

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

M/V COSCO BUSAN/BRIDGE ALLISION
 SAN FRANCISCO, CALIFORNIA

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* Docket No.: DCA-08-MM-004

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Interview of: MAO CAI SUN

Le Meridian Hotel
 333 Battery Street
 San Francisco, CA 94102

Thursday,
 December 4, 2008

The above-captioned matter convened, pursuant to notice,
 at 8:00 a.m.

BEFORE: ROBERT V. COMBS

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I N T E R V I E W

(Time Noted: 8:00 a.m.)

COURT REPORTER: On the record.

Please raise your right hand.

(Whereupon,

MAO CAI SUN

was called as a witness and, after having been first duly sworn,
was examined and testified as follows:)

COURT REPORTER: Please state your full name for the
record and the spelling of your full name for the record.

THE WITNESS: My name is Mao Cai Sun, M-a-o, C-a-i,
S-u-n.

COURT REPORTER: Sir?

(Whereupon,

KENNETH KWAN

having been duly sworn to faithfully and accurately interpret the
questions propounded to and the answers given by MAO CAI SUN,
interpreted as follows:)

COURT REPORTER: You may proceed.

MR. COMBS: Okay. I'm going to go ahead and go over the
ground rules again since we've got a few new players. So let me
go over those real quick.

I'm Robert V. Combs. I'm with the Office of General
Counsel, of the National Transportation Safety Board. Okay.

Only party representatives may participate in the

1 proceedings; that is, only party representatives may speak and ask
2 questions. This interview is being taped. It is sworn. It will
3 be transcribed, and it's an official NTSB interview. There will
4 be no objection to questions, no interruptions during the
5 questioning. And, again, nobody other than the parties will be
6 able to speak.

7 Each party representative will get an opportunity to
8 question the witness. We'll go around two times. We'll start
9 with the NTSB staff, and we'll go around once. Then the NTSB
10 staff will have a new set of questions and we'll go around again,
11 and then that will be it. Please state your name before you begin
12 speaking so that you can be identified on the record.

13 We are planning to have a Board meeting in this case on
14 January the 6th. And, as the court reporter just said, please
15 turn off cell phones and pagers. If you do get a call, please
16 just -- if you need to respond to it, please just make a note of
17 it, and then do that at the break rather than getting up and going
18 out during the interview.

19 Okay, and then with that, we'll go around the room and
20 introduce ourselves so that Captain Sun knows who everybody here.

21 MR. HENRY: Robert Henry, Office of Marine Safety,
22 National Transportation Safety Board.

23 CAPT. JONES: Rob Jones, Marine Investigator with NTSB,
24 National Transportation Safety Board.

25 CAPT. WHEATLEY: Ross Wheatley, Chief of Investigations,

1 Coast Guard Sector, San Francisco.

2 CAPT. HURT: Rick Hurt, San Francisco Bar Pilots.

3 MR. MALONEY: Patrick Maloney, Board of Pilot
4 Commissioners.

5 MR. SCHWARTZ: Douglas Schwartz of Schwartz and Sara
6 (ph.), along with my associate, Scott Levanick (ph.), attorneys
7 for the witness, Captain Sun, who is here pursuant to subpoena and
8 is testifying under a formal grant of immunity that was signed off
9 by the Attorney General pursuant to 6002.

10 MR. SUN: Mao Cai Sun, Cosco Busan, Captain.

11 THE INTERPRETER: Kenneth Kwan, the interpreter.

12 CAPT. BROWN: Steve Brown, American Pilots Association.

13 MR. GREENBERG: Mark Greenberg, Keesal, Young and Logan,
14 representing Fleet along with Captain Aga, who is on the --

15 MR. HOLLY: Rick Holly, Department of Fish and Game,
16 Office of Spill Prevention and Response.

17 DR. STRAUCH: I'm Barry Strauch. I'm the -- person
18 working on this accident. I'm with the Office of Marine Safety,
19 National Transportation Safety Board.

20 MR. COMBS: I'm Bob Combs. I've already identified
21 myself.

22 And other than this one thing that -- I'm going to have
23 to get up and leave in just a couple of minutes to go check on the
24 status of yesterday's transcript. We'll try to all stay in the
25 room.

1 We'll start the questioning with Captain Rob Jones.

2 INTERVIEW OF CAPTAIN MAO CAU SUN

3 BY CAPT. JONES:

4 Q. Good morning, Captain Sun. First a little background.
5 How long have you had your Master's License?

6 A. I was a Captain since 1998.

7 Q. Did you have your license or have you been sailing as
8 Master since 1998?

9 A. Yes, I have the license as a Captain since '98.

10 Q. Okay. And when did you first sail as Master?

11 A. Still 1998.

12 Q. Okay. And you came aboard on the Cosco Busan on October
13 24th? That was the first time onboard the Cosco Busan?

14 A. Yes.

15 Q. Okay. And have you ever worked with Fleet before?

16 A. No.

17 Q. Okay. Let's go with the, the morning of the accident.
18 When did you come up on the, on the bridge on November 7th, the
19 bridge, the vessel bridge?

20 A. Approximately 6:30 in the morning.

21 Q. Okay. And was the pilot already on the bridge when you
22 came up to the bridge?

23 A. Yes.

24 Q. Okay. Can you just describe what you did next to get
25 the vessel prepared for getting underway, any conversation you had

1 with the pilot, any preparation on the bridge that you did?

2 A. Yes, I say hello to the Captain, Captain Cota, and I
3 also ask him under this weather condition can we set sail?

4 Q. Okay. And anything, anything further to that with
5 regard to the, to the voyage itself, the preparation for getting
6 underway?

7 A. To prepare underway, we have to test the radar, the bow
8 transfers, the engines, and the communication systems.

9 Q. And was everything working satisfactory?

10 A. Yes, equipments and engine is no problem.

11 Q. Okay. Did some extra tuning of the radars, extra work
12 on the radars take place that morning before getting underway?

13 A. Yes. We finish the tuning of the radar.

14 Q. And was that at anyone's request?

15 A. Basically, we just do it as a routine, tuning of the
16 radars to see all the functions work properly.

17 Q. And did they work properly in your opinion?

18 A. Yes.

19 Q. Did the pilot express a concern about anything regarding
20 the radars?

21 A. Yes, after saying hello to pilot, I lead him to the
22 radar site, and then I would introduce him to the radar and see if
23 he has any opinion or something like that.

24 And, furthermore, I also ask his opinion in that regard.

25 Q. And did he have any problems with the radar?

1 A. At that time, he also saying something in regard to the
2 distance and the, the display of the radar, and then also the
3 range of the radar.

4 Q. Okay. Did you or anybody on the bridge team, one of the
5 officers, assist the pilot with the radars?

6 A. Yes.

7 Q. And, prior to leaving the berth, were the radars working
8 to your satisfaction, that you know of -- to the pilot's
9 satisfaction, that you know of?

10 A. Yes, after the commands and, and the requirement by the
11 pilots, we have already satisfied whatever he ask in regard to the
12 radar.

13 Q. Okay. You say that you came onboard up to the bridge at
14 6:30 in the morning, approximately. The vessel left at
15 approximately 0800. Did you remain on the bridge the entire time
16 with the pilot?

17 A. I wasn't on the bridge all of those times?

18 CAPT. JONES: I'm sorry. Excuse me? He was or he
19 wasn't.

20 THE INTERPRETER: Wasn't.

21 CAPT. JONES: Wasn't?

22 BY CAPT. JONES:

23 Q. About how much of that time did you spend on the bridge
24 with the pilot?

25 A. I am not certain how long have I spent with the pilot,

1 and I remember that during the interview, I have went down and
2 then seen [sic] the other superintendent of the ship.

3 Q. Okay. Was it -- when you went up to the bridge at 6:30
4 in the morning, you asked -- and met the pilot, you asked about
5 the, whether the vessel could sail because of the fog?

6 A. Yes, I did ask him whether we can set sail under this
7 condition.

8 Q. Was there any further conversation about the fog prior
9 to sailing?

10 A. I thought that I have ask him whether in this area, San
11 Francisco area, is the season for fogging, for fog.

12 Q. And was it?

13 A. He told me that, yes, sometime it was that way.

14 Q. In your time as Captain, have you departed the dock or
15 entered ports with conditions like that before, the fog?

16 A. Under such foggy condition, we have not inbound or
17 outbound of the port.

18 Q. So if I have this correct, you've never departed a berth
19 before in such foggy conditions or, or arrived in port in such
20 foggy conditions?

21 A. Yes.

22 Q. What was the first indication that you had that the
23 vessel was going to get underway in those conditions?

24 A. It is not me to decide whether to set sail or not under
25 such condition.

1 Q. All right. So if the pilot says it's okay to sail, what
2 do you -- what's your decision after that?

3 A. Basically, I have to follow his direction.

4 Q. Okay. That morning, let's take the vessel off the dock
5 and get underway. You had personnel on the bow. Who was
6 stationed on the bow?

7 A. I order chief officer, boatswain, and an OS.

8 Q. Okay. Would that be the normal complement on the bow
9 even in clear conditions?

10 A. Even under a clear weather, visibility was good, I would
11 allow those personnel to work on, on the bow, and if they finish
12 their chores, I would ask opinion of the pilot to see if we can,
13 we can assign some other jobs to these personnel.

14 Q. Getting underway from the dock in, in a clear day, who
15 would be on the bow and for how long, in San Francisco, if it was
16 clear that day?

17 A. Well, basically even under the clear weather, clear day,
18 I would assign the same personnel working on the bow; and also
19 after they finish their chores, I ask the pilot's opinions to see
20 if he want anybody to be standing by the winchlet (ph.).

21 Q. For the anchor?

22 THE INTERPRETER: For the anchor.

23 THE WITNESS: Yes.

24 BY CAPT. JONES:

25 Q. Now, were those three personnel, chief mate, boatswain,

1 AB, on the bow from departure at the dock until the allision?

2 A. After the collusion [sic], I found out that the chief
3 officer was not stationed on the bow.

4 Q. Do you think he should have been?

5 A. Yes.

6 Q. So your orders were that those three remain up on the
7 bow until relieved?

8 A. This is a routine, so I did not give them order on that
9 day. But if they want to relieve themselves, then they have to
10 call me and ask permission.

11 Q. And did the chief mate do that that day?

12 A. No, he did not tell me. At least I, I have not heard
13 anything in his leaving the bow.

14 Q. Okay. Now let's go back up onto the, the bridge of the
15 ship, and the -- prior to leaving the dock. The Master Pilot
16 Exchange, are you familiar with that term?

17 A. Say that again, please?

18 Q. All right. It's called a Master Pilot Information
19 Exchange, a bridge team meeting.

20 A. As soon as the pilot went onboard and went up to the
21 bridge, a pilot card was given to him, and he signed it.

22 Q. Okay. And did you have any further meetings with the
23 pilot? Did you discuss the planned route out of the harbor? Did
24 you discuss the use of the tugboat or anything else pertinent to
25 the vessel leaving the berth?

1 A. I remember that we did discuss the use of the tug, and,
2 and the lines position, and he also ask me when we depart from the
3 port to the sea are we going to towards north or south?

4 Q. The north or south reference, that's once you're outside
5 the harbor, is that correct?

6 A. Yes, of course, I meant after arriving at the pilot's
7 station, then whether we decide to go to the north or south.
8 That's --

9 Q. Okay.

10 A. -- what I meant.

11 Q. How did you know the pilot's intentions or how did he
12 tell you those intentions of passing under the bridge, this -- in
13 the span between D and E?

14 A. He did not relate or inform me of his intention.

15 Q. Okay. And did you ever go over the chart, the plotted
16 chart, the paper chart with the pilot or the bridge team?

17 A. No.

18 Q. Did the pilot know where the paper chart was?

19 A. Yes, he knew.

20 Q. Did he ever look at it?

21 A. I'm not aware if he, if he took a look at it before I
22 went up the bridge; but as far as I'm concerned, after I arrived
23 on the bridge, he wasn't, he wasn't looking at a chart.

24 Q. Okay. Captain Sun, I'm going to ask you to look these
25 over. I'm going to read this to the, the party members, and just

1 the underlined version. This is from your, this is from your
2 Safety Management System as the *Bridge Procedures Manual*.

3 (Whereupon, the document referred to
4 as NTSB Exhibit 7 was
5 marked for identification.)

6 CAPT. JONES: That will be an exhibit. Next number?
7 And again, just for the record and the, and the rest of the party
8 members, so we'll be referring to this as we go along. This is
9 Guidance to Masters and Navigating Officers, and under General,
10 1.1, it says the Master is entirely responsible for the safe
11 navigation of the ship.

12 And then down at 1.13, the Safety Management System
13 states that a comprehensive briefing of all concerned with the
14 navigation of ships should be held.

15 And then further down on the next page on 10, number 3,
16 ensure that the intentions of a pilot are fully understood and
17 acceptable to the ship's navigational staff.

18 UNIDENTIFIED SPEAKER: Where are you here?

19 CAPT. JONES: Page 10. We can take it slow. I want him
20 to take his time, and he can read it thoroughly. And on page 11,
21 under 1.2, Bridge Organization, it asks for procedures for
22 detailed planning of the ships navigation; and along with
23 comprehensive team briefings, and these are bullets now.

24 And also, again, the last bullet in that section,
25 "ensuring that the pilot's intentions are fully understood and

1 acceptable to the bridge team."

2 And further on, "the bridge team and the master" -- this
3 is on page 14 now -- "it should be clearly established and
4 understood that the Master has the overriding authority and
5 responsibility to make decisions with respect to safety and
6 pollution prevention. The Master should not be constrained by a
7 ship owner or a charter from taking any decision, which in his
8 professional judgment, is necessary for safe navigation, in
9 particular, severe weather and heavy seas."

10 Further down on the bottom under Passage Plan, in
11 general, 1.3.1.1, which is page 14 again, "as per requirements of
12 the SDCW 95, Passage Planning is mandatory." And along with that
13 is a sample, a reference to a sample Passage Plan, which is later
14 on.

15 But that, that Passage Plan should be completed berth-
16 to-berth. The next section, this is page 48, and under Pilots and
17 Pilot, Engine Pilots. Now this is from, again, the company's SMS.
18 "Masters are reminded that even though Pilotage may be compulsory,
19 the pilot acts only as an adviser; the master being responsible
20 for the ship's safe navigation and for the observance of laws,
21 rules, and regulations."

22 Then, at the paragraph second to below that, "should the
23 Master consider the Pilot to be endangering the ship or
24 contravening any law, rule or regulation, he shall reject the
25 Pilot's advice, relieve him of his duties, and assume control of

1 the ship."

2 Now further down that paragraph, two paragraphs down,
3 "it should be stressed that the responsibilities of the ship's
4 navigating officers do not transfer to the pilot, and the duties
5 of the officer on the watch remain with that officer."

6 And further down, the next paragraph, last paragraph,
7 "the pilot should be clearly consulted on the Passage Plan to be
8 followed."

9 BY CAPT. JONES:

10 Q. Now, again, we'll refer to this from time-to-time, but
11 this SMS was onboard your vessel when you got onboard in Kusan,
12 Korea, is that correct?

13 A. I believe that when we first came onboard the Cosco
14 Busan this document was not on the bridge, but on, but rather in
15 the superintendent's cabin.

16 Q. And at any time prior to the allision in San Francisco,
17 did you have the opportunity to read that? Even if the -- did the
18 superintendent bring it to your attention or did -- were you able
19 to read that passage or any of those before the, the actual event,
20 the accident?

21 A. Yes, on our way to Long Beach, this document was
22 introduced to me by the superintendent upon the bridge.

23 Q. Okay. And, this superintendent, is this Captain Singh?

24 A. Yes.

25 Q. And did Captain Singh -- he was aboard for training

1 purposes for the crew of the Cosco Busan, is that correct?

2 A. Yes.

3 Q. And did he have training exercises or meetings or
4 classes in the two weeks that it took to get to San Francisco
5 across the Pacific?

6 CAPT. JONES: Go ahead, translate that.

7 THE WITNESS: Yes, we did do some exercise.

8 BY CAPT. JONES:

9 Q. In those exercises, was it, was it just important to you
10 to follow these procedures above any other procedures? The, the
11 SMS, is this what you should have been following running your
12 ship?

13 A. Yes, the exercise was in regard to the regulate [sic] or
14 requirements in the, in the company's manual, and also the
15 exercise concerning what to do when we arrive at U.S. border, and
16 how to deal with the Coast Guard.

17 Q. Have you worked for other companies before Fleet with a
18 Safety Management System onboard?

19 A. Yes.

20 Q. And did you follow those procedures and have your crew
21 or officers follow those procedures as they were written?

22 A. Yes.

23 Q. Okay. Along with some of those passages in there that,
24 you know, have -- the Master have full authority, do you feel you
25 could have told the pilot if you were not comfortable leaving the

1 dock, that you didn't want to go until the fog cleared?

2 A. Even though I realized that the Master has full
3 authority, but under such a condition, when we have the pilot
4 onboard, I have never encounter any times that, that the Captain
5 would overrule the Pilot in even both shipboard safety and
6 environment.

7 As far as I'm concerned, and my understanding that when
8 the ship were in the harbor, we have to follow the harbor
9 authority.

10 Q. Okay. When do you feel you can override a pilot or
11 countermand a pilot's order?

12 A. If I find the pilot was uncompetent [sic] or any obvious
13 mistake that the pilot made.

14 Q. And the, the morning of the accident, did you see any of
15 that in the pilot was aboard where you could have taken over?

16 A. I did not find, I did not find anything unusual.

17 Q. Before you left the dock, Captain Singh, was he aware of
18 the foggy conditions that morning?

19 A. Yes, but then he did not give any instruction or order.

20 Q. He did not express any concern about whether you'd be
21 able to get underway because of the conditions?

22 A. No, he did not express anything in that regard.

23 Q. Okay. When you were underway, Captain, with the pilot
24 and prior to the allision, where were you standing on the bridge?

25 A. We do not stand in one spot on the bridge, but, rather,

1 we move around. Sometimes we will move to the left or the right
2 of the radar. Sometime we were inside the bridge and sometime
3 outside the bridge.

4 Q. Okay. Once, once you're away from the dock and into the
5 harbor, were you concentrating on one radar or the other? Were
6 you standing in front of the, the radar and the, the electronic
7 chart, and was the pilot nearby?

8 A. I'm not certain where I stand at that time.

9 Q. Okay. Prior to the -- five minutes, say, prior to the,
10 the accident, were you in front of the radar, and did you have --
11 did you use one radar, a 3-centimeter, or 10-centimeter over the
12 other?

13 A. I am not certain, and I do not recall clearly.

14 Q. Okay. In the time that after the vessel left the dock
15 prior to the allision, did you use one of the radars? Did you use
16 the VRM or the EBL?

17 THE INTERPRETER: And?

18 CAPT. JONES: EBL.

19 THE WITNESS: I, I am not certain, but I do not recall
20 if I use any of those prior to the allision.

21 BY CAPT. JONES:

22 Q. Okay. Do you remember where the pilot was standing five
23 minutes prior to the Allision?

24 A. I do not have a clear correct, correction -- I mean
25 memories where he was standing or what he was doing.

1 Q. Okay. We've got a few pictures of your radar, Captain,
2 that we -- prior to the allision.

3 CAPT. JONES: This will be Exhibit 14?

4 UNIDENTIFIED SPEAKER: 14.

5 (Whereupon, the document referred to
6 as NTSB Exhibit 14 was
7 marked for identification.)

8 BY CAPT. JONES:

9 Q. These are in sequence of time, and that's the radar from
10 your 3-centimeter captured on the VDR.

11 UNIDENTIFIED SPEAKER: Rob, can you give me the time the
12 time stamp?

13 CAPT. JONES: Local time is about 8:26.

14 UNIDENTIFIED SPEAKER: What time?

15 CAPT. JONES: They're on -- I don't have it right in
16 front of me.

17 BY CAPT. JONES:

18 Q. So this was about four minutes before the allision. And
19 you can see the, the VRM, the white dash line circle. It says,
20 and correct me if I'm wrong, Captain. It's your radar. It's set
21 for about 30 -- 0.33 nautical miles?

22 A. Yes.

23 Q. Now did the, the pilot ever mention to you that he would
24 be using that VRM at 0.33 as a navigational tool?

25 A. Okay, he didn't mention --

1 CAPT. JONES: I'm sorry. He did not?

2 THE INTERPRETER: Did not.

3 CAPT. JONES: Okay.

4 BY CAPT. JONES:

5 Q. Now the electronic bearing language is also shown on, on
6 those pictures, the dashed white line.

7 CAPT. JONES: Just to -- for the record, he confirms
8 that?

9 THE WITNESS: Yes.

10 BY CAPT. JONES:

11 Q. Okay. Do you see it start moving to the right on the
12 subsequent pictures?

13 A. Hum?

14 Q. They're labeled on the back in sequence, so you can mix
15 them up, if you want, but it's easier to keep them in order. And
16 on one of those screens, you can see the RACON and the D and E
17 passage.

18 A. Yes.

19 Q. Okay. Captain, do you remember if that was you working
20 the EBL?

21 A. I forgot. It seems that it is not I who was operating
22 that.

23 Q. Would it have been the pilot? Do you, do you know if it
24 was the pilot using that EBL?

25 A. I am not certain.

1 Q. Okay. And again this would have been the radar closest
2 to the steering stand, the radar almost mid-ship?

3 A. Yes, mid-ship.

4 Q. Close to the steering stand, first one to the right?

5 A. Right now I cannot recall where this radar would be
6 located on bridge.

7 Q. Okay. Did the third mate have access, and could the
8 third mate have been using that radar?

9 A. I'm not certain.

10 Q. Okay. The, the second mate was on the stern?

11 A. Yes.

12 Q. Okay. Was, was he your most experienced officer for the
13 electronic navigation equipment?

14 A. He is more experienced than I in the equipment.

15 Q. Is he more experienced than the third mate?

16 A. I'm not certain. I'm not sure whether the second mate
17 or the third mate have [sic] ever used this type of radar.

18 Q. Okay. Captain, did you have a deck cadet aboard with
19 you on that trip?

20 A. No.

21 Q. There was no deck cadet onboard?

22 A. I'm not sure if there was any cadet in the engine room,
23 but on the deck, I would say no.

24 Q. Well, maybe we have different information, but just on
25 your crew list here, number 16.

1 A. He's not working on the deck but, rather, on the engine
2 room.

3 Q. Okay. So it was an engine cadet.

4 A. Well, as far as this matter is concerned, I think that
5 you might have a better answer from the chief officer. And one
6 thing that I am certain that there was no cadet working on the
7 deck.

8 Q. Okay. So I think it's going to be tough to talk to the
9 Chief Officer, but -- so your, your licensed deck officers were:
10 yourself, Chief Officer, Second Officer, and Third Officer?
11 Everybody else unlicensed?

12 A. That is correct.

13 CAPT. JONES: Okay, that's all I have right now.

14 BY MR. HENRY:

15 Q. Good morning, Captain. Captain, I have some exhibits we
16 have previously entered into the record, Exhibits 3, 4, and 5, and
17 these are three management documents that relate to the Safety
18 Management System for the vessel, and these are three forms that
19 are required to be filled out by the crew. QMS-11 is a
20 familiarization form.

21 And, while we don't have the entire list of approved
22 forms here, we have a sample of the Third Officer and the Second
23 Officer. The QMS-11 is required by the company Safety Management
24 System to be signed off within 24 hours of the individual boarding
25 the vessel. And for the, the two individuals in that exhibits, is

1 that your signature at the bottom of the form?

2 A. Yes, this is, this is my signature.

3 Q. And what date was that form signed?

4 MR. SCHWARTZ: What are you asking on Exhibit 3?

5 MR. HENRY: Exhibit -- the QMS-11.

6 THE WITNESS: I -- the date of joining doesn't seem to
7 be clear to me.

8 BY MR. HENRY:

9 Q. I believe at the top of the form there's the date for
10 signing.

11 A. Yes. It was on the 25th.

12 Q. 25th. The second form is, is QMS-13. That's shipboard
13 familiarization with duties and equipment, and the company's
14 expectations are that the, the crewmember boarding the vessel has
15 three days to become familiar with his duties and to sign this
16 form. Can you tell me is, is your signature at the bottom of this
17 form, Captain?

18 A. Yes, it was my signature.

19 Q. And the date of that form being signed?

20 MR. SCHWARTZ: You're asking the date this exhibit was
21 signed?

22 MR. HENRY: Yes.

23 MR. SCHWARTZ: Not the date that's included on it as
24 when he joined the vessel?

25 MR. HENRY: Is there a date for the signature?

1 THE WITNESS: I -- there was no date for the signature.

2 BY MR. HENRY:

3 Q. This individual boarded the vessel on the 24th?

4 A. That was correct.

5 Q. And could we look at --

6 A. Twenty-fourth.

7 Q. Can we look at Form QMS-12? This form is, is an
8 officer's Checklist for Officers Familiarization, and the company
9 gives the, the crewmember boarding a vessel two weeks to execute
10 this form. And I believe there is a date that this form was, was
11 signed. There's a date the individual boarded, and a date that
12 the form had been signed.

13 A. I'm not sure if it is 24th or 25th -- 24, 29, not clear
14 [sic].

15 MR. SCHWARTZ: What did he say the 24th and 29th?

16 BY MR. HENRY:

17 Q. So, Captain, the, the entire crew boarded the vessel on
18 the 24th?

19 A. The chief engineer, the -- and the superintendent were
20 onboard on day earlier than I do, than I do [sic] -- one voyage.

21 Q. And the vessel --

22 CAPT. JONES: -- one voyage?

23 THE INTERPRETER: Yeah.

24 BY MR. HENRY:

25 Q. The vessel departed the morning of the 25th?

1 A. Yes.

2 Q. Did the, did the -- did your crew work cargo after they
3 got onboard?

4 A. Yes. It was in the process of loading and unloading.

5 Q. So my question is, if the company's expectations are
6 that it's going to take an individual maybe two weeks to become
7 familiar with his duties, how is it possible that, that these two
8 crewmembers were signed off as being familiar with their duties in
9 a very short time before the vessel sailed, less than a day?

10 UNIDENTIFIED SPEAKER: Well, that's -- I mean this is
11 the Chief Engineer, who, who was on the previous voyage.

12 MR. HENRY: I believe if you flip the form over, it's
13 going to be the second or the third officer.

14 UNIDENTIFIED SPEAKER: Looks like chief engineer again.

15 MR. HENRY: Chief Engineer signs, signs all the forms.
16 This is for Mr. Zhao; this is for Mr. Wang, the second, the third
17 officer. The Chief Engineer and the Master both sign off the form
18 at the bottom.

19 BY MR. HENRY:

20 Q. So my question is how is it possible in that short
21 amount of time to sign off for responsibilities that, that the
22 company says could take up to two weeks?

23 If I can ask another question, did the Captain actually
24 sign that form on October 25th?

25 A. I not have a clear recollection.

1 Q. Let me rephrase the question. Was, was the crew on the
2 Cosco Busan ready to safely operate the vessel when it departed
3 Kusan on October 25th?

4 A. Yes, we before depart, before departure we have conduct
5 a safety and also the testing of the equipment and machineries.

6 Q. Was the crew familiar with their duties?

7 A. Yes. Yes, they, they certainly know, they knew their,
8 what their duty were.

9 Q. Can -- Captain, can you, can you tell me, what was your
10 relationship with Captain Singh?

11 A. Captain Singh was my superintendent and, of course, I
12 have to follow his instruction. This is the first time that I
13 work for Fleet Management, and as far as the company's regulation
14 or instructions, I have to follow Captain Singh's instructions.

15 Q. The, the morning of the departure from Oakland, the
16 voyage data recorder captures some, some statements you made about
17 your frustration with the Fleet Management superintendents.

18 A. Yes.

19 Q. And what was the cause of this frustration?

20 A. When I came on the bridge and while making the
21 preparation for departure, the superintendent has not leaving the
22 ship yet.

23 Q. Was this, was this a distraction to your duties as the
24 Captain?

25 A. Yes, this will make me frustrated, and I was unhappy on

1 that day.

2 Q. But from your previous testimony with Captain Jones,
3 Captain Singh did not, did not give you any instruction on
4 departing in the fog and whether you needed to depart or not?

5 A. Yes.

6 Q. Did any, did anybody else, ship's agent, give you
7 instruction on when to depart?

8 A. Yes, the ship agent told me that the departure time on
9 that day was 7 a.m.

10 Q. This is Mr. Michael Plumera (ph.) from Norton Lilly?

11 A. Yes.

12 Q. Did he -- was that, was that an order to depart?

13 A. In normal circumstances, this was considered as the
14 departure order. And furthermore the report that we send to the
15 authorities, the departure time was 7:00 a.m.

16 Q. Did, did you express your concern to either Captain
17 Singh, Norton Lilly or the pilot about departing in the fog?

18 A. I asked the, the pilot could we set sail under this
19 condition, weather condition? And, furthermore, the arrangement
20 from the port authority would be considered an order.

21 Q. Would that, would that order override your authority as
22 the Master of the vessel?

23 A. Certainly it would override me.

24 Q. Captain Sun, you have sailed for many years. How many,
25 how many port visits in the United States have you made as, as a

1 Master?

2 A. I've been to many ports in the U.S. I could not tell
3 you how many times.

4 Q. But you are, you are very familiar with U.S. Pilotage,
5 and you have operated with many U.S. pilots?

6 A. Well, this is very hard for me to say because each pilot
7 has his own personality and his way of doing business.

8 Q. With all this experience, you are -- are you unsure of
9 your authority as Master of a vessel to make the final decision
10 on, on the departure of a, of your vessel?

11 A. The old writing in the manual I think that was only on
12 paper. All the decisions whether to set sail or not was the
13 authority from the port authority, authorization from the port,
14 port authority. If all the captains would override that
15 authority, then there would be conflict.

16 Q. Could he clarify who the port authority is? Is it the
17 agent or is it the Coast Guard?

18 A. I believe that port authority involved the management,
19 traffic, et cetera, and Coast Guard is -- would consider part of
20 port authorities.

21 Q. We've been, we have been interviewing the Captain now
22 for almost an hour and half. Would he like -- and I'm not done
23 with my questioning, but would he like a short break?

24 A. Yes.

25 MR. HENRY: Yes. We'll take a five-minute break.

1 Please go off the record.

2 (Off the record.)

3 (On the record.)

4 BY MR. HENRY:

5 Q. Captain Sun, if we can return to the questioning about
6 your authority to sail in a fog condition, you had said previously
7 that you had not sailed under the -- you had not previously sailed
8 under conditions that existed on the morning of November 7th, you
9 had previously not sailed under those conditions in your past
10 experience.

11 A. Yes.

12 Q. But you had been in port in conditions of fog where you
13 did not sail.

14 A. Yes.

15 Q. Did you make that decision not to sail?

16 A. The decision from the Port Authority.

17 Q. And does this include a U.S. port? Did this also happen
18 in a U.S. port?

19 A. I have no experience to be at the berth under such
20 condition in U.S.

21 Q. So I'm going to ask him a question and he may want to
22 have this clarified, but because the U.S. Port Authority did not
23 close the port, did he feel he was required to sail?

24 A. Even though, in the U.S. port, the Port Authority did
25 not close the harbor under such a condition, even though the

1 overriding of the master.

2 If I request not to set sail, it is impossible because
3 who is going to pay for all these staying over expenses, you know,
4 while we are not sailing -- while we have not departed the berth?

5 Q. Does the captain believe that financial considerations
6 are more important than safety considerations in sailing?

7 A. Safety matters, but, as in the captain, how could I
8 foretell that under foggy conditions when we set sail the ship
9 would collide? If the captain decides that the ship set sail
10 under such condition and it is a matter of certain [sic] the ship
11 would collide, then the Port Authority should have closed the
12 harbor.

13 Q. But because the Port Authority did not close the harbor,
14 the captain felt he had to sail?

15 A. If the Port Authority decides not to close the harbor,
16 to me it means that it is okay to set sail.

17 If they decide not to close, how could I make decision
18 not to set sail?

19 Q. So Captain Sun's decision was to sail in very heavy fog.
20 Did Captain Sun make any special provisions for sailing with the
21 crew setup, who was on the bow, who was on the stern, special
22 instructions?

23 A. Yes. Under such condition, to prepare for set sail, I
24 already arranged that the crew member stationed in -- at the bow
25 and stern for lookout, as well as having the anchor standby, and

1 all these were the -- I have consult with the pilot.

2 Q. Did Captain Sun employ extra lookouts?

3 A. Yes, yes.

4 Q. Where were the extra lookouts?

5 A. Chief Officer, bosun.

6 Q. Did the chief officer and the bosun know the route of
7 the vessel and what to report as far as navigation aids?

8 A. According to the customary connection of the business,
9 working as a lookout, that person have [sic] to report any unusual
10 circumstance or conditions to the bridge.

11 Q. Was there ever a report of an unusual circumstance from
12 a lookout?

13 A. Yes. The fact was that the lookout report [sic] the
14 bridge as soon as, you know, he spotted the bridge, and this was
15 reported to the bridge.

16 Q. Were the anchors ready to let go?

17 A. Yes, it was ready.

18 Q. Now, Captain Sun, you said that the pilot did not brief
19 you on the vessel's route in leaving the harbor.

20 A. That was correct.

21 Q. Did the pilot brief you on the vessel's speed in leaving
22 the harbor?

23 A. No. All the speed were [sic] ordered by him.

24 Q. Did the pilot tell you how he was going to employ the
25 assist tug?

1 THE INTERPRETER: Say it again?

2 BY MR. HENRY:

3 Q. Did the pilot tell Captain Sun how he was going to
4 employ the assist tugboat Revolution?

5 A. Yes, he talked to me about that.

6 Q. So, Captain Sun, you had said that you would not take
7 over from the pilot unless you thought something unsafe was going
8 to happen.

9 A. That was correct.

10 Q. So if the vessel is in heavy fog and the vessel is going
11 ten knots and you don't know what the pilot is doing, how can you
12 ever take over from the pilot?

13 A. This was my first time ever enter in this port, so I'm
14 not familiarized -- I'm not familiar with the speed limit or the
15 way the pilot conduct their business.

16 Q. If the pilot were to become incapacitated, who would
17 take over for the pilot?

18 A. If I ever found out any obvious evidence that the pilot
19 was incompetent [sic] in doing his job, then I would request
20 permission from the agent or the Port Authorities to take over.

21 And if the ship was underway and I ever found out the
22 pilot was incapacitated or incompetent, then I would report to VTS
23 by radio and I would wait for their instruction and order because
24 the ship was not registered in U.S. and then the captain was not
25 U.S. citizen and, therefore, any decision have to go through the

1 Port Authority.

2 Q. So the vessel is in heavy fog, the vessel is traveling
3 at ten knots, and the captain decides that he needs to relieve the
4 pilot, he needs to ask for approval from the Port Authority?

5 A. Yes. If I found that evidence, I would report to the
6 Port Authority.

7 Q. Captain Sun, can you tell me why you believe this
8 accident occurred?

9 A. It was obvious that the pilot make a mistake.

10 Q. And what mistake was that?

11 A. In every aspect.

12 Q. Please specify the aspects.

13 A. Number one was under such foggy condition ship should
14 not set sail, and number two was the pilot was using a wide range
15 of turning within the Pilotage water, was not appropriate.

16 Q. The captain had many opportunities to talk to the pilot?

17 A. No.

18 Q. Did the captain -- Captain Sun, did you have an opinion
19 as far as the pilot's competency to pilot?

20 UNIDENTIFIED SPEAKER: Do you mean now or at the time?

21 CAPT. JONES: At the time.

22 THE WITNESS: I did not have that opinion, but I thought
23 that was the way that the pilot conduct [sic] his business because
24 I have been to many U.S. port before and each individual have
25 their own way. Sometimes they will listen to radio broadcasting

1 while working.

2 BY CAPT. JONES:

3 Q. Did the pilot make cell phone calls before the allision
4 and after the vessel departed the dock?

5 A. Yes.

6 Q. Were these -- does the captain know if these phone calls
7 were being conducted along with his Pilotage duties, were they
8 piloting purposes?

9 A. I did not know whether he was using the phone for
10 official business or for personal business.

11 Q. Did they appear to be a distraction from his duties?

12 A. I just believe that he talked too much on the phone, but
13 I consider that is, you know, individual -- each individual's
14 behavior in working.

15 Q. Can the captain tell us about his discussions with the
16 pilot about the red triangles that marked part of the bridge?

17 A. He asked me what is this triangle meant and I answer
18 him.

19 Q. And what was your answer, Captain?

20 A. My answer was possibly it is the center of the bridge.

21 Q. Were these navigation markers? Were these red triangles
22 navigation markers?

23 A. When I answered him, I told him that this could be the
24 light in the center of the bridge.

25 Q. What did the captain mean by center of the bridge? What

1 did Captain Sun mean by the center of the bridge?

2 THE INTERPRETER: Singh?

3 UNIDENTIFIED SPEAKER: Sun.

4 CAPT. JONES: Excuse me?

5 THE INTERPRETER: That's okay.

6 THE WITNESS: What I meant was the -- I mean the center
7 of the bridge could be the center of the whole length of the
8 bridge, but it may not be the center -- may not be the navigation
9 center.

10 BY MR. HENRY:

11 Q. Why would the pilot want to know where the center of the
12 bridge was?

13 A. I do not -- I don't -- I didn't know -- did not know
14 that when he want to ask me casually what this red triangle means
15 or the center of the bridge means.

16 Q. And at what point in the voyage did the captain
17 understand that the pilot intended to go through D and E, D and E
18 span?

19 A. The moment that VTS called on the radio and he answer
20 that he will go in the center of D and D -- D and E. Then I
21 realized that he's going through D and E.

22 Q. Was the vessel positioned at that time to go through D
23 and E?

24 A. I do not believe so because if the ship's position was
25 in the middle of D and E, then he would not ask me.

1 Q. And yet, Captain, you did not believe at this point that
2 you -- let me rephrase the question. Did you still believe at
3 this point that you were comfortable with the actions of the
4 pilot?

5 A. Well, the collusion proved that, you know, his action
6 was not proper, was not right.

7 Q. And you were not prepared to take over in navigating the
8 vessel from the pilot at that time, at the time of the VTS call?

9 A. When the VTS called, then I realized that the ship might
10 be a little bit off course, but as far as I remember now that any
11 action then was not effective.

12 Q. Captain, how was your alertness the morning of the
13 accident, were you alert or tired?

14 A. Yes, I was alert in preparing the ship to set sail.

15 Q. Okay. Thank you, Captain.

16 CAPT. JONES: Barry?

17 DR. STRAUCH: Do you need a break?

18 THE WITNESS: It's okay. We can go on.

19 MR. COMBS: Thank you. Mr. Jones?

20 DR. STRAUCH: Yeah, he's Jones.

21 MR. COMBS: Oh.

22 DR. STRAUCH: I'm Strauch.

23 MR. COMBS: And you're what?

24 DR. STRAUCH: I'm Strauch and you're Schwartz.

25 UNIDENTIFIED SPEAKER: May the Schwartz be with you.

1 BY DR. STRAUCH:

2 Q. All right. Captain, I'm going to follow-up on questions
3 that were just asked. I'm also going to ask some questions you
4 haven't been asked before. Now you said you've been a captain
5 since 1998.

6 A. Yes.

7 Q. Could you kind of describe your experience, your marine
8 experience, from the time that you finished the Maritime Academy
9 to 1998?

10 UNIDENTIFIED SPEAKER: Here's that -- just to help

11 DR. STRAUCH: Okay. If you want to refer to your
12 Seaman's Book, that's fine. I'm not looking exact dates, just a
13 general description.

14 UNIDENTIFIED SPEAKER: Do you want these back so we
15 don't run away with them?

16 THE WITNESS: Yes. After graduation from the Maritime
17 Academy I worked on the ship as a cadet, and then after the
18 examination I received a certificate working as a third officer.
19 And then, of course, after several years working as a third
20 officer I took exam and certified as a second officer. And after
21 several years as second officer I took exam and certified as chief
22 officer. After several years working as a chief officer, again, I
23 took exam and certified -- and then certified as the master.

24 Q. Which country did you take the exams and which country
25 certified you for your licenses?

- 1 A. China.
- 2 Q. And what year did you graduate?
- 3 A. Ninety-eight.
- 4 Q. What year did you graduate Maritime Academy?
- 5 A. In Thailand.
- 6 Q. Thailand? And what year was that?
- 7 A. 1982.
- 8 Q. 1982? And how old are you?
- 9 A. Approximately 22 years old.
- 10 Q. And how old are you today?
- 11 A. Forty-eight.
- 12 Q. Forty-eight? Have you worked exclusively in shipping --
- 13 in the marine industry from 1982 to the time of the accident?
- 14 A. Yes, all the way.
- 15 Q. Okay. Until the time you were a captain, when you were
- 16 working as a third mate, second mate, first mate, did you work
- 17 exclusively under captains from China or did you work under
- 18 captains from other countries as well?
- 19 A. Chinese captains.
- 20 Q. Exclusively?
- 21 A. Yes.
- 22 Q. And you sailed all over the world?
- 23 A. Yes, almost.
- 24 Q. You worked with pilots from all over the world?
- 25 A. Yes.

1 Q. What are your expectations about pilots from the United
2 States compared to pilots from other countries?

3 A. You say expectation or impression?

4 Q. Impression.

5 A. I encountered good and bad pilots, and I've encountered
6 some talkative pilot, active pilot.

7 Q. Have you encountered good and bad pilots in the United
8 States or more good than bad in the United States, compared to
9 pilots from other countries?

10 A. It is very hard for me to explain. I have seen good guy
11 and bad guy.

12 Q. In the United States?

13 A. Yes.

14 Q. When you met this pilot, what did you think? Was he a
15 good pilot or a bad pilot?

16 A. As I told you before, that if I met a bad pilot, then it
17 will frustrate me and I would be unhappy with my duty.

18 Q. Did this pilot frustrate you at any point?

19 A. Yes.

20 Q. At what point did he frustrate you?

21 A. Ever since he came onboard.

22 Q. What did he do that caused you to be frustrated?

23 A. Normally as a captain I would welcome the pilot with my
24 open arm, enthusiastic, and I would show my hospitality in
25 offering him if he need any food or coffee or tea, et cetera. And

1 then some pilot came onboard with a very cold face. Some of them
2 just don't want to pay attention on us and some of them would not
3 like to talk with us.

4 Q. Did you offer this captain coffee or tea?

5 A. You know, coffee or tea and other drinks, you know, are
6 available onboard the ships whether they like it cold or hot, but
7 then it seems the pilot coming onboard was with cold face, doesn't
8 want to talk. I don't know if he had a hard day before or --
9 because he was unhappy because I was a Chinese.

10 Q. Interesting. When you gave him the pilot card, what was
11 his reaction?

12 A. Some pilot would read the card very carefully line by
13 line and then sign, but some pilot would just take a glance, a
14 quick look, and then sign and put on the table. That's it. And
15 some pilot doesn't want to sign the card.

16 Q. What did this pilot do?

17 A. His attitude was, you know, going on the bridge -- in
18 and out, and left the ship.

19 Q. Is it fair to say that this pilot gave the impression
20 that he didn't want to discuss things with you, didn't want to
21 talk much to you?

22 A. Yes.

23 Q. Have you experienced pilots who give you that impression
24 before?

25 A. You mean in U.S. water or in other port?

1 Q. In both U.S. and in other ports.

2 A. Yes, I have encountered.

3 Q. Have you encountered them in the U.S. before?

4 A. In Texas.

5 Q. In Texas.

6 A. Yes, I meant in Texas.

7 Q. Have you encountered them outside of the U.S. before?

8 A. In other country, the pilots, you know, probably when
9 they went onboard they want something or demanding something and
10 if you satisfied his need he will be happy.

11 Q. Now you asked the pilot something to the effect of is it
12 okay to leave in such weather.

13 A. Say it again.

14 Q. You asked the pilot is it okay to leave in such weather
15 or under these kinds of -- in this fog can we leave. You asked
16 him something like that.

17 A. Yes, I did, I did ask.

18 Q. And what did he respond?

19 A. He answered me that he have to check the traffic
20 outside.

21 Q. He didn't -- did he respond to you about the weather,
22 whether it was okay to leave in the weather or only about the
23 traffic?

24 A. He did not give me a direct answer to my question.

25 Q. So what did he do then because he didn't give you a

1 direct answer to your question?

2 A. Then my understanding at that time was that the Port
3 Authority had not closed the harbor and it is okay to set sail.

4 Q. So you have a pilot who's not real friendly and doesn't
5 want to talk. What do you do to make sure that this pilot
6 understands what you want him to do?

7 A. In that situation, even though the pilot wasn't friendly
8 or liked to talk, I would ask him question and -- to see what he
9 wants or what he needs and if I can satisfy him in any way.

10 Q. Other than asking him about coffee or tea or food, what
11 questions did you ask him after he said he was going to check on
12 the traffic?

13 A. Yes. Of course, I would ask question in regard to
14 whether the anchor should be standby and how many tugboats he
15 needs and the casting off the line, et cetera.

16 Q. What did you ask him about how he planned to take the
17 vessel out of the port?

18 THE INTERPRETER: The interpreter has to repeat the
19 question in Chinese.

20 THE WITNESS: Well, in most case when I ask, the pilot
21 mostly would tell me what his navigation was, but sometime I ask
22 some other pilot, they would not answer me or just ignore me. And
23 sometime if I work as a captain, ask the pilot, he would dodge my
24 answer and purposely going [sic] away.

25 BY DR. STRAUCH:

1 Q. With this pilot on this day, what did you ask him about
2 how he planned to take the vessel out and what did he answer you?

3 A. Yes. I asked him if we can -- we could set sail under
4 this fog condition and also asked him how many tugs required and
5 anchor ready.

6 Q. Did you ask him about his route that he was going to
7 take?

8 A. No, I did not ask him about the route.

9 Q. Should you have?

10 A. Do you mean that what would happen if I asked him about
11 the route?

12 Q. No. I mean, should you have asked him what his route
13 was?

14 A. In most case the pilots would have told me what the
15 route would be.

16 Q. But in this case the pilot did not?

17 A. Correct.

18 Q. Because he did not, wouldn't that have made it even more
19 important for you to ask him?

20 A. As far as I'm concerned our ship was in the harbor and
21 the pilot should be -- should familiarize with the route that he's
22 going to take.

23 Q. Do most pilots tell you the route that they plan to
24 take?

25 A. Not all the time.

1 Q. And what is your experience, what do you do with those
2 pilots that don't tell you the route that they plan to take?

3 A. You mean in U.S. port?

4 Q. Well, let's do outside the U.S. first.

5 A. Sometime I would ask, but then not everything [sic].
6 And sometime when the pilot was calling on the radio or something
7 like that, I would not interrupt him. And sometime when we ask
8 some question, the pilot would become unhappy.

9 Q. Are you talking about pilots outside the U.S. or this
10 particular pilot on this day?

11 A. Well, it happened in U.S., as well as other countries.

12 Q. Do you behave differently with pilots from other
13 countries than you do with pilots from the U.S.?

14 A. My impression was that most U.S. pilots were more
15 casual. Well, and I also encountered some very friendly, you
16 know, make a few joke here and there.

17 Q. What were your impressions as to how willing this pilot
18 was to cooperate with you, to answer your questions?

19 A. You mean this pilot, particularly?

20 Q. Yes.

21 A. I would consider him an average pilot.

22 Q. Okay. Did he seem willing to answer your questions?

23 A. In times, you know, I asked him a question especially in
24 regard to the weather. He did not give me a direct answer.

25 Q. Did he seem like he didn't want to answer your question?

1 A. My impression was that since the pilot was required to
2 navigate in the restricted water, then he knew what he's doing,
3 and it seems that my question would be unnecessary.

4 Q. Did he act like he didn't want to answer your questions?

5 A. I would say yes and no.

6 Q. And you said you thought he might not have liked you
7 because you were Chinese?

8 A. This is not the main reason, but this is how I thought
9 or my guess was.

10 Q. How did that affect how you dealt with him?

11 A. Well, I would do -- I would consider that doing my job
12 and he's going his job even though he appeared to be cool or cold.

13 Q. All right. Who makes decisions to depart the port in
14 low visibility conditions?

15 CAPT. JONES: Is that U.S.?

16 BY DR. STRAUCH:

17 Q. In the U.S?

18 A. You mean on that day or in general?

19 Q. In general?

20 A. As far as my experience goes, the agent of the company
21 should have or could have the approval from the Port Authority.

22 Q. So it's the Port Authority makes the decision -- the
23 pilot makes the decision, is that correct?

24 A. I believe that the -- I guess the decision would be from
25 the Port Authority to decide because I understand that the agent

1 have to clear all procedures, clear all expenses, with the Port
2 Authority and also have the approval from the pilot station, and
3 it could -- the decisions could involve with Coast Guard, et
4 cetera, in order to set sail.

5 Q. Okay. What ports have you seen the Port Authority close
6 the port in these kinds of conditions?

7 A. In all port in China under such conditions the harbor
8 would be closed.

9 Q. Okay. Have you sailed in the U.K.?

10 A. No, I have not.

11 Q. Okay. What other countries have you sailed into?

12 A. Holland.

13 Q. Would they have closed the -- would the authorities have
14 closed the port in Holland in this condition?

15 A. Yes, it would.

16 Q. What other countries have you sailed into?

17 A. Korea, Japan.

18 Q. Would the authorities have closed the port in Korea and
19 Japan?

20 A. Yes.

21 Q. So what is your understanding that the port was not
22 closed in Oakland or San Francisco that morning, what did that
23 tell you?

24 A. I believe that it was the difference between the
25 regulation of the port in this country and other countries.

1 Q. And what is the difference?

2 A. In many aspects.

3 Q. Such as?

4 A. It's hard to say.

5 Q. All right, we'll go on. What did you think when the
6 pilot asked you about the red triangles?

7 A. I thought that he was curiosity. I mean he was curious
8 and want to know what that was.

9 Q. Okay. What did that tell you about him, about the
10 pilot, just that he was curious?

11 A. I felt strange. He should have known.

12 Q. And the fact that he didn't know, that he had to ask
13 you, what did that tell you about him?

14 A. That's why I was -- I felt strange for him not to know.

15 Q. What did you think when the VTS called and asked him
16 about his intentions?

17 A. I did not know -- number one is that I did not know the
18 intention of the pilot, and number two is when the VTS called and
19 asked the pilot his intention, I really don't understand why they
20 would say so.

21 Q. Now the VTS gave the pilot the heading of 235 degrees,
22 but he knew the vessel wasn't going 235 degrees. What did that
23 tell you?

24 A. When the ship maneuvered to take a turn, of course, the
25 route wouldn't be the same.

1 Q. The pilot's answer was even more different. The pilot
2 answered that -- I believe he said that he was going at 280
3 degrees.

4 A. It means the direction from the bow.

5 Q. At what point in this voyage did you become concerned
6 about the safety of the vessel?

7 A. After VTS called I became concerned.

8 Q. And what did you do after that as a result of your
9 concern?

10 A. And, of course, I observed very carefully to see if
11 there was any mistake.

12 Q. On whose part, mistake on whose part?

13 A. Correction. I was the mistake, but I would carefully
14 observe what action would the pilot take.

15 Q. And now how were you observing the pilot before that
16 point?

17 A. Basically, I would carefully listen to his -- to the
18 order that he gave, and I thought this may be the way that he
19 conduct his piloting.

20 Q. Okay. What else did you do to monitor the pilot, the
21 vessel, the voyage in that time?

22 A. I made use of the radar at that time, too.

23 Q. Were you looking at the radar before?

24 A. Yes.

25 Q. So what did you do differently when you were monitoring

1 the voyage after VTS called in comparison to what you had done
2 before?

3 A. I monitored by telling the crew member to listen
4 carefully to the pilot's order or command.

5 Q. Okay. What was your reaction when the pilot had
6 difficulty interpreting the radar?

7 A. Would you say it again, please?

8 Q. What was your reaction when the pilot had difficulty
9 interpreting the radar?

10 A. Would you please rephrase the question so I can
11 understand it clearly?

12 Q. Okay. You were monitoring the radar, too, is that
13 correct?

14 A. I'm not certain if I was monitoring the radar or not.

15 Q. Okay. What were you monitoring then in overseeing the
16 navigation of the vessel?

17 A. Certainly at the time I would not stand by the radar all
18 the time, but whenever the pilot want to look at the radar I would
19 step aside.

20 Q. Okay. Did you look at the radar yourself?

21 A. Yes, there was such a possibility.

22 Q. Did you or didn't you?

23 A. Yes, I did.

24 Q. Did you have any trouble interpreting the radar?

25 A. You mean the trouble with the radar or trouble looking

1 at the radar?

2 Q. Interpreting the radar, understanding what the radar was
3 telling you.

4 A. Yes, I can interpret the radar.

5 Q. When the pilot said he couldn't interpret and switched
6 to looking at the electronic chart, what was your reaction to
7 that?

8 MR. STRAUCH: That's unfair because that was never said
9 by the pilot.

10 DR. STRAUCH: Okay.

11 MR. SCHWARTZ: That's an unfair question. I'm sorry.

12 DR. STRAUCH: All right. Okay. I'm sorry. Okay.

13 BY DR. STRAUCH:

14 Q. What is your understanding of what VTS does? Can you
15 explain your understanding of the role of VTS?

16 A. Well, as you see, the word itself tells you it is a
17 Vessel Transport -- Vessel Traffic Services.

18 Q. Okay. Do they tell vessels where to go?

19 A. Yes, most likely in the harbor.

20 Q. Okay. Do VTS's work differently? Do they have a
21 different roles in the United States compared to other ports?

22 A. I do not know if there was any difference in details
23 between the U.S. VTS or other countries.

24 Q. What is your understanding of the role of the Safety
25 Management System?

1 A. Well, mainly for safety.

2 Q. Okay. Does every procedure in the SMS system have to be
3 followed or can you not follow some if you choose not to?

4 A. I would follow order -- rules and regulation n the
5 manual, but then sometime it is unpractical or impossible to
6 follow all the regulation there.

7 Q. Were there any procedures on the Cosco Busan SMS that
8 you found were impossible to follow on the day of the accident?

9 A. I did not see which procedure was unnecessary or
10 impossible to follow.

11 Q. So you followed all the procedures?

12 A. I have to refer to the manual in order to find out if I
13 have followed all.

14 Q. Do you remember what the SMS said about the Passage
15 Plan?

16 A. Yes. There were procedure [sic] on SMS -- I mean on
17 Passage Plan.

18 Q. And what did the procedure require you to do?

19 A. It means that the Passage Plan should be created before
20 departure.

21 Q. And what are the points of the Passage Plan, from what
22 point does it begin and what point does it end?

23 A. According to the manual, it should be berth to berth.

24 Q. Did you follow this procedure on the day of the
25 accident?

1 A. I forgot. I am not sure whether the second officer had
2 created the Passage Plan from berth to berth or pilot to pilot.

3 Q. So you don't remember?

4 A. Yes. By now I have no recollection.

5 Q. Okay. You said that, you know, had you remained in the
6 port that there would have been financial consequences in terms
7 of, you know, the cost of the ship and so on, and I may not be
8 phrasing this correctly, but I just want to make sure. Is that
9 correct, what you said about not leaving the port that morning?

10 A. Yes. It depends on who make [sic] the decision.

11 Q. Okay. Did anybody from Fleet Management say anything to
12 you about remaining in the port -- about the consequences that you
13 might face for staying in the port given the weather at that time?

14 UNIDENTIFIED SPEAKER: And we're talking about on the
15 7th?

16 DR. STRAUCH: Yes, on the day of the accident.

17 THE WITNESS: Nobody tell me in that regard, and nobody
18 told me that I should not set sail under such condition.

19 BY DR. STRAUCH:

20 Q. But you felt that you might face some consequences for
21 not sailing, is that correct?

22 A. Yes. That was done according to my experience and my
23 guessing.

24 Q. What experience did you have that led you to feel this
25 way?

1 A. Typically, that if I did not set sail under such a
2 condition I would have consequence to compensate the company.

3 Q. Compensate them in what way?

4 A. Well, if there was no order not to set sail and you are
5 not setting sail, being -- doing nothing, it means that you have
6 to pay for the loss.

7 Q. You personally?

8 A. Well, the company will have to take the loss, and then I
9 will be the one to be blamed.

10 Q. Okay. Was there anything in your experience with Fleet
11 Management that would have caused you to believe that you would
12 face these consequences from them had you decided not to sail?

13 A. I have no experience in that regard with Fleet
14 Management because this is my first time working for them.

15 Q. Okay.

16 DR. STRAUCH: At this point I probably have about
17 another 10 minutes or 15 minutes of questions. Do you want to go
18 on or do you need a break now?

19 MR. COMBS: Do you want to take a break and then go
20 awhile longer before we break for lunch -- take a break, then keep
21 going?

22 DR. STRAUCH: Keep going?

23 MR. COMBS: No. Take a break now. Then we can go on
24 until we stop for lunch.

25 (Off the record.)

1 (On the record.)

2 THE WITNESS: Would you say it again, please?

3 BY DR. STRAUCH:

4 Q. What was your reaction when the pilot had difficulty
5 interpreting the radar?

6 A. Would you please rephrase the question so I can
7 understand it clearly?

8 Q. You were monitoring the radar, too, is that correct?

9 A. I'm not certain if I was monitoring the radar or not.

10 Q. Okay. What were you monitoring, then, in overseeing the
11 navigation of the vessel?

12 A. I certainly at the time I would not stand by the radar
13 all the time, but whenever the pilot want to look at the radar, I
14 would step aside.

15 Q. Okay. Did you look at the radar, yourself?

16 A. Yes, there was such possibility.

17 Q. Did you or didn't you?

18 A. Yes, I did.

19 Q. Did you have any trouble interpreting the radar?

20 A. You mean the trouble with the radar or trouble looking
21 at the radar?

22 Q. Interpreting the radar, understanding what the radar was
23 telling you.

24 A. Yes, I can interpret it, the radar.

25 Q. When the pilot said he couldn't interpret it and

1 switched to looking at the electronic chart, what was your
2 reaction to that?

3 MR. SCHWARTZ: That's unfair because that was never said
4 by the pilot.

5 DR. STRAUCH: Okay.

6 MR. SCHWARTZ: That's an unfair question, I'm sorry.

7 DR. STRAUCH: All right. Okay, I'm sorry. Okay.

8 BY DR. STRAUCH:

9 Q. What is your understanding of what VTS does? Can you
10 explain your understanding of the role of VTS?

11 A. Well, as you see, the -- tells you it is a vessel
12 transport -- vessel traffic services.

13 Q. Um-hum, okay. Do they tell vessels where to go?

14 A. Yes, most likely in the harbor.

15 Q. Okay. Do VTS's work differently? Do they have a
16 different role in the United States compared to other ports?

17 A. I do not know if there was any different in details
18 between the U.S. VTS or other countries.

19 Q. What is your understanding of the role of a Safety
20 Management System?

21 A. Well, mainly for safety.

22 Q. Okay. Does every procedure in an SMS system have to be
23 followed or can you not follow some if you choose not to?

24 A. I would follow order, rules and regulation in the
25 manual, but then sometime it is unpractical or impossible to

1 follow all the regulation there.

2 Q. Were there any procedures that, on the Cosco Busan SMS,
3 that you found were impossible to follow on the day of the
4 accident?

5 A. I did not see which procedure was unnecessary or
6 impossible to follow.

7 Q. So you followed all the procedures?

8 A. I have to refer to the manual in order to find out if I
9 have follow or --

10 Q. Do you remember what the SMS said about Passage Plan?

11 A. Yes, there were procedure [sic] on SMS -- I mean, on
12 Passage Plan.

13 Q. And what did the procedure require you to do?

14 A. It means that the Passage Plan should be created before
15 departure.

16 Q. And what are the points of the Passage Plan, from what
17 point does it begin to what point does it end?

18 A. According to the manual, it should be berth to berth.

19 Q. Did you follow this procedure on the day of the
20 accident?

21 A. I forgot. I am not sure whether the second officer had
22 create [sic] the Passage Plan from berth to berth or pilot to
23 pilot.

24 Q. So you don't remember?

25 A. Yes. By now, I have no recollection.

1 Q. Okay. You said that, you know, had you remained at the
2 port there would've been financial consequences in terms of, you
3 know, the cost of the ship and so on, and I may not be phrasing
4 this correctly, but I just want to make sure, is that correct,
5 what you said about not leaving the port that morning?

6 A. Yes, it depends on who make the decision.

7 Q. Okay. Did anybody from Fleet Management say anything to
8 you about remaining in the port, about the consequences that you
9 might face for staying in the port given the weather that was at
10 that time?

11 MR. SCHWARTZ: You were talking about on the 7th?

12 DR. STRAUCH: Yes, on the day of the accident.

13 THE WITNESS: Nobody tell me in that regard and nobody
14 told me that I should not set sail under such condition.

15 BY DR. STRAUCH:

16 Q. But you felt that you might face some consequences for
17 not sailing, is that correct?

18 A. Yes, that was done according to my experience and my
19 guessing.

20 Q. What experience did you have that led you to feel this
21 way?

22 A. Typically, that if I did not set sail under such a
23 condition, I would have consequence to compensate the company.

24 Q. Compensate them in what way?

25 A. Well, if there was no order not to set sail and you are

1 not setting sail, being doing nothings, it means that you have to
2 pay for the loss.

3 Q. You, personally?

4 A. Well, the company will have to take the loss and then I
5 will be the one to be framed.

6 Q. Okay. Was there anything in your experience with Fleet
7 Management that would have caused you to believe that you would
8 face these consequences from them had you decided not to sail?

9 A. I have no experience in that regard with Fleet
10 Management because this is my first time working for them.

11 DR. STRAUCH: At this point, I probably have about
12 another 10 minutes -- 15 minutes of questions. Do you want to go
13 on or do you need a break now?

14 MR. COMBS: Do you want to take a break and then go a
15 while longer before we break for lunch? We break then and then --

16 DR. STRAUCH: Keep going?

17 MR. COMBS: So no, take a break now. Then we can go on
18 until we stop for lunch.

19 MR. COMBS: Off the record.

20 (Off the record.)

21 (On the record.)

22 BY DR. STRAUCH:

23 Q. Okay. We were asking if you faced -- if you felt you
24 would've faced consequences for not sailing from Fleet Management
25 and you said nobody from Fleet Management said anything to you.

1 Would you have faced -- did anybody from the owner of the vessel
2 say anything to you that would've led you to believe you would've
3 faced consequences for not sailing?

4 A. Well, that was my imagination, I can say, or maybe my
5 guessing because if I do not set sail on that day, this is a
6 charter ship.

7 It should go on schedule and the management would report
8 to the owner and the owner certainly will go back and you know,
9 blame me for that.

10 Q. Okay. Now I'd like to ask you about Fleet Management.

11 Can you tell us how you happened to be employed by Fleet
12 Management?

13 A. Yes, I was hire by the Fleet Management through a
14 manning company.

15 Q. Okay. And how did they hire you? Once the manning
16 company gave them your name, what happened then with Fleet
17 Management?

18 A. Our resume and experience were recorded and kept in the
19 manning company on file.

20 Q. Okay. Did you talk to anybody from Fleet Management
21 before they hired you?

22 A. No.

23 Q. You had no interview?

24 A. No.

25 Q. When you joined the ship in Busan and then you sailed, I

1 think, two weeks to Long Beach, what kind of training did you get
2 on the vessel?

3 A. First of all, we have to familiarize with the crewmen
4 onboard, with the vessel, itself, and -- as well as the port
5 familiarization and we also have to familiarize with the
6 documentation of the company.

7 Q. Okay. Well, how was the familiarization with the vessel
8 carried out?

9 A. First of all, we have to familiarize with the
10 machineries and equipments on the spot.

11 Q. And how did you do that?

12 A. We first would refer to some materials and then went to
13 where the equipment or machinery were located. And then, of
14 course, you know, we have to go through some drill, as well.

15 Q. Did you have any training or any familiarization with
16 the vessel or the company before you boarded the vessel?

17 A. No.

18 Q. Fleet Management sent two people onto the vessel before
19 you boarded it. One was Captain Singh, the other was an engineer.

20 What did Captain Singh or the engineer do with you to help you
21 become familiar with the vessel and the company procedures?

22 A. Captain Singh will give me a briefing on the equipment
23 on deck, on the bridges and of course, engineer will give a
24 briefing on the equipments in the engine room.

25 Q. About how long do each of these briefings take?

1 A. It is not just one time. It was many times, sometime
2 short and sometime longer than the other.

3 Q. Were the briefings just with you or with you and other
4 crew members, as well?

5 A. Yes, all of us.

6 Q. Were these briefings every day in the voyage from Busan
7 to Long Beach or just one or two days --

8 A. I could not remember it was conducted every day or maybe
9 now and then.

10 Q. Okay. In addition to the briefings, was there any other
11 way that they trained you in the vessel, in the procedures and
12 other things that you needed to know?

13 A. Yes, through the drills that were conducted. I consider
14 that as a training on the equipment.

15 Q. Okay. Were there videos that you watched, also?

16 A. Yes, onboard.

17 Q. What kind of videos were they?

18 A. In regard to firefighting and man overboard drilling.

19 Q. What language were the videos in?

20 A. English.

21 Q. Did you have any trouble understanding any of the
22 videos?

23 A. Of course, you know, the ship board terminology I have
24 no problems understanding that were in the video.

25 Q. What language were the briefings conducted?

1 A. English.

2 Q. Did you have any trouble understanding any of the
3 briefing?

4 A. No problems understanding.

5 Q. About how many other companies have you worked for in
6 the nine years that you were a captain?

7 A. Well, different ship with different companies, yes.

8 Q. Any rough idea about how many?

9 A. I do not remember how many.

10 Q. How would you compare the training that you got on the
11 Cosco Busan compared to the training that you got on other vessels
12 from other companies?

13 A. Yes, there is some difference.

14 Q. Can you tell us what the differences are?

15 A. Well, first of all, working for other companies, I have
16 to go to that company for training, at least, for one week or 10
17 days.

18 Q. Okay. When you worked for other companies, did they
19 interview you before they hired you?

20 A. Sometime it is face-to-face interview and sometime it
21 was telephone interview.

22 Q. So was Fleet Management the only company that hired you
23 without any kind of interview?

24 A. I don't think there was face-to-face interview.

25 Q. With Fleet Management?

1 A. Correct.

2 Q. Was there an interview by telephone?

3 A. No.

4 Q. So were there other companies that hired you without
5 either a face-to-face or a telephone interview?

6 A. Some companies conduct telephone companies -- I mean,
7 telephone interview only, but some company would conduct telephone
8 interview and after that, face-to-face interview.

9 Q. Was Fleet Management the only company that hired you
10 without any interview, either face-to-face or by telephone?

11 A. Correct.

12 Q. Okay, just a few more questions.

13 You said you entered the bridge -- I believe you said
14 you entered the bridge at 6:30 on the day of the accident?

15 A. According to my memory.

16 Q. Okay. What time did you get up that morning?

17 A. 5:00 to 6:30.

18 Q. Okay. And could you tell us, if you remember, what time
19 you went to sleep that night, the night before?

20 A. Approximately midnight.

21 Q. If I asked you what time you went to sleep and what time
22 you got up the day before that, would you remember?

23 A. I would not remember what times the day before.

24 Q. Okay. The day before, did you nap at all during the
25 day?

1 A. What time?

2 Q. During the day, did you nap? Did you sleep during the
3 day at all the day before, November 6?

4 A. I do not recall.

5 Q. Okay. I have one last question for you. You said that
6 you believe the accident was caused by mistakes that the pilot
7 made, is that correct?

8 A. Yes, I said so.

9 Q. Okay. In the year that it's been since the accident,
10 I'm sure you've thought about it. Could you tell us what you
11 could've done to have prevented the accident?

12 A. I could not think of what I can -- I could do otherwise
13 to avoid the accident, the incident.

14 DR. STRAUCH: Okay. I have no further questions at this
15 time.

16 MR. COMBS: Captain Holly.

17 BY CAPT. HOLLY:

18 Q. Hi, my name is Rick Holly. I represent the Department
19 of Fish and Game, Office of Spill Prevention and Response. I have
20 a few questions and I'd like to start off with, based upon your
21 maritime experience of over 20 years, how would you define the job
22 of a pilot?

23 A. The pilot was the one who direct the vessel to depart
24 the harbor, as well as inbound the harbor.

25 Q. In your experience of your 20-odd years in the maritime

1 industry, does the pilot normally con a vessel and navigate the
2 vessel from berth to the pilot station?

3 A. Yes.

4 Q. Captain Sun, have you ever conned and navigated any
5 vessel that you've been on from berth to pilot station?

6 A. Yes.

7 Q. Where?

8 A. In Japan.

9 Q. Could you describe the voyage from where to where? I'm
10 familiar with Japan.

11 A. First of all, the vessel that I navigate or con at the
12 time, the tonnage was in no comparison with this ship.

13 Q. Starting from where -- entrance to Tokyo on to where,
14 Yokohama or -- describe your voyage.

15 A. Tokyo, Yokohama -- many ports that I just described.

16 Q. And you navigated -- what was your position? You were
17 master of this vessel?

18 A. Yes.

19 Q. What was the tonnage of the vessel?

20 A. Okay, the tonnage would not be over 10,000 ton.

21 Q. What would the bridge crew of that vessel be? You were
22 conning it so you would not have a pilot?

23 A. Third officer and the AB, and I, myself, as the captain.

24 Q. During your time at sea with pilots onboard now, have
25 you -- with pilots conning as they're onboard in restricted

1 purpose, have you ever been in a collision?

2 A. I have not had any incidents or accidents during my time
3 as a captain, but some friend of mine, as a captain, encounter
4 [sic] that situation.

5 Q. During your time as captain, with pilots onboard in
6 restricted waters, have you ever been in an allision?

7 A. No.

8 Q. During your time as master with pilots onboard in
9 restricted waters, have you ever been in a grounding from a
10 vessel?

11 A. No.

12 Q. Can you give me your definition of the job of a master
13 of a vessel?

14 A. The master onboard was the only commander.

15 Q. During your time as a master onboard with a pilot, how
16 do you support a pilot?

17 A. First of all, I would introduce to the pilot my ship's
18 data, including particulars and, of course, I have to answer to
19 the pilot's demand.

20 Q. During your time as a master, have you answered to
21 navigational fixes of your ship from various pilots or do they
22 pretty much navigate on their own?

23 A. We certainly would have to follow the pilot's demand,
24 whether he want a fixing or not.

25 Q. In your experience as a master, have pilots routinely

1 required vessels to fix your position?

2 A. Very seldom.

3 Q. Could you describe for me the duties on the Cosco Busan
4 now, on the day of the incident, 7 November, what are the duties
5 of the third mate, third officer?

6 A. His duty would be lookout and then receive engine order
7 and then repeat and also relay the pilot's order or command.

8 Q. Would the third mate have any responsibility for
9 monitoring the helmsman?

10 A. Yes, he has the responsibility.

11 Q. What would the third mate's responsibility be with
12 regard to navigating?

13 A. He have [sic] to take fix in regard to navigating, if
14 it's necessary.

15 Q. In your opinion, are all these jobs possible to do at
16 the same time for the third mate when leaving the dock?

17 A. It is impossible to do everything at the same time.

18 Q. On the morning of November 7th, if you had an emergency
19 to get underway and navigate safely to the pilot station, could
20 you do it without a pilot onboard?

21 MR. SCHWARTZ: Do you understand the question?

22 THE WITNESS: From the berth to the pilot station, sir?

23 CAPT. HOLLY: Yes.

24 THE WITNESS: It is impossible to have such emergency.

25 As I have explained to you that I have no authority to navigate

1 the ship in the Pilotage, in the pilot water.

2 BY CAPT. HOLLY:

3 Q. Let me rephrase the question.

4 If you had the authority to navigate your ship in the
5 harbor in fog on the morning of 7 November, could you do it with a
6 crew onboard without a pilot?

7 A. Even in emergency, I could not.

8 MR. SCHWARTZ: You mean to say you could not because
9 you're not able to or you would be not be allowed to?

10 THE WITNESS: In such an emergency, it require [sic] me
11 to do so to navigate, I can do.

12 BY CAPT. HOLLY:

13 Q. Would you need more people on the bridge to do that or
14 could you do that with the same, helmsman, third officer?

15 A. Yes, I understand that. Yes, I can.

16 Q. Okay. How would you do that?

17 A. First of all, I would ask for the harbor datas [sic]
18 from VTS or information from VTS, the data in regard to traffic in
19 the harbor and the navigation in the harbor.

20 And of course, I need more datas on other aspect, as
21 well, from VTS or from -- the information in regard to the
22 current, the directions, and then, of course, the passage course
23 of the ships.

24 Q. Where would you put the passage course of the ship, on a
25 paper chart, electronic chart? How would you do that?

1 A. First of all, I would advise VTS of my intention, my
2 navigation course, and after I got their approval or direction,
3 then I can go ahead.

4 Q. Who would be doing the navigating? Third mate is on the
5 engines and the helms? Who would navigate?

6 A. I, myself, and the third mate.

7 Q. How would you do that?

8 A. I would give command to the third officer on the engine
9 command.

10 Q. How would you take your fixes?

11 A. Well, through radar and GBS and, of course, I would ask
12 VTS if my navigation course is on line.

13 Q. Let me see if I understand this correctly. You would
14 use VTS to verify the course of your ship?

15 A. This is what I would do. I would advise the VTS of my
16 intention and course and ask them if it is correct to do so.

17 Q. Would having another officer on the bridge in reduced
18 visibility without a pilot be helpful?

19 A. Yes, if it is necessary. I can do so.

20 Q. Let me shift here to the -- again, the day of the
21 incident, the 7th of November, and talk about these red triangles
22 that people talk about, did you have an opportunity to listen to
23 the voice data recorder on the day of the incident?

24 A. Yes, I did.

25 Q. Could you describe for me, in your own words, if there

1 was any misunderstanding between the red triangles, the center of
2 the bridge and the center of the Delta-Echo span between you and
3 the pilot?

4 MR. SCHWARTZ: Do you understand?

5 THE WITNESS: At that time, when I mentioned that the
6 center of the bridge, I meant the total length of the bridge, the
7 center of the total length of the bridge that has a mark, but I do
8 not mean that that is the channel of the bridge.

9 CAPT. HOLLY: Go ahead.

10 THE WITNESS: I do not know what the pilot's
11 understanding in this same -- he never ask me if we can sail
12 through the center, so even up until now, after the incidents, I
13 still thought that his question was what is the meaning of this
14 symbol. Of course, my guess was that he should be a very
15 experienced pilot. Maybe it was wrong.

16 Furthermore, I thought that under such condition,
17 weather condition, it is better to use -- make use of the radar
18 because, you know, it clearly displayed the RACON on the radar
19 screen.

20 BY CAPT. HOLLY:

21 Q. Correct me if I'm wrong, I thought you said in previous
22 testimony that you saw the RACON but you did not understand its
23 significance as the center of the channel -- correct the center of
24 the Delta-Echo span.

25 A. I don't know if the RACON was the center of the channel

1 because on the chart there was no line indicating that was the
2 center of the channel.

3 Q. I have one last question for this round.

4 Do you think -- and hindsight is always 20/20 -- would
5 it have been helpful to have a track on your electronic chart to
6 show the intended departure courses? I'm sorry, could you say
7 that again?

8 (No audible response.)

9 THE INTERPRETER: No --

10 MR. SCHWARTZ: I don't think -- there was no answer.

11 THE WITNESS: I am not clear if I understand you. Would
12 you rephrase it?

13 BY CAPT. HOLLY:

14 Q. Yes. Your electronic chart system has the capability to
15 input track data, correct? Waypoints?

16 A. Yes.

17 Q. Okay. My question was inputting waypoints into your
18 electronic chart for the crew, the vessel's, intended recommended
19 track out of the harbor, would that have been helpful to determine
20 where the vessel was in relation to the intended track?

21 A. The waypoint that I -- my input in it is only of our
22 imagination, but it might not be correct, accurate.

23 Q. Let me follow up on that. You have waypoints on your
24 paper chart. Couldn't you input those points into the electronic
25 chart?

1 A. Yes, it is possible.

2 CAPT. HOLLY: Okay. I have no further questions. Thank
3 you.

4 MR. HENRY: We'll move on to Captain Brown. You want a
5 break?

6 MR. SCHWARTZ: Let's break for lunch.

7 MR. HENRY: We will go off record and it's 12:30. Come
8 back at 1:30. Is 1:30 okay?

9 (Whereupon, at 12:30 p.m., a lunch recess was taken.)

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1 A F T E R N O O N S E S S I O N

2 MR. HENRY: Captain Brown?

3 BY CAPT. BROWN:

4 Q. Steve Brown, the American Pilots Association. A couple
5 of questions about the ECDIS first, the electronic chart.

6 In an interview shortly after the accident, incident,
7 you mentioned twice that you and the pilot discussed the symbols
8 on the ECDIS prior to sailing.

9 MR. SCHWARTZ: What interview are you referring to?

10 CAPT. BROWN: I believe it was OSPR -- yeah, it's Sun 72
11 -- Page 11 and 12.

12 MR. SCHWARTZ: If you could show it to the -- a little
13 while to find it.

14 CAPT. BROWN: Well, it says Fleet 00245 in the corner.

15 MR. SCHWARTZ: So what exhibit is this that we're
16 looking at?

17 CAPT. BROWN: I got electronic -- Sun 72.

18 MR. HENRY: It's in -- yeah.

19 MR. SCHWARTZ: Sun 72.

20 MR. HENRY: The most -- obviously, Sun related to the
21 captain here and then I don't know how they identified the number.
22 There's a little sticker on it that says 72.

23 CAPT. BROWN: Let me show what I've got for Sun 72 and I
24 don't think that's --

25 UNIDENTIFIED SPEAKER: We've got one here.

1 MR. SCHWARTZ: Thank you. Sun 72.

2 MR. HENRY: What page, Steve? The captain's got a copy
3 of it.

4 CAPT. BROWN: Bottom of Page 11.

5 MR. SCHWARTZ: So I guess he's going to have to read it
6 because I don't think he's ever seen this before.

7 Have you ever seen this? Take the time to read it.

8 And you have questions of where?

9 CAPT. BROWN: At the bottom of Page 11, paragraph, "The
10 master stated the pilot looked at the ECDIS monitor during the
11 initial wait. The forecasting -- and gradually asked the master
12 about the marks on the span of the Bay Bridge."

13 And then on Page 12, two-thirds of the way down, "The
14 master showed me that there were two red marks as they appeared on
15 the ECDIS. He stated that earlier the same morning before
16 departure, the two red marks on the ECDIS were a point of
17 conversation between the pilot and himself."

18 MR. SCHWARTZ: So is your question is does he remember
19 telling this or discussing this with Captain Mather?

20 CAPT. BROWN: Yes.

21 MR. SCHWARTZ: What document is that, Steve? Are you
22 confused? What are we looking at? The question, though, is do
23 you recall discussing this with Captain Mather? Yeah, you know
24 Captain Mather?

25 THE WITNESS: Yes.

1 MR. SCHWARTZ: Okay. So you remember discussing this
2 with him, I guess, on the 7th?

3 THE WITNESS: Yes.

4 CAPT. BROWN: He does remember.

5 MR. SCHWARTZ: He remembers having discussions with
6 Mather, yeah. He hasn't said whether or not he remembers this.

7 CAPT. BROWN: Does he remember --

8 MR. SCHWARTZ: Well, let's take it bit by bit, then.

9 CAPT. BROWN: Okay.

10 MR. SCHWARTZ: Okay, so you want to first ask him about
11 Page 11?

12 CAPT. BROWN: At the bottom.

13 MR. SCHWARTZ: Oh, this. Read this. Do you remember
14 this?

15 THE WITNESS: Yes, I do.

16 CAPT. BROWN: And then on the next page, about two-
17 thirds of the way down, the paragraph starts, "The master showed
18 me."

19 MR. SCHWARTZ: Okay, read all this now.

20 THE WITNESS: Yes, I have read that.

21 BY CAPT. BROWN:

22 Q. Then the question is do you still recall that
23 conversation?

24 MR. SCHWARTZ: Can't we -- the still?

25 CAPT. BROWN: I'm not an attorney.

1 BY CAPT. BROWN:

2 Q. Do you recall the conversation at the dock about the
3 ECDIS symbols with the pilot?

4 A. Yes, I remembered that I talked to Captain Mather.

5 Q. Does he, as that indicates, remember talking with the
6 pilot about the ECDIS symbols prior to departure?

7 A. Yes.

8 Q. He does remember having that conversation with
9 Captain Coda at the dock? Pilot?

10 A. I believe that the conversation was during -- after we
11 set sail on our way, underway.

12 Q. So the way you remembered it at 1300 was incorrect?

13 MR. SCHWARTZ: Now, that's not fair. This is something
14 that Captain Mather put down. He's not adopting what
15 Captain Mather wrote.

16 BY CAPT. BROWN:

17 Q. Okay. You do not remember the conversation at the dock
18 with the pilot?

19 A. I forgot if he talked to me in this regard at the time
20 that our ship still at a berth [sic].

21 Q. Okay. Did you observe the ECDIS as you were departing
22 from the berth towards the bridge, did you observe the ECDIS?

23 A. I have no recollection.

24 Q. You didn't look at it at all?

25 A. I have no recollection if I monitor or take a look at

1 the ECDIS at all.

2 Q. But you did look at it somewhere during the transit when
3 Captain Coda pointed at it?

4 A. Yes, he ask [sic] me what was the red triangle.

5 Q. Are you familiar with the symbol for a buoy on a chart
6 or electronic chart?

7 A. At that time I had not -- I did not know what the symbol
8 means and I casually answer him.

9 Q. So, at the time you did not know what the symbol for a
10 buoy was?

11 A. Yes, at that time, I did not know the red triangle was
12 the symbol for the buoy.

13 Q. Or the other three or four red triangles you passed on
14 your way out?

15 A. The triangle that appear on the ECDIS doesn't mean that,
16 you know, it means specific things or one individual thing.

17 MR. SCHWARTZ: Are these violins for your questioning?

18 UNIDENTIFIED SPEAKER: Green Sleeves. This is
19 Christmas.

20 MR. HENRY: Can we go off record?

21 COURT REPORTER: Off record.

22 (Off the record.)

23 (On the record.)

24 BY CAPT. BROWN:

25 Q. I'm afraid I didn't get the last answer, but I only got

1 part of it.

2 A. At that time, I did not know.

3 Q. You also said you did not know you were going to be
4 going through Delta-Echo span?

5 A. I did not know.

6 Q. So when the pilot first got onboard, he had a
7 conversation with VTS about going through Delta-Echo span? You
8 didn't hear that, apparently?

9 A. Possibly.

10 Q. Did you ever happen to take a glance at the paper chart?

11 A. I might.

12 Q. This is the one that had the pencil track line on it?

13 A. The line was already on the chart or it was asked who
14 draw the line on it?

15 Q. No, the line was on the chart and it went through
16 Delta-Echo span.

17 A. Was it on the electronic chart?

18 Q. On the paper chart.

19 A. That was the line that we draw on the chart.

20 Q. Track line?

21 A. That was the line that we draw on the paper chart.

22 Q. That goes through Delta-Echo span?

23 A. Yes.

24 Q. And you still didn't know you were going through
25 Delta-Echo?

1 A. We did not know. This was what we draw on the paper
2 chart, but doesn't mean that the pilot would go through this
3 direction.

4 Q. I'll move on. You mentioned earlier, the pilot was
5 using a cell phone, is that correct?

6 A. Yes.

7 Q. You do know the difference between his walkie-talkie and
8 a cell phone?

9 A. In what way?

10 Q. Well, if you said he was using the cell phone, I presume
11 you observed him using the cell phone, not the walkie-talkie.

12 A. I don't know if he was talking in regard to business or
13 a personal call.

14 Q. On the cell phone?

15 A. Yes, you just mentioned cell phone, didn't you?

16 Q. But I want to be sure we're clear that it was the cell
17 phone and not the walkie-talkie.

18 A. Yes, he was using the cell phone.

19 Q. And do you recall where he was standing when he was
20 using it?

21 MR. SCHWARTZ: On what occasion? I think he testified
22 that he was on the cell phone a lot, so do you mean at all
23 different times?

24 BY CAPT. BROWN:

25 Q. Was he standing by or in front of the radar at any time,

1 talking on the cell phone?

2 A. I do not recall clearly, but during the time that we --
3 after we depart from berth and before allision -- the allision --
4 he had used cell phones.

5 Q. Okay. If we can go to when the pilot first came
6 onboard, did he seem impaired in any way?

7 A. I can't tell. I cannot tell.

8 Q. And you expressed -- you said you were frustrated since
9 he came onboard. Shortly after he got onboard he went to the
10 bathroom. Did that offend you?

11 A. I did not feel any offense or uncomfortable at all,
12 because that was a very normal thing.

13 Q. Still, I was troubled, as a pilot, by how you determined
14 -- I don't know if it's good pilot, bad pilot or what, but when
15 you explained that I think it was a good pilot, if you offer tea
16 to -- he takes tea.

17 MR. SCHWARTZ: I think that was --

18 CAPT. BROWN: I meant good, but it was more comfortable
19 pilot?

20 MR. SCHWARTZ: I think that's --

21 CAPT. BROWN: A question?

22 MR. SCHWARTZ: No, it's not.

23 BY CAPT. BROWN:

24 Q. I would like him to explain, again -- I'll save it for
25 the second round.

1 Were you ever -- in your career, were you ever a pilot?

2 A. No.

3 Q. And can you name some of the U.S. ports that you've
4 called on as a master?

5 A. Baltimore, New York.

6 THE INTERPRETER: Newark. Correction.

7 MR. SCHWARTZ: Newark?

8 THE WITNESS: Miami, Mississippi, Texas, Portland.

9 BY CAPT. BROWN:

10 Q. Portland?

11 A. Portland, Long Beach.

12 Q. Okay. Was this the first time on a ship this large that
13 you were captain?

14 A. Well, I have sailed a much bigger ship than this.

15 Q. On a ship of this size, does it handle very well at slow
16 speed?

17 A. Even though the size and the length of the ship -- I
18 mean the Cosco Busan -- I think that I can sail with ease and it
19 is very easy to maneuver.

20 Q. It is good it's very easy to maneuver, I agree. Not at
21 slow speed?

22 A. Even at slow speed, I think that it's still easy to
23 maneuver because of the angle of the rudder thruster and very
24 effective rudder.

25 Q. Is the rudder more effective at a faster speed?

1 THE INTERPRETER: Say that again.

2 BY CAPT. BROWN:

3 Q. Is the rudder more effective at a faster speed?

4 A. Yes.

5 Q. And so making a turn would be easier with more speed?

6 A. Yes.

7 Q. Perhaps I should've used the term "quicker."

8 And do you recall how fast the Cosco Busan goes on slow
9 ahead?

10 A. I do not recall clearly on slow ahead. I believe that
11 -- I'm not sure, but I thought that the speed would be 14 knots in
12 the restricted water.

13 Q. But on slow ahead, I believe the Cosco Busan is more in
14 the nine knot range?

15 A. Possibly.

16 CAPT. BROWN: That's all for now.

17 BY CAPT. MOLONEY:

18 Q. Good afternoon, Captain. I'm Pat Moloney, Board of
19 Pilot Commissioners.

20 Do you know what the third officer did to determine the
21 ship's position between the undocking and the allision?

22 A. The fix, right?

23 Q. Yes, the fix.

24 A. Well, there were many other ways to take a fix, radar,
25 GPS.

1 Q. Does he know -- I'm sorry.

2 Do you know which one he used?

3 A. I was not aware which way he use that morning.

4 Q. Was anyone on the bridge team specifically responsible
5 for determining the ship's position between the berth and the
6 allision?

7 A. Third officer.

8 Q. Thank you. How often would a fix be taken?

9 A. I was not aware how many fixes he took.

10 Q. There were two. Do you think that is often enough to
11 make sure that the ship is not standing into danger without your
12 knowledge?

13 A. How to explain this. If I were the pilot, I do not need
14 to take fix in order for a safe passage, because the radar only
15 tells you the approximate location of the object. I believe that
16 every pilot should have the chart memorized in his brain, on the
17 -- the chart of the harbor memorized in his brain.

18 Q. How did you know what course the ship should be on?

19 A. It will display it on the radar screen.

20 Q. That would be what course the ship was on. My question
21 is, would he know what course the ship should be on? Did the
22 pilot tell him what he was going to do?

23 A. The pilot did not advise me of his intention.

24 Q. All right. Were you concerned about the speed increases
25 with the tug boat tethered behind the ship?

1 A. Do you mean danger to the tug boat or what?

2 Q. Yes.

3 A. I have no experience in regard to the way it will -- the
4 way that pilot conduct his business or this is a special case or
5 not, because I do not believe that the VTS advised us, at that
6 time, that your ship was increasing speed or something like that.

7 Q. All right. Did you think it was strange that the pilot
8 would ask where the center of the bridge span was?

9 UNIDENTIFIED SPEAKER: Again --

10 MR. SCHWARTZ: I don't know if that question has ever
11 been asked.

12 UNIDENTIFIED SPEAKER: -- the question was, is this the
13 center of the bridge, not the speed. The word span was never
14 used.

15 BY CAPT. MOLONEY:

16 Q. Even the center of the bridge, did you think that was
17 strange?

18 A. Yes, I feel surprised. I feel strange that for a local
19 pilot asking me where -- is this the center of the bridge -- this
20 is supposed to be his turf.

21 Q. Are the wake points on your ship's Passage Plan normally
22 entered into your electronic chart system?

23 A. It was not required, since we do not know our way out of
24 the harbor. And, furthermore, depending upon the situation on the
25 restricted waters, the route should be changeable rather than a

1 fixed route.

2 Q. Earlier today you said that you could not recall whether
3 your second officer prepared a pilot-to-pilot station passage or a
4 berth-to-berth plan, is that correct?

5 A. That was right, that's what I said.

6 Q. After the accident, did you instruct your second officer
7 to prepare a berth-to-berth plan?

8 A. I did not instruct him.

9 Q. Did your second officer tell you that he was directed by
10 someone else to prepare a berth-to-berth plan after the accident?

11 A. I do not recall, clearly.

12 Q. To your knowledge, were any ship's documents altered
13 after the accident?

14 A. Well, the only thing was, after the incident, there was
15 an internal audit of the company and, of course, we have to
16 prepare the documentation in compliance with the company's manual.

17 Q. Was that a yes or no?

18 A. I cannot give you a yes or no answer. That's why I
19 thought because of the internal audit -- but would you please
20 rephrase your question?

21 Q. Well, I'm asking the captain, to his knowledge, were
22 there any documents or destroyed after the accident? And if there
23 were, does he know which documents they might be?

24 A. I wasn't aware that there was any document altered or
25 destroyed after the accident

1 CAPT. MOLONEY: All right, thank you, Captain, that's
2 all the questions I have.

3 BY MR. CAPT. HURT:

4 Q. Hi, Captain, this is Rick Hurt with the San Francisco
5 Bar Pilots. Good afternoon. I just have a couple of questions.

6 MR. SCHWARTZ: I'm sorry, what was your name?

7 MR. CAPT. HURT: Rick Hurt, H-u-r-t.

8 BY MR. CAPT. HURT:

9 Q. So just as a clarification, as part of your normal
10 Passage Planning in Pilotage waters, would you normally have your
11 navigation officer lay down an intended route on the paper chart?

12 A. Yes, the course was drawn on the chart, paper chart, but
13 this we can only use as a reference.

14 Q. Okay. And on the day of arriving in Oakland, was there
15 an intended route laid down on the paper chart?

16 A. Yes, we prepared the paper chart and the route, but it
17 doesn't mean that the pilot will follow our paper chart.

18 Q. Okay. Do you recall a conversation with the pilot
19 onboard, inbound to Oakland, with regard to the intended route
20 that was laid down on the paper chart?

21 A. I do not recall it.

22 MR. CAPT. HURT: Okay. Okay, I have no more questions
23 at this time. Thank you.

24 BY CAPT. WHEATLEY:

25 Q. Good afternoon, Captain. Excuse me. Ross Wheatley.

1 I'm with the Coast Guard. I have a couple areas that I'd just
2 like to ask you some questions, first of all focusing on the day
3 of the accident and basically the decision to sail.

4 At any time before you left the dock on the day of the
5 accident, did you call the Port Authority and ask them for
6 permission to depart?

7 A. As far as I'm concerned, it might not, necessarily,
8 because the pilot was onboard, the agent has already arranged
9 everything, so asking their approval to set sail, from Port
10 Authority, was unnecessary. And furthermore, after we set sail,
11 underway, we were not stopped by the Port Authority not to set
12 sail.

13 Q. Let me ask you another question. On the day of the
14 accident, before you set sail, did you have a conversation with
15 the Port Authority, communicating your concerns about the fog and
16 the safety of your vessel in setting sail?

17 A. I did not contact the Port Authority in that regard, but
18 I believe that, through the pilot, that was communicated to the
19 Port Authority.

20 Q. On the day of the accident, before you left port, do you
21 know if the pilot communicated any concerns about the fog and the
22 limited visibility and the safety of the vessel to the Port
23 Authority before you left?

24 A. I'm not aware.

25 Q. After your vessel left the dock on the day of the

1 accident, did you ever contact the Port Authority and ask for
2 their assistance in determining the position of your vessel?

3 A. I do not communicate with the Port Authority and
4 normally the VTS would give us instructions.

5 Q. On the day of the accident, after you left the port and
6 before the collision with the bridge, did you ever have a
7 conversation with the VTS and ask them the question, is my vessel
8 standing into danger?

9 A. I have not contacted VTS in that regard, but if VTS
10 found that our position was in danger, then they should have
11 advised us.

12 Q. Okay. Approximately three minutes before the Cosco
13 Busan hit the bridge, VTS did contact your vessel. To the best of
14 your recollection, what did the VTS communicate to you?

15 A. The VTS contacted the pilot and the pilot respond to
16 VTS.

17 Q. Okay, I understand that. To the best of the captain's
18 recollection, does he recall what the conversation was between the
19 VTS and Captain Cota -- or the pilot? Excuse me.

20 A. I do not recall the conversation.

21 Q. When the VTS contacted your vessel shortly before it
22 collided with the bridge, did you ask them for any assistance in
23 determining the position of your vessel at that point in time?

24 MR. GREENBERG: When you say VTS contacting the vessel
25 and he keeps telling you it's VTS contacting the pilot, I think

1 there is a difference of who's talking.

2 BY CAPT. WHEATLEY:

3 Q. Let me rephrase that. When the VTS contacted the pilot
4 onboard the Cosco Busan, did you, at any time after that and
5 before the collision with the bridge, ask the VTS for assistance
6 in determining the position of your vessel?

7 A. No, I did not.

8 Q. Earlier, Captain, you talked about your understanding of
9 the role of the VTS, and I just have a couple questions about
10 that. Is it your understanding that ships that are operating
11 under VTS control are free to change their course, as necessary?

12 A. Would you repeat your question, sir?

13 Q. Um-hum. Is it your understanding that when a vessel is
14 operating under VTS control, they are free to change their course,
15 as necessary?

16 A. It is normal for the ship to change direction or their
17 speed or the speed within the restricted water, and if they go
18 beyond the limit, then the VTS certainly would advise us.

19 I'm not certain, but I believe that the movement of the
20 ship within the restricted water is monitored by VTS.

21 Q. On the morning of the accident involving the Cosco
22 Busan, did they -- did the Cosco Busan alter course and speed
23 without asking permission of the VTS?

24 A. During the whole underway through the restricted waters,
25 I do not believe that VTS advised us of our course or speed. Only

1 a few minutes before allision, then we received a communication
2 from them.

3 Q. The question I asked was does the captain believe that
4 he can alter course and speed while operating under VTS control,
5 without asking the permission of the VTS? Does he have that
6 freedom?

7 MR. GREENBERG: You're asking if he has the freedom and
8 he's told you that he has no freedom when the pilot's on. So are
9 you talking about the pilot?

10 CAPT. WHEATLEY: I'm talking about the captain's
11 understanding.

12 MR. GREENBERG: Okay, but you're still asking him about
13 whether he can do something and he's told you, already, he can't.

14 CAPT. WHEATLEY: I think we're talking about two
15 different things. I'm asking what his understanding is.

16 MR. GREENBERG: Of his ability to change course or speed
17 and he doesn't -- it's unfair to him because he's not changing
18 course and speed in pilot waters.

19 CAPT. WHEATLEY: He's already expressed an opinion that
20 there are certain times and occasions in which the captain of a
21 vessel may be able to operate and maneuver and vessel in
22 restricted waters. I'm asking him his opinion or his
23 understanding of what restrictions he may have with regard to
24 changing course and speed while under VTS control.

25 THE WITNESS: As far as my understanding is concerned,

1 VTS only recommends, but they are not -- they did not control the
2 traffic. I mean, VTS not give any particular order to a
3 particular ship, how to sail it, how to use the speed, how to use
4 the route, how to use the course. It's controlled -- it's
5 commanded by the pilot. He -- the ship.

6 BY CAPT. WHEATLEY:

7 Q. Thank you. I just have a couple questions on a
8 different subject, and this relates to the taking of fixes.

9 I recall, on reading one of your earlier interviews,
10 Captain, you were asked a question about whether or not Fleet
11 Management had a company policy concerning the regularity of
12 taking fixes. Do you recall ever being asked a question like
13 that?

14 A. Yes.

15 Q. Based upon your understanding, what is the company
16 policy with respect to taking fixes? The frequency, that is.

17 A. Several minutes to take a fix.

18 Q. Okay, let me try to clarify it. I'm not trying to ask
19 him how long it takes, what I'm asking him is, is there a fixed
20 frequency between fixes, both while at sea and operating in
21 restricted waters?

22 A. As far as I'm concerned, the manual indicates that we
23 can take fix on the open sea, one to two hour each fix. But then,
24 in the restricted water, it all depends upon the condition of the
25 traffic and the harbor condition. We may have to increase the fix

1 frequency.

2 Q. On the day of the accident, there were two fixes taken
3 approximately 30 minutes apart. In the captain's opinion, was
4 that frequent enough for him to determine the position of his
5 vessel?

6 A. As far as my experience concerning the restricted water,
7 we can always use the radar to determine the position of the ship,
8 in comparing with the landmark and other targets.

9 CAPT. WHEATLEY: Thank you, Captain. I have no further
10 questions.

11 MR. HENRY: That completes the first round.

12 MR. HENRY: Aga, Captain Aga?

13 (No audible response.)

14 MR. HENRY: Oh, sorry. Captain Aga, Rob Henry here.

15 CAPT. AGA: Yes, Mr. Henry, thank you.

16 MR. HENRY: We forgot about you. Do you have any
17 questions for Captain Sun?

18 CAPT. AGA: I have quite a few, I bet you.

19 MR. HENRY: I'm sorry I asked. Please proceed.

20 BY CAPT. AGA:

21 Q. Okay. The first question, Captain Sun, when you were
22 hired on the Cosco Busan, did you or did you not have an interview
23 with Fleet and later the owner?

24 THE INTERPRETER: Say that again, Captain. I cannot
25 [sic] hardly hear you on after hiring.

1 BY CAPT. AGA:

2 Q. When Captain Sun was hired for the Cosco Busan, was he
3 interviewed on the telephone by Fleet/London or the owner?

4 A. I do not recall whether there was one or not.

5 Q. Okay. How was he contacted for joining this ship?

6 A. I think it was -- the contact was through the manning
7 company in Beijing.

8 Q. Okay. When he came on the Cosco Busan, did the captain
9 feel that he was -- he could be the captain of this ship? Did he
10 feel he was competent?

11 A. You mean, as a master, am I competent?

12 Q. -- the Cosco Busan.

13 A. Yes, I believe that I'm competent, as the master.

14 Q. Okay. Coming back to the day of the accident, with
15 respect to the decision to leave port, Captain Sun said that to
16 overrule the Port Authority would be a problem because of cost of
17 delay. Did you feel that you had a basis or you had a reason, a
18 basis to overrule the Port Authority and the pilot?

19 A. I did not receive the order not to set sail by Port
20 Authority, and how could I overrule and what Fleet Management say
21 about this?

22 And furthermore, on that day, two superintendents were
23 onboard and they were leaving. They knew the weather condition at
24 that time, and did they say anything about not to set sail because
25 of the weather?

1 Q. Okay, next question. You said, if the pilot was
2 incapacitated, you would report to the Port Authority. Is it
3 because the pilot is compulsory and you cannot sail without a
4 pilot, you would have to wait for replacement, or is it not your
5 -- are you not allowed to take action for the safety of the vessel
6 without a pilot?

7 A. I believe that the pilot has been arranged to be onboard
8 and the tug boat has been used and all lines cast off, so I
9 believe that, you know, I have to set sail and I believe that the
10 decision to set sail or not, it is not my decision to make. Even
11 the overriding was mentioned in the manual, but does this
12 overriding recognize or approved [sic] by the port authorities, by
13 the owner of the ships, by the Fleet Management?

14 Q. Okay, I will rephrase that question. If the pilot
15 onboard gets a heart attack and the ship is going into danger, can
16 the master take action?

17 A. Yes, I have already mentioned many times that if the
18 pilot has been incapacitated or a heart attack, as you said, I
19 would take over the command of the ship and I would reduce the
20 speed. I would check to see where the anchorage is. I might
21 anchor for the safety of the ship. It means that if I found that
22 the pilot can't control the ship, cannot continue, I would take
23 over his job and keep the ship safe.

24 Meantime, I would report to VTS agent or other party
25 concerning, to get their instruction, drop anchor or sailing out,

1 because this is in the port water governed by U.S. government, not
2 captain. Even I cannot sail by myself, but I know this, right.

3 Q. Okay, Captain, thank you. The next question.

4 With respect to the red marker, the question that was
5 asked by the pilot, is this the center of the bridge, did you
6 think he was asking where the center of the fairway was or did you
7 think it was only a question of navigation?

8 A. He asked me about this, but I don't believe -- I don't
9 know what his intention. If the control of the ship is through
10 this red mark, I don't know, he never told me -- this red marker
11 or end at this red mark. If he asked me that, I would check
12 again. That was important. I think he only -- or anything. I
13 believe he was, he was -- I believe he was -- the pilot will know
14 of this port, anywhere with a buoy, with the bridge, with the
15 channel, anything [sic]. No necessary to ask me [sic]. If so, if
16 he's asking me for the fairway, I will think about -- I would ask
17 me, because I just in this port for 10 hours.

18 You worked for this port for many years, I believe.
19 You're aware about this. If you don't know about the electronic
20 chart, why the radar? I believe radar better than the electronic
21 chart because it's local, maybe some information not input in
22 electronic chart. Then I take over the ship, not get any operator
23 information about the electronic chart. I told you about this in
24 the port. In the port --

25 Q. Okay.

1 A. -- you have more information. Maybe before I come here
2 two hours, one day, maybe about the fairway. I don't know about
3 this part is best fairway for this size ship, for inbound,
4 outbound, and I believe it was the pilot to have the ability to
5 know well which span to be passing over the bridge. It's D/E and
6 now I know.

7 But I checked the -- I checked the charter. No mention
8 about your ship must be passing the bridge using the D/E span.
9 Maybe another span can be passing also. It's according to the
10 port local. Maybe have the port practice -- I like it passing
11 this way. Maybe you -- also to send pilot station -- pilot.
12 Maybe I will slow this way. You will slow this way.

13 Not only -- only one way, you know, like a train have
14 the track. Different -- so --

15 Q. Thank you, Captain.

16 A. -- any pilot, any country's pilot, any person, they have
17 their personality and their working style. Some pilots use no
18 more rudder or speed. They no hurry [sic] and slowly, slowly,
19 slowly to go out in no hurry. But some pilots very hurried, but
20 never -- I never meant not say this good or not [sic]. I believe
21 no accident is okay [sic]. If accident happen, if you slowly --
22 not mistake -- no mistake, I believe, no mistake, no accident.
23 Accident happen, it must be some accident, sinking or something
24 mistaken. So happened accident [sic]

25 MR. HENRY: Captain Aga, do you have any more questions?

1 CAPT. AGA: Yes, yes, I do. The captain answered quite
2 a few of my questions with that speech of his, so I want to ask
3 him a few things about the VTS.

4 BY CAPT. AGA:

5 Q. When the VTS came on the radio, did you believe that the
6 VTS would warn you if you were in danger?

7 A. Not only then would they call us. Sometimes it could be
8 us and sometimes -- some information, for not traffic or not
9 better visibility, anything. But I believe if the ship's speed
10 beyond normal or beyond port limit, speed limiter, they will
11 remind me and warn me, your speed is over, your position is beyond
12 of line. So master, you're too close to the dangers of the
13 channel or anything.

14 Q. Very good, Captain. When the VTS in San Francisco
15 talked to your ship, did they call the name of the ship or they
16 talked to the pilot by the pilot's name?

17 A. They did not call the Cosco Busan, they called pilot's
18 name or other working name --

19 Q. This practice, is it the same in other parts of the
20 world?

21 A. A little different. Another port normally would call
22 the ship's name. If the VTS called the pilot's or the person's
23 name, maybe private conversation. If for working, I think it's
24 best way to call ship's name, because you call the ship's name,
25 not only pilot would understand that, even the captain understands

1 because, when the pilot comes aboard, I -- introduce. I'm John
2 Cota or I'm -- yeah, I know you're John Cota.

3 But I do not know whether it means the Echo or Romeo,
4 anything. Maybe you're -- now you are A, you are B, you are C or
5 D. I don't know. Maybe VTS know. I don't know -- like this.

6 So I hope, I hope VTS would call the ship and use the
7 standard ship's name. For another port like Japan, Tokyo, Osaka,
8 they not only use the name, also the call sign for determining the
9 ship and no mistaking our vessel.

10 Maybe -- for example, the Cosco Busan call signer is me.
11 It's your ship. And this way, captain will VTS will call me. I
12 will remind pilot, if the pilot is not in wheelhouse and outside,
13 VTS called you. Okay. Sometimes VTS will tell me to please speak
14 to pilot. Okay, I will talk to the pilot like this. Normally,
15 VTS talking with the pilot, not directly to the agent, if a pilot
16 onboard.

17 Q. Okay, one last question. In your crew career as a
18 cadet, third officer, second officer, chief officer and as master
19 -- before you became master, have you ever known a captain to
20 overrule a pilot in the Pilotage water?

21 A. I -- to hand over to the pilot before.

22 CAPT. AGA: Okay, Mr. Henry, that's all. Thank you very
23 much, sir.

24 MR. HENRY: Okay, thank you, Captain Aga.

25 BY MR. HENRY:

1 Q. Captain, could you repeat that again, please?

2 A. Okay. When I was captain, I never hand over from the --
3 hand over to the pilot. The pilot continues to work. The pilot
4 has the capacity to maneuver the ship.

5 MR. HENRY: Well, I think the question was broader and I
6 thought the answer was broader. I think the question was, in all
7 the years being on the sea, have you ever known a captain to
8 overrule a pilot? I believe that was the question and I believe
9 that's --

10 UNIDENTIFIED SPEAKER: Yeah, it's prior to being a
11 master.

12 MR. HENRY: Yeah, that's why I said crew, third, second,
13 first. Have you ever known it to happen?

14 THE WITNESS: I have never experienced.

15 MR. HENRY: We will take a short break and go off the
16 record.

17 (Off the record.)

18 (On the record.)

19 MR. COMBS: And we will start the second round of
20 questioning with Captain Jones.

21 BY CAPT. JONES:

22 Q. Captain, thanks again. Do you have that pamphlet I gave
23 you earlier in the day, the guidance to the masters and navigating
24 officers?

25 A. Yes.

1 Q. I just want to refer again to a couple sections. This
2 is again from your Safety Management System, and on the first
3 page, page 9, the master is entirely responsible for the safe
4 navigation of the ship. And then if we go to the back where the
5 pilots are, 48(f), the master is reminded that even though
6 Pilotage may be compulsory, the pilot acts only as an advisor, the
7 master being responsible for the ship's safe navigation and for
8 the observance of laws, rules and regulations.

9 A. Yes.

10 CAPT. JONES: I'd also like to introduce, this will be
11 the next exhibit.

12 (Whereupon, the document referred to
13 as NTSB Exhibit 8 was
14 marked for identification.)

15 BY CAPT. JONES:

16 Q. And this is also from your SMS, and it's just one page
17 at a time, but this is Navigating in Restricted Visibility or Fog.
18 Take your time. You can read that.

19 (Pause.)

20 BY CAPT. JONES:

21 Q. Okay?

22 A. Yes.

23 CAPT. JONES: Would the table like me to read this out
24 so they can hear? Okay. And I'll give it back to you.

25 This is 1.5.10, Navigating in Restrictive Visibility and

1 Fog. "When navigating in fog or other such conditions of
2 restricted visibility, it is the master's responsibility to insure
3 that the vessel complies fully with the Col Regs, Collision
4 Regulations. The company does not wish their ships unduly delayed
5 but still less do they wish them to be damaged. A few hours
6 gained will not compensate for weeks of repair work. The company
7 relies on their masters to navigate prudently in restricted
8 visibility."

9 BY CAPT. JONES:

10 Q. Now again, that's just guidance from your Safety
11 Management System, and you gave us all good information before,
12 and I really do appreciate when you expanded on a lot of your
13 answers. One of the things you also said to us was about getting
14 underway that morning, November 7th, was under such foggy
15 conditions, the ship should not sail.

16 Now given the information that I've just read and shown
17 you, that's guidance from your company, do you still think, or
18 give me your opinion, that you had the authority not to sail if
19 you didn't want to, if you thought the conditions were unsafe?

20 A. All this that I have read and according to the
21 situation, I think that I don't have the authority not to set
22 sail. As you see, decisions should be made by the captain.

23 In this situation, it is so unclear. If it is up to the
24 captain to decide whether to set sail or not, then my question to
25 you is supposedly two ships from the same company, berthing in the

1 harbor, one captain would like to set sail, decides to set sail,
2 the other don't. What would happen? I mean the company would --
3 we would be confused as well as the companies would be confused as
4 to why one would set said, the other not in the same condition.

5 Port Authority, I believe they have the schedule for
6 ship -- docking and undocking. This was not only for your sail.
7 Maybe another vessel beaten [sic] your boat. If you don't --
8 refuse for sailing, another vessel cannot berth. You'll be
9 delayed. They're not working. There no anything [sic] -- tugboat
10 to pilot, stevedore. Who will solve if there's a problem for
11 economic losses? Not -- only symbol for me.

12 For -- there is symbol, no -- I can do as this -- San
13 Francisco you have the right refuse to sailing because if this --
14 must be crashed to the Bay Bridge, it must be made pollution. If
15 so, I can make that -- another man who said to me, no reason not
16 to be refused for sailing as cargo working already completed,
17 everything is okay. If I do that, I --

18 Q. Can you repeat what you just said, the last -- that last
19 sentence. I didn't understand that.

20 A. If I do that, maybe cause any problem, the owner, --
21 Charter, complain to owner, they will complain to the management
22 company. They will complain to me, -- me, fine me. It's -- I'm
23 -- employer.

24 Q. And I appreciate your answer, Captain. One other thing
25 you had said and this regards the checklists and all the

1 procedures that sometimes it's impractical or impossible to
2 follow.

3 Now along with what you've just said, is there anyone
4 you can go to with the Safety Management System and tell them that
5 there are issues that you have with this manual, that you either
6 can't comply with it or you're kind of stuck in the middle between
7 the desires of the company to make a profit, for it to work, and
8 your responsibility which is a great one as a master, because if
9 things go wrong, that piece of paper is going to come up and --

10 A. Even though I can complain directly to the companies in
11 regard to the impracticality of some of the requirement in the
12 SMS, but then I think that, you know, this manual was compiled by
13 some well-experienced personnel in navigation, in maritime, then
14 this is for everybody and how could I explain to them that I don't
15 -- that certain requirement cannot be met, et cetera.

16 Q. Well, I could comment, but I'm not supposed to. But I
17 do appreciate your answers, and that's all I have right now.

18 MR. HENRY: Robert Henry, NTSB.

19 BY MR. HENRY:

20 Q. Captain, did the pilot on the day of the accident ask
21 you any questions about the maneuvering capability of the Cosco
22 Busan?

23 A. Yes, I have discussed with the pilot in regard to the
24 maneuvering of the ships, the machineries, the equipments, the
25 radars, the operation of the radars, et cetera. And after my

1 explanation to him, he did not complain or saying that he wasn't
2 -- he was dissatisfied with the equipment or machineries onboard.

3 Q. The Cosco Busan was going about 10 knots when it
4 alighted [sic] with the pier. Was that excessive speed in your
5 opinion?

6 A. I believe so, excessive speed.

7 Q. Could the Cosco Busan have been maneuvered at a slower
8 speed and still be safely navigated?

9 A. Yes.

10 Q. Did you speak to the pilot about the speed of the Cosco
11 Busan?

12 A. It was written on the pilot card clearly in that regard.

13 Q. My question was did you have a discussion with the pilot
14 that you thought he was driving the Cosco Busan too fast?

15 A. I did not mention the excessive speed to the pilot. As
16 I recall, all this data was recorded in the electronic chart as
17 well as the radar.

18 Q. And I'm aware that the vessel speed was recorded. May
19 question was if you felt the vessel was going too fast, why didn't
20 you discuss this with the pilot at the time?

21 A. I felt that the speed was excessive but then if I did
22 not receive any warning from VTS, so I thought it was okay.

23 Q. I think you had said this earlier about VTS. You had
24 your boatswain mate and your chief officer on the bow ready to
25 drop the anchors?

1 A. Yes.

2 Q. Is it safe to drop the anchors when the vessel is
3 traveling at 10 knots?

4 A. Of course, it is not safe to drop the anchor with that
5 kind of speed, and certainly the anchor chain might be broken.

6 Q. Captain Sun, did the pilot explain to you how he
7 intended to use the tug revolution and when he intended to release
8 the tug?

9 A. I do not recall that he mentioned that to me and I
10 certainly am not aware of his intentions of the tug revolution.

11 Q. Captain Sun, are you aware of any special training that
12 Fleet Management offers new masters before they join the ship?

13 A. I'm not. I was not aware of any training.

14 Q. Captain, have you heard of the command orientation
15 program that Fleet Management has?

16 A. I do not remember it.

17 Q. Okay. Captain, do you feel that Fleet Management
18 adequately prepared you to be the master of the Cosco Busan when
19 you left Busan on October 25th?

20 A. I'm qualified to be the master of the ship but because
21 of the limitation of the time, to make myself familiarized with
22 the ships, I think that is a drawback.

23 Q. Thank you, Captain. That's all the questions I have,
24 and I'll turn it over to Dr. Strauch.

25 BY DR. STRAUCH:

1 Q. I just have a few questions. You said that the VTS
2 would advise you if you thought the vessel would be in danger. Is
3 that correct?

4 A. Yes.

5 Q. Can you tell us as best as you can how that would sound,
6 what VTS would tell you if your vessel was in danger?

7 A. Normally the VTS would give me a warning if the ship is
8 in dangerous positions and they certainly would give me advice.

9 Q. What would they tell you?

10 A. It's up to VTS. I have no idea.

11 Q. You said they would give you a warning. Would they use
12 the word warning or use the word danger or any other word like
13 that, that would suggest that the ship was in potential danger?

14 A. Yes, I believe so.

15 Q. Have you ever, in your experience heard VTS on any ship
16 you were on in the 25 years you were at sea, give your vessel any
17 kind of warning that it was in potential danger?

18 A. Yes.

19 Q. Could you tell us the circumstances?

20 A. In the past, if the fishing boat or any other vessel was
21 too close to my vessel, I would receive a warning from VTS.

22 Q. And what would they say?

23 A. First of all, they will give me the information. First
24 off, they give me the situation with my ship or tugboat, special
25 some dredge boat, fishing boat or some buoy, broken light, any

1 information, and tell me, I determine you close to this buoy or
2 this vessel or this boat. You should change your present course.

3 Q. It would describe the situation to you, the nature, if
4 there was a vessel nearby or a buoy, it would tell you if you were
5 too close to them. Is that correct?

6 A. Yes.

7 Q. How did you interpret VTS' transmission to Captain Cota?
8 What was your interpretation of that VTS, what VTS was trying to
9 say?

10 A. Not very clearly.

11 Q. If VTS had given you a warning that said something to
12 the effect of they thought you were getting too close to the span,
13 what would you have done?

14 A. First of all, I would determine if the ship was too
15 close to the span, and then decide to change course if I have
16 time.

17 Q. And let's say under those circumstances, the pilot would
18 have said that no change in course was necessary. What would you
19 have done?

20 A. If the pilot did not want to change course, then I do
21 not know the intention of him.

22 Q. You were asked if the pilot appeared impaired to you,
23 and you said he did not. Have you ever observed any pilot who you
24 thought was impaired in your years as a captain?

25 A. I have no experience in the past to meet the pilot who

1 appeared to be impaired.

2 Q. Okay. When I asked you if you had been interviewed by
3 Fleet Management, you said no. When Captain Aga of Fleet
4 Management asked you if you had been interviewed by Fleet
5 Management, you said you do not remember. So what is the proper
6 answer?

7 Is it, no, you were not interviewed or, no, you do not
8 remember being interviewed?

9 A. I do not have any memory of the interview because I was
10 very busy applying job in several other companies at the same
11 time, and I did not realize if I gave an interview to Fleet
12 Management.

13 Q. So it is possible that you were interviewed by Fleet
14 Management?

15 A. Yes, possibly. I cannot be certain now.

16 Q. Okay. On the vessel, you were trained in various
17 procedures and so on regarding the vessel, and this is on the
18 voyage from Busan to Long Beach. You said Captain Singh trained
19 you and the chief engineer briefed you. Did you receive any
20 training or any discussions from either Captain Singh or the
21 engineer regarding the company's SMS?

22 A. Yes, they did say something about the SMS and they also
23 bring up the manual to the bridge and ask us to read it.

24 Q. And did you read it?

25 A. Yes.

1 Q. Did you ask them any questions on it?

2 A. No.

3 Q. What was your sense from your discussions with Fleet
4 Management personnel on the vessel as to how they thought you
5 should follow the SMS? Do you believe they considered that you
6 had to follow the SMS procedures or you didn't have to?

7 A. And certainly we had to comply with the SMS.

8 Q. Okay. You were asked if Fleet Management gave you any
9 training as a master to take over the Cosco Busan and you said no.
10 In your other companies that you worked for, did you
11 ever get training from them to be a master on any of their vessels
12 before you took them over?

13 A. Yes, there was training from other companies before
14 working as a master of the vessel.

15 Q. Okay. And how did the training that you got from the
16 other companies compare to the training that you got from Fleet
17 Maintenance on the voyage from Busan to Long Beach?

18 A. Normally I would have received the training on shore
19 before going onboard the vessel for other companies.

20 Q. Okay. But you were given the Fleet Management training
21 on the vessel while it was in transit. How different was that
22 onboard training compared to the on shore training you got from
23 the other companies?

24 A. On shore training, certainly you would have ample times
25 to read the manual and the training materials.

1 Q. Okay. When Captain Singh left the vessel and you were
2 there in command by yourself, was there any part of commanding
3 that vessel that you feel you needed more training?

4 A. How to begin? Was he onboard and while I was onboard,
5 too?

6 Q. No. What I'm asking is he was there in the voyage to
7 train you and the other crew members? Once he left, there would
8 be no further training for you. You were going to be in command
9 without anybody else from the company. When he walked off the
10 ship and you were in command, did you feel that you needed
11 additional training from Fleet Management to serve as the master?

12 A. If the training was on shore and I have sufficient times
13 to read the training materials and other manuals to familiarize
14 with the vessel, and certainly it will benefit me more than
15 learning while working on the vessel.

16 Q. Okay. Before Captain Singh left, did you ask him for
17 any additional training?

18 A. No.

19 Q. Okay. Did you feel when he left that you needed
20 additional training, but you just didn't ask for it?

21 A. I do not need.

22 Q. Is it fair to say that when the ship left the port, you
23 had complete confidence in your abilities to serve as the master
24 of the Cosco Busan?

25 A. Yes.

1 Q. Have you ever taken a course in bridge resource
2 management?

3 A. I do not think that we need a special training in that
4 subject because all the vessel operation were [sic] the same.

5 Q. Okay. When you boarded the vessel, was there any bridge
6 navigation equipment that you were unfamiliar with?

7 A. I'm not quite familiar with the electronic chart system.

8 Q. Okay. And during the two week transient from Busan to
9 Long Beach, did you get any training on how to use the electronic
10 chart system?

11 A. The superintendent gave us a brief introduction to the
12 electronic chart system, basic operation.

13 Q. Did you have a chance to practice using it in the
14 voyage?

15 A. On the open sea, you don't see any target and how can I
16 learn from it.

17 Q. Okay. When you left, did you have a chance to practice
18 with it when you were entering Long Beach and departing Long
19 Beach?

20 A. For the inbound trip to Long Beach, I only make use of
21 the radar. I don't have time to practice the EC.

22 Q. When you departed Oakland, how familiar were you with
23 the electronic chart system?

24 A. Not quite familiar.

25 Q. Okay. Thank you, Captain.

1 MR. COMBS: Captain Holly?

2 CAPT. HOLLY: Thank you. Rick Holly here with Fish and
3 Game.

4 BY CAPT. HOLLY:

5 Q. I have one question for you, Captain Sun. First of all,
6 thank you for your time and patience.

7 At anytime in your career, including the day of the
8 accident, based upon your past experience, no collisions, no
9 allisions, no groundings with pilots who were in control of your
10 ship, did you have any reason to believe or did you have any
11 reason not to trust Pilot Cota on the morning of November 7th,
12 that he could safely navigate your vessel in fog without your help
13 out of the harbor?

14 (Pause.)

15 BY CAPT. HOLLY:

16 Q. Do you want me to repeat that?

17 A. Yes, go ahead.

18 Q. Repeat it?

19 A. Yes.

20 Q. We'll take it in sections. Your prior testimony
21 indicated that you had never been in an allision, a grounding, or
22 a collision while a pilot was controlling a vessel you were master
23 of. Is that correct?

24 A. Yes.

25 Q. That's correct?

1 A. It is.

2 Q. Was there any reason on the morning of November 7th,
3 that you had any reason to doubt or not trust Captain Cota's
4 ability to safely navigate your vessel out of the harbor?

5 A. I have no reason not to trust him. Even though before
6 our departure, he was aware of the bad weather, but he still
7 decide to set sail.

8 Q. Thank you.

9 CAPT. HOLLY: I have no further questions.

10 MR. COMBS: Captain Brown?

11 CAPT. BROWN: Steve Brown, American Pilots Association.

12 BY CAPT. BROWN:

13 Q. Captain, were you on the bridge when the third mate
14 handed the pilot card to the pilot?

15 A. I cannot recall if I was there.

16 Q. Do you know if the pilot -- did the pilot give you, or
17 someone else onboard, a piece of paper that he brought with him?
18 MPX, it would probably say at the top?

19 A. I have no impression [sic].

20 CAPT. BROWN: That's all my questions.

21 BY CAPT. MALONEY:

22 Q. Captain, the third mate testified that when he heard the
23 boatswain's call in warning about the bridge tower, he immediately
24 left the ELT (ph.) and went back and plotted -- took a fix and
25 plotted it on a paper chart. Do you recall that?

1 A. I did not hear anything from third officer, but as soon
2 as I heard boatswain say the bridge, the bridge, then I ran to the
3 bridge wing.

4 Q. I imagine you were a little occupied. Would the third
5 mate have a ship's radio while he would be on the bridge at the
6 maneuvering detail?

7 A. Yes, he has -- he had.

8 Q. The ship's records indicate that a hard right rudder
9 order at a full ahead was given minutes before the allision. Do
10 you recall those orders?

11 A. Yes, I was aware.

12 Q. Was the pilot on the bridge wing with you or was he
13 still on the bridge?

14 A. It seems to me that he was still in the bridge, and then
15 I ran out to the bridge wing. And when he gave this order, there
16 is no way that I can do anything about it.

17 Q. Do you know if there were any helm or engine orders
18 given while the third mate was plotting the fix?

19 A. I remember that there wasn't any order.

20 Q. Do you know if there was any delay in carrying out any
21 of the helm or engine orders?

22 A. I do not think there was any delay. If both of them has
23 not listened to this order, then I still can, you know, correct
24 it.

25 Q. And then my last question, had you come back into the

1 bridge when the pilot gave the hard left rudder order or hard
2 port? Sorry.

3 A. I did not remember.

4 Q. That's all I have. Thank you.

5 CAPT. HURT: San Francisco Pilots -- and no questions.

6 CAPT. WHEATLEY: Ross Wheatley, Coast Guard. I have no
7 further questions.

8 MR. HENRY: Captain Aga, Rob Henry, do you have
9 questions during the second round?

10 CAPT. NAGARAJAN: Yes, I do.

11 BY CAPT. NAGARAJAN:

12 Q. Captain Sun, you have previously indicated that when the
13 pilot ordered full ahead, you were concerned but he did not speak
14 up because -- and you believed this must be okay. Is that
15 accurate?

16 A. -- and the ship's speed been increased, the VTS and no
17 any warning. I believe in this port it is possible and is
18 permitted.

19 Q. Okay. Captain, this is a little bit away from the
20 subject. In your career, you have been attacked by pirates in the
21 past. Can you tell us a little bit about this?

22 A. Yes.

23 UNIDENTIFIED SPEAKER: He just asked if you could
24 describe what happened.

25 THE WITNESS: When I -- North Africa, Gabon, from

1 Nigeria, but the route up to Anchorage -- I ordered the shipmate
2 to close the chain deck, deck chain hole, but the chief mate
3 failed to do that.

4 At midnight, about three, four pirate come into the
5 chain lock -- and knock off the chief mate and chief officer's
6 cabin, take away -- and used a long handled knife on the ground
7 and they knock on my cabin, but I did not open. I raised the
8 alarm and used -- to call the port authority and contact all crew
9 member, the pirate was gone. And the chief mate was slightly
10 injured, his head.

11 CAPT. NAGARAJAN: Just for the record -- okay.

12 Thank you, sir. No more questions. Thank you very
13 much.

14 MR. HENRY: Thank you, Capt. Aga.

15 Mr. Combs will close and if he has a few questions, he
16 may ask them at this time.

17 MR. COMBS: I'd like to ask just maybe one or two.

18 BY MR. COMBS:

19 Q. Have you ever, while a pilot was onboard, after you left
20 the dock, go below?

21 A. If in case of need, I go down to the bridge, I will
22 speak to pilot. May I take off for few minutes, I have to do
23 something, get their approval. If pilot say no, you have to stay
24 there, I will stand on the bridge. I get their permit [sic],
25 allow me to go quickly and back up. It -- he said okay.

1 Q. Okay. Captain, we're done with our formal questioning.
2 Before we close and go off the record, is there any statement you
3 wish to make on items that maybe we didn't ask that you have
4 something you want to say? This is your opportunity.

5 A. I think that that's all that I have to say.

6 MR. COMBS: We thank you very much for your patience and
7 your answers, and we wish you good luck in the future.

8 THE WITNESS: No, no future.

9 MR. COMBS: No future? Thank you, Captain.

10 Off the record.

11 (Whereupon, at 6:00 p.m., the interview in the above-
12 entitled matter 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: M/V COSCO BUSAN/BRIDGE ALLISION
 SAN FRANCISCO, CALIFORNIA
 Interview of Mao Cai Sun

DOCKET NUMBER: DCA-08-MM-004

PLACE: San Francisco, California

DATE: December 4, 2008

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Sussy Morehouse
Reporter

Cheryl Phipps
Transcriber