

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

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Investigation of:

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COSCO BUSAN/BRIDGE ALLISION
 SAN FRANCISCO, CALIFORNIA

Docket No.: DCA-08-MM-004

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Interview of: CAPTAIN VARINDER SINGH

Pilot Commission Office
 Pier 9
 San Francisco, California

Friday,
 November 16, 2007

The above-captioned matter convened, pursuant to Notice.

BEFORE: LARRY D. BOWLING

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1 I N T E R V I E W

I N T E R V I E W

MR. BOWLING: All right, we are recording. It's the 16th of November. This is Larry Bowling, Chair for the Operations Group. We're looking into the situation involving the Cosco Busan and the allision in San Francisco. We're at the Pilot Commission Office at Pier 9. And with me at the table today, Rick?

MR. HOLLY: Rick Holly, Department of Fish and Game.

MR. TOLEDO: Gary Toledo, Department of Fish and Game,
OSPR.

MR. KIMMERLEIN: John Kimmerlein, Keesal, Young and Logan, for the witness.

MR. SINGH: Captain Singh. I'm with Fleet Management. I was on Cosco Busan with the staff, until this incident.

MR. WHEATLEY: Ross Wheatley, Coast Guard, Sector San Francisco.

MR. BROWN: Steve Brown, American Pilots Association.

MR. SCHAEFER: Commander Scott Schaefer, Coast Guard District 11, Incident Management.

MR. NAGARAJAN: Nagarajan, Fleet Management.

MR. BOWLING: Okay.

MR. MISHRA: I'm Captain Mike Mishra (ph.). I'm with Fleet Management and I'm the head of Quality and Safety.

MR. MOLONEY: Pat Moloney, Board of Pilot Commissioners.

MR. BOWLING: All right, thank you, gentlemen.

1 MR. NAGARAJAN: Larry, before we start, Captain Singh
2 qualified what he said. He said he was on board the ship until
3 the incident or -- well, he's there at the time of the incident.

4 MR. SINGH: I got off the ship before the ship sailed
5 out from Oakland.

6 MR. NAGARAJAN: Okay, thank you.

7 MR. BOWLING: Okay. Yeah, I understood and we would've
8 went there.

9 INTERVIEW OF CAPTAIN VARINDER SINGH

10 BY MR. BOWLING:

11 Q. Okay, Captain, for the record, can you give me the first
12 name and then your family name?

13 A. The first name is Varinder. I'll spell it out.
14 V-a-r-m-i-n-d-e-r.

15 Q. All right.

16 A. And my family name is Singh, S-i-n-g-h.

17 Q. All right. And contact information on you would be
18 through Fleet Management?

19 A. Through Fleet Management, yes.

20 Q. Okay. So we all have that. Captain, can you give me
21 your maritime experience background?

22 A. I joined as a cadet in 1990, started my cadet training
23 in 1990, joined the ship in 1991 and '94 I did my second mate's,
24 1998 I did my chief mate's, 2001 I did my master's, and since 2003
25 I was sailing as master until last year, and this year I've joined

1 Fleet Management -- I've been with Fleet Management since 2001,
2 but stopped sailing and started this job as a port captain for the
3 last four or five months.

4 Q. Okay. And when you say started, started this job, what
5 are you referring to?

6 A. Port captain, being -- visiting the ship and briefing
7 the crew about the procedures, checking if they're following the
8 procedures and advising as them as to how to do it.

9 Q. Okay. So basically, your function as port captain
10 covers only the S and S and training requirements of the crew?

11 A. No, if there is any other operation problems as well.

12 Q. Okay. I'm just trying to understand your role with the
13 company. When you say other problems, they would be if there were
14 some logistical supply needs of the ship, something to that
15 effect?

16 A. Yes.

17 Q. Okay. All right. Specifically related to your
18 background in the International Safety Management Code and Safety
19 Management Systems, can you tell me what you have -- what
20 experience you have there?

21 A. It's just that I've sailed as master and I've been with
22 Fleet Management, so I was familiar with the system, and since the
23 system we set up over here, I was assisting the master in doing
24 this. We had the documentation as to get it going. All together,
25 so many documents it's -- for a person, it's -- it's quite a bit.

1 So -- and the ship is operating as well. So to have another
2 person who's familiar with it helps, so that's the reason I was
3 there.

4 Q. Okay. I'm going to start tying the question lines into
5 your arrival on the ship.

6 A. Okay.

7 Q. When did you leave the corporate office en route to the
8 Cosco Busan?

9 A. I came from home. I was at home at that time. That
10 was 26 -- I left 26 September, I left.

11 Q. Okay. So you left Hong Kong, correct?

12 A. India.

13 Q. India.

14 A. I was at home at that time.

15 Q. All right, 26 September?

16 A. That's right.

17 Q. En route to the ship?

18 A. En route to the ship.

19 Q. Okay. Do you recall what day you arrived on the ship?

20 A. 27 September.

21 Q. Okay, so you arrived on the ship 27 September. At that
22 point, who was responsible for management of the ship?

23 A. The previous owners.

24 Q. All right. And who were the previous owners?

25 A. NSB.

1 Q. Okay. All right. So upon your arrival at the ship,
2 what was your role?

3 A. Just, just to be observer.

4 Q. All right. So basically, when you say observer, what
5 were you watching?

6 A. The daily operations of the ship.

7 Q. Okay. Were there any Fleet Management Limited personnel
8 on board, in addition to yourself?

9 A. The chief engineer was there.

10 Q. The chief engineer? All right. So you remained on the
11 ship up until the time of departure here in San Francisco?

12 A. That's right.

13 Q. Okay.

14 A. Until the 7th, the 7th of November, a.m.

15 Q. All right. And so basically in the morning hours you
16 were --

17 A. Yes, about 6:15 or 6:30. I don't remember the exact
18 time.

19 Q. Okay. And that was the 7th of November?

20 A. That's right.

21 Q. All right. Now, the chief engineer that was on board
22 with you on the 27th of September, is that the current chief
23 engineer that was on?

24 A. That's right.

25 Q. So he remained on the ship?

1 A. He boarded the ship on 24 September.

2 MR. NAGARAJAN: Captain Singh -- Larry?

3 MR. BOWLING: Yes.

4 BY MR. NAGARAJAN:

5 Q. Did the chief engineer who joined with you, did he leave
6 the ship with you for the airport?

7 A. No.

8 Q. Mr. Mendelwah (ph.) remained on board?

9 A. No, he joined on 24 October. He was not the chief
10 engineer on board, he was --

11 MR. BOWLING: Okay.

12 THE WITNESS: -- again, assisting the chief engineer.
13 Chief Engineer Yoe (ph.) joined in September and he's still on
14 board.

15 MR. NAGARAJAN: Okay.

16 BY MR. BOWLING:

17 Q. All right, that's -- yeah, (indiscernible). I was
18 thinking it was the same chief engineer. So there's a new chief
19 engineer change-out?

20 A. No, there was not a new a chief engineer. Like I was an
21 additional master on board --

22 Q. Okay.

23 A. -- we had an additional chief engineer from 24 October,
24 the day the company took over.

25 Q. Okay. I got you. All right. So the day the company

1 took over, is that when the current crew came aboard?

2 A. That's right.

3 Q. Had there been any crew -- was there any crew change-out
4 from the 24th of October through the 7th of November that you're
5 aware of?

6 A. No, only the original chief engineer and myself, we got
7 off.

8 Q. Okay. All right. Okay, up until the 24th of October,
9 until the crew came aboard, did you identify any concerns from a
10 propulsion standpoint or steering gear standpoint on the ship?

11 A. No, it was okay.

12 Q. It was all okay? What about equipment related to the
13 safety of navigation on board the vessel, such as your radar
14 systems, your echo systems? Any problems there that you
15 identified?

16 A. Most of them were okay. The radar I felt was -- one of
17 them was having a little weaker signal. That was just, just a
18 feeling.

19 Q. That was -- when did you at least identify that
20 potential concern?

21 A. I don't remember the exact date.

22 Q. Give me in your estimate. Prior to the 24th of October
23 or after?

24 A. Yeah, just prior.

25 Q. Prior? All right. And what was the situation you

1 became aware of?

2 A. It was -- they were using it less, so I wanted to -- why
3 was that, but they won't tell me and --

4 MR. NAGARAJAN: That means that the previous crew was
5 not using that radar --

6 MR. BOWLING: Captain Aga --

7 MR. NAGARAJAN: Sorry, sir.

8 MR. BOWLING: No more interruptions, please. All right?
9 You'll have a chance to talk and just let me go through the line
10 of questions.

11 MR. NAGARAJAN: Okay.

12 BY MR. BOWLING:

13 Q. Thank you. All right. What did -- I keep getting off
14 my track here. What was specifically on the equipment that you
15 identified about the radar that you said was --

16 A. They were using it less, one of them, yeah.

17 Q. Okay. When you say they, the previous crew?

18 A. The previous crew.

19 Q. All right. So they weren't utilizing the radar as much
20 as you thought they should?

21 A. Um-hum.

22 Q. So what did you do, what did you do, test the equipment
23 or --

24 A. Because -- oh, no, I could not test because it was with
25 them.

1 Q. Okay.

2 A. So I could do it only once we took over.

3 Q. Okay. All right. Because of your position as an
4 observer, basically?

5 A. That's right.

6 Q. Okay, thank you. All right. So the 24th of October up
7 until the 7th of November, until the time you got off the ship,
8 what was your role on the vessel at that time?

9 A. Say it again. From when to when?

10 Q. From the 24th of October --

11 A. Right.

12 Q. -- to the 7th of November, until the time you got off
13 the ship.

14 A. Okay. Since we had new staff on board, we had --
15 everybody was new, so I had seen some operations. I was there on
16 board. So I was guiding everybody, what I have seen, sharing my
17 experience, and the new documents that were there on board, which
18 is required by license, we were getting that in place and whatever
19 assistance would be required by master or the other officers.

20 Q. Do you recall where the vessel was at on the 24th?

21 A. That was Busan, Korea.

22 Q. Okay, the vessel was in Korea?

23 A. Um-hum.

24 Q. All right. Was it operations -- in operation at the
25 time or were you laid up somewhere?

1 A. Operation.

2 Q. Operation. All right. So if I'm not mistaken and I
3 don't have the documents in front of me, so stop me if I'm
4 incorrect, but you had an interim safety management certificate
5 issued somewhere in that timeframe?

6 A. That's right.

7 Q. When was that certificate issued?

8 A. They started working on it on 24th, but they issued it
9 on the 25th because they closed at midnight.

10 Q. Okay. So when you say they, who was working on it?

11 A. The (indiscernible).

12 Q. Germanischer Lloyd?

13 A. Yes.

14 Q. Okay. So Germanischer Lloyd began working or basically
15 conducting an audit of the ship --

16 A. Yes, sir.

17 Q. -- on the 24th?

18 A. The 24th. And by the time they completed it, it was
19 past midnight, so the issue date was the 25th.

20 Q. On the 25th. All right. So they issued a new or an
21 interim safety management certificate to the vessel on the 25th.
22 And then, of course, the company already had an existing document
23 of compliance --

24 A. Right.

25 Q. -- that you were operating under. All right. So on

1 the 25th of October, the vessel was operating, at least ISM-
2 related documents, a safety management certificate issued by
3 Germanischer Lloyd on the 25th --

4 A. Right.

5 Q. -- and then the document of compliance that the company
6 had already held?

7 A. Yes.

8 Q. Okay. All right. So from the 25th up to the 7th, what
9 were you doing with the crew? Can you walk me through strictly
10 related to training and ISM-related requirements?

11 A. I was not only -- like even if you talk about ISM, ISM
12 would not only mean only about the paperwork --

13 Q. Yeah, yeah.

14 A. -- it would mean about the operations, safe operations.

15 Q. Exactly.

16 A. So I was (indiscernible). So like the operations are
17 going on at that time when we took over. So I was prepared for
18 that. Now, they'll be leaving and the operations will be going on
19 and I'll be there. So (indiscernible) I had the chief officer be
20 guided regarding the operations that are going on (indiscernible)
21 and so on.

22 Q. Okay.

23 A. The cargo that was going on. The (indiscernible)
24 surveyor was there, so we discussed with him how he wants to do
25 it. He went through the documents. He wanted to do a drill and

1 he wanted to do it because the -- prior to sailing, we had the
2 change our course, so we had to do the drill.

3 Q. Okay.

4 A. Abandon ship and -- so we did it combined. You know, it
5 was for us as well as for the class, the ISPSs are established.
6 That's Level 1.

7 Q. Okay.

8 A. On board. And --

9 Q. And for persons who are not familiar with the acronym,
10 can you please explain that, the Level 1?

11 A. Level 1 is normal status. Everything is just
12 maintaining minimum security (indiscernible) controlling the
13 access and --

14 Q. All right. So basically, you were also handling the
15 International Safe Ports and Security Code, ISPSC, requirements as
16 well on there?

17 A. At that time, yes.

18 Q. Okay. All right. So did you perform any of the
19 training to the crew, with regard to the expectations of Fleet
20 Management Limited and their --

21 A. Yes.

22 Q. -- safety management systems?

23 A. Yes. For security you are supposed to have an initial
24 briefing, security briefing, so we carried out that and that was
25 in the presence of the (indiscernible) surveyor.

1 Q. Okay.

2 A. So he also gave his comments regarding that. He told
3 the crew certain things that they should do as security personnel
4 and then it was implemented and persons were in position and --
5 say again. What --

6 Q. Well, the -- as far as the training that you performed
7 or conducted with the crew, give us an idea of what training
8 functions you performed on there.

9 A. Okay. Let's start with the safety thing. We had them
10 familiarized, first of all, with the abandon ship, the
11 (indiscernible), so everybody was aware of their specific duties
12 in case of an emergency and in case of abandon ship. That was
13 foremost. Then general familiarization of safety equipment for
14 the crew, the lifeboats, starting up the engines, life
15 (indiscernible).

16 Q. Okay.

17 A. And -- okay. Then we sailed out and we gave them some
18 time to get familiarized with the ship, so everybody would go
19 around and see their equipment, understand things.

20 Q. Right.

21 A. And whatever I would need to tell them, I would go
22 around with them, go with chief officer, go with master. And if
23 they had any queries or something they couldn't get, they would
24 come back to me. Then gradually we held meetings and training.
25 The meetings were like showing them the procedure for using

1 (indiscernible), breathing apparatus, although they are -- they
2 have training for all this, but the ship-specific, what equipment
3 we have on board.

4 Q. Okay.

5 A. And they may use a lifeboat, they may have started, but
6 this one, how to do it. We did each of them, specifically.

7 Q. Okay.

8 A. And then the next was telling them about MRPL things.
9 For example, garbage segregation, garbage disposal, garbage
10 storage. All this was particularly briefed. We did this on all
11 the days, sometimes safety, sometimes things regarding
12 firefighting, sometimes regarding this garbage, or there was oil.
13 It's also the part of MRPL, the garbage was part of MRPL.

14 Q. Maintaining the oil record book?

15 A. Maintaining the oil record book. And consequences if
16 they do not comply with that, because the company supports MRPL
17 compliance fully.

18 Q. So --

19 A. Yes?

20 Q. Go ahead. I'm sorry.

21 A. Then familiarization with the oil containment equipment.
22 So basically we did, one by one, the -- you know, the lifesaving
23 appliances, the firefighting, the garbage disposal. That's all
24 under MRPL. And that was the -- this part. Bridge we were doing
25 with master and the duty officers' familiarization with the

1 equipment, using the equipment, following these checklists that
2 the company has. Because when we took over the class
3 (indiscernible) and normally we do in three months an extra
4 (indiscernible) with the class. So before we do the
5 internal/external, we try to do around two months our internal
6 audit so that persons are aware if they're complying with, or if
7 they're not, what is the deficiency, how they can improve. So
8 that's the company's system that we apply and do it.

9 Q. Okay.

10 A. (indiscernible).

11 Q. So basically, upon the issuance of the interim
12 certificate, the interim safety management certificate, by
13 Germanischer Lloyd, at that point, the company -- you were on
14 board, you remained on board. When did the Germanischer Lloyd
15 representative leave, by the way, do you recall?

16 A. 25th.

17 Q. So the 25th.

18 A. Yes.

19 Q. So he did leave on the 25th. All right. But you
20 remained on board to help assist the crew, as necessary --

21 A. That's right.

22 Q. -- in compliance with the various international laws and
23 treaties and doctrine that had to be on a ship? So you would come
24 before Germanischer Lloyd would return to do the external audit?
25 For a full-term certificate, you do an internal audit? You were

1 planning to do an internal audit?

2 A. Somebody from the company.

3 Q. Okay, someone. And that's done at about the two-month
4 mark?

5 A. About.

6 Q. Okay. And then, normally Germanischer Lloyd, around the
7 90-day mark, would come back out --

8 A. (indiscernible) three months.

9 Q. -- do their external audit --

10 A. Yes.

11 Q. -- and then verify that they're comfortable with the
12 implementation of the systems?

13 A. That's right, because, even if you bring all the ISM
14 documents together, it's got to be implemented.

15 Q. Right.

16 A. You need to time to implement that.

17 Q. Absolutely. Okay. So during this tenure or during your
18 tenure on the ship, performing those functions, did any concerns
19 come or present themselves to you with, for example, the master?
20 Did you feel the master had a good grasp of the -- the company's
21 expectations of how to implement the safety management system and
22 was he familiar with it?

23 A. He was okay, I would say, yeah.

24 Q. Well, what do you mean okay?

25 A. It means --

1 Q. Did he know the system?

2 A. It means he -- whatever I showed to him he understood.
3 But he needs time to, you know --

4 Q. Right.

5 A. -- go through and -- again and again. Like even if you
6 had the documents in front of you right now, but you can't say
7 tomorrow that, you know, yes, you have gone through and you are
8 ready for that.

9 Q. Right.

10 A. It's a gradual thing.

11 Q. Right. So the ISM and the code, and I don't have that
12 in front of me, but there's some minimum criteria that have to be
13 met, within the ISM Code, before you can get an interim
14 certificate issued. Do you know what those minimum criteria are?

15 A. I wouldn't know (indiscernible).

16 Q. Okay.

17 A. In general, the implementation of system present. So
18 the system was present. And then --

19 Q. Right.

20 A. -- you need 90 days, that window that they give for
21 implementing it.

22 MR. BOWLING: Right. Again, we'll pull it and research
23 it. I didn't bring the code with me, but we can pull it on line.
24 I don't know. Would you like to contribute on the -- for the
25 requirements to get an interim certificate issued for a safety

1 management system is the master has to have a fundamental
2 knowledge of the system?

3 MR. MISHRA: Yes, the systems should be based -- the
4 company procedures (indiscernible) all of crew should be
5 certified, properly certified and the (indiscernible) would be
6 issued with the (indiscernible).

7 MR. BOWLING: And Captain, identify yourself for the
8 record. That's Captain Mike --

9 MR. MISHRA: Mike Mishra.

10 MR. BOWLING: Okay. But -- so before -- again, per ISM
11 Code, there's three or four fundamental things that have to be in
12 place before an interim certificate is there. Would one of them
13 generally be that the master has to have a working knowledge, it
14 doesn't have to be in-depth at that point, but a working knowledge
15 of the safety --

16 MR. MISHRA: A working knowledge of it.

17 MR. BOWLING: Okay.

18 MR. MISHRA: Yes.

19 BY MR. BOWLING:

20 Q. Okay. So do you feel -- Captain Singh, do you feel that
21 the master had a working knowledge of the safety management
22 system?

23 A. The master?

24 Q. The master.

25 A. As in when?

1 Q. As the point of the 25th, when the interim certificate
2 was issued. Because at that point Germanischer Lloyd is telling
3 any ports they control, whether it's the U.S. or, you know, what
4 have you, that if they pull into their waters that certificate
5 reflects that the captain the crew have met these fundamental
6 things in the International Safety Management Code, which one of
7 them is a minimum knowledge of the system. So on the 25th, when
8 Germanischer Lloyd issued that certificate to the ship, do you
9 feel that the master of the ship, at that point, had a working
10 understanding of the safety management system? How long had you
11 been on the ship at that point?

12 A. One day.

13 Q. Okay. Well, in your opinion, do you feel he had a
14 working knowledge of that system?

15 A. A brief working knowledge, I would say.

16 Q. Okay. What about the chief engineer?

17 A. Yes.

18 Q. Okay.

19 A. Because he's (indiscernible).

20 Q. Okay. And again, at that point in time, on the 25th of
21 October, when the certificate was issued by Germanischer Lloyd,
22 other members of the crew would also have had to have basic
23 knowledge of their responsibilities per the safety management
24 system, predominantly those involved in the immediate safety
25 concerns of the vessel, right?

1 A. Right.

2 Q. The chief mate. Do you feel the chief mate had a
3 working understanding of his responsibilities in the safety
4 management system?

5 A. I think, yes.

6 Q. Okay. And what about the, the second officer?

7 A. Under the safety management, yes, because he was
8 supposed to be the navigating officer and he understood that.

9 Q. Okay. And the third officer?

10 A. Yes, he's worked with the company before, so he --

11 Q. Okay.

12 A. -- understands the systems.

13 Q. All right. Had the master worked with the company
14 previously?

15 A. No.

16 Q. All right. Where did the master come from?

17 A. I wouldn't know which company.

18 Q. Okay. But he had not worked with the company
19 previously? Was he -- did he convert over from the previous
20 owner?

21 A. No.

22 Q. Okay. All right. How was your -- when the Fleet
23 Management crew came aboard on the 25th, up until the time that
24 you disembarked the vessel on the 7th, in the morning, I think you
25 said at 6:15, how was, how was your level of communication with

1 you to the crew?

2 A. Can you repeat that?

3 Q. Yes. Were you able to communicate effectively to
4 members of the crew while you were on there?

5 A. I would say yes.

6 Q. When you say you would say yes --

7 A. Because my interaction was more with the chief officer
8 and master, chief engineer or the duty officers, so I could
9 interact with them. And if anything was to be conveyed to the
10 crew, generally, I won't have much interaction with them. And if
11 anything was required, I would have it conveyed through the master
12 or chief officer or a duty officer.

13 Q. Okay. Did -- did you have any instances during that
14 time on the ship, from the point you embark -- well, actually from
15 the point the new crew came aboard, the 24th of October, until the
16 time you disembarked, where you felt that communications were not
17 exchanged or that your message was not understood, for example, by
18 the master?

19 A. No, I didn't have any problem.

20 Q. Okay. Did you ever have to repeat any directions or
21 comments, or repeat conversations to the master, more than once,
22 that you recall?

23 A. Some things like preparing a message, you know. So if
24 that was -- like if we have done it once, so again, you know, we
25 can have, oh, how did we do this one? So that kind of

1 preparation.

2 Q. Okay. What about the chief mate?

3 A. Yes, he's -- he understands his responsibilities and
4 he's okay.

5 Q. All right. When you were doing your safety-related
6 training, how were you documenting? Were you capturing that or
7 recording that somehow?

8 A. The ship is supposed to record whatever training or
9 drills that are done, so it was being recorded as per the ISM,
10 (indiscernible) and documented in the ship's files.

11 Q. Right. Who was, who was doing the recording on the
12 ship, at that point, when you were on there?

13 A. Most of this was done by chief officer. Sometimes by
14 third officer under guidance of chief officer.

15 Q. Okay. All right. The -- regarding your level of
16 experience with the vessel or the company's safety management
17 system, how long have you been involved with -- when was your
18 first exposure to Fleet Management's safety management system?

19 A. My first exposure?

20 Q. Yes.

21 A. That was when I joined in 2001.

22 MR. BOWLING: 2001. Okay. All right. Do you have --
23 there's some copies of some documents floating around, gentlemen.
24 I'd like to get Captain Singh, predominantly, actually this copy
25 right here, the Section 1 guidance to masters and navigating

1 officers.

2 UNIDENTIFIED SPEAKER: Yes. You want me to give that to
3 him?

4 BY MR. BOWLING:

5 Q. Yes, please. Yeah, yeah, let him take a look at that.
6 Captain, have you seen that document before?

7 A. Yes.

8 Q. Okay. I want to look at a few key areas on here, okay?
9 If we could turn -- and bear with me here, I'm still rifling
10 through it myself. But for the record, this is Fleet Management
11 -- it's the bridge guidance to masters and navigating officers and
12 I'm looking at the June 2001 version, revision zero. I want to
13 look at a couple areas in here, Captain. The -- I'll make sure my
14 recording is still going. The bridge organization -- if you'll
15 turn to Page 11. The primary objective of any bridge organization
16 is to ensure the safe navigation of the ship under all
17 circumstances. To achieve that, the basic requirements are, and
18 the safety management system lays out some requirements. Do you
19 see those?

20 A. Um-hum.

21 Q. Do you feel the captain had a full understanding of that
22 particular segment of the safety management system?

23 A. Yes.

24 Q. Working on down that, there are several -- I'll read
25 them into the record. There's a requirement for detail planning

1 of the ship's navigation; contingency planning; clear
2 identifications of responsibilities, duties and roles of each team
3 member; team briefings; crosschecking of all decisions; effective
4 use of relevant material; effective monitoring of the ship's
5 position using all available resources; and then ensuring that the
6 pilot's intentions are fully understood and acceptable to the
7 bridge. So post-accident, have you had a chance to get on the
8 ship and look at any of the documents that were completed from the
9 safety -- as a result of the safety checklists that are generated
10 on behalf of the pre-departure and berth-to-berth voyage plans?

11 A. Um-hum.

12 Q. Have you looked at those?

13 A. Some.

14 Q. Okay.

15 A. Because --

16 Q. The documents you've looked at -- and again, I don't
17 want to -- we'd be here all day going into detail on the plans, so
18 we'll just try and talk generalities at this point. Do you feel
19 the master met his company -- the company's expectations as
20 outlined here in the safety management system?

21 A. I can't say, because I haven't gone through all,
22 because --

23 Q. Okay.

24 A. -- it's been quite hectic and --

25 Q. And if you don't know the answer to the question,

1 Captain, you just do exactly that, I can't say. The -- turn to
2 Page 13 there, if you don't mind. That is another section of the
3 plan and it talks about the bridge team and how it's to be
4 composed. The company outlines certain persons that are supposed
5 to be on the bridge during pilotage waters. It requires the
6 master, the pilot, of course, the officer on the watch, the
7 lookout and then the helmsman. To your knowledge, during the --
8 or at the time of the incident, was the bridge manned in
9 accordance with the company safety management system?

10 A. What the master told me, because I wasn't there --

11 Q. Yeah, that's fine.

12 A. -- that the lookout he had forward on the
13 (indiscernible) and it's been a kind of practice at sea, you know,
14 when you have
15 -- visibility is not good, you do put lookouts right forward and
16 low.

17 Q. Right, there are procedures. Actually, we'll get into
18 that in just a minute. But on this section, 1.2.1, it talks about
19 the bridge team. And again, I'll read the heading into the
20 record. All ship's personnel that have bridge navigational watch
21 duties will form part of the bridge team. Master and pilots, as
22 necessary, will support the team, which will comprise of the
23 officer of the watch, a helmsman and lookouts, as required. And
24 basically it goes in and talks about the bridge team through
25 there. But from your understanding, that's -- in pilotage waters,

1 those individuals are supposed to be part of the team on the
2 bridge or can the lookouts be positioned elsewhere?

3 A. I think it would say -- in the beginning, it has the
4 number of persons on a bridge team (indiscernible) from different
5 circumstances.

6 Q. Right.

7 A. So under different circumstances, the master could
8 judge.

9 Q. Okay. So from the standpoint of the company, at least
10 the lookout doesn't necessarily have to be on the bridge? If you
11 don't know --

12 A. (indiscernible). Yeah, that's what I would say.

13 Q. Okay. I want to come back and keep working through this
14 document here. And forgive me, I've got certain portions of it
15 folded over. I want to go Page 25.

16 A. Okay.

17 Q. I want to talk about duties of personnel on board,
18 Section 1.4.1.1, the responsibilities of the master is expected by
19 Fleet Limited -- Fleet Management Limited. On that section there,
20 Captain, in the general, what's that section telling me, the
21 master's responsibility?

22 A. Master's responsibility is navigation of the vessel and
23 must approve all tracks and courses to keep the vessel clear of
24 dangers to navigation.

25 Q. So from a company standpoint, is the master's

1 responsibility to lay down a track line to ensure safe transit of
2 the vessel?

3 A. He's not specifically laying it down, but it's his
4 responsibility.

5 Q. Okay. So it's his responsibility to approve the tracks
6 and courses. In your -- so you have been on the bridge of the
7 ship post-allision, correct?

8 A. (indiscernible).

9 Q. Do you feel that the master met that responsibility
10 outlined in the safety management plan or safety management
11 system?

12 A. I wouldn't know, because I got there after
13 (indiscernible). Then the Coast Guard was there and I think they
14 had dropped anchor and then they had shifted anchorage and so
15 things were changed.

16 Q. Okay. Can you go to Page 26? And it talks about voyage
17 planning and standing orders and I'd like you to explain the items
18 laid out, particularly in Item Number 1. For those of you who
19 don't have this, I apologize. I don't have a bunch of copies.
20 But the Fleet Management personnel should be familiar with it. My
21 team will get a chance to go through this and again, my printer
22 was being commandeered by a breakfast club over at the hotel, so I
23 couldn't get in there to print all of this up for the team
24 members.

25 But I'll read this on the record. It's the voyage

1 planning and standing orders, Page 26. The routes to be followed
2 on passage will be at the discretion of the master, subject to the
3 implications and requirements of the master's primary
4 responsibility. The master must never hesitate to amend his route
5 if circumstances warrant a deviation from the direct track. And
6 then Paragraph 1, the master must ensure that good voyage planning
7 procedures are complied with, giving due attention to weather,
8 currents, types of cargo on board, traffic, sea lanes, running
9 distance, water depth, et cetera. Do you -- did you cover any of
10 this portion with the master during your training programs on
11 there, between the 25th and the 7th of November?

12 A. In general, yes.

13 Q. In general. Well, can you explain what you mean by in
14 general?

15 A. In general, that the second officer would prepare the
16 passage and the passage line and I discussed with the master that,
17 has he seen it, was he okay, and -- regarding to the safe passage.
18 And he said yes.

19 Q. Okay. Did you perform any one-on-one sessions with the
20 master, just you and him?

21 A. For what?

22 Q. For any training requirement. Do you recall? And if
23 so, what training did you cover one on one?

24 A. It's -- one on one, I would say for things like
25 introducing him to the manuals that were there. This manual is

1 like this and this one's this, and communications accounts,
2 because these were more with only the master. The other things
3 would be like operations. Even the chief officer and those others
4 would also be more, but these were the ones that were only
5 master's --

6 Q. Okay.

7 A. -- (indiscernible).

8 Q. Do you recall how many training sessions you had with
9 the master where it was just you and him?

10 A. It was on and off, because we were there together and
11 every day we were together.

12 Q. Okay. I want to come on over, still working in the same
13 list of procedures, which is the guidance to masters and
14 navigating officers. I want to come over and look at Page 44. It
15 talks about the company's expectations with the use of tugs.
16 Page 44 Alpha, actually. Section 1.5.6.3. The number of tugs to
17 be used.

18 A. Um-hum.

19 Q. Paragraph 1. Can you tell me what Paragraph 1 is
20 telling me? And I'll read it. It says, in consultation with the
21 pilot, the master should decide the number of tugs to be employed
22 for the safe operation. Safety shall never be compromised for
23 commercial reasons. Do you think the master had a good
24 understanding of that? Did you talk to him and train him in that
25 mode?

1 A. Yes, he's (indiscernible).

2 Q. Okay. What about the responsibilities of the ship's
3 crew down in Paragraph 2, which talk about when making fast the
4 tugs, do you think the crew had a good understanding of that?
5 I'll read it. It says, when making fast, when making fast using
6 tug's line, it is the responsibility of the ship's officers to
7 visually assess the condition of the line. If there's any reason
8 to be suspect its strength, the officer must bring it to the
9 attention of the master, who will further take up the matter with
10 the pilot. Do you think the crew had a good understanding of
11 that?

12 A. I think so.

13 Q. Do you know if any crew in the required -- in the bridge
14 navigation team was basically monitoring lines on the tug during
15 the outbound -- the tug, Revolution, during the outbound voyage?

16 A. I didn't ask that and I wasn't there, so I don't know.

17 Q. Okay. How would that have been -- how would that
18 function have been performed on the vessel? I mean, I haven't
19 been on the vessel and you have. So how would, how would the
20 master direct his personnel to achieve that requirement within the
21 safety management system, in your --

22 A. He could -- whether the duty officer was forward or aft,
23 he could have asked him on walkie-talkie, the lines are okay?

24 Q. Okay.

25 A. And if they feel something's not okay, they'll inform.

1 Q. Are you aware of any such communications going from the
2 stern of the ship to the bridge, where they were monitoring?

3 A. They had routine communications.

4 Q. Okay.

5 A. Not specifically -- I don't know, but they had routine
6 communications, yes.

7 Q. Okay. If -- Captain, if you don't mind, come on over to
8 Page 48(f).

9 A. Okay.

10 Q. I want to look at that. That is key here. It's 1.5.8
11 and that is titled "Pilotage and Pilots." And for the purposes of
12 the record, I'll let you actually summarize that section of the
13 safety management system and tell me, basically, in your words,
14 what that lays out for the master's responsibility.

15 A. I can say that wherever the pilotage is compulsory and
16 the ports or where the -- or where the ports where he's not
17 familiar with --

18 Q. Okay.

19 A. -- he would employ a pilot, the master, and -- and that
20 the master is reminded that pilot is only in an advisory position.

21 Q. Okay. So the master -- the exact wording, the master is
22 reminded that even though a pilotage may be compulsory, the pilot
23 acts as only an advisor, and this is what you're referring to?

24 A. That's right.

25 Q. All right.

1 A. And the master is responsible for the ship's safe
2 navigation and that all information with regard to (indiscernible)
3 compass be -- the sector should be given to the pilot. Nothing
4 should be concealed. No alcoholic drinks should be offered to the
5 pilot.

6 Q. Okay. And is the master required to be in the
7 wheelhouse at all times when a pilot --

8 A. That's right.

9 Q. That's right?

10 A. It's (indiscernible) requirements. So long as the
11 vessel in pilotage waters, the master should stay in the
12 wheelhouse.

13 Q. Okay. What's the master's responsibility should the
14 pilot not be performing his functions in a prudent fashion?

15 A. First of all inform the pilot what his doubts are,
16 whatever contradiction he has, and if still it persists, should
17 (indiscernible).

18 Q. Do you know -- did you ever cover this area of the
19 safety management system one on one with the master of the Cosco
20 Busan?

21 A. I won't say I did this, like now (indiscernible), but in
22 general, yes. And when the pilot was coming before that, we had
23 discussed that, you know, we should exchange information with him.
24 He should inform him about the ship's engines, steering,
25 (indiscernible). So this was done, yes.

1 Q. Okay. If you'll keep working through this section of
2 the, the -- again, just general guidance to masters and navigating
3 officers, I want to go over Page 51, which also has some
4 applicability to the casualty. If there's membership that doesn't
5 have this in front of you, I will make it available. We'll take a
6 break and let you read through some of this. But I want to look
7 at Section -- excuse me -- 1.5.10. It's titled "Navigating in
8 Restricted Visibility in Fog." And Captain Singh, I would ask you
9 to summarize, in your words, what that section tells the master
10 how to perform his duties in that situation.

11 A. The master should comply with the international
12 regulations, the COLREGS, and that the company does not suggest
13 the master, under commercial pressure, that he should endanger the
14 ship's safety if there's fog and he doesn't feel safe.

15 Q. Okay. If you look at that center paragraph, I want to
16 point out something here. In the safety management system there,
17 what's that center paragraph, in fog or other conditions?

18 A. Under those conditions, the master should ensure that
19 the vessel proceeds at a safe speed.

20 Q. Okay. So I'm going to read this because we want to talk
21 about this a little bit. In fog or other conditions or restricted
22 visibility, the master should ensure that the vessel proceeds at a
23 safe speed. On standby being given, the clocks of the bridge and
24 the engine room are to be checked and the engine movements
25 recorded in the bell books. During fog, the master will remain on

1 the bridge. Radar is only to be used as an aid. It is not to be
2 considered infallible, which certainly it is not. In fog, either
3 the chief or second engineer is to be in the engine room with at
4 least one chief engineer. If the fog is of long duration, they
5 will keep six-hour watches. To your knowledge, and again, I know
6 you weren't on the ship when it collided with the bridge, but do
7 you think the master had an understanding of his -- what the
8 company expected of him in this particular segment of SMS?

9 A. Yes.

10 Q. You think he did? Do you think he followed this portion
11 of the SMS in this situation, on the day of the 7th?

12 A. Yes, because, like it said, the company does not wish,
13 you know, the commercial pressure, that the master should sail.
14 So they did get delayed --

15 Q. Okay.

16 A. -- before departure.

17 Q. What would be -- you're a licensed master, correct,
18 unlimited?

19 A. Yes.

20 Q. They've got -- on this particular portion of the safety
21 management system they have safe speed in all upper case text. Is
22 that defined somewhere in your safety management procedures or is
23 that something the master would generally make an assessment as to
24 what the safe speed is?

25 A. Yes, it's an important aspect of navigation.

1 Q. Okay.

2 A. (indiscernible).

3 Q. What -- from the standpoint of the trainer and training
4 the ship's crew, if I were -- I was in the master's role and I
5 asked you, Captain, if I have fog of a certain -- you know, I'm in
6 a foggy condition, is that something you could give me a
7 definitive safe speed or is it something I'm going to have to
8 determine on my own as a licensed master?

9 A. I think only guidelines can be given.

10 Q. All right. There was another section I wanted to turn
11 to. Turn to the next page. It's Page 52. It gets further into
12 the weather conditions and that section is 1.5.10.1. At the onset
13 of low visibility, the watch officer must make the following
14 action, and it walks through a series of steps and I'm going to
15 read this and I'll ask Captain Singh to expand on them, but
16 basically, notify the master, notify the engine room, operate the
17 radars, assume radar watch when the master or pilot is conning,
18 post lookouts, ensure that the navigation lights are on, sound
19 whistles as prescribed by the COLREGS or rules of the road, log
20 the watch condition set, steer by manual control, and then when
21 radar displays a target whose range is closing and his bearing is
22 not changing rapidly enough to indicate safe passage, determine
23 the target's course and speed, maneuvering with extreme caution
24 and reducing speed or even stopping engines, if deemed necessary.
25 Captain, read through those on your own there, but with those

1 operational parameters outlined in the company's safety management
2 system, do you feel the master had an understanding of what the
3 company expected when you walked off the ship on the 7th?

4 A. Yes.

5 MR. BOWLING: What I'd like to do is, at this point,
6 we'll -- if everybody's still doing well, we'll start and I want
7 to give my good friend, Captain Aga, a chance to chime up now and
8 ask his questions. I know he's been dying. Thank you for holding
9 them. And what we'll do is we'll -- Captain Mishra, you won't be
10 able to ask questions. I'm going to keep you sanitized. You're
11 welcome to stay here and contribute. Just write something to
12 Captain Aga and let him ask it on your behalf. So Captain, we'll
13 start with you and we'll work to the -- your left.

14 BY MR. NAGARAJAN:

15 Q. Nagarajan, Fleet Management. Opening to Section
16 1.5.10.1., (indiscernible). Would that -- reading that section,
17 would that be for a situation where the ship is at sea and low
18 visibility comes in or is it in port and there is low visibility?

19 A. It seems more like when you're at sea, because then the
20 duty officer's alone and he'd notify the master. Because if it's
21 a pilotage, as it is, the master will be -- supposed to be on
22 bridge.

23 MR. BOWLING: I'll look over your shoulder there,
24 Captain Singh --

25 THE WITNESS: Yes.

1 MR. BOWLING: -- because I passed the only copy I have
2 around the corner.

3 THE WITNESS: (indiscernible) it's notifying the master.

4 MR. BOWLING: Okay. Well, down in Item Number 3, why
5 would you have -- can you explain that?

6 THE WITNESS: I think that's (indiscernible).

7 MR. BOWLING: Well, for the people that don't have it,
8 Number 3, in that same section, it says, the watch officer will
9 normally assume the radar watch when the master or pilot is
10 conning, correct? So Captain Aga, I would ask at this point, is
11 it a company policy to have a pilots at sea?

12 MR. NAGARAJAN: No. The way it was laid out, I felt
13 that they were referring more to the (indiscernible) to fog when
14 the ship is at sea. That is why --

15 MR. BOWLING: Okay. Well, read that for the record.
16 What's that -- the title --

17 THE WITNESS: The title is "At the Onset of Low
18 Visibility." And in this case we had low visibility.

19 MR. BOWLING: Okay. But I think his question was, is
20 that an at sea or an in port and I think you referred to at sea.

21 THE WITNESS: I think some things are for sea and you
22 know, if the master is not on the bridge, then he notifies it.
23 But like if it's a pilotage, then as it is, the master is on
24 board, on the bridge.

25 MR. BOWLING: So it would cross both waters?

1 THE WITNESS: Say again.

2 MR. BOWLING: It would be applicable --

3 THE WITNESS: Yes, yes.

4 MR. BOWLING: -- cross waters?

5 THE WITNESS: Yes.

6 MR. BOWLING: Okay.

7 THE WITNESS: Applicable to both of them.

8 MR. NAGARAJAN: No more questions.

9 MR. BOWLING: Okay.

10 MR. SCHAEFER: Good morning.

11 MR. BOWLING: Good morning, Scott.

12 MR. SCHAEFER: I'm Commander Scott Schaefer, Coast Guard

13 District 11. We're talking about this manual and the proper title

14 is the ship management system?

15 MR. BOWLING: And again, some persons -- the Coast Guard

16 is very diversified, a very talented commander here, but the -- he

17 has limited experience and expertise in safety management. Two

18 persons on this table do, myself and a representative from the

19 State of California, actually, and you too. My apologies. So

20 probably five us. But yes, the safety management system is --

21 Captain Mishra indicated that it came about to help mitigate and

22 reduce risk and it's a -- you can spend three weeks learning just

23 the finer points of going through a safety management system.

24 But in a general term, it's equivalent to what the Coast

25 Guard would use as a quick response sheet to tell you how to

1 succeed in doing your job. And stop me if I'm incorrect, but the
2 company has a designated person ashore, which is a requirement of
3 ISM. Then, within that structure, the company has a document of
4 compliance issued that says you have a functional safety
5 management system. Then all of the vessels at -- that are under
6 the company's fleet have to have a certificate or a safety
7 management certificate, which says, independently, each ship has
8 enacted portions of the safety management system. Now, Fleet
9 Management, their system is very broad. I've been provided copies
10 of it on a CD, so what we're doing is we're extracting portions of
11 the safety management system, and they have a lot of coverage,
12 just a very -- you know, a very in-depth plan. All we're looking
13 at, at this point, is the title of the section, which is --
14 Captain Singh, help me out.

15 THE WITNESS: (indiscernible).

16 MR. BOWLING: It relates to navigation safety. And in a
17 minute we're going to get into the navigational and GMDSS
18 equipment section. But we didn't print the whole thing out,
19 because if we did, it would probably take up half the desk. I
20 mean, it's a very in-depth system that, at this point, as a team,
21 we don't have time explore in depth. We just wanted to look at
22 key portions. Does that answer your question?

23 MR. SCHAEFER: I've actually done a lot of research with
24 UC Berkeley and the marine industry on safety systems, shore-side.

25 MR. BOWLING: Okay.

1 BY MR. SCHAEFER:

2 Q. But what I really was looking for is -- so this
3 publication for the vessel, what language did they see it in?

4 A. The same as this.

5 Q. So it was all in English?

6 A. That's right.

7 Q. And now, in your dealings with the crew on the vessel,
8 how many of them do you believe were fluent in reading English?

9 A. I -- by the crew you mean all -- everybody on board?

10 Q. I guess I'll go with the -- I'll say the master and the
11 deck officers and --

12 A. They're okay. They can read this and understand it.

13 MR. BOWLING: Commander, if I may, let's clarify that
14 question to include how many persons that were involved in the
15 safe navigation, which would be your licensed officers and your --
16 you know, your engineering and your deck side, the key
17 stakeholders with your safety management system. So with that in
18 mind and the commander's question was, how many of your key crew
19 members are capable of reading this plan in English?

20 THE WITNESS: Yeah. Like this one is for the bridge
21 officers and the master. They can read and understand this, yeah.

22 BY MR. SCHAEFER:

23 Q. Okay, I'd like to refer to the bridge checklists, the
24 master and pilot information exchange. Do you have that?

25 A. No. (indiscernible).

1 MR. BOWLING: That's fine. We were going to go there,
2 but we'll go ahead and go there now. But I would ask that, at
3 least for the record, identify the form number so that everyone
4 can pull this at a later date.

5 THE WITNESS: That's Bridge Checklist Number 4, Master
6 and Pilot Information Exchange.

7 BY MR. SCHAEFER:

8 Q. And down in the bottom portion it talks about departure,
9 I believe, is that correct?

10 A. That's right.

11 Q. And Number 3, can you read that one?

12 A. The proposed passage plan, weather conditions, boating
13 arrangements, use of tugs, et cetera, being explained by the pilot
14 and agreed with the master.

15 Q. Can you -- I guess we're in more detail, but can you
16 explain some of the information in the passage plan?

17 A. It's the --

18 Q. Does that include the track line?

19 A. Sorry?

20 Q. Does that --

21 A. Yes, that does include the track line, yes. Generally
22 it would be (indiscernible) because interaction between the pilot
23 and the master, so you know, they would discuss, when he's coming
24 on board, the way they are going in -- going out. This is for the
25 departure, so --

1 Q. Okay, I'll move back a step. When the vessel arrived in
2 Oakland --

3 A. Yeah.

4 Q. -- were you still on board the vessel then?

5 A. Yes, I was.

6 Q. Were on board the bridge when the pilot came aboard at
7 the pilot station?

8 A. Um-hum.

9 MR. BOWLING: That would be Pilot Nyborg.

10 THE WITNESS: Yes.

11 BY MR. SCHAEFER:

12 Q. And were you there for the interaction between the
13 master and Captain Nyborg?

14 A. I wasn't in the interaction, but I was on the bridge.

15 Q. Did you get an opportunity to look at the track line for
16 the inbound track?

17 A. I don't remember, no.

18 Q. The track would've been developed by the second mate and
19 agreed to by the master or approved by the master, is that
20 correct?

21 A. That's right.

22 Q. Now, since you weren't there for that conversation, in
23 general, in the passage plan, between the master and the captain,
24 should they have looked at that track line and if either of them
25 had any concerns with it, should that have been covered during

1 that meeting?

2 A. Yes.

3 Q. Have you had the opportunity to see that track line at
4 all?

5 A. I might have seen it, but I don't remember right now.

6 Q. And part of what we're looking at is that the track line
7 going through the Oakland Bay Bridge didn't appear to be what we'd
8 normally expect to see for an inbound track line.

9 MR. BOWLING: Commander, would you clarify? Are you
10 referring to the track line on the paper chart or ECDS, because
11 that's been coming and going.

12 MR. SCHAEFER: Ross, whatever track line we saw that
13 looked like it bisected the two RACONS between Charlie-Delta and
14 Delta-Echo as opposed to going under the middle of Delta-Echo.

15 MR. WHEATLEY: This is Ross Wheatley. It's -- we're
16 referring to the paper chart and I believe it's Chart Number --

17 MR. BOWLING: This is mine, Captain Singh, so I'm going
18 to get that for you, because I want to use it for testimony -- for
19 the interview. That's --

20 MR. SCHAEFER: Yes.

21 MR. BOWLING: This is what you're referring to?

22 BY MR. SCHAEFER:

23 Q. Yeah. Can you look at the inbound track line through
24 the Oakland Bay Bridge and --

25 A. This is the (indiscernible)?

1 MR. BOWLING: No, this was on the ship. This was
2 provided to -- by the ship. The Coast Guard will clear it up.

3 MR. WHEATLEY: Yeah. Again, this is Ross Wheatley.
4 Yeah, this is a color copy of the chart that was on the bridge of
5 the Cosco Busan when the Coast Guard investigated and boarded the
6 vessel.

7 BY MR. SCHAEFER:

8 Q. And looking at that inbound track line, can you estimate
9 the difference between -- the distance between the track line and
10 the Delta tower for the proposed inbound transit?

11 MR. BOWLING: First, Captain -- this is Larry Bowling.
12 Do you recall seeing this chart?

13 THE WITNESS: Yes.

14 MR. BOWLING: Okay. The commander's question --

15 BY MR. SCHAEFER:

16 Q. Is, looking at the track line inbound and then looking
17 where the Delta tower is, does that appear to be a safe distance
18 in accordance with your ship management plan, safety management
19 plan, what your expectations would be for the transit?

20 A. (indiscernible) because it's been -- they dropped anchor
21 and they came out and then the chart was taken.

22 Q. Oh, I'm sorry. This is -- what I'm looking at here is,
23 when the ship first arrived from sea, it came in through the
24 Golden Gate Bridge and then went through the Delta-Echo span and
25 the track line shows it going through Delta-Echo span, or the

1 intended track line shows that, but it looks like it's very close
2 to the Delta tower.

3 A. Yeah, but it's just an intended track line and when you
4 are actually in the pilotage waters, the pilot and the master,
5 normally, they would follow the -- visually and -- it's not like,
6 you know, when you're coming out or going in, that you go to
7 (indiscernible).

8 Q. Is the -- so what is the third mate's role on the bridge
9 during arrival and departure?

10 A. Monitoring the ship's position, informing the master and
11 following the orders of the pilot and you know, watching
12 (indiscernible).

13 Q. So in monitoring the ship's position, wouldn't the third
14 mate be looking at the track line?

15 A. Should be.

16 Q. And when would he advise the master if something
17 appeared inappropriate to him? Is that his duties?

18 A. Yeah, he should inform the master.

19 Q. So if the track line's right next to the Delta tower and
20 the third mate sees it close to that track line, would he be
21 advising the master of that?

22 A. Could be, because -- but may not, because the master has
23 seen this and --

24 Q. And if a pilot brings something to -- in this case, on
25 the inbound transit, the inbound pilot said that he mentioned to

1 either the master or one of the mates, about the track line being
2 in the wrong spot going through the Bay Bridge. Is that something
3 that someone on the ship should've looked at then and adjusted if
4 they felt it was inappropriate?

5 MR. BOWLING: And he's referring per the safety
6 management.

7 BY MR. SCHAEFER:

8 Q. Per safety management.

9 A. Yes, if he would've mentioned, yes. But as far as
10 (indiscernible), I think he said he wasn't sure whether he
11 mentioned it on the ship or not.

12 Q. Yeah, I think -- I believe he mentioned -- my
13 recollection of this statement. He remembers mentioning it to
14 someone on the bridge but not sure whether it was the master or
15 someone --

16 MR. BOWLING: And you're referring to Pilot Nyborg?

17 THE WITNESS: Inbound, yeah.

18 BY MR. SCHAEFER:

19 Q. On a different topic, the communications between the,
20 the bow and the bridge, how is that handled? Is that a fixed
21 system or radio?

22 A. Radio.

23 MR. SCHAEFER: And is there any -- I'm not sure if we
24 were provided anything on what we would call advance and transfer.
25 I'm not sure what the Merchant Marine term -- that table for the,

1 you know, turning radius of the ship, that information. Do we
2 have that already?

3 MR. BOWLING: Yes, I'm pretty sure that they collected
4 it yesterday. We're going to have a data verification stand-down
5 this evening and we'll probably see if we can get a Coast Guard
6 representative to make sure we're all synced up. It's being go
7 eight different ways, but I'm pretty sure the maneuvering
8 characteristics of the vessel have been -- have been obtained.
9 And for the record, we now have our other membership,
10 Captain Rich Hunt --

11 MR. HURT: Hurt.

12 MR. BOWLING: Hurt. Sorry -- on board.

13 MR. SCHAEFER: I have no further questions.

14 MR. BOWLING: Ross?

15 MR. WHEATLEY: With your permission, at this point I'd
16 just like to pass.

17 MR. BOWLING: Okay. Go ahead, Gary.

18 BY MR. TOLEDO:

19 Q. Gary Toledo from OSPR. Hello, Captain Singh.

20 A. Hello.

21 Q. Thanks for coming in. I have a few questions for you.
22 When you were on the ship and you made the trip into San Francisco
23 and into Oakland, right, the bay, did the bridge team prepare a
24 passage plan?

25 A. Yes.

1 Q. Did you have time review that?

2 A. This one, no, I didn't.

3 Q. And I've got to kind of jump out of that sequence here
4 for a minute. Do you recall which radar it was that there had
5 been a problem with and that the crew did not -- the previous crew
6 did not want to use? Do you remember if it was the 10 centimeter
7 or the three centimeter?

8 A. It's the three centimeter.

9 Q. Three centimeter? Okay.

10 A. Since you've asked about this one, from Busan we arrived
11 at Long Beach and we had (indiscernible) called us for a check and
12 he had renewed the magnetron (indiscernible).

13 Q. That's good to know. Thanks. So the magnetron on the
14 three-centimeter radar was replaced at Long Beach prior to arrival
15 in San Francisco Bay?

16 A. That's right.

17 Q. Okay. I'm going to be referring to the SMC manual, with
18 regard to the bridge --

19 A. Um-hum.

20 Q. -- procedures. When the vessel arrived or came into
21 Long Beach, was there a passage plan prepared for --

22 A. Yes.

23 Q. Did you have a chance to review that one?

24 A. Yes.

25 Q. When you went through the passage plan, were there

1 notations for course alteration points on the charts?

2 A. On the charts? Yes, the points were marked and the next
3 courses were marked.

4 Q. Okay. Do you know -- you said you didn't look at the
5 passage plan for coming into San Francisco Bay. Did you look at
6 the chart for San Francisco Bay to see if there were course -- you
7 know, course alteration points on that chart? I guess that would
8 be the same chart that you just looked at.

9 A. Um-hum.

10 Q. So you did, you did get a chance to review that prior to
11 your arrival in San Francisco?

12 A. Yeah, I did have a look.

13 Q. Okay. When you were doing your training, how
14 extensively did you review with the master and as far as the
15 passage planning procedure? In other words, did you spend a lot
16 of time with the bridge team, in saying, you know, this is the
17 procedure, this is what you follow? Did you spend -- how much
18 time did you spend on that?

19 A. I did spend some time.

20 Q. Some time?

21 A. Yeah. I don't remember how many -- how much time, but
22 some time, yes.

23 Q. And in those discussions, were all the bridge team
24 members present?

25 A. Normally the second mate and the master.

1 Q. Okay. So there may have been occasions where the chief
2 mate -- does the chief mate stand on bridge watch, by the way?

3 A. Yes, yes.

4 Q. Okay. Were there occasions where the chief mate and the
5 third mate were brought into that group?

6 A. Yes, a few times, yes.

7 Q. Okay. Prior to arrival in Long Beach, was -- were all
8 four of the deck -- were the chief mate and the second mate and
9 the third mate and the master all part of the passage planning?
10 Part of the -- let me rephrase that. Were the deck officers and
11 the captain, did they all get a chance to review the passage plan?

12 A. Which port is that?

13 Q. Prior to Long Beach.

14 A. Yes.

15 Q. Okay. Did they also -- did this bridge team, the deck
16 officers and the master, did they have a meeting, a pre-arrival
17 meeting and review the plan prior to San Francisco, arriving in
18 San Francisco?

19 A. We didn't have a meeting as such, like, you know,
20 everybody sits and have a meeting, but, yes, master, the second
21 officer and the (indiscernible), the duty officer, and the chief
22 officer. So we did have interaction with them.

23 Q. So it would've been the chief officer, the second mate
24 and the master reviewed the passage plan prior to arrival to San
25 Francisco Bay?

1 A. Yes. Also the third mate, also.

2 Q. And the third mate, also.

3 A. But it's not like having a meeting like, you know,
4 sitting --

5 Q. Um-hum.

6 A. -- (indiscernible) whatever's required, the master
7 discusses and briefs the officers, yes.

8 Q. Do you remember, was that immediately prior to arrival
9 or was that the day before arrival in San Francisco? Do you
10 recall?

11 A. There wasn't much time because the 5th we departed and
12 the 6th we arrived, so between that.

13 Q. So could it have been shortly after departure from Long
14 Beach?

15 A. Somewhere in between.

16 Q. Somewhere in between. So at sea?

17 A. At sea.

18 Q. Would you say it would be well before taking arrival at
19 the pilot station in San Francisco?

20 A. Yes.

21 Q. Was the -- was the master -- in the manual there are
22 references to -- again, I think we talked about this or we asked
23 you about this previously -- references to using all navigation
24 equipment that's available on the ship. Was the crew -- did the
25 crew, did they utilize all the available equipment?

1 A. They were using the equipment available.

2 Q. Was there a preference to, say, use -- utilize an ECDS
3 system, electronic chart display system, versus radar positioning
4 fixing or --

5 A. No, I think they were looking at all of them, yeah.

6 Q. And verifying the positions by, say, crosschecking or --

7 A. Occasionally, yes.

8 Q. The passage plan for prior to -- you know, for entering
9 San Francisco Bay, there is a provision in the, the passage plan,
10 as far as fixing intervals. Do you recall what the fixing
11 intervals were to be for arriving in San Francisco Bay, picking up
12 the pilot and from the pilot on it, what were the fixing intervals
13 to be?

14 A. I'm not sure, but I think from the pilotage it was 10
15 minutes.

16 Q. Every 10 minutes? And you were on the bridge upon
17 arrival, correct?

18 A. Um-hum.

19 Q. Did you observe the mate on watch following those
20 precautions, plotting a position every 10 minutes?

21 A. Yes, I saw him. He was involved. He was on the radar.
22 He was on the GPS. He was on the chart. But when the pilot was
23 there, the pilot and master and the mate were there, so I did not
24 want to be in there because that's quarantined. And since I knew
25 I was leaving, I just wanted to be outside and be around in case,

1 you know, they need me. I didn't want to go down (indiscernible)
2 and sit in the lounge, but I didn't want to interfere in between.
3 So the master and pilot and -- they were doing okay. I could also
4 see they were doing fine, so I did not interfere (indiscernible).

5 Q. Okay. So when the -- after the pilot and the master did
6 their pilot exchange, did you step to one side of the bridge or
7 did you step out of the bridge onto the bridge wing? Is that what
8 you're saying?

9 A. Sometimes on the bridge and sometimes outside of the
10 bridge.

11 Q. So sometimes you were inside the bridge, the wheelhouse,
12 and sometimes you were out on the wing?

13 A. That's right.

14 Q. Okay. I'm going to refer back to -- this is Page 19 and
15 proceed. With regard to -- with regard to contingency planning
16 and the passage plan -- oh, in Item 7 we had already, we had
17 already talked about the frequency --

18 A. Um-hum.

19 Q. -- of fixing. And Item Number 9 -- and this Page 19,
20 Section 1.3.5.2, Item 9. It says -- there's a reference to
21 contingency plans for alternative actions to take place in the
22 ship, in deep water, or proceeding to an anchorage, in the event
23 of an emergency necessitating abandonment of the plan. Would
24 there also be a provision for contingency plans when you're in
25 pilotage waters?

1 A. This particular one I won't remember, but generally, we
2 would like to have contingency plans. And like I told you, you
3 know, we were reviewing it and still in the process of -- if you
4 see something that's (indiscernible).

5 Q. So I think what I'm referring to would be, as the track
6 line as laid out on the chart, a discussion like, okay, this could
7 be a point of no return.

8 A. Right.

9 Q. You're familiar with that? Once you're past this point
10 on the track line, you're committed to --

11 A. Only proceed and --

12 Q. -- going, yeah, ahead. Okay. Were there any provisions
13 or any discussions that, among the bridge team, you know, if we
14 reach this point -- before we reach this point, these are some
15 alternatives to take? Was that a discussion?

16 A. I do not -- I don't remember.

17 Q. Do you know, did the master also have a set of standing
18 orders?

19 A. Yes, master had.

20 Q. Okay. And can you tell me what the schedule for bridge
21 watch is? What was the -- was it the typical sea watches,
22 midnight to 4:00 --

23 A. The second mate.

24 Q. -- 4:00 to 8:00 -- okay.

25 A. That's right.

1 Q. That being the case, upon departure, who would've been
2 the watch officer on the port? It would be on Port A, correct?

3 A. The 7th departure from Oakland?

4 Q. Yeah, the -- excuse me, the departure from Oakland.

5 A. But then they were doing the stations. The
6 (indiscernible) officer is on the bridge and the chief officer is
7 forward, the second mate is on op stations.

8 Q. Okay. So for departure, the chief mate is on the bow
9 letting go, the third mate -- the second mate is on the stern --

10 A. (indiscernible) op stations, yeah.

11 Q. -- and the most junior mate, the third mate, would be on
12 the bridge assisting the master and the pilot. Okay. And do you
13 know how long the, the third mate had been on board?

14 A. He joined with the master.

15 Q. He joined with the master. Okay. Do you know how long
16 he had been in the position as third mate?

17 A. No.

18 Q. I've got another question. This is back to the -- I'm
19 kind of jumping around here, because I was trying to write as fast
20 as I could. You'll have to pardon me. The bridge checklist,
21 which, which you have there, was that completed prior to arrival
22 for the San Francisco Bay? Do you know?

23 A. Normally, we've been doing that, yes.

24 Q. And --

25 A. I didn't see it, like, you know, as he's doing it.

1 Q. Okay. Did you see the written -- the filled out copy?

2 A. At that time?

3 Q. Prior to arrival.

4 A. No, I didn't see it.

5 Q. Okay. Since you were -- you remained on board until
6 0615, 0630, on the 7th, correct? Did the bridge team prepare a
7 departure passage plan?

8 A. Yes, I'm aware that they did.

9 Q. They did. Okay. Were you able to review that?

10 A. I don't know.

11 Q. Okay. Was the master aware that in restricted
12 visibility conditions, that there are additional provisions for
13 additional manpower, there are provisions for additional manpower?

14 A. Yes, he was aware.

15 Q. And what would those -- can you tell me what those
16 provisions would be in restricted visibility?

17 A. Lookout. Otherwise, if you had bad weather, the duty
18 officer and the helmsman with the lookout.

19 Q. So just one lookout?

20 A. Yeah, he could post more.

21 Q. Okay. So there is a provision to post more?

22 A. That's to the master's discretion.

23 Q. Well, I'm going to refer to Page 33. If you could look
24 at that and then maybe you can clarify it for me.

25 MR. BOWLING: And again Larry Bowling. We're still in

1 the -- for the record, the title of the procedure?

2 MR. TOLEDO: The manual is "Guidance to Masters and
3 Navigating Officers," Section 1 and the section will be keeping a
4 good navigational watch, 1.4.2.4.

5 MR. BOWLING: Okay.

6 MR. TOLEDO: And it's Page 3.

7 MR. BOWLING: Three. Thank you.

8 BY MR. TOLEDO:

9 Q. Item 4, at the bottom of the page there.

10 A. Um-hum, um-hum.

11 Q. Can you read that for me, Captain Singh?

12 A. In high traffic density areas, coastal waters and in
13 poor visibility, an additional lookout man must be posted and
14 appropriate deck log book entries made.

15 Q. Can I -- in reading this it appears -- does it say that
16 an additional lookout must be posted?

17 A. Um-hum.

18 Q. So that would, that would negate the master's option to
19 have one posted, an additional one or not?

20 A. Okay.

21 Q. Okay. I'm just trying to get some clarification on it.
22 Was he aware of this provision or this requirement in the manual?

23 A. I won't say anything.

24 MR. TOLEDO: Okay. Yeah, if you don't know, you know,
25 that's fine. I don't have anything else. Thank you.

1 THE WITNESS: Yeah.

2 MR. BOWLING: Captain Singh, are you okay to go about
3 another 10 minutes?

4 THE WITNESS: Yeah, no problem.

5 MR. BOWLING: Okay. Rick?

6 BY MR. HOLLY:

7 Q. Oh, okay. I just had a couple of questions referring to
8 training. Captain Singh, as I understand it, and I'm not a
9 student of this code, but I know a little bit about training, how
10 many times have you trained new crews, in other words, our company
11 has bought a vessel, one crew is leaving and another crew is
12 coming on, similar to this? Is this the first time or have you
13 have done this many times?

14 A. The second time.

15 Q. The second time? Okay. We have pretty well documented
16 the time that we need to do this one. Could you tell me about the
17 first time you did it and the timelines as far as the time you had
18 with the crew and things like that?

19 A. No.

20 Q. Or could you just describe the process with the audits
21 and they came aboard and you had training and where you were, were
22 you most at sea or portages in the Middle East or --

23 A. That one also, by chance it was taken over at Korea and
24 from there we came to Mexico and one more port I don't remember
25 and we went back and then I got off.

1 Q. (indiscernible)?

2 A. Yes, ocean passage.

3 Q. Okay. So that's Korea, Mexico and back to Korea?

4 A. Um-hum.

5 Q. Which is --

6 A. About a month.

7 Q. About a month. So that would be twice as much time that
8 you had with that particular crew. Do you remember the, the crew
9 and officers that were on this particular ship, the previous ship?
10 Were they -- what were they, nationality? What was their native
11 language, things like that?

12 A. Chinese nationality.

13 Q. Chinese. And the crew that -- the new crew that was
14 coming on, were they Chinese, also?

15 A. No, I'm talking about the crew that -- from our company.

16 Q. Right.

17 A. Yeah, the new ones, yeah.

18 Q. What was the previous crew?

19 A. This was mixed. There were some Europeans and
20 Filipinos.

21 Q. Okay. Okay.

22 A. East European. They were mixed.

23 Q. Do you think that two weeks is an adequate time to train
24 people to the degree that they could be competent as a bridge team
25 in low visibility situations in port, in a restricted maneuvering

1 area?

2 A. I won't say anything about their competence, because
3 they have a certificate of competency issued by (indiscernible)
4 and -- no, I won't comment anything on that.

5 MR. BOWLING: Let me rephrase the question, because
6 Captain Holly doesn't have an in-depth background in safety
7 management.

8 MR. HOLLY: Right.

9 MR. BOWLING: What he's asking is that, in your
10 experience, do you feel that -- we know they have a license from
11 Flag (ph.) and the endorsements, or a license from whatever
12 country and then endorsements from Flag and STCW certificates.
13 That's all standards that they need a minimum level --

14 THE WITNESS: Um-hum.

15 MR. BOWLING: -- according to IMO, the proficiency for
16 whatever rank they hold. What he's asking is, do you feel, in
17 your role as trying to help the crew learn the safety management
18 system and their responsibilities in there, that you had adequate
19 time to get them fully versed in the company expectations in that
20 narrow window of time you had to work with in between the 24th of
21 October until the 7th of November? And then I think you were
22 alluding to the fact that the ship was in operation at the time.
23 It wasn't in stand-down for training. That's what he was alluding
24 to. So with that in mind, do you have any --

25 THE WITNESS: What I understand from his question was

1 that he was talking about their competence in navigation and in
2 fog. I think they're already certified for navigation and for
3 navigation in fog. So I was there regarding exposure to the
4 company and stuff. So this was what I introduced to them.

5 MR. BOWLING: Okay.

6 THE WITNESS: I wasn't training them for navigation in
7 fog, as they already had the certification and --

8 MR. BOWLING: Right. And with that in mind, what --
9 again, what Captain Rick's looking at is the -- do you feel like
10 you adequately exchanged the company's expectations, as outlined
11 in the safety management system, for -- because you have
12 procedures in here for low visibility and other criteria of
13 whether it's -- you know, that are specific to the incident. Do
14 you feel like you communicated the company's expectations from the
15 -- that are outlined in the safety management system, to the key
16 persons in the command, with regard to navigation in low
17 visibility situations and safe speeds and those kind of things?

18 THE WITNESS: I should say key things were discussed.

19 MR. BOWLING: Okay.

20 THE WITNESS: Like you say, the manual is like this.

21 MR. BOWLING: Right.

22 THE WITNESS: So I can't go line by line. It wasn't
23 done that way, but key things, yes.

24 MR. BOWLING: Okay. So -- but in your assessment, do
25 you feel that you were successful in outlining the company's

1 expectations to the --

2 THE WITNESS: It was in progress, it was in progress,
3 because that's why I told you initially, you know, we can't really
4 do it in two month's time.

5 MR. BOWLING: Captain Rick, did that help?

6 BY MR. HOLLY:

7 Q. That's perfect. I just have one last question and I'm
8 not even sure whether this is part of your purview and your
9 position. Does your company have a training policy that periodic
10 training on simulators or other training devices that are
11 specifically set aside to train bridge teams in low visibility
12 navigation, meaning navigating by radar, and if so, how often do
13 they do that?

14 A. Can I go off the record and ask him?

15 MR. BOWLING: Yes.

16 THE WITNESS: Yeah?

17 MR. BOWLING: Yeah. Let me momentarily pause this.
18 Hold on a second.

19 THE WITNESS: Would you like to comment on this or --

20 MR. NAGARAJAN: Yes, we do have planning --

21 MR. BOWLING: Well, I'll tell you what, let's stay on
22 the record here. Hold on a second, because I thought you were
23 asking Captain Mishra, but you will be interviewed. So if you
24 don't know the answer to that question, just I'm not sure.

25 THE WITNESS: Okay.

1 MR. BOWLING: And what we'll do is we'll take it up with
2 Captain Aga, because you'll be on the hook one day. I don't know
3 when. So --

4 MR. HOLLY: I guess, I guess if I could share with the
5 group here what I'm trying to get at, because we're all trying to
6 find out how to prevent these things from happening again. I see
7 this program, which I think is a very fine program and I've seen
8 similar programs with the good intent to train people and train
9 crews and have a bunch of checklists. But if you don't really
10 assess and continue to train on a periodic basis, that's just a
11 bunch of paper.

12 BY MR. BOWLING:

13 Q. And that's something that Captain Singh -- do you
14 understand that, because what he's asking is, does the safety
15 management system --

16 A. Um-hum.

17 Q. -- call -- is it a fluid document or is it cast in
18 stone? In other words, does it call for --

19 A. That certainly comes with that two months audit.

20 Q. Right.

21 A. And that's where we verify and we review what's been
22 going on.

23 Q. Are there requirements in the safety management plan for
24 the crew to have refresher training?

25 A. Yes, training we are doing. We also have another

1 system, the -- what we call -- our company has -- this is called
2 planning and reporting (indiscernible). It's (indiscernible) and
3 it has a subsection called TOLAS. That's training on land and
4 sea.

5 Q. Okay.

6 A. So this has sections on different aspects and the staff
7 is trained step by step on --

8 Q. Okay.

9 A. -- on that. But that's in the process.

10 Q. Okay.

11 A. That's in the process.

12 Q. So it's being developed now?

13 A. It's developed but being implemented --

14 Q. Being implemented. Okay.

15 A. On this ship it's in the process.

16 Q. It's in the process on this ship. Part of that
17 training, does it include any computer simulation where that you
18 would -- per the company's safety management system, you would
19 require the master or the second officer, or persons involved in
20 the navigation of the vessel, to prove, under controlled
21 environments such as a computer simulator or on a bridge of a ship
22 not underway, prove their capabilities to navigate effectively in
23 poor weather conditions?

24 A. It doesn't have a simulation, but it does have
25 information which it gives to the, to the crew member. And then,

1 like you said, to verify, it's got a questionnaire. So when the
2 officer answers to those questions, he's assessed.

3 MR. BOWLING: Okay. Captain Rick?

4 MR. HOLLY: Thank you very much.

5 MR. BOWLING: Captain Rich, I know you just came in.
6 Okay. I'm going to bring my computer over here and it'll all be
7 brief, gentlemen. I know you guys are getting tired of me,
8 probably. But we didn't print this up. What this is -- and
9 Captain Mishra, if you'll help me here. But I think I've got the
10 Section 2 of the shipboard management policy up. It's the section
11 that talks about crew responsibilities. I want to make sure that
12 -- and we'll have to print this up for the record down the road,
13 but we've got it on CD and I'll share it with everyone. So I'll
14 try and be very -- I'm going to move this real quick, Ross.

15 MR. WHEATLEY: Sure.

16 BY MR. BOWLING:

17 Q. Explain what we're getting at here. This section I'm
18 referring to is 9 February 2006, Revision 6. It talks about crew
19 responsibilities. Do you recall talking to, for example, the
20 master about what the company expected of him? It's got
21 organization charts in there.

22 A. Yes.

23 Q. It's standard shipboard organization for the rest of the
24 team. And let me get up here where we talk about the master's
25 responsibility. It covers disciplinary stuff, dismissal of

1 mariners, storage, repair parts, addressing the ship, overtime.
2 We get to a section here where it talks about -- and we already
3 passed it, I believe -- the master's responsibility. Did you
4 recall ever talking to the master about this specific segment of
5 the, the master's role on the ship and what the company expected
6 of him?

7 A. Yes.

8 Q. Do you think he had a good understanding of that?

9 A. Yes.

10 Q. And in this section here, do you recall -- and I'm
11 trying to get to it so you can read it. Do you recall what the
12 master's responsibilities as outlined in this section are? Do you
13 recall -- well, I'll pull it up. Do you recall what the company
14 expects of the master?

15 A. Yeah, it's (indiscernible) and it's been discussed with
16 the master.

17 Q. All right. In summary, what is his role on here, for
18 Section 2.2?

19 A. The master must -- I'll just read it out.

20 Q. Sure.

21 A. The master must keep the office closely advised of the
22 progress of vessel operations. In addition to (indiscernible)
23 reports as to the company (indiscernible), master should advise
24 the office of any significant or unusual occurrences, for example,
25 rescue, accident, oil spill, et cetera.

1 Q. Okay. So it goes down through a list of things that the
2 master has to inform to the company and we need to get this
3 printed up so everybody can see it. I want to go in and look at
4 the rest of the crew responsibilities here. We're going to try
5 and get up to the third officer and the second officer. There's a
6 chief officer.

7 A. Um-hum.

8 Q. Okay, let's come on down communications, second officer.
9 What's his responsibilities to the master to perform on board that
10 ship?

11 A. You want me to read this?

12 Q. Yeah.

13 A. Okay, the second officer's responsibilities. The second
14 officer is responsible to the master for proper performance of his
15 assigned bridge watch stand and navigational duties. The second
16 officer is responsible to the master, to the chief officer, for
17 watch duties pertaining to cargo, handling oil or ballasts and
18 (indiscernible) maintenance functions. The second officer's
19 duties pertain to cargo, oil or ballasts handling and must be
20 performed under direction of chief officer. The second officer
21 must become completely familiar with cargo system, cargo pumps
22 (ph.) and the operation (indiscernible).

23 Q. Okay. Do you -- did you ever have one-on-one training
24 sessions with the second officer, in his -- specifically talking
25 to him about this portion of the procedures?

1 A. Um-hum.

2 Q. Did you get the feeling that he understood that?

3 A. Yes.

4 Q. Okay. We're going down further in the second officer's
5 responsibilities and as the second officer -- and I'll read this.
6 As the navigating officer, is responsible for the following
7 charts: navigational publications covering routes and areas of the
8 vessel's projected voyages. Before sailing, the second officer
9 must ensure the charts and navigational publications required for
10 the voyage are on board and corrected. Do you know if the second
11 officer understood that level of expectation from the company,
12 after your training?

13 A. Yes.

14 Q. Was he meeting your expectations there, when you were on
15 the ship?

16 A. Yes.

17 Q. Okay. I want to look at the third officer
18 responsibilities and see his role, because all of these members
19 tie in during the bridge manning -- would be tied back into the
20 bridge manning procedure. Third officer responsibilities, can you
21 read those for us, Captain Singh?

22 A. The third officer is responsible to the master for
23 proper performance of his assigned bridge watch stand and
24 navigational duties. The third officer is responsible to the
25 master, through the chief mate, for watch duties pertaining to

1 cargo, ballasts and (indiscernible) maintenance functions. The
2 third officer must become completely familiar with cargo system
3 pumps and their operation and must learn to (indiscernible) to
4 vessel.

5 Q. Okay. Did you ever have a one-on-one session with him,
6 the third officer, prior to your departure from the ship, about
7 his responsibilities under the plan?

8 A. Yes.

9 Q. Did he have a good grasp of the --

10 A. Yes.

11 Q. -- plan? Okay. And we're going down further within
12 that section. It's 2.5.4. It's titled "Duties Prior to Sailing."
13 And I'll read this. Prior to sailing, he, referring to the third
14 officer, will test steering gear in the presence of the engineer
15 of the watch. Tests will be carried out before sailing. If the
16 vessel's been in harbor seven days or more, additional tests will
17 be carried out 24 hours before the intended departure. He will
18 also test, and it lists a series of equipment, bridge telephones,
19 intercom, public address system, whistles, nav. lights (ph.).
20 What's important, I want it clear here, is that he also is
21 required to test the radar and the ARPA and the VHF and GMDSS
22 equipment. Do you think the third officer had a grasp of his
23 responsibilities in the safety management system, in those -- that
24 regard?

25 A. I think he was okay.

1 Q. Okay. Do you know -- since you've been to the ship,
2 back and forth, since the allision, have you had a chance to talk
3 to the third officer, just to verify whether or not he tested the
4 radar and the ARPA prior to sailing?

5 A. I didn't ask him specifically.

6 Q. Okay. Do you know? Were there any check sheets that he
7 should've completed to --

8 A. Yes, he did do the departure.

9 Q. He did the departure check?

10 A. I don't know. He or the second officer, but one of the
11 officers did the departure checklist before Oakland.

12 Q. Okay. The final question I have -- then we'll make,
13 hopefully, a final pass around the room and let Captain Singh move
14 on to other stuff he needs to do today, but Scott had talked to
15 you with regard to the Fleet Management checklist forms. He went
16 over -- he was just talking to you about Item 4, which is the
17 master and pilot information exchanged. I'd like you to refer
18 over to the same checklist, which is Bridge Checklist 10. It's
19 the restricted visibility checklist. It's a checklist that's
20 required from your general navigation procedures within your
21 safety management system. Do you have the form there in front of
22 you, Captain Singh?

23 A. Yes, I do.

24 Q. Per the safety management system which we're talking
25 about, whose responsibility is it to complete this checklist?

1 A. The duty officer.

2 Q. Okay. Per the checklist, what items is the duty officer
3 expected to complete in times of restricted visibility? What's he
4 required to do per the safety management plan?

5 A. No, I didn't get to -- he's supposed to complete this
6 checklist. He's supposed to follow. What's your question?

7 Q. Well, what items? Can you walk me through the --

8 A. Okay, okay.

9 Q. -- items that's he's supposed to perform?

10 A. Okay. As Bridge Checklist Number 10, restricted
11 visibility, has the following equipment been brought into
12 operation, ARPA or other plotting facilities, manual steering,
13 VHF, false signaling apparatus, navigation lights, echo sounder,
14 (indiscernible) soundings, water-tight doors, as appropriate.
15 Have lookouts been posted? Have the master and engine room been
16 informed? All the international regulations for preventing
17 collision (indiscernible) been complied with, particularly with
18 regard to proceeding at a safe speed. If the ship's position is
19 in doubt, has the possibility of anchoring been considered? And
20 the name of the duty officer and assigned master.

21 Q. Okay. So Item 4 is -- are the international
22 regulations, referring to the COLREGS, had they been complied
23 with, particularly with regard to proceeding at a safe speed?

24 A. Um-hum.

25 Q. What is the intentions of the safety management system

1 in that regard, at least in your understanding?

2 A. That -- when the duty officer's filling out this one, he
3 should be feeling that he's at a safe speed. And I would
4 understand that if he doesn't, he's not sure, then he should
5 confer with the master.

6 Q. Okay. In Item 5, if the ship's position is in doubt,
7 has the possibility of anchoring been considered? What's the
8 safety management system trying to -- what kind of risk are we
9 trying to mitigate there with the safety management system?

10 A. If the ship's position is in doubt, so the ship could be
11 either go for aground or for a collision, if the position is
12 doubtful, so that's what this (indiscernible).

13 Q. All right. Do you know if these activities were going
14 on on the outbound portion of the voyage from Berth 56 until the
15 time of the allision, with the --

16 A. I don't know.

17 MR. BOWLING: One thing we'll have to do as a group
18 here, is we'll have to verify what documents I have from Fleet
19 Management. I want to see. I have some checklists and I think
20 Captain -- or Captain Aga provided that Tuesday, but I haven't had
21 a chance to go through them. I need to get those from the
22 document box and take a look. And do you recall providing those
23 to the --

24 MR. NAGARAJAN: The bridge checklist?

25 MR. BOWLING: Yes.

1 MR. NAGARAJAN: I do not recall,

2 MR. BOWLING: Specifically Item 10 and Item 4, Bridge
3 Checklist 10 --

4 MR. NAGARAJAN: I do not recall that we produced any
5 bridge checklist to you.

6 MR. BOWLING: Okay. All right. While you look at that,
7 we'll start back over here. Any questions? To my right, Captain
8 Aga?

9 BY MR. NAGARAJAN:

10 Q. I have one comment to make. On Page 33 of Procedure
11 1.2.4, where Captain Toledo pointed out that the master does not
12 have an authority (indiscernible). And before you report to
13 master's discretion (indiscernible), was that specifically with
14 one or more?

15 A. More. That's the number of persons, the number of --

16 Q. Okay.

17 A. -- (indiscernible).

18 MR. NAGARAJAN: Thank you.

19 UNIDENTIFIED SPEAKER: What page are you on, for the
20 record?

21 MR. NAGARAJAN: Page 33. He referred to the section
22 where it says that --

23 MR. BOWLING: I'll get it to the folks that don't have
24 it. It's Section 1.4.2.4, Page 32, and this is the guidance to
25 master's and navigating officers and it's referring to keeping a

1 good navigation watch. And you get through a series of best
2 practices provided by the company to the masters on the ship, and
3 one of them requires, in high traffic density areas, coastal
4 waters or in poor visibility, an additional lookout man must be
5 posted and appropriate deck log entries made. And your point was
6 that you wanted to bring up?

7 MR. NAGARAJAN: He was questioned on whether the
8 master's discretion -- that the master has no discretion. I
9 wanted to -- may I put it on the record that he was talking about
10 one or more? They can request more than one lookout and that was
11 the discretion. He is not given the power not to put
12 (indiscernible).

13 MR. BOWLING: Yeah, but the safety --

14 MR. NAGARAJAN: He must post a lookout.

15 MR. BOWLING: -- the safety management plan is clear, it
16 says must.

17 MR. NAGARAJAN: Yes.

18 MR. BOWLING: Okay. And did that answer -- that was
19 your only question?

20 MR. NAGARAJAN: Yes.

21 BY MR. SCHAEFER:

22 Q. Scott Schaefer. I've got a couple questions. You
23 mentioned earlier that the fixing interval was 10 minutes. Where
24 does that come from?

25 A. The passage plan.

1 Q. In the passage plan, does it talk about the fixing
2 interval when operating in restricted visibility in a harbor area?

3 A. I don't remember.

4 Q. What I'm trying to get at is --

5 A. Um-hum.

6 Q. -- in the safety management, if you're normally doing a
7 10-minute fixing of position, does that interval decrease when
8 you're doing more fixes in restricted visibility or especially in
9 restricted visibility in a harbor?

10 A. For that matter, practically, I would say that the
11 position has been monitored continuously, but you can't put fixes
12 every 10 seconds. So (indiscernible) given that when you put a
13 fix, but you monitor the ship's position continuous.

14 Q. Okay. Captain, you said you were on the vessel since it
15 left Korea?

16 A. Um-hum.

17 Q. So it left Korea, arrived in southern California,
18 departed southern California and arrived in Oakland. Were you on
19 the bridge for those four events?

20 A. Yes.

21 Q. How much interaction was there, in those four arrivals
22 and departures, between the third mate and the master regarding
23 navigation or position that you observed?

24 A. A few times, yes. Sometimes the third mate -- you know,
25 they were both from the same nationality, so sometimes I won't

1 understand a thing, but I saw him. He used to approach and
2 sometimes they would discuss things, yes. I can't define how many
3 times, though. I was not noting how many number of times.

4 Q. Is there any way for you to tell whether they were
5 talking about navigation?

6 A. Yes, yes, because sometimes they were just pointing out
7 something on the radar and sometimes on the chart, so it was
8 regarding navigation, yes.

9 Q. Okay, my last theory is about -- goes back to track
10 lines. Given your -- have you ever sailed in or out of Oakland,
11 other than this transit?

12 A. The first time in Oakland.

13 Q. Given that the Delta-Echo span at Oakland Bay Bridge is
14 approximately 2,000 feet wide, where would you typically draw a
15 track line? If you're talking about the Oakland Bay Bridge or in
16 general about you got to have, on either side, a 2,000 foot wide
17 clearance, where would you put the track line?

18 A. I'd say center.

19 Q. In the center. Now, if as a master your mate is doing
20 the track line, puts the track line, say, a hundred yards or less
21 from one hazard, do you consider that safe? In the same
22 situation, you've got 2,000 foot wide of clear water with a --

23 A. Um-hum.

24 Q. -- hazard on either side. If instead of the center line
25 where you had -- the center, where you had mentioned putting a

1 track line, if your mate had given you a track line that was, say,
2 within a hundred yards of one of the hazards, would you consider
3 that to safe or --

4 MR. BOWLING: Let me just interject in here. I know
5 what you want. We need to focus strictly in this case. He saw
6 the chart.

7 MR. SCHAEFER: I'm just trying to get to a what's safe
8 versus unsafe navigation.

9 MR. BOWLING: Yeah, but we want to -- we stay on just
10 the facts and we're kind of getting over into his opinion as a
11 licensed master, but your question is geared perfectly toward the
12 situation. So you saw the track line on the chart that was taken
13 from the Cosco Busan, and what he's asking is, what's your
14 assessment of that track line?

15 BY MR. SCHAEFER:

16 Q. Yeah, yeah. Earlier, he said he didn't see it
17 beforehand, but having looked at it now, what's your assessment of
18 that track line showing that the track line was very close to the
19 Delta tower?

20 A. Is that okay if I don't comment?

21 MR. SCHAEFER: Yes. Okay, thank you.

22 MR. NAGARAJAN: Captain Rich has a question.

23 MR. BOWLING: Captain Rich?

24 BY MR. HURT:

25 Q. I have one question. Rick Hurt, San Francisco Bar

1 Pilots. And I apologize if this is redundant question. Captain
2 Singh, in your experience of observing the interaction between the
3 master and the supporting -- and his supporting officers, do you
4 feel that the junior officers -- was your feeling that the junior
5 officers, that there was an atmosphere whereby they would be
6 comfortable pointing out to the master if the ship were off track
7 or standing into danger?

8 A. Like if they were free to talk to the master?

9 Q. Exactly. Do you feel --

10 A. Yes.

11 Q. -- there was an atmosphere --

12 A. They were comfortable.

13 Q. Had the master created an atmosphere where the junior
14 officers would be comfortable --

15 A. Yeah, they would approach the master. Yes, yes.

16 Q. You feel that that was --

17 A. Yes, that master was okay.

18 MR. HURT: Thank you. That's all I have.

19 MR. BOWLING: Okay. Any further questions?

20 MR. TOLEDO: Just one.

21 MR. BOWLING: Okay, Gary.

22 BY MR. TOLEDO:

23 Q. I forgot to ask this one. Excuse me. I'm sorry.

24 Captain Singh, can you -- I'm referring to Page 24 in the manual
25 there. There is a reference to parallel indexing.

1 MR. BOWLING: What procedure are you referring to in the
2 manual? You're over here in the --

3 MR. TOLEDO: It's the navigation --

4 MR. BOWLING: Okay, (indiscernible) --

5 MR. TOLEDO: Yes.

6 MR. BOWLING: -- and navigation officers.

7 MR. TOLEDO: Yeah.

8 MR. BOWLING: Right.

9 MR. NAGARAJAN: Section 1, Paragraph 1.

10 MR. BOWLING: Section 1.

11 BY MR. TOLEDO:

12 Q. And there's a reference to parallel indexing. I don't
13 have the number there. Perhaps you can find it.

14 A. Yeah, the second line.

15 Q. Could you --

16 A. That's the one --

17 Q. Yeah. Could you read that out loud, please?

18 A. Parallel indexing is a simple and most effective way of
19 continuously monitoring a ship's progress in restricted waters.
20 It can be used in any situation with or without conspicuous
21 navigation markers available, and it is (indiscernible) to monitor
22 continuously the ship's course (indiscernible) navigation mark.

23 Q. Captain Singh, are you familiar with parallel indexing?

24 A. Yes.

25 Q. Can you explain to the panel here what parallel indexing

1 is, as briefly as you can?

2 A. It's -- this is a ship and this is an island, this table
3 is an island and I want to pass this island, say, half a mile, so
4 I -- say my course is going to be north 000, so I have a line, I
5 draw it on the radar and I have a VRM, that's a variable range
6 marker, on a half a mile and I keep my ship to this line. If I --
7 the VRM goes off, you know, so that means my ship is away from the
8 line it should have been. And if the VRM goes on to the island,
9 so that means I'm going closer.

10 Q. Okay, thank you. Do you --

11 MR. BOWLING: For the record, because we haven't had --
12 this is not going to be captured. Basically, Captain Singh
13 explained a fairly good example of parallel indexing, using a cell
14 phone and pen and two tables joined together. We all agree?

15 MR. TOLEDO: Yes.

16 MR. BOWLING: Okay.

17 BY MR. TOLEDO:

18 Q. And I wanted to follow on that. Captain Singh, was --
19 in your, in your time aboard the vessel and your observations, was
20 this system of parallel indexing, did you observe this procedure
21 of parallel indexing being utilized by any of the bridge team?

22 A. I don't remember. I don't remember as such. Like I
23 told you, you know, certain times, if everything was okay, I would
24 just from -- only I would look and I would stay away and not
25 interfere. There was normally parallel indexing you would do in

1 pilotage or when very close, yes, sir. If you cross ocean, so
2 there you would not use it.

3 Q. Right, right. On your -- on you departure in Busan --

4 A. Um-hum.

5 Q. -- your arrival and departure in Long Beach, and your
6 arrival into San Francisco Bay, did you observe the practice by
7 any of the bridge team?

8 A. Because these are all (indiscernible) departures, so
9 they were coming and they were changing and they were putting VRMs
10 (indiscernible) at times with -- you know, I won't, I won't
11 comment on that. I'm not sure.

12 Q. Okay. Do you know if the -- maybe I already asked this.
13 Was the bridge team proficient in this practice, do you think?

14 A. Yes, I think they were okay. (indiscernible).

15 Q. In your discussions with them --

16 A. (indiscernible).

17 MR. TOLEDO: Okay. That's it. Thanks.

18 MR. BOWLING: Okay. Any last questions, gentlemen?

19 (No response.)

20 MR. BOWLING: All right. At this point we'll conclude
21 the interview and we'll stop the recorder.

22 (Whereupon, the interview in the above-entitled matter
23 was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: The Investigation of the Cosco
 Busan/Bridge Allision
 San Francisco, California
 Interview of Captain Varminder Singh

DOCKET NUMBER: DCA-08-MM-004

PLACE: San Francisco, California

DATE: November 16, 2007

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.

David Martini
Transcriber