

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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SINKING OF THE *PROASSIST III* *

NEAR YABUCOA, PUERTO RICO, *

Accident No.: DCA21FM011

ON DECEMBER 24, 2020 *

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Interview of: JAVIER FIGUEROA SOSA, Master
Proassist III

Via telephone

Wednesday,
February 10, 2021

APPEARANCES:

MICHAEL KARR, Investigator
National Transportation Safety Board

██████████ Marine Investigator
U.S. Coast Guard

GREGORY J. ERICKSON, Attorney
Erickson Law, LLC
(On behalf of Mr. Figueroa)

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I N T E R V I E W

(12:11 p.m.)

1
2
3 MR. [REDACTED] My name is (indiscernible) [REDACTED] I'm
4 a marine investigator, and I'm calling in from Coast Guard Sector
5 San Juan. It doesn't seem like Lt Santiago, who's the Chief of
6 Investigation Division at Sector San Juan, will be calling in.
7 Like I said earlier, he's probably sick at home.

8 We have Mike -- Mr. Mike Karr from the National
9 Transportation Safety Board online as well. He's calling in
10 from -- I would assume from the NTSB Headquarters.

11 Going down the line, we have Mr. Figueroa; is that correct?

12 MR. FIGUEROA SOSA: Yeah, that's correct. I'm here. Mr. --

13 (Simultaneous speaking.)

14 MR. [REDACTED] Okay. And his legal counsel, Mr. Greg
15 Erickson. At this time, I'd like to let it be known that, upon
16 your request, sir, Mr. Erickson is, in fact, the legal counsel for
17 both Mr. Figueroa and Mr. Pedro Rivera.

18 Did I miss anyone?

19 (Pause.)

20 MR. [REDACTED] Is Pedro Rivera online by any chance?

21 MR. FIGUEROA SOSA: No, he is not. He won't be joining.

22 MR. [REDACTED] Roger that.

23 Mr. Erickson, I wanted to let you know that Parties in
24 Interest letters for both Mr. Figueroa and Mr. Rivera are
25 currently ready for signature before I forward them to you.

1 MR. ERICKSON: Okay.

2 MR. [REDACTED] That being said -- and, again, for transparency
3 purposes, I ask Mr. Figueroa if he objects to being recorded
4 during the interview.

5 MR. FIGUEROA SOSA: No, I don't.

6 MR. [REDACTED] Okay. I believe we can go ahead with the
7 interview at this time.

8 Mr. Karr, you have the floor. You can begin asking
9 questions, sir.

10 MR. KARR: Oh, I have the floor. All right. Well, thank
11 you.

12 INTERVIEW OF JAVIER FIGUEROA SOSA

13 BY MR. KARR:

14 Q. And since I already spoke with you, I will ask some follow-up
15 questions.

16 A. Okay.

17 Q. All right. Let's see. After we -- we watched the underwater
18 video of the divers working on the *Proassist III*, so some
19 questions I have are, can you describe how that 27-inch-by-40-inch
20 deck plate to the flooded compartment was held in place when the
21 vessel got underway on Christmas Eve?

22 A. I don't -- what plate are we talking about? I have not seen
23 that video, so I don't know what we're talking about.

24 Q. The hatch access where the crew put the hose into the
25 flanking rudder compartment.

1 A. Um-hum.

2 MR. ERICKSON: Captain, do you know where that hatch was?
3 Obviously, you would've been in the wheelhouse when that was going
4 on.

5 MR. FIGUEROA SOSA: Okay, I'm a little bit confused of what
6 we're -- we were talking about the hold -- the man cover on the
7 deck?

8 BY MR. KARR:

9 Q. Yes.

10 A. The round one?

11 Q. Well, you -- Captain, go ahead and tell me what you know
12 about the cover where the crew put the hose into the compartment
13 and where they were pumping out the water.

14 A. Okay, what do you want to know specifically?

15 Q. Well, how was that -- when you got underway, how was that
16 hatch, that plate, secured to the deck?

17 A. If I don't -- if I'm not mistaken, that is -- it has a system
18 where you basically turn it, and it will just put like some type
19 of legs (ph.) to the deck under it. So that's a basic hatch.
20 They all -- almost all hatches have the same system.

21 Q. Well, this hatch that I'm talking to looked like it was
22 rectangular, and it almost looked --

23 A. No, I'm talking about a round deck hatch, a -- the one on the
24 deck where they put the hose. That's the only one we put a hose
25 into.

1 Q. Can you tell me -- let me think about this question. You
2 know, you're the captain of the ship, so I wanted to get an idea,
3 when was the last time you saw that cover in place, and how do you
4 recall that it was kept in place? You know, with dogs or bolts.

5 A. We're talking about the round one, right?

6 Q. Well, the -- there was a round one in a plate, and the
7 pictures I saw where the hose was running into the compartment was
8 the plate that included the manhole cover opening was sitting on
9 the deck, and so there was a rectangular opening into the flanking
10 rudder compartment, and pictured was a hose running into that
11 compartment. So I imagine that was the hose that the crew was
12 using to pump out that compartment.

13 A. I, I don't -- I have not seen that video or the pictures that
14 you're talking about, so I really can't make any comments on that.

15 Q. Well, the -- then what I'd like you to comment on is, when
16 was the last time you looked at that opening, and can you tell me
17 how it was secured to the deck?

18 MR. ERICKSON: If I could just offer something, I think that
19 there's clearly some confusion about which opening we're talking
20 about. There's -- just on the stern deck of that vessel alone,
21 there's at least three, if not -- I'm trying to think -- a minimum
22 of three hatch covers.

23 MR. KARR: There's six.

24 MR. ERICKSON: And so -- yeah, okay. That would make sense.
25 So we need to be on the same page as to which hatch cover we're

1 talking about, and I don't think we're there. So if you have
2 pictures, and I think I know the picture you're talking about, it
3 might make sense to distribute that so we're all looking at the
4 same thing when these questions are being asked. Otherwise, we're
5 just guessing as to which of the six covers on the stern we're
6 talking about.

7 MR. FIGUEROA SOSA: Um-hum.

8 BY MR. KARR:

9 Q. Well, before I do that, Javi -- Captain, do you recall which
10 opening the hose was inserted into?

11 A. Yes, sir. The only one that we put a hose into was the one
12 that is the most forward on that one, on that stern, and it's a
13 round cover. It's a round one. That was the only one that was
14 open that day.

15 Q. And, when you tell me that that was the only one open that
16 day, what is that based on? Did you visually see it?

17 A. Yes, I did see it. Yeah. That was the only one, and they
18 used that one because that one was the one farthest away from the
19 stern and that stern area, so it only made sense to use that one
20 and not the one most to the stern.

21 Q. All right. Captain Figueroa, do you have an email address
22 where I can send you the picture right now?

23 A. Yeah, you can send it Javier, my first name, and then it's
24 going to be at AmericanTugs -- with an S -- PR.com

25 Q. American Tug --

1 A. With an S.
2 Q. American Tug --
3 MR. [REDACTED] PR.com --
4 MR. KARR: -- PR --
5 MR. [REDACTED] -- as in Puerto Rico.
6 MR. KARR: PR.com --
7 MR. [REDACTED] Yeah.
8 MR. KARR: All right.
9 And, Mr. Erickson?
10 MR. ERICKSON: Yeah. It's Greg -- G-r-e-g -- at Erickson --
11 E-r-i-c-k-s-o-n -- Law -- L-a-w -- LLC.com.
12 MR. KARR: L-a-w-L-L-C.com.
13 MR. ERICKSON: Yes, sir.
14 MR. KARR: All right. I'm going to -- and, [REDACTED], I'll send
15 you a copy, too.
16 MR. [REDACTED] Roger that, sir. Just make sure that you have
17 a 2 after my last name --
18 MR. KARR: Correct.
19 MR. [REDACTED] -- because the common mistake is -- yeah, so
20 [REDACTED] --
21 MR. KARR: Roger.
22 MR. [REDACTED] -- at USCG.
23 MR. KARR: Roger.
24 MR. [REDACTED] Because a lot of people have kept my active
25 duty name, and I'm trying to fix that.

1 (Pause.)

2 MR. FIGUEROA SOSA: I'm trying to open it right now.

3 (Pause.)

4 MR. FIGUEROA SOSA: Okay, that -- the only thing I have ever
5 seen opening on that there is the round cover, but I see here that
6 the whole metallic plate went out, and I have never seen that
7 tugboat without that plate there.

8 BY MR. KARR:

9 Q. And have you ever taken a close look at that plate to be able
10 to tell me how --

11 A. I have looked --

12 Q. -- it was kept in place?

13 A. I understand it was welded. I understand that was welded.

14 Q. And do you recall the last time you saw that it was welded?

15 A. Yeah, the same day I did the -- I used the tugboat.

16 Q. Following up on that, do you know how the guys would -- how
17 the crew would've gotten that plate out of the deck if it was
18 welded?

19 A. No, that was impossible. They did not take it out. And the
20 day that that happened, there was only one round deck plate --
21 deck cover open, and we never used that one. I mean, that -- I
22 have never seen that deck plate out like that, ever. I mean, no.

23 Q. All right. And looking at that same picture, there's a
24 what's labeled a loose manhole cover.

25 A. Um-hum.

1 Q. And that is a close-up -- or the insert is a picture of the
2 manhole cover that's just to the lower left-hand corner of the
3 insert.

4 A. Okay.

5 Q. Do you recall how that was kept in place, how that was
6 secured?

7 A. Yeah. You use -- you just put it in the cover, in the hole,
8 and you turn the -- that metal thing that's on top, and then it
9 latches onto it.

10 Q. All right. Have you --

11 A. (Indiscernible).

12 Q. Have you ever -- have you, yourself, ever secured that?

13 A. Yes.

14 Q. Do you recall the last time that was done, when you, you
15 know, can recall that you actually secured it in place?

16 A. Me, no, I can't recall when was -- when I did it, personally,
17 no.

18 Q. All right, all right. Hey, not to keep anything from you,
19 but another picture which I didn't send to you is an underside
20 photograph of that manhole cover, and there's -- there is no
21 dogging device; that center item doesn't go to anything.

22 A. I don't know.

23 Q. Yeah.

24 A. I wouldn't --

25 Q. The rudder compartment -- or, excuse me, the compartment

1 we're talking about where the guys were pumping it out with the
2 hose, prior to the trip of December 24th, when was the last time
3 you recall having to pump that compartment out with that hose?

4 A. With what hose?

5 Q. Any kind of hose. That 3-inch hose.

6 A. So that compartment back there had a permanent pump, and it
7 would take out water if it needed to take water, and it would go
8 out by the sides of the tugboat.

9 Q. Ah, okay. So --

10 A. I think by the port side.

11 Q. All right. So the answer to my question is the hose -- you
12 don't recall the hose being used to pump out the compartment.

13 A. Taking a, physically, hose and putting it there, like we did
14 that day, no.

15 Q. Okay. Do you recall how often, or when was the last time,
16 prior to this trip, that that pump ran and pumped water out of
17 that compartment?

18 A. It would -- if we were doing a job and -- it would pump out
19 water out, so, I mean, it really depended on the length of the
20 voyage and -- or the job, but it would pump out water, yeah.
21 Yeah.

22 Q. The crew talked about the reason that water came in was
23 because of the rudder packing glands. Can -- what can you tell me
24 about how often the crew had to tighten or maintain the packing
25 glands to try and reduce the amount of water that would come into

1 the space?

2 A. Well, like with all tugboats, you loosen the packing when
3 you're going to use the tugboat, and then, when you go back to
4 port, you tighten it up. Because if you don't do that, the
5 friction is going to just break everything, so that's common
6 procedure on tugboats.

7 Q. And how long -- do you recall -- or, you know, getting -- I
8 forgot, how long have you been working for American Tugs, Captain?

9 A. On and off, maybe 8 years.

10 Q. All right. And has that always been the practice with -- on
11 -- that you -- has that always been the practice, the one you just
12 described, with regard to the packing gland --

13 A. It depends --

14 Q. -- packing glands --

15 A. It depends on the tugboat. It depends on the tugboat. Like
16 any tugboats that are ASD, the Azimuth stern drive, you don't have
17 that system, so you don't have to do it on that one. But any
18 other conventional tugboat with that type, yes.

19 Q. All right.

20 MR. KARR: I'm going down my list of follow-up questions --
21 or my notes, looking for follow-up questions.

22 MR. [REDACTED] Roger that. Sir --

23 MR. FIGUEROA SOSA: Mr. Karr, just going back to the question
24 on that cover that I saw out, I feel that, physically, it's
25 impossible to anyone take it out.

1 MR. KARR: Okay. Thank you.

2 MR. [REDACTED] Okay. Mr. Figueroa, or Mr. Erickson, do you
3 happen to know what the status of the salvage operations is at
4 this time?

5 MR. FIGUEROA SOSA: I don't know. Personally, I don't have
6 any news on that.

7 MR. ERICKSON: Yeah, so -- this is Greg Erickson. I spoke
8 briefly with Pedro Rivera this morning, and he mentioned that he
9 had spoken with [REDACTED] (ph.) of the Coast Guard about that. I
10 think he said they spoke on Monday.

11 MR. [REDACTED] Okay.

12 MR. ERICKSON: So you might want to check with [REDACTED].
13 The status was provided to him.

14 MR. [REDACTED] Roger. This is the first time I'm hearing
15 about it, so no problem. I'll definitely get in touch with [REDACTED].

16 MR. ERICKSON: I get the -- and I get the impression that
17 [REDACTED] and Pedro are speaking on an almost daily basis about
18 that, so I think Mr. Long's your go-to guy for the update on that.

19 MR. [REDACTED] Understood. Thank you.

20 BY MR. [REDACTED]

21 Q. Mr. Figueroa, approximately how much fuel did the vessel have
22 at the time of the casualty?

23 A. I think 1,000 gallons.

24 Q. Okay. During the first interview, it was mentioned that
25 there were three crew members onboard the vessel the date of the

1 casualty, so, of course, you on the bridge, engineer on the engine
2 room, and the deckhand on deck. So does the --

3 A. (Indiscernible). Lookout and on deck, yeah. Um-hum.

4 Q. Okay. So does the vessel normally operate on a three-man
5 crew?

6 A. Yes.

7 Q. Okay.

8 MR. [REDACTED] Well, I tell you what, Mr. Karr pretty much
9 covered a whole bunch of questions I already had to begin with, so
10 I have no further questions.

11 Does anyone have anything to add?

12 MR. KARR: Oh, no, I've got some more. I was just --

13 MR. [REDACTED] Oh, go for it, sir. I apologize.

14 MR. KARR: -- taking a break to go through my list.

15 BY MR. KARR:

16 Q. Captain, when you -- did you expect to keep up with -- when
17 you put the hoses into the -- when your crew put the hoses into
18 the flooded compartment, did you expect that that would keep up
19 with the flooding?

20 A. To be honest, I did not know, at the moment, if that was
21 going to be enough. After speaking to the crew, after the
22 incident, they told me that it was so much water that they didn't
23 think I was going to be -- we were going to be able to keep up
24 with the pump, so, I mean, that's what I can tell you.

25 Q. All right. Did the crew --

1 A. Maybe the best (ph.) part of me wanted it to happen that way,
2 but I don't think it was going to be possible.

3 Q. Do you recall the crew -- can you tell me what the crew told
4 you about their efforts, particularly the water on deck? Did they
5 make any comments about how the water on deck was going into the
6 open compartment? The one that had the hatch off with the hose
7 going into it.

8 A. So one of the things we did was I changed course to my
9 starboard to get a little bit more of the sea on my bow, right, so
10 that helped to avoid all the water -- all that water that was
11 going on deck. But, as the minutes passed, and we kept sinking
12 and sinking, it was unavoidable to have all that water just going
13 on the deck.

14 Q. Well, as you kept sinking and sinking, what do you -- what
15 did you recall as the reason why you kept sinking and sinking?

16 A. We were taking too much water.

17 Q. And that water -- and that's what I'm trying to track, how
18 the water got into the hull. How was the water getting into the
19 hull?

20 MR. ERICKSON: If you know.

21 MR. FIGUEROA SOSA: I don't, I don't know. I mean, from that
22 point that the guys were and that type of compartment, we -- they
23 couldn't see anything. I mean, it was just water coming up. That
24 was all that they told me they saw.

25 BY MR. KARR:

1 Q. Did they specific -- I'm wondering if water that was on deck
2 went through the open manhole cover. Did they mention anything
3 about that?

4 A. So, at one point, when we lost the pump -- (indiscernible)
5 taking on the water and we lost the pump, we were really heavy,
6 heavy on the stern, and I have some water coming up, but I still
7 had that pump running. Because it stopped working, but it kept
8 running, and we were trying to troubleshoot what it was and taking
9 out the hoses to see if we had any rags or pocket of air or
10 anything like that. So, at that point, while we're trying to do
11 that, there was an amount of water coming in, but it was already
12 basically full.

13 Q. All right. On the -- I'm trying to -- as the vessel -- I'm
14 trying to figure out how other water would've gotten into the
15 vessel. So, in looking at the video, I was looking at the doors
16 into the superstructure. On each side of the superstructure,
17 there are three doors.

18 A. Um-hum.

19 Q. Can you tell me -- and in the video, well, in the video, it
20 looked like they were missing some securing devices that would
21 keep them shut. And, in the video, the doors were open. So can
22 you tell me -- you know, can you describe the condition of the
23 doors and whether they were closed or open when you guys were
24 sailing?

25 A. We always sail with closed doors, and they are dogged. I'm

1 not -- I'm -- well, one of them -- some of them are a system that
2 is the one that you just turn around like the circle metal thing,
3 right. So they were closed, and I can guarantee you that they
4 were all closed.

5 Q. Did you notice, when you last -- when you seen them, did you
6 notice if everything was, you know, correct? Were all the gaskets
7 there? Were all the dogs and securing rods present?

8 A. Well, at least I -- well, from what I saw, yes, and I never
9 got any reports of the crew that something needed to be changed or
10 not. Remember, these tugboats, we jump from tugboat to tugboat.
11 I am not the master of that tugboat; no one is. We jump from
12 tugboat to tugboat, so I -- we never -- I don't -- I never
13 received a report that something was missing or we needed to --
14 but, based on what I saw, they looked good.

15 Q. Well, let me ask you about the -- a maintenance plan. Is
16 there a -- does your company have a maintenance plan or processes
17 for tracking things that need to be repaired?

18 A. Maintenance plan, there's not a maintenance plan that I know
19 of.

20 Q. Are there any employees whose job it is to repair the vessels
21 and, particularly, is there anybody whose job it is to do any
22 steelwork?

23 A. Yes. There's a land crew (indiscernible), and they will do
24 any repairs right there in Guayama. I work from Yabucoa. I work
25 from the other port. I don't work from the Port of Yabucoa unless

1 I have to go down to do a job, so I work at the other port, and
2 where we have all of our repairs is in Guayama.

3 Q. And are the --

4 A. So, in Guayama, they will have it.

5 Q. And do you know how --

6 MR. ERICKSON: Mr. Karr, this is Greg Erickson. I just
7 wanted to offer, and you can follow-up as you wish to confirm
8 this, but the shore crew that the captain's talking about, the
9 maintenance crew, it's about 15 people, full-time employees, and
10 they do regular maintenance work on all of the tugs. And, within
11 that 15 people, they -- you know, they're different categories:
12 carpenter, steelwork, you name it.

13 MR. KARR: Thank you. I will follow up with that. Do you
14 know if any -- good, good. We'll follow up with that. That's
15 good to know.

16 All right. Bear with me as I go through my notes.

17 BY MR. KARR:

18 Q. The underwater video showed all the fire -- that there were
19 many fire hoses connected on the main deck. Can you tell me why
20 that was done?

21 A. I have to go back to my answer, I have not seen the video.

22 Q. Well, let me --

23 A. What fire hoses are we talking about?

24 Q. Well, I'll just ask you this -- I'll put it another way. I
25 mean, if I tell you all the fire hoses were connected on the

1 tugboat, do you know why?

2 A. We have fire hoses on the outside of the tugboat, and most
3 likely, I think maybe with the water and when it sank, it just
4 went and got out of the place it was, and it just started
5 floating. That's the only thing I can think about.

6 Q. So, when you got on the boat that day, if you can recall, you
7 don't recall seeing the fire hoses unfurled, and as far as you
8 know, they would've been stowed coiled up next to the fire
9 station?

10 A. Yes, yes, yes. Definitely. And I do a walk-around, so I --
11 if I had seen something like that, I would have corrected it at
12 the moment.

13 Q. All right. And, when you did the walk-around on Christmas
14 Eve, can you describe any places in the vicinity of the deckhouse
15 where downflooding could've occurred?

16 A. Can you rephrase that question? I got off -- I don't
17 understand what you're trying to ask me.

18 Q. Well, I'll start out by saying that, you know, I'm trying to
19 figure out where the water entered the hull. So --

20 A. Okay.

21 Q. -- I have a good idea that water -- you know, we have a good
22 idea how water got into the flanking rudder compartment, because
23 there was an open --

24 A. Okay.

25 Q. Okay. So I'm trying to figure out how water would've gotten

1 into the compartments forward of the flanking compartment.

2 A. Okay. Of that rudder and flanking compartment, I don't know,
3 because you have that rudder compartment there, and then you have
4 another compartment after that one; that would be the -- where the
5 packing and where our tank of water and the -- so you have those
6 two compartments. And then, on top of that compartment, the main
7 deck; that also led to the galley and the laundry room and all
8 that.

9 And right there, there's a door -- on that deck, on the main
10 deck inside, inside there's a door, and there used to be like a
11 wooden door. So I think, once water passed from the stern, it
12 passed to the other room, and then it passed through that other
13 room, and that's where I think we finished sinking. But from
14 where came the water, I don't know.

15 Q. Any idea how the -- well, no. This is only if you know, only
16 if you saw or -- any idea how water would've gotten into the
17 compartments forward of the rudder compartments?

18 A. No, sir. I don't have any idea how it got. I know it got
19 because we started sinking fast, but yeah, no, I don't know.

20 Q. Were you aware of any -- as a captain and a guy that worked
21 in the front office, were you aware of any company efforts or a
22 compliance plan for getting all your vessels certificated by the
23 Coast Guard to meet Subchapter M?

24 (Simultaneous speaking.)

25 MR. ERICKSON: Let me, let me --

1 MR. FIGUEROA SOSA: (Indiscernible.)

2 MR. ERICKSON: Javier, Javier, hang on a second.

3 MR. FIGUEROA SOSA: Yes.

4 MR. ERICKSON: What do you mean, working in the front office?

5 MR. KARR: I understood Captain Figueroa sometimes did some
6 personnel work.

7 MR. ERICKSON: Okay.

8 MR. KARR: So --

9 (Simultaneous speaking.)

10 MR. ERICKSON: (Indiscernible) personnel.

11 MR. FIGUEROA SOSA: Can I go now?

12 MR. ERICKSON: Okay.

13 MR. FIGUEROA SOSA: So what I do is -- let's start with the
14 front office stuff. What I do is I help the guys on the company
15 to renew their documents, like their LMDs or (indiscernible),
16 things like that. But I don't do that from an office, I do it
17 from the tugboats. They're with me, they go to the tugboat, and I
18 help them out. I take pictures of the things, then I send it.

19 And then, with the Subchapter M part, I follow the plan that
20 my boss tell me, and they decide what tugboats they're going to
21 put COIs, how they're going to work it, what (indiscernible), and
22 if they need me, I go and help them out. But other than that,
23 different captains help with the COIs, so I don't control anything
24 with the decisions of the company.

25 I'm just a captain. I help the guys with their paperwork,

1 and if they need a tugboat inspected for like safety things, like
2 life rafts and life jackets and (indiscernible), I will go and do
3 that. But other captains also do that, so yeah.

4 BY MR. KARR:

5 Q. Yeah. Did you --

6 A. I don't work for the office, I don't have a space in the
7 office, no.

8 Q. All right. Okay, thanks. Did you -- were you ever given an
9 assignment in any way related to the *Proassist III* and its
10 upcoming or ongoing effort to comply with Subchapter M?

11 A. No, we -- other than the things that we had in regulations,
12 like having it with the flares and the inspections I have to do
13 before I do a job and all that stuff, no. No.

14 And I was proactive in one of the checklists for that -- I
15 did a checklist how to inspect that 3-inch pump on the tugboat
16 *Proassist III*, but I will have done that on any other tug at some
17 point when I was working, so yeah.

18 Q. I'm getting ready to wrap up my questions, and the last
19 subject area is how the water could have gotten from the flanking
20 rudder compartment into the rudder compartment and how the -- that
21 same water or the water in the flanking compartment -- rudder
22 compartment could've gone into the compartment forward of that.

23 You know, I'm trying to figure out how the water got in the
24 hull that caused it to sink. So do you know of any -- well, first
25 off, I'll ask, were the bulkheads in the flanking rudder

1 compartment, the forward and aft bulkhead, were they both
2 watertight?

3 A. I, I -- basically, what I can see without getting to the
4 expertise or not, I don't -- I -- for me to say that they're
5 watertight or not, I cannot give you that answer. I know that
6 they were there, but, you know.

7 Q. When -- and they were there -- I think what you're telling me
8 is that, hey, if I go in that compartment, there's steel bulkheads
9 that go from the bottom of the ship all the way up to the deck,
10 and as far as --

11 A. Um-hum.

12 Q. And, as far as you know, gee, that looks watertight, but, you
13 know, I can't vouch for any of the openings, or --

14 A. Yeah, and --

15 Q. -- you know, where wires or pipes go through.

16 A. And also, I mean, I don't know if I'm correct or not, but I
17 think that the water that -- in the packing, it slipped (ph.) all
18 the way to that other compartment, so under -- I mean, there was
19 an opening under, I -- I'm not sure, I just -- but I think, for
20 that water to go to the other compartment to be pumped out.

21 But yes, that's correct what you were saying. I don't --
22 other than me seeing a wall there, that's what I saw. I mean, we
23 never had -- at least I didn't ever have the experience of having
24 that flood, and then I don't know that it was not watertight or
25 not. I don't know.

1 Q. Did you -- have you ever had the experience of having to pump
2 out the rudder room, you know, the aft -- aftermost compartment on
3 the ship?

4 A. Once, I was going to do a job in Yabucoa, and when I came to
5 the dock, the tugboat had taken water on that compartment, but
6 it's because the fixed pump stopped working, all right? And it
7 was like 3 or 4 days, no one was there, so it accumulated a lot of
8 water for a lot of days, and I did a 2692 on that.

9 Q. And that was flooding of the rudder -- the aftermost
10 compartment?

11 A. Yes. That one, yeah.

12 Q. Yeah. Any idea how the water got in there?

13 A. Well, it looks like the last time they used the tugboat, they
14 did not tighten up the packing correctly, and after 3 or 4 days of
15 -- and the other thing is that I don't know -- I don't remember if
16 the pump went out or the generator went out. Something happened
17 that it didn't have any power, so for 3 or 4 days, that water kept
18 accumulating and accumulating and accumulating and accumulating,
19 and adding and adding up.

20 And I had to take water out, but we were not sinking. It was
21 not -- I mean, it was just that I had to take water out, and we
22 had a job, and I could not go out like that. So I called the
23 Coast Guard, and I told them what happened. We did a 96 -- a
24 2692, and they asked us what we were going to do, and we told
25 them, look, we have that back there; we're going to put solar

1 batteries on it, solar system, and the generator, so it's going to
2 have dual energy, so -- and they were okay with that. They didn't
3 say anything -- okay, go ahead, and we were able to keep using the
4 tugboat.

5 Q. All right. That ends my questions. My last question for you
6 would be, is there anything you'd like to tell me that I haven't
7 asked that you think is important in helping the Coast Guard and
8 the NTSB write up this accident investigation?

9 A. Off the top of my head, no, sir. No.

10 Q. All right.

11 MR. KARR: Mr. Erickson, I'll give you the same question.
12 Any help you can give us would be appreciated.

13 MR. ERICKSON: I think you've done a comprehensive job. I'm
14 not sure what was asked in the first interview, so I'm a little
15 bit handicapped as to what was covered, so --

16 MR. KARR: Roger that. And, Mr. Erickson, this is follow-up
17 to those transcripts, so are you representing Mr. Rivera as
18 personally or as the counsel for the corporation, for American
19 Tugs?

20 MR. ERICKSON: Yeah, I represent American Tugs, Incorporated,
21 the corporate entity. Mr. Ramirez (ph.), the president, so he's
22 my liaison with the company, and then I represent Captain Figueroa
23 individually.

24 MR. KARR: Okay. And what I'll do -- well, Coast Guard --
25 hey, [REDACTED], if you don't mind, the copies of the transcripts that

1 I sent to you, I will go ahead and forward to Mr. Erickson, and
2 then he can share them with Mr. Rivera.

3 MR. [REDACTED] Absolutely. No problem whatsoever.

4 MR. KARR: All righty.

5 MR. ERICKSON: Yeah. And then I would like to request copies
6 of all of the transcripts of the interviews, not just the first
7 part from the captain.

8 MR. KARR: Roger that. And so I've got three transcripts,
9 this'll be the fourth, and there's a 20-day turnaround time, so
10 I'll get it to you as soon as I get it back.

11 MR. ERICKSON: Okay, I appreciate that.

12 MR. KARR: [REDACTED], any last questions?

13 MR. [REDACTED] Just one alibi for Mr. Figueroa.

14 So, hypothetically speaking -- because I read that you had
15 the water pump energized; however, a wave hit it, and it stopped
16 working. So, hypothetically speaking, in your opinion, do you
17 think that water pump would've sufficed had it not stopped
18 working?

19 MR. FIGUEROA SOSA: I don't think so. It was too much water
20 coming in.

21 MR. [REDACTED] Roger that.

22 Well, that is all I have. No further questions. I greatly
23 appreciate everyone participating in this matter.

24 Again, Mr. Erickson, I'll be forwarding the PII letters to
25 you tomorrow when they're signed by Lt Santiago. If no further

1 questions, we'll -- we can go ahead and wrap this up.

2 MR. KARR: None from me.

3 MR. [REDACTED] Okay.

4 MR. FIGUEROA SOSA: Okay.

5 MR. [REDACTED] Thank you all again.

6 MR. KARR: All right. Thank you all. All right, bye.

7 And it is now 12:54.

8 (Whereupon, at 12:54 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

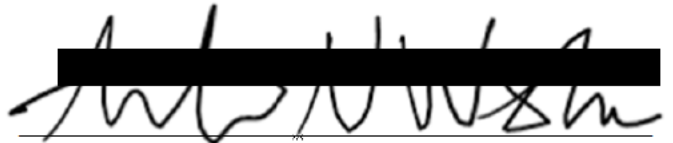
IN THE MATTER OF: SINKING OF THE *PROASSIST III*
NEAR YABUCOA, PUERTO RICO,
ON DECEMBER 24, 2020
Interview of Javier Figueroa Sosa

ACCIDENT NO.: DCA21FM011

PLACE: Via telephone

DATE: February 10, 2021

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

A handwritten signature in cursive script, which has been partially obscured by a thick black horizontal bar.

Autumn Weslow
Transcriber