



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Mr. Robert H. Pouch
Executive Director
Board of Commissioners of Pilots
of the State of New York
17 Battery Place, Suite 1230
New York, New York 10004

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco—
Oakland Bay Bridge, November 7, 2007.

Dear Mr. Pouch:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

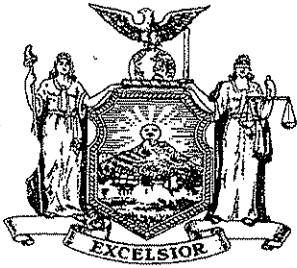
If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,

A black rectangular box redacting the signature of Robert Henry.

Robert Henry
Hearing Officer

Enclosures:
Directions



**BOARD OF COMMISSIONERS OF PILOTS
OF THE STATE OF NEW YORK**

17 BATTERY PLACE
NEW YORK, NY 10004-1207

TEL: 212-425-5027
FAX: 212-344-3144
CELL: 917-853-6373
WEBSITE/EMAIL:
WWW.BDCOMMPILOTSNY.ORG

ROBERT H. POUCH

Robert H. Pouch was born and raised on Staten Island, New York. He is a graduate of the Maine Maritime Academy (B.S.); took post-graduate education courses at the University of Oslo, in Norway, and the United States Naval War College at Newport, Rhode Island. He has devoted his entire career to the maritime industry.

Upon graduation from college, he went to sea as a US Coast Guard licensed merchant marine officer for American Export Lines (SS EXPORT AMBASSADOR, Third Officer), and also served in the United States Naval Reserve, including assignments as a Watch Division Officer (USS ROCKBRIDGE, USS CAPRICORNUS & USS ANTIETAM), and the US Navy Military Sealift Command. He currently holds the rank of Captain in the New York State Division of Military and Naval Affairs/New York State Naval Militia, and serves as Deputy Commander, Operations.

He has worked in senior management positions at: Pouch Terminal, Inc., (Operations Manager and Director); Medalist Industries Inc., Holland Division (Executive Vice-President); Hapag Lloyd-United States Navigation Inc. (Senior Vice-President); Barber Steamship Lines, Inc., and Barber Ship Management Inc., subsidiaries of Wilh. Wilhelmsen A.S.A., (President and Chairman of the Board of Directors); and as a U. S. General Agent (Ship Operations and Maintenance) for the United States Maritime Administration and US Navy Military Sealift Command. He is a limited partner in Goodnow Gray & Co., an investment firm.

In 1982, he was elected New York State Commissioner of the Board of Commissioners of Pilots of the State of New York, which has jurisdiction over, licenses and regulates the State's maritime pilot system, and since 1990, serves as the Board's Executive Director.

He is a Director of the National Cargo Bureau, Inc., serving on its Operations, Executive and Pension Committees; 1st. Vice President of the Marine Society of the City of New York; a Trustee of The Sailors Snug Harbor Trust; member of the Maritime Association of the Port of New York; a member of the USCG Harbor Safety and Operations Committee of the Port of New York and USCG Area Maritime Security Executive Committee for USCG Sector Long Island Sound. He has served on the Board of Directors of Constitution Reinsurance Co., the Board of Visitors of the Maine Maritime Academy; and Pouch Terminal, Inc. He is a marine correspondent for the United States Naval Institute whose articles have appeared regularly in the Naval Institute's Proceedings magazine. He has received multiple awards for his service within the government, the maritime industry and his community.

He served on the Board of Trustees of Irvington, New York (as Trustee and Deputy Mayor) for eighteen years, and currently serves on its Ethics Commission. He is Chairman of the Foundation for the Community Hospital at Dobbs Ferry, N.Y.; and resides in [REDACTED] New York, with his wife [REDACTED]. They have two grown children, [REDACTED] and [REDACTED], and two grandchildren, [REDACTED] and [REDACTED].



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Captain Michael R. Watson
President, American Pilots' Association
499 South Capital Street, S.W.
Suite 409
Washington, D.C. 20003

Dear Captain Watson:

RE: *In the Matter of the Investigation of the Allision of M/V Cosco Busan with San Francisco–Oakland Bay Bridge, November 7, 2007.*

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or marine transportation.

We have designated the American Pilots Association a party in this public hearing. Party status for your organization will allow your party spokesperson to question witnesses as part of the formal hearing procedure. Please advise the Safety Board of the name of the spokesperson that will represent your organization at the hearing. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a). We also request that the following representative of your organization be provided as a witness:

Mr. Paul G. Kirchner, Executive Director, APA

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses sponsored by your organization do not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A black rectangular redaction box covering the signature of Robert W. Henry.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Captain Nagarajan (Aga) M. S.
General Manager
Fleet Management Limited
Unit 1603 16th Floor Mass Mutual Tower
38 Gloucester Road, Hong Kong

Dear Capt. Aga:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco–Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident and expertise in marine transportation.

We have designated Fleet Management Limited a party in this public hearing. Party status for your organization will allow you as the party spokesperson to question witnesses as part of the formal hearing procedure. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a).

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses that may be sponsored by your organization do not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

Additionally, as part of our investigation, we need to take your testimony and the testimony of Capt. Singh regarding your knowledge of the accident, and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am requesting your appearance and that of Capt. Singh at 8:30 a.m., on **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statements will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you and Capt. Singh after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you or Capt. Singh so desire, you may have a representative of your choice accompany you while testifying. However, your representative(s) will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination.

If you or Capt. Singh have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A black rectangular redaction box covering the signature of Robert W. Henry.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Captain Eric Nielsen
President
Association of Maryland Pilots
3720 Dillon Street
Baltimore, Maryland 21224

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco–
Oakland Bay Bridge, November 7, 2007.

Dear Capt. Nielsen:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,

A black rectangular redaction box covers the signature of Robert Henry.

Robert Henry
Hearing Officer

Enclosures:
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Captain Jorge Viso
Co-Manager Tampa Bay Pilot Association
2622 W. Conley Ave.,
Tampa, Florida 33611

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco–
Oakland Bay Bridge, November 7, 2007.

Dear Capt. Viso:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,

A handwritten signature in black ink, which appears to be "Robert Henry", is written over a thick black horizontal redaction bar.

Robert Henry
Hearing Officer

Enclosures:
Directions

National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Captain Robert Thompson
Presiding Officer of the Houston Pilots Association
8150 South Loop East
Houston, Texas 77017

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco—
Oakland Bay Bridge, November 7, 2007.

Dear Capt. Thompson:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,



Robert Henry
Hearing Officer

Enclosures:
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Mr. Michael Hughes
Field Engineer and Training Manager
Sperry Marine
1070 Seminole Trail
Charlottesville, Virginia 22901

Dear Mr. Hughes:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco--
Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident and expertise in marine transportation.

We have designated Sperry Marine a party in this public hearing. Party status for your organization will allow you as the party spokesperson to question witnesses as part of the formal hearing procedure. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a).

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses that may be sponsored by your organization do not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

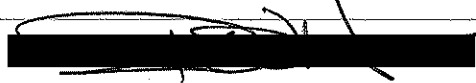
Additionally, as part of our investigation, we need to take your testimony regarding your knowledge of the accident, and any other information that may be useful in determining the cause and effect of the accident.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination.

If you have any questions or comments regarding this matter or believe additional witnesses from Sperry Marine would be appropriate, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Henry", is written over a solid black rectangular redaction box.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 7, 2008

Mr. Paul G. Kirchner
Executive Director, American Pilots' Association
499 South Capital Street, S.W.,
Suite 409
Washington, D.C. 20003

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with San Francisco—
Oakland Bay Bridge, November 7, 2007.

Dear Mr. Kirchner:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage.

Accordingly, I am requesting your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,

A handwritten signature in black ink, which appears to be "Robert Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 12, 2008

Captain Peter McIsaac
President, San Francisco Bar Pilots Association
Pier 9 East End
San Francisco, California 94111

Dear Captain McIsaac:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco–Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident and expertise in marine transportation.

We have designated the San Francisco Bar Pilots Association a party in this public hearing. Party status for your organization will allow your party spokesperson to question witnesses as part of the formal hearing procedure. Please advise the Safety Board of the name of the spokesperson that will represent your organization at the hearing. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a).

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses and party representatives, other than the party spokesperson, do not attend the prehearing conference.

The public hearing will convene at **8:30 a.m. on April 8 and 9, 2008**, at the NTSB Boardroom and Conference Center, in Washington, D.C.

Additionally, as part of our investigation, we will take your testimony as the witness representing the San Francisco Bar Pilots Association, regarding your knowledge of the accident, and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am requesting your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.


Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you are the party spokesperson, you may designate another person as spokesperson while you are serving as a witness. Your alternate may not be an attorney who represents the pilot association.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,



Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 12, 2008

Mr. K. Michael Miller
President
Board of Pilot Commissioners for the
Bays of San Francisco, San Pablo and Suisun
Pier 9, Suite 102
San Francisco, California 94111

Dear Mr. Miller:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco–Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident and expertise in marine transportation.

We have designated the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun a party in this public hearing. Party status for your organization will allow your party spokesperson to question witnesses as part of the formal hearing procedure. Please advise the Safety Board of the name of the spokesperson that will represent your organization at the hearing. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a).

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses and party representatives, other than the party spokesperson, do not attend the prehearing conference.

The public hearing will convene at **8:30 a.m. on April 8 and 9, 2008**, at the NTSB Boardroom and Conference Center, in Washington, D.C.

Additionally, as part of our investigation, we will take your testimony as the witness representing the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, regarding your knowledge of the accident, and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am requesting your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.


Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you are the party spokesperson, you may designate another person as spokesperson while you are serving as a witness. Your alternate may not be an attorney who represents the pilot commission.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. W. Henry", is written over a solid black rectangular redaction box.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 12, 2008

Mr. Doug Rabe
Coast Guard Headquarters
Commandant (CG-545)
U. S. Coast Guard
2100 Second Street, S. W.
Washington, D.C. 20593

Dear Mr. Rabe:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

We have designated the U. S. Coast Guard as a party in this public hearing. Party status will allow your party spokesperson to question witnesses as part of the formal hearing procedure. Please advise the Safety Board of the name of the spokesperson who will represent the Coast Guard at the hearing. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a). We also request that the following officers be provided as witnesses at your expense:

Capt. Paul Gugg, Commander, Sector San Francisco
Capt. William Uberti, USCG
Capt. Arthur French, NMC, USPHS
CDR Brian Tetreault, Chief, VTS, Coast Guard Headquarters
LCDR Kevin Mohr, Chief of Waterways, Sector San Francisco

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties of the public hearing, which will convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Your spokesperson should attend this meeting; however, witnesses and other party representatives from the Coast Guard will not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A black rectangular redaction box covering the signature of Robert W. Henry.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845



National Transportation Safety Board
Washington, D.C. 20594

March 13, 2008

Mr. Doug Rabe
Coast Guard Headquarters
Commandant (CG-545)
U. S. Coast Guard
2100 Second Street, S. W.
Washington, D.C. 20593

Dear Mr. Rabe:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

This is in follow up to my letter of March 12, 2008, and subsequent discussions between yourself and Dr. J. S. Spencer, Director, Office of Marine Safety. In the interest of fully examining the role and responsibilities of the U. S. Coast Guard's National Maritime Center with regard to medical oversight of mariner licenses we request that the following additional officer be provided as witnesses at your expense:

Capt. David Stalfort, NMC

I will reiterate, witnesses and other party representatives from the Coast Guard will not attend the prehearing conference on April 7, 2007. The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, which appears to be "Robert W. Henry", is written over a solid black rectangular redaction box.

Robert W. Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 14, 2008

Commissioner Cheryl Phipps, Chair
Board of Pilot Commissioners
2108 Sunrise Key Boulevard
Ft. Lauderdale, Florida 33304

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

Dear Commissioner Phipps:


The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,


Robert Henry
Hearing Officer

Enclosures:
Directions

National Transportation Safety Board
Washington, D.C. 20594

March 14, 2008

Captain R. W. Holly
Department of Fish and Game
Office of Spill Prevention and Response
425G Executive Court North
Fairfield, California 94585

Dear Captain Holly:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco–Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or marine transportation.

We have designated the California Department of Fish and Game, Office of Spill Prevention and Response a party in this public hearing. Party status for your organization will allow your party spokesperson to question witnesses as part of the formal hearing procedure. Please advise the Safety Board of the name of the spokesperson that will represent your organization at the hearing. A copy of Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, is enclosed for your information; your particular attention is invited to §845.13(a). We also request that the following representative of your organization be provided as a witness:

Mr. Rob Roberts, OSPR

We are planning to hold a prehearing conference with party spokespersons and the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties, to convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. Witnesses sponsored by your organization do not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,

A black rectangular redaction box covering the signature of Robert W. Henry.

Robert W. Henry
Hearing Officer

Enclosures:
Title 49 CFR 845
Directions



National Transportation Safety Board
Washington, D.C. 20594

March 17, 2008

Mr. H. Thomas Kornegay
Executive Director
Houston Board of Pilot Commissioners
111 East Loop North
Houston, Texas 77252

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

Dear Mr. Kornegay:

The National Transportation Safety Board is investigating the above-referenced accident. As part of our investigation, we need to take your testimony regarding your knowledge of state pilotage and any other information that may be useful in determining the cause and effect of the accident.

Accordingly, I am calling for your appearance at 8:30 a.m., on **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C., to give your testimony.

Your statement will be taken under oath and before a court reporter. Designated parties of interest will be allowed to question you after the Safety Board's representatives complete their initial questioning. The proceeding will be a fact-finding procedure without adverse parties.

If you so desire, you may have a representative of your choice accompany you while testifying. However, your representative will only be able to advise you in your testimony and will not be able to ask or answer questions in cross-examination. The NTSB will compensate you for allowable witness fees and travel expenses. If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Sincerely,

A black rectangular redaction box covers the signature of Robert Henry.

Robert Henry
Hearing Officer

Enclosures:
Directions



H. THOMAS KORNEGAY

Executive Director

H. Thomas Kornegay was appointed Executive Director of the Port of Houston Authority in April, 1992. Before his appointment by the Port Commission, Kornegay served as the Port Authority's managing director for five years.

Kornegay has held numerous PHA positions since he first joined the Port Authority staff in April, 1972. He worked his way through the Port Authority ranks, serving in the engineering department for 15 years before being appointed as managing director.

Kornegay is a registered engineer in the state of Texas. He holds a master's degree in Architectural Engineering from Oklahoma State University and a bachelor's degree in Architectural Engineering from the University of Texas. He has completed several graduate-level finance and economics courses at the University of Houston. He was certified in 1998 by American Association of Port Authorities (AAPA) as a Professional Port Manager.

Kornegay has been affiliated with International Association of Ports and Harbors (IAPH) for more than 25 years and has risen through the ranks of IAPH leadership. In May 2005, Kornegay became president of the IAPH during the organization's conference in Shanghai, China, and served in that capacity until May 4, 2007, at the 25th IAPH World Ports Conference in Houston, Texas.

Kornegay represents AAPA as an advisory member of the U.S. delegation to the International Maritime Organization; presently, he serves on the working group for Air Pollution from Ships. He previously served as chairman of the board of the American Association of Port Authorities and chairman of the U.S. Delegation of AAPA. He is currently the chairman of the Projects and Publications Committee. This association represents more than 140 public port authorities in the United States, Canada, Latin America and the Caribbean. Kornegay also served as president of the Gulf Ports Association.

Kornegay was appointed to serve on the executive committee of the Transportation Research Board, which is responsible for recommending transportation policy and programs to the National Research Council. He served as chairman of the Committee on Maritime Advanced

Information Systems for the Marine Board of the National Research Council.

He was appointed by the governor of Texas to serve as the state's representative on the Western Gulf of Mexico Regional Dredge Team and was also appointed to serve on the Rail Advisory Committee. Additionally, Kornegay has previously served as chairman of the advisory board for Ex-Im Bank in Washington, D C.

Kornegay received the Russell H. Perry Award presented by Texas Department of Transportation in recognition of outstanding contribution to Transportation in 2005.

In December 2007, he was selected as the 2008 Engineer of the Year by the Houston Chapter of the Texas Society of Professional Engineers.

SAN FRANCISCO BAR PILOTS

Pier 9 East End
San Francisco, CA 94111
415-362-5346 Fax 415-982-4721

March 18, 2008

Mr. Robert W. Henry
Hearing Officer
National Transportation Safety Board
Washington, DC 20594

Re: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco – Oakland Bay Bridge, November 7, 2007

Dear Mr. Henry:

I am in receipt of your letter of March 12, 2008 which outlines the public hearing process and details what is expected of San Francisco Bar Pilots' representatives.

Captain Richard Hurt will be the San Francisco Bar Pilots' Party Spokesperson. He will attend the pre-hearing conference scheduled for 9:00 a.m. on Monday, April 7, 2008. I would like to request that, as the San Francisco Bar Pilots' NTSB Investigation Spokesperson, I be allowed to unofficially attend the pre-hearing conference, as well.

As a witness appearing to give testimony on April 9th at 8:30 a.m., I will be accompanied by a representative, Kevin Davis.

If you have any questions or need anything further from me regarding this matter at this time, please contact me at 415-393-0450 or portagent@sfbarpilots.com.

Thank you for your assistance.

Yours truly,



Captain Peter McIsaac
President and Port Agent



National Transportation Safety Board
Washington, D.C. 20594

March 20, 2008

Rob Dudgeon
Manager, Public Safety Division
City and County of San Francisco
Office of Emergency Services & Homeland Security
1011 Turk Street
San Francisco, CA 94102

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Dudgeon:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will

compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to be "R. Henry", is written over a thick black horizontal redaction bar.

Robert Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 20, 2008

Barry A. McFarland
Manager Response Services
The O'Brien's Group
2929 E. Imperial Hwy., Suite 290
Brea, CA 92821

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. McFarland:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

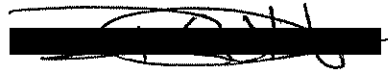
Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to be "R. Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 20, 2008

LT. Rob Roberts
Department of Fish and Game
Office of Spill Prevention and Response
425G Executive Court North
Fairfield, California 94585

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Lt. Roberts:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to be "R. Henry", is written over a thick, solid black horizontal line that serves as a signature separator.

Robert Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 24, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

Brian H. Getz, Esq.,
44 Montgomery Street, Suite 3850
San Francisco, California 94104

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Getz:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Wang Hong Zhi, 3rd Mate of the *Cosco Busan*.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your client's testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is his knowledge of events that occurred on board the M/V *Cosco Busan* on November 7, 2007, any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A black rectangular redaction box covering the signature of Robert Henry.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Wang Hong Zhi, 3rd Mate, M/V Cosco Busan, Fleet Management, Ltd.

c/o Brian H. Getz, Esq., 44 Montgomery Street, Suite 3850 San Francisco, California 94104

At the instance of Robert Henry, Hearing Officer, National Transportation Safety Board,

you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry

for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation Safety Board, or an official designated by it, has hereto set his/her hand at this 24 day of MC, 2008
(specify year)

Robert Henry, Hearing Officer

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 USC §1101 et seq, the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 USC §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and, under 49 USC §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, SW, Washington, DC 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board
Washington, D.C. 20594

March 24, 2008

Jonathan R. Howden, Esq.
Thelen Reid Brown Raysman & Steiner LLP
101 Second Street, Suite 1800
San Francisco, CA 94105

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco–Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Howden:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Hu Kong Xiang (Chief Officer), Zhao Shun Biao (2nd Mate), and Yao Ying Quan (Chief Engineer) of the *Cosco Busan*.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your clients' testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is their knowledge of events that occurred on board the M/V *Cosco Busan* on November 7, 2007, any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public hearing may have a representative of his or her choice present while testifying. That representative

may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Henry", is written over a thick, solid black horizontal line that serves as a separator between the signature and the typed name below.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Hu Kong Xiang, Chief Officer, M/V Cosco Busan, Fleet Management, Ltd.
c/o Jonathan R. Howden, Esq., Thelen Reid Brown Raysman & Steiner LLP,
101 Second Street, Suite 1800, San Francisco, California 94105

At the instance of Mark V. Rosenker, Chairman, National Transportation Safety Board,
you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry
for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 18 day of March, 2008.



Mark V. Rosenker, Chairman

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

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☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

On

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and, under 49 U.S.C. §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594-2000; telephone (202) 314-6080.

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Zhao Shun Biao, 2nd Mate, M/V Cosco Busan, Fleet Management, Ltd.
c/o Jonathan R. Howden, Esq., Thelen Reid Brown Raysman & Steiner LLP,
101 Second Street, Suite 1800, San Francisco, California 94105

At the instance of Mark V. Rosenker, Chairman, National Transportation Safety Board,
you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry
for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 18 day of March, 2008.

(specify year)

Mark V. Rosenker, Chairman

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

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(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and, under 49 U.S.C. §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594-2000; telephone (202) 314-6080.

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Yao Ying Quan, Chief Engineer, M/V Cosco Busan, Fleet Management, Ltd.
c/o Jonathan R. Howden, Esq., Thelen Reid Brown Raysman & Steiner LLP,
101 Second Street, Suite 1800, San Francisco, California 94105

At the instance of Mark V. Rosenker, Chairman, National Transportation Safety Board,
you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry
for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 18 day of March, 2008.



Mark V. Rosenker, Chairman

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on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and, under 49 U.S.C. §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board
Washington, D.C. 20594

March 24, 2008

Douglas Schwartz
Schwartz & Cera LLP
44 Montgomery Street, Suite 3850
San Francisco, California 94104

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Schwartz:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Sun Mao Cai, the Master of the *Cosco Busan*.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your client's testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is his knowledge of events that occurred on board the M/V *Cosco Busan* on November 7, 2007, any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public hearing may have a representative of his or her choice present while testifying. That representative

may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to be "Robert Henry", is written over a thick black horizontal redaction bar.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Sun Mao Cai, Master, M/V Cosco Busan, Fleet Management, Ltd.
c/o Douglas Schwartz, Esq.
Schwartz & Cera LLP, 44 Montgomery Street, Suite 3850, San Francisco, California 94104

At the instance of Mark V. Rosenker, Chairman, National Transportation Safety Board,
you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry
for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 18 day of March, 2008
(specify year)

Mark V. Rosenker, Chairman

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 USC §1101 et seq, the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 USC §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and under 49 USC §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board
Washington, D.C. 20594

March 24, 2008

Mr. Barry M. Hartman, Esq.,
K & L Gates,
1601 K Street, NW,
Washington, D.C. 20006

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Hartman:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Capt John Cota, Pilot of the *Cosco Busan*.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your client's testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is his knowledge of events that occurred on board the M/V *Cosco Busan* on November 7, 2007, any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public hearing may have a representative of his or her choice present while testifying. That representative

may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to be "Robert Henry", is written over a thick black horizontal line.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. John Cota
c/o Barry M. Hartman, Esq., K & L Gates, 1601 K Street, NW, Washington, DC 20006

At the instance of Mark V. Rosenker, Chairman, National Transportation Safety Board,
you are hereby required to appear before Mark V. Rosenker, Chairman of the Board of Inquiry
for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of:

The allision of M/V Cosco Busan with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 18 day of March, 2008.
(specify year)

A handwritten signature in black ink, appearing to be "Mark V. Rosenker", written over a solid black rectangular redaction box.

Mark V. Rosenker, Chairman

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and reauthorized at 49 USC §1101 et seq, the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 USC §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation" and under 49 USC §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, DC 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board
Washington, D.C. 20594

March 24, 2008

Capt. Roy M. Mathur
Department of Fish and Game
Office of Spill Prevention and Response
Marine Safety Branch
1700 K. Street, Suite 250,
Sacramento, California 94244-2090

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Hartman:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety and pollution response.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.ntsb.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is his knowledge of events that occurred on board the M/V *Cosco Busan* on November 7, 2007, any other information that may be useful in determining the probable cause of the accident and related issues.

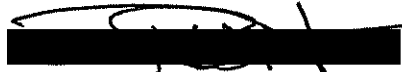
Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

cc:
Captain R. W. Holly
Department of Fish and Game
Office of Spill Prevention and Response
425G Executive Court North
Fairfield, California 94585

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Capt. Roy M. Mathur, Department of Fish and Game, Office of Spill Prevention and Response,
Marine Safety Branch, 1700 K. Street, Suite 250, Sacramento, California 94244-2090

At the instance of Robert Henry, Hearing Officer, National Transportation Safety Board,

you are hereby required to appear before Board Member Mark V. Rosenker, Chairman of the

Board of Inquiry for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of: The allision
of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 24th day of March, 2008.
(specify year)

Robert Henry, Hearing Officer

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. § 1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. § 1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and under 49 U.S.C. § 1113(a)(1), to "require by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, DC 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board
Washington, D.C. 20594

March 25, 2008

Mr. Warrington Parker, Esq.
Heller Ehrman
333 Bush Street
San Francisco California 94104

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Parker:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Capt. Singh, an employee of Fleet Management Limited, Hong Kong.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your client's testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

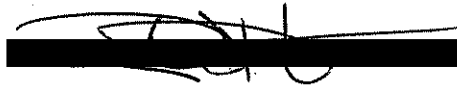
Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer

Enclosures:
Subpoena
Directions

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Capt. Singh, Fleet Management, Ltd, c/o Warrington Parker, Esq.,
Heller Ehrman, 333 Bush Street, San Francisco, California 94104

At the instance of Robert Henry, Hearing Officer, National Transportation Safety Board,
you are hereby required to appear before Board Member Mark V. Rosenker, Chairman of the
Board of Inquiry for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of: The allision
of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 25th day of March, 2008
(specify year)

Robert Henry, Hearing Officer

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)
(Name of person making service)
(Official title)
I CERTIFY that the person named herein was in attendance as a witness at
on
(Month, day, and year)
(Name of person certifying)
(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and under 49 U.S.C. §1113(a)(1), to "require by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, DC 20594-2000; telephone (202) 314-6080.



National Transportation Safety Board

Washington, D.C. 20594

March 25, 2008

Dear Hearing Participant:

Enclosed are information and documents for acknowledging your attendance to the Cosco Busan Public Hearing at the National Transportation Safety Board and also for documenting your travel costs for this hearing. You are currently on the registration list for accommodations at the Omni Shoreham Hotel at 2500 Calvert Street, NW, Washington, DC at the rate of \$201 per night and an M&IE (meals & incidentals) rate of \$64 per day for a total Federal Government per diem rate of \$265. All hearing participants will need to confirm their accommodations with a personal credit card by calling the hotel at 202-234-0700. Any reservations that are not confirmed within 72 hours of check-in will be cancelled. We expect the hearing to conclude late afternoon of Wednesday, April 9th. We have not planned for Wednesday evening accommodations.

Transportation to L'Enfant Plaza will be provided to you on April 8 & 9 and the time of pickup will be 07:30am at the hotel entrance with ABE's Transportation Service. Transportation back to the hotel will be either by public transportation (subway) or by taxi.

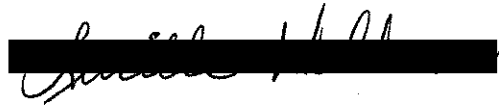
For flight reservations and to get the government travel rate, please contact our travel agent, National Travel at 1-800-624-8283. Give the agent your name and that you are traveling on NTSB orders and the authorization number is I-NTSB2008002.

I am enclosing the following documents, which include reimbursement forms that should be return to me in the enclosed stamped envelop within 5-7 days:

- (1) Name, Address, Sign and date the witness form where highlighted ONLY to acknowledge that you have attended the hearing; I will complete the rest.
- (2) Travel Itinerary Form (record all daily travel expenses).
- (3) Complete the Payment Information Form with your PERSONAL information, not your organization information.
- (4) Title 49, overview of Accident/Incident Hearings and Reports
- (5) A self-addressed stamped envelope.

If you have any questions, please feel free to contact me at (202) 314-6450 or Robert Henry at (202) 314-6490.

Sincerely,



Lucille Waldren
Hearing Administrative Assistant

Enclosures (4)



National Transportation Safety Board
Washington, D.C. 20594

March 25, 2008

Mr. G. Ross Wheatley
Chief of Investigations
U. S. Coast Guard
Commanding Officer (SIO)
Sector San Francisco
Coast Guard Island, Bldg. # 14
Alameda, California 94501-5100

Dear Mr. Wheatley:

RE: In the Matter of the Investigation of the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

The National Transportation Safety Board is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

We have designated the U. S. Coast Guard as a party in this public hearing. Party status will allow you as party spokesperson to question witnesses as part of the formal hearing procedure. Title 49, Code of Federal Regulations, Part 845, detailing the public hearing process, your particular attention is invited to §845.13(a). We also request that the following officers be provided as witnesses at your expense:

Capt. Paul Gugg, Commander, Sector San Francisco
Capt. William Uberti, USCG
Capt. David Stalfort, NMC
Capt. Arthur French, NMC, USPHS
CDR Brian Tetreault, Chief, VTS, Coast Guard Headquarters
LCDR Kevin Mohr, Chief of Waterways, Sector San Francisco

We are planning to hold a prehearing conference with the Chairman of the public hearing, Safety Board Chairman Mark V. Rosenker, to discuss your organization's role and that of the other parties of the public hearing, which will convene at 9:00 a.m. on Monday, April 7, 2008, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. You should attend this meeting; however, witnesses from the Coast Guard will not attend the prehearing conference.

The public hearing will convene at 8:30 a.m. on April 8 and 9, 2008, at the NTSB Boardroom and Conference Center, in Washington, D.C.

If you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494. Your assistance is greatly appreciated.

Sincerely,




Robert W. Henry
Hearing Officer



National Transportation Safety Board
Washington, D.C. 20594

March 25, 2008

Capt. Paul Gugg, Commander, Sector San Francisco
Capt. William Uberti, USCG
Capt. David Stalfort, NMC
Capt. Arthur French, NMC, USPHS
CDR Brian Tetreault, Chief, VTS, Coast Guard Headquarters
LCDR Kevin Mohr, Chief of Waterways, Sector San Francisco

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Hearing Participant:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony*** is required at the public hearing scheduled for **Tuesday, April 8 and Wednesday April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, VTS, harbor safety, medical oversight of mariner licenses, and any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. Anyone who testifies at a NTSB

public hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,



Robert Henry
Hearing Officer

Tuesday, April 8th

Capt. Paul Gugg, Commander, Sector San Francisco
Capt. William Uberti, USCG
CDR Brian Tetreault, Chief, VTS, Coast Guard Headquarters
LCDR Kevin Mohr, Chief of Waterways, Sector San Francisco

Wednesday, April 9th

Capt. David Stalfort, NMC
Capt. Arthur French, NMC, USPHS



National Transportation Safety Board
Washington, D.C. 20594

March 25, 2008

Mr. Marc R. Greenberg, Esq.
Kessal, Young & Logan
400 Oceangate
Long Beach, California 90802

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Greenberg:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety. It is our understanding that you represent Capt. Nagarajan Muthuswamy Subramanian, an employee of Fleet Management Limited, Hong Kong.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your client's testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Capt. Nagarajan Muthuswamy Subramanian, Fleet Management, Ltd, c/o Marc R. Greenberg, Esq.,
Kessal, Young & Logan, 400 Oceangate, Long Beach, California 90802

At the instance of Robert Henry, Hearing Officer, National Transportation Safety Board,
you are hereby required to appear before Board Member Mark V. Rosenker, Chairman of the
Board of Inquiry for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of: The allision
of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at
this 25th day of March, 2008.
(specify year)

Robert Henry, Hearing Officer

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 USC §1101 et seq, the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 USC §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and under 49 USC §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Erfart Plaza East, S.W., Washington, DC 20594-2000; telephone (202) 314-6080.

THELEN

Thelen Reid Brown Raysman & Steiner LLP

101 Second Street Suite 1800 San Francisco, CA 94105

Phone: 415 371 1200 Fax: 415 371 1211

www.thelen.com

Jonathan Howden

415.369.7157 Direct Dial

415.369.8683 Direct Fax

jhowden@thelenreid.com

March 26, 2008

VIA FACSIMILE AND U.S. MAIL

Christopher Julius
Assistant General Counsel
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington D.C. 20594

Re: Public Hearing in Investigation NTSB #DCA-08MM-004

Dear Mr. Julius:

Today I received in the mail three subpoenas calling for the appearance of Hu Kong Xiang, Zhao Shun Biao and Yao Ying Quan at public hearing before the National Transportation Safety Board (NTSB) in Washington D.C. on April 8, 2008. The cover letter indicates that the inquiry will focus on the collision of the M/V Cosco Busan with the San Francisco/Oakland Bay Bridge, that the witnesses will testify under oath and before a court reporter.

Please be aware that my clients are willing to provide any information that they have to the NTSB. They are all professional seamen with fine records and have absolutely nothing to hide. Unfortunately, however, they are caught up in the ongoing criminal investigation by the United States Attorney's Office for the Northern District of California. As far as I am aware, that investigation is far from complete. As a result, if called to testify at the NTSB hearing on April 8, 2008, my clients will be compelled to exercise their Fifth Amendment rights and decline to answer any questions relating to the subject of the hearing.

You should also be aware that my clients have not been personally served and I have not received authority to accept service of the depositions subpoenas on their behalf. You should also be aware that I do not represent Yao Ying Quan.

THELEN

Thelen Reid Brown Raysman & Steiner LLP

Christopher Julius

March 26, 2008

Page 2

If you have any further questions or concerns, please let me know.

Sincerely,


Jonathan Howden

JH/

cc: Doug Schwartz
Brian Getz
David Joyce

SF #1448836 v1

THELEN
Thelen Reid Brown Raysman & Steiner LLP101 Second Street Suite 1800 San Francisco, CA 94105
Phone: 415 371 1200 Fax: 415 371 1211
www.thelen.comRECEIVED NTSB
OFFICE OF GENERAL COUNSEL

2008 MAR 27 A 9:23

F A X C O V E R P A G E**Date:** March 26, 2008**Total Pages:** 3
(including cover)**To:** Christopher Julius,
Assistant General Counsel, NTSB**Fax:** 202.314.6087
Phone:**From:** Jonathan Howden**Fax:** 415.369.8683
Phone: 415.369.7157
E-Mail: jhowden@thelen.com**ORIGINALS WILL FOLLOW BY MAIL**

Public Hearing in Investigation NTSB #DCA-08MM-004

In case of a problem with this transmission, please call the Fax Operator at 415.369.7159

DATE	ATTORNEY	CLIENT-MATTER	BY (FIRM)	CC#
41965		061181/000002	C. Ng	23-39

IMPORTANT: This fax transmission is intended only for the addressee. It contains information from the law firm of Thelen Reid Brown Raysman & Steiner LLP which may be privileged, confidential and exempt from disclosure under applicable law. Dissemination, distribution, or copying of this by anyone other than the addressee or the addressee's agent is strictly prohibited. If this transmission is received in error, please notify Thelen Reid Brown Raysman & Steiner LLP immediately at the telephone number indicated above. We will reimburse your costs incurred in connection with this erroneous transmission and your return of these materials. THANK YOU.

BOARD CERTIFIED
CRIMINAL LAW SPECIALIST

LAW OFFICES OF
BRIAN H GETZ
44 MONTGOMERY STREET
SUITE 3850
SAN FRANCISCO, CALIFORNIA 94104
(415) 912-5886

March 26, 2008

VIA FACSIMILE AND U.S. MAIL

Robert Henry
Hearing Officer
USA National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

***Re: Public Hearing regarding the Allison of M/V Cosco Busan with the
San Francisco – Oakland Bay Bridge, November 7, 2007
NTSB Accident No. DCA08MM004***

Dear Mr. Henry:

Thank you for your subpoena with cover letter dated March 24, 2008 regarding Hong Zhi Wang and the April 8, 2008 hearing.

Mr. Wang is being investigated by the United States Attorneys Office for the Northern District of California and has not been afforded immunity from prosecution. Unless you can arrange for full use and transactional immunity for his testimony, Mr. Wang would assert his Fifth Amendment right to remain silent based on my advice.

Very truly yours,



Brian H Getz

BHG/dkm

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

K. RYAN HIETE
r.hiete@mpglaw.com
(213) 629-7718

ONE WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90017-3383

TELEPHONE: (213) 629-7600
FACSIMILE: (213) 624-1376
WWW.MUSICKPEELER.COM

LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

March 26, 2008

Via U.S. Mail / E-Mail

Mr. Robert Henry, Hearing Officer
National Transportation Safety Board
429 L'Enfant Plaza, S.W.
Washington, D.C. 20594

Re: NTSB Hearing re M/V Cosco Busan; Accident No. DCA08MM004

Dear Mr. Henry:

This firm represents The O'Brien's Group ("O'Brien's") in regards to the M/V Cosco Busan Allision, NTSB Accident No. DCA08MM004. We are in receipt of your March 20, 2008 letter to Barry McFarland requesting his attendance at the NTSB Hearing, currently scheduled for April 8-9, 2008.

At this time, O'Brien's is evaluating Mr. McFarland's participation in this hearing. In order to help with this evaluation, we need additional information from the NTSB on the details of this hearing. Specifically, we would like to know:

- List of all statutes, rules and guidelines that the Board will be operating under to conduct the hearing;
- Detailed information on all of the panelists, parties and individuals that are participating in this hearing;
- Detailed information on the scope of the hearing in general;
- Detailed information on the scope of issues to be addressed by each of the panels and/or parties and/or individual witnesses;
- Detailed information on the specific procedures that will be utilized by the Board to conduct the pre-hearing conference and the hearing itself;

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

Mr. Robert Henry
March 26, 2008
Page 2

- Detailed information on other parties abilities to question witnesses, as referenced in Code of Federal Regulation Title 49 Sec. 845.35;
- List of documents or prior testimony to be used by the Board during the hearing;
- Explanation of what the Board's objectives and goals are in holding this hearing; and,
- Any other information helpful in allowing a potential witness to participate in this particular hearing.

This information is important to O'Brien's in its evaluation of whether Mr. McFarland should participate in this hearing. Given the short notice to Mr. McFarland about his potential participation in the hearing, his current responsibilities for the on-going response and short opportunity to properly prepare for this hearing, we hope to receive this information very soon.

If you have any questions about this request for information, please contact me. Thank you for your attention to this matter and we will speak soon.

Sincerely,


K. Ryan Hiets
MUSICK, PEELER & GARRETT LLP

cc: Barry McFarland

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

K. RYAN HIETE
r.hiete@mpglaw.com
(213) 629-7718

ONE WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90017-3383

TELEPHONE: (213) 629-7600
FACSIMILE: (213) 624-1376
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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

March 26, 2008

Via U.S. Mail / E-Mail

Mr. Robert Henry, Hearing Officer
National Transportation Safety Board
429 L'Enfant Plaza, S.W.
Washington, D.C. 20594

Re: NTSB Hearing re M/V Cosco Busan; Accident No. DCA08MM004

Dear Mr. Henry:

This firm represents The O'Brien's Group ("O'Brien's") in regards to the M/V Cosco Busan Allision, NTSB Accident No. DCA08MM004. We are in receipt of your March 20, 2008 letter to Barry McFarland requesting his attendance at the NTSB Hearing, currently scheduled for April 8-9, 2008.

At this time, O'Brien's is evaluating Mr. McFarland's participation in this hearing. In order to help with this evaluation, we need additional information from the NTSB on the details of this hearing. Specifically, we would like to know:

- List of all statutes, rules and guidelines that the Board will be operating under to conduct the hearing;
- Detailed information on all of the panelists, parties and individuals that are participating in this hearing;
- Detailed information on the scope of the hearing in general;
- Detailed information on the scope of issues to be addressed by each of the panels and/or parties and/or individual witnesses;
- Detailed information on the specific procedures that will be utilized by the Board to conduct the pre-hearing conference and the hearing itself;

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

Mr. Robert Henry
March 26, 2008
Page 2

- Detailed information on other parties abilities to question witnesses, as referenced in Code of Federal Regulation Title 49 Sec. 845.35;
- List of documents or prior testimony to be used by the Board during the hearing;
- Explanation of what the Board's objectives and goals are in holding this hearing; and,
- Any other information helpful in allowing a potential witness to participate in this particular hearing.

This information is important to O'Brien's in its evaluation of whether Mr. McFarland should participate in this hearing. Given the short notice to Mr. McFarland about his potential participation in the hearing, his current responsibilities for the on-going response and short opportunity to properly prepare for this hearing, we hope to receive this information very soon.

If you have any questions about this request for information, please contact me. Thank your for your attention to this matter and we will speak soon.

Sincerely,

A black rectangular redaction box covering the signature of K. Ryan Hiete.

K. Ryan Hiete
MUSICK, PEELER & GARRETT LLP

cc: Barry McFarland

Heller Ehrman LLP

333 Bush Street
San Francisco, CA 94104-2878
Main: +1 (415) 772-6000
Fax: +1 (415) 772-6268

Facsimile Transmittal

RECEIVED NTSS
OFFICE OF GENERAL COUNSEL

2008 MAR 27 P 2: 24

To: Christopher Julius and Tom Roth-Roffy
National Transportation Safety Board/Washington, DC

Telephone: **Fax:** 1.202.314.6090

From: Warrington S. Parker III
Telephone: +1.415.772.6176

No. of Pages: 3 (including cover)

Date: March 27, 2008

99954.0204 (7108)

Message:

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27/08 11:10 AM (99954.0204)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at +1 (415) 772-6000.

Heller Ehrman LLP

March 27, 2008

Via Facsimile & U.S. Mail

Christopher Julius
Assistant General Counsel
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, D.C. 20594
Facsimile No. 202 314 6090

Warrington S. Parker III
warrington.parker@hellerehrman.com
Direct +1 415 772 6176
Main +1 (415) 772-6000
Fax +1 (415) 772-6268

99954.0204

Tom Roth-Roffy
Investigator-in-Charge
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, D.C. 20594

Re: Public Hearing Re Allision of M/V Cosco Busan, NTSB Accident No. DCA08MM004

Gentlemen:

I am in receipt of your public hearing notice and the subpoena requesting that my client, Parminder Singh, appear and provide testimony on April 8, 2008 in connection with a NTSB hearing on the allision of November 7, 2007.

As I informed both of you by telephone, Captain Singh will not be able at this stage to provide substantive testimony concerning the allision or matters relating to it. Were he to appear, he would invoke his Fifth Amendment rights.

Based on my conversations of yesterday with each of you, given this, Captain Singh will not be made to appear at the hearing. The NTSB will not seek to enforce its subpoena.

HellerEhrman LLP

Christopher Julius
Tom Roth-Roffy
March 27, 2008
Page 2

If this does not accurately represent our understanding, please let me know.

Very truly yours,


Warrington S. Parker III

Document2



National Transportation Safety Board
Washington, D.C. 20594

March 27, 2008

Barry A. McFarland
Manager Response Services
The O'Brien's Group
2929 E. Imperial Hwy., Suite 290
Brea, CA 92821

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. McFarland:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety and spill response.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer

Enclosure:
Subpoena

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA

To: Mr. Barry A. McFarland, Manager Response Services, The O'Brien's Group,
2929 E. Imperial Hwy., Suite 290, Brea, California 92821

At the instance of Robert Henry, Hearing Officer, National Transportation Safety Board,

you are hereby required to appear before Board Member Mark V. Rosenker, Chairman of the
Board of Inquiry for the Public Hearing in investigation NTSB #DCA-08MM-004

of the National Transportation Safety Board, at the Board Room and Conference Center at 429 L'Enfant
Plaza, S.W., in the city of Washington, D.C.

on the 8th day of April, 2008, at 8:30 o'clock a.m. of that day, to testify in the Matter of: The allision
of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007.

NTSB #DCA-08-MM-004

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, a member of the said National Transportation
Safety Board, or an official designated by it, has hereto set his/her hand at _____
this 27 day of March, 2008.
(specify year)

Robert Henry, Hearing Officer

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was

- ☐ IN PERSON,
☐ BY LEAVING COPY AT
PRINCIPAL OFFICE OR
PLACE OF BUSINESS
☐ BY REGISTERED OR
CERTIFIED MAIL

duly served
(Indicate by
check method
used)

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein
was in attendance as a witness at

on

(Month, day, and year)

(Name of person certifying)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 USC §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 USC §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and under 49 USC §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, SW, Washington, DC 20594-2000; telephone (202) 314-6080.

Barry M. Hartman
202-778-9338
202-778-9100
barry.hartman@klgates.com

March 28, 2008

Via Federal Express and Facsimile: (202) 314-6454

Robert Henry, Hearing Officer
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Re: *NTSB Accident No. DCA08MM004* – Allision of the Motorized Vessel Cosco Busan with the San Francisco-Oakland Bay Bridge that occurred on November 7, 2007, in San Francisco Bay, California

Dear Mr. Henry:

We are in receipt of the subpoena to our client, Captain John Cota, for him to testify at the National Transportation Safety Board (“NTSB”) hearing currently scheduled for April 8-9, 2008, in the referenced matter. This letter responds to that subpoena, and we request that it be made part of the record. Captain Cota has provided statements to the NTSB and Coast Guard investigators. He has been fully cooperating in the NTSB investigation, as well as investigations undertaken by other government agencies. He would like very much to meet again with the NTSB investigators and to testify before the Board but for the reasons stated below, must respectfully decline.

By law, the NTSB is required to “investigate or have investigated ...and establish the facts, circumstances, and cause or probable cause of...a major marine casualty ...occurring on the navigable waters or territorial seas of the United States.” 49 U.S.C. §1131. Respectful of this important statutory responsibility, Captain Cota has consistently sought to assist the government through the NTSB to ensure that its investigation of this unfortunate incident is complete, that all contributing causes are understood, and to help prevent such accidents from occurring in the future. In that regard, he participated in three NTSB/Coast Guard interviews last fall, including one just after the accident, and a subsequent several hour interview.

Notwithstanding the ongoing NTSB investigation, the government through the United States Attorney and Department of Justice (“DOJ”) on March 17, 2008 filed criminal charges against Captain Cota specifically alleging that his negligence caused the accident. Captain Cota is the first pilot ever charged with criminal negligence under the federal Clean Water Act and the

Robert Henry
March 28, 2008
Page 2

additional criminal count under the Migratory Bird Treaty Act in these circumstances. According to the criminal Information, Captain Cota alone "caused" the oil spill. We think it is wrong for the government to criminalize this incident against anyone. These matters have always been handled through proceedings against the mariner's license.

The DOJ's actions in filing criminal charges arising out of this accident unnecessarily impede the NTSB investigation and undermine the NTSB by predetermining the outcome of its inquiry before the facts are fully investigated. It is difficult to imagine a scenario in which the NTSB would contradict the DOJ's allegations, regardless of what the facts show. The cause of marine safety is not served by this process.

It also means that Captain Cota is effectively prevented from further cooperating with the NTSB because, in light of these criminal charges, Captain Cota must assert his Constitutionally-guaranteed Fifth Amendment right and decline to testify before the NTSB. This is not to suggest that Captain Cota has "anything to hide" and his cooperation up to now clearly demonstrates that is not the case. Indeed, Courts have long recognized that such an inference in a context such as this is wrong. *Carter v. Kentucky*, 450 U.S. 288, 305 (1981); *Lakeside v. Oregon*, 435 U.S. 333, 340-41 (1978).

To demonstrate Captain Cota's desire to support the NTSB investigation, Captain Cota participated in a three-hour interview with federal, state, and local officials on November 16, 2007. At the time of this interview, Captain Cota did not have access to crucial information such as data from the ship's Voyage Data Recording System (VDR) and Voyage Monitoring System (VMS) that were necessary to ensure that his recollection was accurate and complete. He was also the victim of an intense media blitz at that time that has caused him an incredible amount of stress since this incident.

Nonetheless, he thought it more important to cooperate as best he could even though these difficult and extraordinarily stressful conditions created the very real possibility that he might misspeak or not remember everything perfectly. While these factors may raise some question about the accuracy and reliability of certain aspects of the previous interview transcript, Captain Cota tried to give important information to the NTSB so that it could complete its investigation promptly and without unnecessary delay. Captain Cota had anticipated elaborating and clarifying some of his earlier responses had the DOJ not acted preemptively in filing charges before the completion of the NTSB fact finding process.

In hopes that the NTSB will not be constrained by the DOJ action, and is interested in conducting a full, complete and objective investigation, we respectfully submit that it consider, among others, the following issues and investigate them on its own:

(1) What was the role of the ship's Master and Officers during the voyage including their duties and obligations to the pilot as set out in the STCW code? Was the Master concerned about the safety of the ship in the foggy conditions and, if so, did he say anything to the pilot?

Did the Master feel that it was safe to depart on the morning of this incident? What, if any, training and instructions in the morning of the allision did the lookout(s) have regarding his/their responsibilities, including sight and sound? Did the Master and his crew follow the company's directives contained in the Bridge Procedure Manual? Did the Master or the ship's officers receive any Bridge Team Resource Management Training?

(2) What information/interaction occurred between the Master and Captain Cota before the allision? Did the Master read and understand the Master-Pilot Exchange Card that he was given by Captain Cota? Under the company's own policies, is not the Master required to go over his voyage plan with the pilot? Did he do that in this case and, if not, why not? What representations were made by the Master to the pilot as to the meaning of the symbols shown on the VMS? Were there any delays in executing navigational commands, misunderstandings or miscommunications because of deficiencies in the Master's or crews' English language abilities? Did any failure by the Master and crew to comply with the vessel's own written procedures regarding navigation and bridge team management contribute to the cause of the incident? Did the Coast Guard timely test the Master and ship's crew for drugs and alcohol following the incident?

(3) Did the Master and/or ship's Officers notice and provide or attempt to provide any information to Captain Cota about the voyage or the ship's positions and courses prior to the allision? In particular, it appears that the watch officer took two position fixes and plotted them on a paper chart at 0820 and 0830. Did the Mate or Master provide any of this information to the pilot prior to the allision? If not, why not? Were the Master and crew properly trained and sufficiently skilled and experienced in the use of the radar equipment and VMS? Was the VMS software IMO approved? Did any component of the Cosco Busan's navigational system malfunction? What is the explanation for the difficulty the Master and Mate had in adjusting the radars prior to leaving the dock? Why was the radar picture lacking in clarity and definition and showing extraneous radar returns? Did the crew make any adjustments to the radars at any time prior to the incident that caused the radars to be wired incorrectly? Did the Sperry technician make any adjustments or repairs to the radars following the incident?

(4) Did the United States Coast Guard act appropriately in failing to provide any warnings to mariners in general on the morning of November 7, 2007? If the United States Coast Guard through the Vessel Traffic Service (VTS) thought it was too dangerous to leave the dock because of the fog, did it so warn mariners that morning? When Captain Cota called VTS before departure and advised them of his intended route outbound, including that he would pass through the Delta-Echo span of the Oakland Bay Bridge, why did not VTS provide him with any warnings or other cautionary information? Under the applicable Harbor Safety Plan then in effect, was it not permissible for a vessel to leave the dock even if visibility was less than 1/2 mile if the operator felt that it was safe to do so? Under that same plan, did not the Captain of the Port have the authority to prohibit the movement of all vessels during adverse weather conditions? Did the VTS caution any of the large vessels or high-speed passenger ferries about sailing on the day of the incident? If not, why not?

(5) Did the VTS have information in its possession regarding the ship's position and course relative to the Delta Tower that could have prevented the allision had it timely communicated this information to the ship? If the Coast Guard had such information and failed to disclose it to the ship, did that failure violate its own policy? The User's Manual VTS puts out to all "participants" in the VTS system (and for them to rely on) states on p. 2: ". . . [A]t certain times the VTS will recommend action be taken by a participant to prevent a potentially dangerous situation. Such recommendations are offered to assist the participant in avoiding hazardous situations early on. Recommendations are made on the premise that there is information available to VTS of which the participant may not be aware." Is the NTSB looking into the mandatory nature of the VTS services?

(6) What was the role of the Coast Guard (VTS) in monitoring the Cosco Busan's position during the voyage? Why did the Coast Guard (VTS) fail to provide clear and helpful information to Captain Cota when it contacted the ship minutes before the allision? What did the VTS personnel mean when they radioed the pilot and advised him the ship was heading "235"? Were they referring to the "Course Over Ground"? When they asked the pilot his intentions and he said "still Delta-Echo" – why did they not advise him that the ship was out of position since they knew or should have known that the ship was at that point either parallel to or likely West of the Delta Tower? Should the VTS have a trained pilot in its control tower at all times as it does in other ports?

(7) Did the Coast Guard (VTS) have any concerns that an allision was possible or even likely when it radioed Captain Cota? If so, why did not the VTS say anything to the ship about these concerns? If the VTS personnel had given the pilot information about the vessel's position relative to the Delta Tower or warned the ship about trying to pass through the "Delta-Echo span" from where they knew the ship was at that time, isn't it likely that the allision would have been avoided? In this regard, did not the Coast Guard (VTS) have the "last clear chance" to prevent the allision had it acted promptly and clearly in its communication with the ship?

(8) Did VTS personnel discuss among themselves the chances/odds that the ship would hit the bridge after their last communication with the pilot? Did they take "bets" on the outcome, as we have heard? Did VTS immediately notify the Coast Guard Command Center of its concerns before the allision? Did VTS notify the Coast Guard Command Center about the allision and the oil spill immediately after being notified about the incident? If not, why not? Did the Captain of the Port promptly respond to the reports he received that oil was seen in the water minutes after the allision?


Captain Cota was born and raised in San Francisco. He cares deeply about the San Francisco Bay and its ecosystem and is deeply distressed about what happened on November 7. He is a qualified, experienced pilot, who has worked on the San Francisco Bay for almost 27 years without any serious incident and has safely piloted some 4,000 ships with only one minor grounding incident that caused no damage.

Robert Henry
March 28, 2008
Page 5

We again want to emphasize Captain Cota's desire to participate and assist in the investigation being conducted by the NTSB. Unfortunately, because the DOJ has reached its own conclusions before the NTSB has finished its investigation and has focused exclusively on Captain Cota's role in this unfortunate incident, Captain Cota is therefore compelled to exercise his Constitutional rights to decline to testify at the NTSB hearing. Nevertheless, we have contacted your lead investigator Tom Roth-Roffey and offered to assist in any way we can consistent with protecting our client's Constitutional rights.

Please contact us if you have any questions.

Very truly yours,


Harry M. Hartman
Jeffrey L. Bornstein

Counsel for John Cota

cc: Gary L. Halbert, Esq., General Counsel, NTSB, by facsimile
Denise D'Avella, Esq., Assistant General Counsel, NTSB, by facsimile
John Meadows, Esq.
Walter Coppenrath, Esq.
Captain John Cota

**SCHWARTZ & CERA LLP**

44 MONTGOMERY SUITE 3850 • SAN FRANCISCO, CA 94104

TEL 415.956.2600 Fax 415.438.2655

www.schwartz-cera.com

March 28, 2008

Via Facsimile and U.S. Mail

Chris Julius
NTSB Headquarters
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

**Re: Public Hearing re the Allision of M/V Cosco Busan with the
San Francisco – Oakland Bay Bridge, November 7, 2007
NTSB Accident No. DCA08MM004**

Dear Mr. Julius:

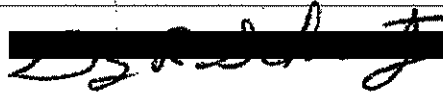
Further to our telephone conversation of March 25, 2008, I am in receipt of a letter from Robert Henry, Hearing Officer, dated March 24, 2008 along with a subpoena to my client, Captain Mao Cai Sun, requesting his appearance at a hearing of the NTSB in Washington, DC on the 8th of April, 2008. As I informed you, I am not at this time authorized to accept service of this subpoena. However, even if I do obtain said authority from my client, I have advised my client that for now he should refuse to testify at said hearing and instead invoke his rights under the Fifth Amendment of the United States Constitution, as long as criminal investigations and proceedings are continuing. Although, my client would otherwise be willing to cooperate in your investigation, he has stated that he will follow my advice and refuse to testify unless and until he receives a full grant of 6002 judicial immunity, broad enough to cover both any criminal proceeding and any proceeding before the NTSB.

Chris Julius
March 28, 2008
Page 2

It is my understanding, based on our telephone conversation, that although the NSTB has the authority and power to obtain such immunity, there is certainly not sufficient time to do so prior to April 8, 2008. Therefore, it is again my understanding that you will recommend to your general counsel that Captain Sun will not be required to appear at the hearing scheduled for Tuesday, April 8, 2008, simply to invoke his constitutional prerogatives.

If you should have any questions or concerns regarding this matter, do not hesitate to contact me. Thank you.

Very truly yours,



Douglas R. Schwartz

DRS/dkm

cc: Jonathan Howden, Esq.
Brian H Getz, Esq.

SCHWARTZ & CERA LLP**44 Montgomery Street, Suite 3850****San Francisco, CA 94104****Telephone: (415) 956-2600****Facsimile: (415) 438-2655****www.Schwartz-Cera.com****FAX COVER SHEET**
PERSONAL & CONFIDENTIAL

TO: Chris Julius
NTSB Headquarters
National Transportation Safety Board

FAX NO.: 202.314.6090

FROM: Douglas R. Schwartz, Esq.

DATE: March 28, 2008

RE: *Public Hearing re the Allision of M/V Cosco Busan with the
San Francisco - Oakland Bay Bridge, November 7, 2007
NTSB Accident No. DCA08MM004*

NO. OF PAGES: 3 (including this cover sheet)

MESSAGE:

Attached hereto you will find correspondence of today's date regarding the above-referenced matter. Thank you.

CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS TELECOPY IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

Capt. Roy M. Mathur
Department of Fish and Game
Office of Spill Prevention and Response
425G Executive Court North
Fairfield, California 94585

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Capt. Mathur:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in marine safety.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Tuesday, April 8, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of pollution response activities that occurred with respect to the M/V *Cosco Busan* November 7, 2007, allision and oil spill, and any other information that may be useful in determining the probable cause of the accident and related issues.

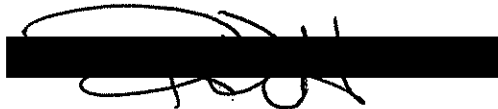
Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public

hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to be "Robert Henry", is written over a solid black rectangular redaction box.

Robert Henry
Hearing Officer

Enclosures:
Directions
Subpoena previously issued



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

VIA FEDERAL EXPRESS

Mr. Barry M. Hartman, Esq.,
Kirkpatrick & Lockhart Preston Gates LLP
55 Second Street, Suite 1700
San Francisco, California 94105-3493

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San
Francisco–Oakland Bay Bridge, November 7, 2007, NTSB Accident
No. DCA08MM004.

Dear Mr. Hartman:

This letter is a response to your letter of March 28, 2008, indicating that your client, Captain John Cota (Pilot), intends to invoke the Fifth Amendment right against self incrimination if called to testify at the NTSB public hearing scheduled for next week. I write to advise you that, in light of your representations, it will not be necessary for your client to appear at the hearing as directed in our subpoena.

I request that you contact me to discuss arrangements for an NTSB interview of your client as soon as you learn that his circumstances no longer dictate invocation of the Fifth Amendment. I can be reached at (202) 314-6087.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, which appears to read "Christopher Julius", is written over a solid black rectangular redaction box.

Christopher Julius
Assistant General Counsel



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

VIA FEDERAL EXPRESS

Douglas Schwartz
Schwartz & Cera LLP
44 Montgomery Street, Suite 3850
San Francisco, California 94104

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San
Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident
No. DCA08MM004.

Dear Mr. Schwartz:

This letter is a response to your letter of March 28, 2008, indicating that your client, Captain Sun Mao Cai, intends to invoke the Fifth Amendment right against self incrimination if called to testify at the NTSB public hearing scheduled for next week. I write to advise you that, in light of your representations, it will not be necessary for your client to appear at the hearing as directed in our subpoena.

I request that you contact me to discuss arrangements for an NTSB interview of your client as soon as you learn that his circumstances no longer dictate invocation of the Fifth Amendment. I can be reached at (202) 314-6087.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, which appears to read "Christopher Julius", is written over a thick black horizontal line.

Christopher Julius
Assistant General Counsel



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

VIA FEDERAL EXPRESS

Jonathan R. Howden, Esq.
Thelen Reid Brown Raysman & Steiner LLP
101 Second Street, Suite 1800
San Francisco, California 94105

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San
Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident
No. DCA08MM004.

Dear Mr. Howden:

This letter is a response to your letter of March 26, 2008, indicating that your clients, Mr. Hu Kong Xiang (Chief Officer) and Mr. Zhao Shun Biao (2nd Mate), intend to invoke the Fifth Amendment right against self incrimination if called to testify at the NTSB public hearing scheduled for next week. I write to advise you that, in light of your representations, it will not be necessary for your clients to appear at the hearing as directed in our subpoena.

I request that you contact me to discuss arrangements for an NTSB interview of your clients as soon as you learn that either or both of their circumstances no longer dictate invocation of the Fifth Amendment. I can be reached at (202) 314-6087.

Thank you for your courtesy and cooperation.

Sincerely,

A black rectangular redaction box covers the signature of Christopher Julius.

Christopher Julius
Assistant General Counsel



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

VIA FEDERAL EXPRESS

Mr. Warrington Parker, Esq.
Heller Ehrman
333 Bush Street
San Francisco, California 94104-2878

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Mr. Parker:

This letter is a response to your letter of March 27, 2008, indicating that your client, Captain Parminder Singh (Fleet Management Limited), intends to invoke the Fifth Amendment right against self incrimination if called to testify at the NTSB public hearing scheduled for next week. I write to advise you that, in light of your representations, it will not be necessary for your client to appear at the hearing as directed in our subpoena.

I request that you contact me to discuss arrangements for an NTSB interview of your client as soon as you learn that his circumstances no longer dictate invocation of the Fifth Amendment. I can be reached at (202) 314-6087.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, which appears to read "Christopher Julius", is written over a thick black horizontal line.

Christopher Julius
Assistant General Counsel



National Transportation Safety Board
Washington, D.C. 20594

March 31, 2008

VIA FEDERAL EXPRESS

Brian H. Getz, Esq.,
44 Montgomery Street, Suite 3850
San Francisco, California 94104

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San
Francisco–Oakland Bay Bridge, November 7, 2007, NTSB Accident
No. DCA08MM004.

Dear Mr. Getz:

This letter is a response to your letter of March 26, 2008, indicating that your client, Mr. Wang Hong Zhi (3rd Mate), intends to invoke the Fifth Amendment right against self incrimination if called to testify at the NTSB public hearing scheduled for next week. I write to advise you that, in light of your representations, it will not be necessary for your client to appear at the hearing as directed in our subpoena.

I request that you contact me to discuss arrangements for an NTSB interview of your client as soon as you learn that his circumstances no longer dictate invocation of the Fifth Amendment. I can be reached at (202) 314-6087.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, which appears to read "Christopher Julius", is written over a thick black horizontal line.

Christopher Julius
Assistant General Counsel



National Transportation Safety Board
Washington, D.C. 20594

April 2, 2008

Dr. Robert M. Bourgeois, M.D.
Bourgeois Medical Clinic
1201 Kenneth Drive, Morgan City, LA 70380

RE: Public Hearing regarding the Allision of M/V *Cosco Busan* with the San Francisco-Oakland Bay Bridge, November 7, 2007, NTSB Accident No. DCA08MM004.

Dear Dr. Bourgeois:

The National Transportation Safety Board (NTSB) is investigating the above-referenced accident, and will conduct a public hearing to take sworn testimony from certain individuals regarding their knowledge of the facts and circumstances of the accident or their expertise in certain related fields.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of transportation accidents, including major marine casualties. 49 U.S.C. § 1131. Please see our website, http://www.nts.gov/alj/NTSB_statute.htm, for a copy of the statute. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

As part of the investigative process, the NTSB may "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). See also 49 C.F.R. Part 845. In that regard, your testimony is required at the public hearing scheduled for **Wednesday, April 9, 2008**, at the National Transportation Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, S.W., Washington, D.C. The scope of anticipated inquiry is your knowledge of medical issues relevant to mariner licensing.

Witness statements will be taken at the hearing under oath and before a court reporter. Designated parties of interest will be allowed to question witnesses after the Safety Board's representatives complete their initial questioning. The hearing, however is a fact-finding proceeding with no formal issues and no adverse parties. See 49 C.F.R. § 845.2. As necessary, the NTSB will compensate witnesses for allowable travel and expenses. Anyone who testifies at a NTSB public hearing may have a representative of his or her choice present while testifying. That representative may accompany, represent, and advise the witness but is not permitted to conduct any witness examination.

Should you have any questions or comments regarding this matter, please contact me at (202) 314-6490, or Tom Roth-Roffy, Investigator-In-Charge, at (202) 314-6494.

Thank you in advance for your cooperation.

Sincerely,




Robert Henry
Hearing Officer

Enclosure:
Directions
Travel package
