACTED]: Did I miss anybody? [REDACTED]?

2 LTJG [REDACTED]: No question from my end.

3 CDR [REDACTED]: Okay. Thanks.

4 All right. Then the next topic we'll talk about is the
5 lifesaving systems.

6 BY CDR [REDACTED]:

7 Q. Can you explain the last time the MES and the life rafts and
8 lifeboats were worked on and tested, and any issues that you've
9 seen with these?

10 A. Were work done with the service of the MES?

11 Q. Yes.

12 A. I don't remember the date. It was done during the San Juan
13 operations, but don't remember the date. I should see the
14 certificate because one was removed from -- even we reduce the
15 capacity of the passengers aboard because of the lack of one of
16 the MES. Meantime it goes ashore, stay with and come back. But I
17 don't remember the date. Each year is service each one. They are
18 not done at the same time.

19 And regarding the life rafts, all of them were serviced in
20 San Juan by a certified company from the manufacturer, Viking.
21 And when the vessel was in Tunisia in dry dock there were some 13
22 or 12 life rafts due for service. They went for service, and
23 rejected 11, I think. And one was okay, 11 were rejected, and
24 purchases new life rafts to substitute the rejected ones. I can't
25 assure which one -- size they were or which number. But if I take

1 a look to the certificates, I can establish which one.

2 Q. And as far as the lifeboats?

3 A. Sorry?

4 Q. The lifeboats?

5 A. The lifeboats were service in Tunisia also. And they have
6 changed the hooks, that they were hooked following the
7 instructions from IMO, was done in Tunisia by a company and
8 certified by the Class. The four boats, the lifeboats were
9 serviced.

10 Q. And anything in particular to note?

11 A. No. What I'm not sure if they have also the load test. I am
12 not sure about that, but I am sure they were re-hooked at that
13 time.

14 Q. And do you ever witness lifeboats being released?

15 A. Yes. I saw them in San Juan most of the time because we --
16 that was during the drills with Coast Guard, and in Santo Domingo
17 in other dates just only the crew.

18 Q. Other than the crew and the Coast Guard and Class evaluating
19 drills, does anyone from the company evaluate drills on board the
20 vessel?

21 A. Yes. I was attended. When I was on board I attended the
22 drills and I follow the different gangs of firefighters, the
23 squads.

24 Q. So you're the representative for the company during the
25 drills?

1 A. Yes.

2 Q. And how often do you do that?

3 A. Well, I didn't was present in every drill. I was present
4 only about every 3 months.

5 Q. Three months.

6 A. And the abandon drills, they were performed weekly.

7 Q. And that report, that weekly report, does that come to you
8 that they're done or they just keep it on board?

9 A. They keep on board.

10 Q. When you evaluated the drills, were they able to release the
11 boats properly?

12 A. Yes.

13 CDR [REDACTED]: That's all the questions I have regarding the
14 lifesaving systems.

15 [REDACTED]?

16 BY LT [REDACTED]:

17 Q. For maintenance of lifesaving equipment, do you get reports
18 from the safety officer, or --

19 A. Oh, yes. The regular maintenance, and we maintain the -- in
20 the lifeboats the canvass, the doors, which we want to have number
21 for the 70 persons for the lifeboat is cargo side because
22 (indiscernible) doors. The condition, the place of the engine,
23 together with an engine crew member, refreshing the grease of the
24 (indiscernible). The (indiscernible) switches of the recovering
25 davits. Things like that, they are reported, yes. And the

1 supplies of the boat: flares, food, water, all the stuff they
2 have to -- they must have is reported.

3 Q. How often do you receive those reports?

4 A. Monthly.

5 Q. Monthly. And were there any discrepancies noted last year
6 for any of the maintenance of the lifesaving equipment?

7 A. There was an issue with the, I think with the emergency of
8 the launching of the fast rescue boat, and it was attended in
9 Tunisia and there was a remark there.

10 Q. And you said that you were present for a drill on board.
11 What about drills where you lower the starboard boat, because the
12 ship primarily (indiscernible) starboard, too. Were you ever
13 present for those drills?

14 A. No. Most of the times was with the portside boat.

15 CDR [REDACTED]: Does Baja Ferries have any questions?

16 MR. CHENAULT: No questions.

17 CDR [REDACTED]: Adam?

18 MR. TUCKER: Yeah, just one question related to what [REDACTED]
19 had regarding the lowering of the starboard-side boats and the
20 releasing of the hooks, the operation.

21 BY MR. TUCKER:

22 Q. Gustavo, if you don't know, that's fine. But is there any
23 policy or procedure or any regular practice that you knew of for
24 the operation of the boats on the starboard side?

25 A. Let me see. There is something written. All of the

1 lifeboats should be lowered, but I can't remember in which part
2 and which is the frequency. But, yes, there is written.

3 Even also the participation of the crew members. Because
4 sometimes if you do the drill every Saturday at 10 a.m., there
5 will be some crew members which are on duty in that time, and they
6 will never attend the drill. So there is also a procedure to make
7 sure that everyone goes to a drill, but I don't remember how
8 frequent. I think in 3 months, but I don't remember clearly now.

9 Q. And that's fine. We can find it. I didn't know if you knew
10 off the top of your head. I guess the biggest question I had
11 though is if they're going to -- there's a requirement for them to
12 operate the lifeboats on the starboard side. And I was just
13 wondering if you knew of what the standard practice on the vessel
14 was to do that. Did they do it in the turning basin in a certain
15 harbor or did they go alongside a different dock? Anything at all
16 like that.

17 A. No. I don't have in mind.

18 MR. TUCKER: That's fine. That's all the questions I have
19 for now. Thank you.

20 CDR [REDACTED]: Carrie?

21 MS. BELL: Yes, I just have one question that's related to
22 the emergency drills.

23 BY MS. BELL:

24 Q. Specifically about the station bill, when we were doing
25 interviews, we realized that a lot of the crew members were in --

1 were doing different duties than what were listed under the
2 station bill. Are you aware of changes to the station bill that
3 were being made at that time in August of 2016 or any time around
4 that time?

5 A. I'm sorry. I didn't understand the question.

6 Q. So the station bill has a list of where everyone is supposed
7 to go during the emergency. And when we were interviewing the
8 crew members, they were going to different places than what was
9 shown on the station bill. But they seemed to know where they
10 were supposed to go, and it seemed like there was a transition
11 going on in terms of a new station bill, perhaps. Are you aware
12 of that?

13 A. There was a new station bill, and that was approved by the RO
14 in Tunisia, and, yes, there was a change. But I don't know which
15 station it was posted and which were they following.

16 Q. I can't answer that either at this point. I don't recall
17 what the date was on it or anything like that, but I was just
18 curious. And in addition to that, how training is done when you
19 do a new station bill. Do you retrain everyone? How does that
20 work, the training?

21 A. When there is a new station bill by any reason, the safety
22 officer makes obligation card of each crew member. So if I am in
23 one position and I am changed to another one because of -- could
24 be even if I am too short and I am supposed to be a firefighter
25 and there is no equipment for my size, then they may change me to

1 another position. So if I receive a obligations card, not
2 necessary to have it in mind everything, just take a look at the
3 obligations card and follow the instruction. There is the
4 position in the different situations for fire, for abandon, for
5 man overboard and for pollution.

6 Q. So are additional drills done to make sure everyone
7 understands their position with new duties?

8 A. With new duties, yes. Yes, it is.

9 MS. BELL: That's all the questions I have. Thank you.

10 MR. ABAROA: Welcome.

11 CDR [REDACTED]: [REDACTED]?

12 LTJG [REDACTED]: I have no questions. Just wanted to
13 clarify though, it's a SOLAS regulation which he was talking about
14 that the lifeboat it has to be launched once every 2 months during
15 that abandon ship drill. Rule 19 in Chapter 3 of SOLAS.

16 CDR [REDACTED]: Larry?

17 MR. BOWLING: No questions in this topic area. Thank you.

18 CDR [REDACTED]: All right. Nancy?

19 MS. McATEE: No questions.

20 CDR [REDACTED]: Excellent. Unless anyone has any objections,
21 the topic area I want to move to is the regulatory oversight
22 topic. And, Larry, if you don't mind taking the questions first
23 for this area.

24 MR. BOWLING: Okay. And, [REDACTED], you wanted to -- topic area
25 is going to be limited to regulatory oversight?

1 CDR [REDACTED]: Well, not -- it doesn't have to be limited to
2 regulatory oversight. I'm just trying to keep the topics narrow
3 so that he can keep his train of thought going properly.

4 MR. BOWLING: Roger that. Roger that.

5 BY MR. BOWLING:

6 Q. Gustavo, Larry Bowling with the National Safety
7 Transportation Board in D.C. I'm going to throw a couple of high
8 level questions at you, and it's okay not to have an answer if you
9 don't know. But from the standpoint of your role and your -- the
10 effort that any DPA would play in a vessel that is subject to Port
11 State Control examinations, I want to hear from your perspective
12 how you contribute to safety from a standpoint of ensuring that
13 the vessel is in compliance with the SOLAS and the applicable, the
14 other applicable treaties.

15 A. Besides of the what we have written instructions, procedures
16 and records, forms in the system, I do my own examinations. And I
17 am not talking about the internal audit. I am talking about the
18 inspections going out to the crew and inform the company of
19 deficiencies I found. That is the way to contribute to the safety
20 of the vessel.

21 Q. And from your own perspective, from say 2014 to present, how
22 effective would you rate yourself as the DPA, performing the
23 functions of a DPA? And when I say function of the DPA, those
24 that are identified in the ISM Code.

25 A. How would I qualify myself?

1 Q. How would you rate yourself, yes, in performance of that duty
2 as a DPA? And when I say performance of the duties, as outlined
3 in the ISM Code.

4 A. I consider I comply with the functions. I follow the
5 deficiencies, try to improve things with -- for example, now we
6 are taking this incident as a lesson to learn for the other ones.
7 So I think I comply with my function. I am not the one that
8 should qualify myself.

9 Q. All right. And how was this -- in the last 12 months, how
10 was your relationship with the master, masters of the *Caribbean*
11 *Fantasy*? Tell me about the relationships there.

12 A. Very close. They can reach me just with a phone call any
13 time it's necessary. We have the communications by email. And
14 during my visits on board, always I find something, I comment -- I
15 debrief with captain, chief engineer, staff captain, safety
16 officer. Because the intention is not to highlight or point out
17 to someone which is doing wrong something or is not doing
18 something. The intention is to, if a deficiency is found, try to
19 solve it and move ahead.

20 Q. And with regard to the term substantial compliance, are you
21 familiar with that term? If I said substantial compliance with
22 regard to the vessel and the applicability of SOLAS, do you
23 understand what that term means?

24 A. No. I never use this substantial compliance.

25 Q. You are aware that the vessel was detained under -- basically

1 for being substandard 3 consecutive years, are you not?

2 A. Yes, I am aware of that. And we have to improve so we don't
3 have a next detention.

4 Q. And I don't want to get into details on the inspections.
5 Your records are -- they're a matter of public record. I mean,
6 it's on -- you can pull them up on the Web.

7 But the next question is, how as a DPA, how would you assess
8 the systems approach to safety, a safety management system and its
9 functionality, given that that vessel had three detentions, two by
10 the Coast Guard and one by the authorities in Gibraltar, which was
11 the most recent one?

12 A. The last detention of the Coast Guard was mostly certificates
13 of people, crew members. Because we had one third engineer which
14 was not with Panamanian license, neither the application.

15 Q. Right.

16 A. There are two issues also like -- don't remember which was
17 then, but related to crew members.

18 Q. I believe there was another -- yeah, there was another
19 engineering license issue, but then there was a, if I'm not
20 mistaken, a transitional power issue.

21 Gustavo, again, the high level. I don't want to get into
22 details of the actual examinations. What I'm looking for is your
23 perspective on the effectiveness of the implementation of the
24 safety management system given the ship's detention record. Do
25 you follow me with the question?

1 A. Yes. Yes. I'm trying to find the answer or how to answer.
2 We have deficiencies which was impairing the, let's say the
3 system, but those deficiencies were improved. And, I mean, the
4 system was improved. Other one -- the last one in Gibraltar was
5 about machinery, some problems which arose there.

6 And I think we were going in the right way because in
7 February we have very small deficiencies, and because we were
8 improving the vessel and improving because of the system. And
9 then that's in my opinion. I don't know if I am --

10 Q. Yes, sir. The internal audits, some of the Port State
11 Control examinations, the deficiencies noted by the Coast Guard,
12 were written up as a finding or a nonconformity, part of an
13 internal audit process. Can you tell me a little bit about why
14 they were handled in that manner? And I say why they, I'm
15 referring to the deficiencies identified by the Coast Guard Port
16 State Control teams.

17 A. How they were handled, the deficiencies found by the Port
18 State Control?

19 Q. Yes, sir. Several of the internal audits that I looked at
20 had the Coast Guard -- they took the Coast Guard deficiencies, and
21 actually I think it looks like you did, and identified them or
22 marked them as part of an internal audit, and then went through
23 the closure process. And the question is what were the intentions
24 of handling those deficiencies as part of the internal audit
25 process? What did you hope to gain by doing that?

1 A. I really don't understand. You mean the internal audit use
2 the result of the Port State Control?

3 Q. Yes, sir. The findings -- for example, let's say the 2015
4 COC examination, the Coast Guard issued several deficiencies, and
5 I think one or two were significant; it was detained. But through
6 the part of closure and correction of those deficiencies, the
7 ship's safety management system generated internal findings, and
8 they were captured on the internal audit form and they showed the
9 tracking of the deficiency and how it was closed.

10 And so my question is, what was -- what did you do as a DPA
11 or the company hope to gain by handling those identified Port
12 State Control deficiencies through the internal audit process?

13 A. No. After the findings of the Port State Control officers,
14 the vessel has to issue the nonconformities, and also we have to
15 issue -- there is a document we have to send to the Flag following
16 the same deficiencies found by the Port State Control. It's not
17 that we were copying the report from the COC.

18 Q. Okay.

19 A. So like that?

20 Q. Yes, sir.

21 MR. BOWLING: And Commander [REDACTED], this will be my final
22 question.

23 BY MR. BOWLING:

24 Q. Gustavo, this is a high level question. I want to hear from
25 your perspective the value of a functional -- in a properly

1 implemented safety management system, and let's just keep it with
2 the *Caribbean Fantasy*, tell me how the safety management system is
3 supposed to tie in to the Port State Control examination process.
4 How do they mesh?

5 A. They mesh with SOLAS and with the Code. Because all what is
6 required or almost all what is required by the Port State Control
7 is based on the requirements of SOLAS and of the ISM Code. Some
8 small items they are not specific from there and come from the
9 CFR.

10 Q. Yes, sir.

11 A. It has to comply with the SOLAS and the Code and all the
12 other (indiscernible) MARPOL, and all of them.

13 Q. And this is my final question here. From your perspective, I
14 want to hear a hierarchy of responsibility from your understanding
15 of who has the ultimate responsibility to maintain the *Caribbean*
16 *Fantasy* in substantial compliance with SOLAS and all the
17 applicable laws and regulations. And walk me on down from whoever
18 is at the top of that and stop me with the Coast Guard. I want to
19 see from your perspective where the Coast Guard falls into that
20 compliance realm.

21 A. Well, Coast Guard is in charge of make sure that the vessel
22 is in compliance. Our responsibility is to comply with. And I
23 mean our, is all the team from engine crew members, deck crew
24 members, the company, the DPA, the superintendent, because it's a
25 team job, not one person job.

1 MR. BOWLING: Okay. Thank you.

2 Thank you, Commander [REDACTED].

3 CDR [REDACTED]: Okay. I have a couple follow-ons with that.

4 BY CDR [REDACTED]:

5 Q. Did Classification Society ever come to you that they were
6 concerned that the vessel was falling out of, I guess, substantial
7 compliance with SOLAS?

8 A. Yes. When they find something out of order they come.

9 Q. And have they -- did they come and talk to you or do they --
10 who do they talk to?

11 A. We're without a superintendent in some period, then I was the
12 point of connection with the Class. But normally, the
13 superintendent is the one that deals with the Class. However,
14 it's -- there is a very fine line between, because I have relation
15 directly with the Class RO or the ISM, MLC, ISPA and the
16 superintendent has a direct connection with the Class for all the
17 hull and machinery items. So this is very thin line between
18 those. And when we are out of superintendent, I have been the
19 acting also. Not the superintendent, but coordinating the
20 inspections, following the deficiencies.

21 Q. So do you remember the last time Class came to you and said,
22 hey, we need your help; could you help our game a little bit? Or
23 did they never say that?

24 A. We said this in October 21st. That was a big job for us
25 because we have several deficiencies. I remember now one of them.

1 We had a patch the doubler in a stanchion on port side. It
2 probably was not the doubler, (indiscernible) whatever you want.
3 It doesn't matter. The problem was that not the Class, not the
4 owner, neither the crew member has a record, knowledge or nothing
5 about this. That was a problem. So I had to bring the Class
6 surveyor because was not on board during this examination. We
7 made -- we take measures to solve it and to avoid the happening of
8 this again. We made a promise to inspect by specific spaces in
9 the engine room. And, yes, we receive from the Class that we had
10 to improve.

11 Q. And are you familiar with the term whistleblower?

12 A. With the term of?

13 Q. Whistleblower. Do you know what a whistleblower is?

14 A. Whistle, no.

15 Q. Say somebody has a concern with the boat and they don't feel
16 comfortable going to their direct supervisor, can they come to you
17 and tell you there's an issue in your system?

18 A. Okay. We have also an email account. I call this MOC. It's
19 moc@bajaferries.com.mx. And its posted for the crew to know. If
20 someone has a complaint, any kind of -- by salary, by harassment,
21 by whatever you can imagine, they can send an email there, and it
22 will be received by the CEO, by me, and by the deputy CEO. That's
23 one way.

24 The other way is if all over the vessel there are some
25 -- posted my email address, my phone number, and anyone is free to

1 contact me whenever they need. (Indiscernible) free again to say
2 they don't want the food, something like that. But I only receive
3 once a call from a woman. She was in hotel. She was feeling that
4 someone was chasing her to fire. And I follow the issue and found
5 that she was a friend, let's say, of another crew member which was
6 previously caught in Santo Domingo putting drugs on board the
7 vessel. And this guy was arrested by the authorities and took
8 away. And there was a situation there which was not very clear.
9 That's the only one I could see. At the end of the day, she was
10 suing the company. First, she wanted lots of money. At the end,
11 she just left, and they didn't pay nothing, didn't complain.

12 So sometimes happen strange things when human beings and when
13 the relation between each other is compromised it's not easy to
14 make decisions of who is right or who is wrong or who is the
15 victim. But that is a way they can communicate freely.

16 Q. And did anyone -- has anyone used, other than email or phone
17 call, anyone used those comment cards?

18 A. Comment cards?

19 Q. You said you had some cards along in the boat that people
20 could -- there was places along the boat they could put --

21 A. No. It's a sign only.

22 Q. Oh, it's a sign only. Okay.

23 A. It's posted.

24 Q. Oh, it's posted. Okay.

25 A. Just to know who is DPA, who is the CSO, and how they can

1 contact.

2 Q. And you've only gotten one contact?

3 A. Only one, yes.

4 Q. And no contact with any concerns about the maintenance of the
5 vessel?

6 A. No. And could also use the MOC email address. But this is
7 -- and sometimes I make a -- I send an email there just to make
8 sure it works.

9 CDR [REDACTED]: That's all the questions I have for now.

10 [REDACTED]?

11 LT [REDACTED]: No questions.

12 MR. CHENAULT: Baja Ferries, no questions.

13 MR. RIVERA: P&I, no questions.

14 CDR [REDACTED]: Adam?

15 MR. TUCKER: Yeah. Sorry. It seems like I always have a
16 question. I do have a few follow-ups.

17 BY MR. TUCKER:

18 Q. Carrie touched on earlier the station bill and the emergency
19 plan, and I believe we understood there were some changes that
20 were made. I'm just wondering -- and if you don't know, that's
21 fine. Why were there changes made to the station bill? Was there
22 something wrong with the previous one?

23 A. It was just adjustments of the positions. I think there was
24 something like a guy was assigned to a task which was not able to
25 do and just make a change of positions. It's not the big deal.

1 Q. The other question I have is with respect to the manifest and
2 the communication of how many passengers are on board. Is there a
3 process in place that you know of for communicating the exact
4 amount of people that are on board the ship prior to or just after
5 getting underway?

6 A. The process to communicate what was before going on the way?

7 Q. Yeah. I'm just -- I can look up in the SMS, but I didn't
8 know if you knew. The manifest of the passengers, the amount of
9 souls on board, how that works. Does that get communicated from
10 the ship to you, to someone else in the company? Is there a
11 centralized email address?

12 A. No. This is controlled in the course of operation. There is
13 two things. One is the amount of passengers and crew on board and
14 their locations. And the other one is the persons which it
15 require assistance to move like with wheelchairs or someone with a
16 leg damaged or something like that. And this is controlled by the
17 chief purser and the reception of the vessel.

18 Q. So, for example, in the case of this event in the *Caribbean*
19 *Fantasy*, they got underway, and then they had to turn around and
20 disembark one passenger in Santo Domingo. My real question is, is
21 there anybody in the company or externally notified about that
22 disembarkation and the change of the number of persons on board?

23 A. They didn't reset the amount. That should be done because in
24 case of outside of everyone that the vessel disembark, one person
25 not hiding. So nothing is outside of everyone. But what they

1 didn't do is reset the amount of persons on board.

2 Q. Gustavo, I know we've been asking you a lot of questions, and
3 perhaps one of my bigger questions is you, as a DPA, if you can
4 just tell me how you were notified the day of the accident, how
5 you were notified, who you spoke to, just in general, what you
6 remember upon learning of this accident?

7 A. Things were moving very fast in that day. I received a call
8 from the CEO. It was about 7, 7 minutes a.m. I live in Mazatlan,
9 but I have a 2 hours behind San Juan. And she told me -- he asked
10 me what did I know of the *Caribbean*, and I told him nothing yet.
11 That was my first notice. And he explain me that he received a
12 call from the COI, Witt O'Brien's, regarding an incident on the
13 *Caribbean Fantasy* upon arrival to San Juan.

14 Then I started moving. I called Witt O'Brien. I tried to
15 contact the agent in San Juan, but it was impossible, and you can
16 imagine which was the situation at that time. It was 9, some
17 minutes after 9 a.m. in San Juan, maybe 9:15 or something. When I
18 spoke to Witt O'Brien, they gave me the information they had, that
19 there was a fire in engine room and the passengers and crew were
20 being evacuated. They asked me if I authorize the deploy of the
21 -- all the response plan, and I confirmed to deploy. And started
22 informing all of the -- in the company with general messages to
23 inform everyone there was an emergency.

24 At the same time, I requested to our offices in La Paz to get
25 tickets for me to go to San Juan soonest. I didn't do by myself

1 because it was going to consume me time which I didn't have. And
2 I left Mazatlan in a flight maybe by 12. I couldn't reach San
3 Juan the same day. I had to stay overnight in Miami. And in the
4 first flight in the morning I arrived to San Juan.

5 By that time, one of the persons from Baja Ferries USA
6 already arrived. He left -- he arrived before me the same, 17th.
7 Because he is sitting in Miami so it was easier for him to reach
8 San Juan.

9 After that when we have in place and working all the response
10 plan, we had the firefighter from (indiscernible). We start
11 receiving information of the -- that all crew members were ashore
12 and safe. That passengers previously was ashore. And later on we
13 had notice of two (indiscernible) which were left behind.

14 The vessel was still having smoke. That was 18th. And 19th,
15 I am now (indiscernible). 19 the firefighter from (indiscernible)
16 went on board. There was already a brief with the helicopter
17 going from shore to the vessel moving equipment. And we have
18 Coast Guard from the command center following the situation and
19 giving directions. They were helping to, just to make the things
20 in a proper way. And we had meetings every day. Well, they have
21 meetings every day in morning and afternoon, and we went to -- I
22 mean we, the master, the Baja Ferries USA representative and
23 myself, we went several times to the command center. Still the
24 vessel was authorized to be towed and come ashore. It was
25 alongside.

1 After that, I was not allowed to go on board. There was a
2 very short list controlled by Coast Guard because it was risky.
3 There was gases and many things. So they tried to avoid the
4 persons which were not required to be on board, that they don't go
5 on board. And we went over this, like that in this situation
6 until the smoke was stop and stability calculations were made.

7 (Phone ringing.)

8 Sorry. And was necessary to pump out water from cargo bay
9 and later on from bilges. Divers made an inspection previously to
10 the hull to be alongside and find a crack in the hull. And with
11 the information we have, the drawings we have on hand, we try and
12 succeed to establish which was the position of the crack. And
13 those were the days.

14 We had hired a company to weld the crack and to prevent to be
15 bigger, remove all the cargo. Was necessary to decontaminate the
16 cargo because there was lots of cargo everywhere. We were
17 controlling the ballast tanks and fuel oil tanks just to make sure
18 there was not a crack filling one tank. But that came with the
19 days -- I think I was not allowed till the 9 or 10 days after the
20 incident to go on board. In the beginning we were always escorted
21 by Coast Guard officers and we were allowed to do one specific
22 task, go do it and go out. Those were the days over there.

23 Q. Thank you, Gustavo.

24 A. You are welcome.

25 Q. One other question I had. It might be my bad notetaking.

1 You mentioned a person by the name of Salvatore.

2 A. Yes.

3 Q. What was his job again, and is he still in the company?

4 A. Yes. He's still in the company. He's technical and fleet
5 director.

6 Q. And is he the one that was in China?

7 A. Yes. He was in China with the *Baja Star*.

8 Q. And is he also the technical fleet director for the *Caribbean*
9 *Fantasy*, or just the *Baja Star*?

10 A. No. He is the technical and fleet director of Baja Ferries.
11 That includes the *Caribbean Fantasy*. He was in charge of the dry
12 dock in 2014.

13 Q. And the dry dock in 2014, that was the one in Freeport?

14 A. Yes, it is.

15 MR. TUCKER: I may have one or two more questions, but for
16 now thank you again.

17 MR. ABAROA: You're welcome, Adam.

18 CDR [REDACTED]: Carrie?

19 MS. BELL: No questions. Thanks.

20 CDR [REDACTED]: Nancy?

21 MS. McATEE: No more questions.

22 CDR [REDACTED]: Larry?

23 MR. BOWLING: No. Thank you.

24 CDR [REDACTED]: P&I?

25 MR. RIVERA: No questions.

1 CDR [REDACTED]: [REDACTED]?

2 LT [REDACTED]: No questions.

3 CDR [REDACTED]: Okay, Adam, you're the last one. You said you
4 might have another question.

5 MR. TUCKER: All right. The pressure is on. I know
6 everyone's tired, so --

7 BY MR. TUCKER:

8 Q. It's been a long interview, so I appreciate the time,
9 Gustavo.

10 A. Oh, don't worry.

11 Q. I had noted -- I just wanted to make sure. To your
12 knowledge, prior to the accident were there any deficiencies with
13 any of the firefighting systems on board the ship?

14 A. No, not with the firefighting systems. They were ready to be
15 used.

16 Q. And had any of the engineering staff ever reached out to you
17 with any concerns about the operability of any of the machinery?

18 A. No.

19 Q. And the last question is, were there any concerns raised by
20 the master or anybody, for that matter, safety officer, regarding
21 the operational readiness of the survival equipment prior to the
22 accident?

23 A. No. There was no concern. And if they have it, they didn't
24 say. But there was nothing to my knowledge.

25 Q. And if I'm not mistaken, you did the last internal audit on

1 the *Caribbean Fantasy*; is that correct?

2 A. Yes. Yes, I did.

3 Q. Just because I'm not an auditor, how long is an audit
4 typically? Is it like a day, a week, a couple of days?

5 A. Maybe 2 days.

6 Q. Okay. And your last internal ISM audit, what were some of
7 the findings that you recall, some of the -- from the last audit?

8 A. That's a good question. I found some troubles with
9 certificates of the crew. Things with the (indiscernible), I
10 think, but I don't have in mind, and I should read the internal
11 audit before coming to you.

12 Q. Yeah, that's not --

13 A. I think that I made no conformities, but they were told, but
14 I really don't have in mind the report now. And I understand I
15 should have read before coming to you.

16 Q. No, that's fine. That's what paperwork is for. So I just
17 really wanted to get a feeling for if there was anything that
18 stood out from the last audit, so --

19 And my last question is, during an audit or any of your time
20 on board when you witnessed a crew drill, had you been present
21 more in the -- on the bridge or in the engine control room? Where
22 would you kind of start off the drill when you're witnessing that
23 on board the ship?

24 A. I used to walk all over. I go -- for example, if the fire
25 drill is in the galley, I go to the galley. The crew members, if

1 they use a smoke machine, they prepare first and after that start
2 the drill when there is already smoke. And I see how the squad's
3 made ready to approach, which squad is going to answer, to attack,
4 the squad which is taking care of cooling boundary, the medical
5 team ready to evacuate some injured person. And I am walking all
6 around the vessel.

7 Even the -- usually the fire drill comes to uncontrollable
8 situation. Then the master starts calling to abandon, and I
9 follow all the process to the muster stations, they take list of
10 every people. They call to the crew members, they take care of
11 the alarm sound. They take care to evacuate the passengers from
12 cabins on the (indiscernible). They make sure that there's no one
13 left behind, mark the doors. I am all over around. I can't stay
14 in one place only. I see something that is prepared, and I go to
15 another position and I am just walking.

16 Q. And who is usually on the bridge in the command and control
17 team during the drills, both the fire drill and the abandon ship
18 drill?

19 A. The master, master assisted by one deck officer.

20 Q. Okay. Just let me catch up one second.

21 A. Yeah.

22 Q. Oh, the last question I have, I promise, is for the
23 communications on board. We saw that the crew on the *Caribbean*
24 *Fantasy* were using VHF radio for internal communications. I'm
25 just wondering, is that a norm for the other ships as well? Do

1 they use VHF radios?

2 A. Yes. All the crew members which are key, they have VHF, and
3 they report -- the hotel use one channel, normal working channel;
4 engine another, and deck other. But in case of emergencies, all
5 of them go through the same channel and communicate in VHF.

6 MR. TUCKER: Thank you very much, Gustavo. Truly appreciate
7 it.

8 MR. ABAROA: You are welcome.

9 CDR [REDACTED]: Any questions from the table? No questions
10 here in Fort Lauderdale.

11 On the line?

12 MS. McATEE: No questions.

13 MS. BELL: No questions.

14 MR. BOWLING: Larry Bowling, no questions.

15 MR. CHENAULT: No questions.

16 CDR [REDACTED]: Okay. I think that we can conclude this
17 interview. Thank you very much for your time. Appreciate it.

18 MR. ABAROA: No, thank you. We are excited in Washington
19 doing the lab job. Our company is very willing to know the deep
20 of the things. Because we have other vessels. This may help
21 other vessels of other companies, not ours only, to prevent fires
22 and incidents. Fortunately, we didn't have casualties. But if we
23 had, our situation would be quite different. So we are trying to
24 find out how to improve ourselves. We are doing our job with the
25 other vessels and would like very much to know your position, your

1 report and your findings, the conclusion. We'll be eager to know.

2 CDR [REDACTED]: Okay. The time is 16- --

3 MR. TUCKER: [REDACTED], I do have one question.

4 CDR [REDACTED]: Oh. Sorry.

5 MR. TUCKER: I'm sorry. I forgot --

6 CDR [REDACTED]: Go ahead, Adam.

7 MR. TUCKER: I made a promise and I'm going to break it.

8 BY MR. TUCKER:

9 Q. But this is -- I apologize. This is the most important
10 question, though, Gustavo. Is there anything that we have
11 probably forgotten to ask you or anything else you want to share
12 with us?

13 A. I think no, Adam. But in any case if you have something else
14 later on, feel free to do it.

15 MR. TUCKER: Okay, great. Thank you very much.

16 MR. ABAROA: Thank you, Adam.

17 CDR [REDACTED]: Okay. Now the time is 1619 Eastern Time.

18 We're going to conclude this interview.

19 (Whereupon, at 4:19 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: FIRE AND GROUNDING OF THE
RO-RO P/V *CARIBBEAN FANTASY* OFF
SAN JUAN PUERTO RICO AT 0744
ON AUGUST 17, 2016
Interview of Gustavo Abaroa

ACCIDENT NUMBER: DCA16FM052

PLACE:

DATE: January 17, 2017

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.

Katherine Motley
Transcriber