ORIGINAL

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *
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FIRE ABOARD YACHT *FLAGSHIP* NEAR *
MIAMI, FLORIDA ON APRIL 28, 2024 * Accident No.: DCA24FM035
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Interview of: SEAN BAILEY, HSE Manager
RMK Merrill-Stevens Shipyard

via telephone

Monday,
May 3, 2024

APPEARANCES:

DAVID FLAHERTY, Marine Accident Investigator
National Transportation Safety Board

[redacted] Chief, Investigations Division
U.S. Coast Guard Sector Miami

ARNOLD AKGUN, Chief Financial Officer
RMK Merrill-Stevens

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I N T E R V I E W

(9:42 a.m.)

MR. FLAHERTY: My name is David Flaherty, I'm with the National Transportation Safety Board, my last name is spelled F-l-a-h-e-r-t-y, and this recording is for the *Flagship* marine casualty and the date is May 3rd, 2024. Excuse me, yeah, 2024 and the time is 9:42.

MR. [redacted] Yeah, my name is [redacted], [redacted] I'm with the United States Coast Guard, I am the Chief, Marine Investigations Division for Coast Guard Sector Miami.

MR. FAMULARI: My name is David Famulari, that's F-a-m-u-l-a-r-i, I'm legal counsel for RMK Merrill-Stevens.

MR. AKGUN: My name is Arnold Akgun, A-k-g-u-n, I am the chief financial officer of RMK Merrill-Stevens shipyards.

MR. BAILEY: My name is Sean Bailey, HSE Manager, B-a-i-l-e-y.

MR. FLAHERTY: Sir, do I have your permission to record this interview?

MR. BAILEY: Yes, sir, you do.

MR. FLAHERTY: Thank you. [redacted]

INTERVIEW OF SEAN BAILEY

BY MR. [redacted]

Q. Okay. We understand that you were out of town at the time of the incident.

A. I was, I was flying back from Wisconsin at the time and I got the call from my security guard and she said hey, there's a fire and I said well, the protocol says call 9-1-1, have you done that yet, she said yes, I have. I said okay, are they already dispatched, they're on their way, she said yes, then I said are they there yet, she said no, I said well, listen, hang up with me, there's a code if you have to call your protocol (ph.) first and by all means, make sure that the gates are open and that we have a clear path whenever the emergency people come here, that you can give them direction to get them to the emergency right away.

I told her do not get involved in the fire, you are not qualified to do that, that's not what you're here to do, call 9-1-1, open up the gate like you're supposed to, hang up with me, make sure that's going on. Call me later on, you know, after that's done, that's been settled and the fire department is in place.

Once they arrive, if you have a moment, if they're not giving you any sort of direction to do other things, then give me a call, let me know what's going on. In the meantime, while you're waiting for them, call other people like Victor, call all the other managers that we have that -- for our emergency response team, so we'll then deal with it, so -- but the fire department is first and she had already done that.

Q. Yeah, very good for her. How was her state?

A. She was really nervous, I mean, she even sent me a video,

when I told her when she has a moment, to give me a call back, to give me some status, she actually sent me a video that she had taken from the corner and you can tell that she was breathing heavy and she was -- she was really, really nervous, she was handling it but, anyway, she did her job, she did what she's supposed to, but boy, you can tell this was definitely her first emergency response. But I think she handled it pretty well.

Q. Very well. So safety is under your purview.

A. It is, obviously, all of it.

Q. All of it. So can you give us, not a full detail, but what's the -- what's the normal posture between a regular work week for safety in relation to vessels and the work that's being performed as to the postures, fires, on the weekends as far as how many people are available, the rounds, the security guards are supposed to, you know, do and things of that nature?

A. Okay. Well, normally, I'm the safety manager here, so I control all works on all the vessels. Everything that a subcontractor does, from the scope of work, are reviewed by us. Of course, we need to know if they're doing any sort of hot work or confined space or anything else, but that goes through my office, which is we want to make sure that whether we perform that duty or a subcontractor performs that duty, it's very dangerous work and obviously, you know, they can burn a vessel down or we can have loss of life. So we control that, we have (indiscernible) to work system, so we have parties to that.

Everyone who is an electrician, for instance, no one's allowed to engage in any electrical activities unless they are an electrician here. We don't just have -- you know, if you're a carpenter, guess what, you get to do a little carpentry work and that's controlled, you know, through HSE. If you are an electrician, the same, you have to stay within your lane. Labor will always help out with doing different jobs assisting, but they don't do any technical work.

So all that is -- everyone has to be qualified to do whatever they do and we try to do the same thing, we make sure our contractors don't just send anyone that's unqualified, also, to do work here, so that's how we control that during the week.

As far as our downtime, we have 24/7 coverage with All American Security company, they run three shifts, eight-hour shifts, first, second, and third shift, and we have a TrackTik system which basically what we have is the little TrackTik, little, I call them coins, located strategically around the site and what that does is that forces the guards to -- they have to swipe in to prove that they were there and the system is set up for every hour, so there is -- you know, we can make it whatever we want, to be honest, so it could be every 15 minutes or whatever, but --

Q. Right.

A. -- now we have it an hour, we kind of focused on mostly, on our off-duty time to make sure that -- because we are in Miami,

there is a lot of -- there's some homeless around the perimeters of our sites, on both yards, and you know, there's some other unsavory characters. We haven't honestly had any real break-ins or anything else, but because of where we are, the possibility is pretty real so we kind of focus on perimeter security, make sure no one's accessing our yard. The guards are taught to basically go and look, as you're walking around, make sure that you walk through the sheds, the covered sheds, and do just a quick visual on the waterline of the vessels just to make sure that, you know, nothing's sinking or whatever, you know, they don't -- they're not qualified to do anything, to go on a vessel and perform any emergency work to save the vessel and that's per contract from American Security.

However, I did train them to make sure to look at waterlines and to make the call, make the call to me, I'm the one that gets the call, if not, Victor gets the call. So there's people in the past that, you know, we've had a turnaround and they're gone now. So I'm always the one that gets called for -- I'm the first person, I run the first responder team, I'm the first point of contact for any emergency, just like I was when I was -- when I was at the airport, kind of -- the kind of things when I was in the airport but, you know, that's what happened, so --

Q. Okay. At any time has security had to tell you anything about the vessel *Flagship*, any abnormalities?

A. Absolutely not.

Q. So nothing until the day of the incident, everything was -- all reports were good?
A. That's correct.
Q. Okay.
A. Nothing. Well, also, I would like to say not just security, but my people -- excuse me, RMK people work on that vessel, you know, doing some other ceiling panel work and things, other things on that. So there have been some workers active on that vessel doing something every day, it happens to be coincidentally parked right directly below my office and that's the boat I had a visual eye on every day and nothing seems to have went on there, so you know, nothing was reported, also, from my security on or off duty, but nothing to report, really, even RMK people, which means I would be hearing about that, too, any safety issues, so --
MR. [redacted]: Mr. Flaherty.
BY MR. FLAHERTY:
Q. Sure. Appreciate you coming in and talking with us. I understand the boathouse at the shipyard has a sprinkler system.
A. It does.
Q. Just to get some background information, was that a drag pipe system?
A. Yes, it is. Yes.
Q. And how is it activated?
A. It's got heat sensors on the heads.
Q. Okay. And is the system, does it have an alarm when its

activated that goes to the guard shack?
A. It does not, but the alarm -- it's a very small facility and any alarms that go off here the guard shack would hear, anyway. We don't have a separate alarm to go to the guard shack. The guard shack is not that far off.
Q. Okay. And does it alarm, does it go to like a third-party monitoring --
A. It does, it does, it goes to the fire department, which is -- honestly, I walk from the back gate of my facility to the back parking lot, which is right across from the fire department, it's a hundred and 25 steps, so we have a really good response time. That's how close they are.
Q. Okay, good. Are you able to get the time when the sprinkler, the heat alarm went off and the sprinklers were turned on?
A. On the video, it shows -- it shows when the sprinklers go off in the video, I'm not sure if you've seen that video.
Q. No, I haven't, I'm hoping to get copies and --
A. Yeah, you can see exactly when the -- you can see exactly when the incident happened with the vessel, exactly what time with the first explosion and then three and a half minutes later the second explosion, which really engulfed the boat, and that's when the flames really kicked up and you can see exactly when the sprinkler kicked off because obviously everything's getting wet and the water is sprinkling everywhere, in the water and everything else, so the sprinklers do work.

Q. Yes. I saw in some of the photos there was some radiant heat damage here and there, but the facility itself didn't look like it was that severely damaged.
A. No, we're pretty lucky, to be honest.
Q. Was the vessel that was docked next to it, was that -- did that incur any damage?
A. Thank God, it did not.
Q. Are there any safety checklists for work that's being done on a vessel for like, you know, properly stowing stuff or removing stuff?
A. I don't understand the question. We don't really --
Q. So if someone brings a tool on board a vessel to do some work, is there a checklist that they bring the tool off?
A. No, there isn't, we don't get involved in that. The only thing we do with that is when we're working at height, they'll make sure our tools are tethered and everything else so we don't drop it on somebody's head, but we don't get that involved, you know, with that. Now, what you're talking about is more for a new build, because you don't want to leave a wrench in a bilge or something and later on it causes a -- it will go through the hull.
Q. Right.
A. Yeah, so mostly for what we do with refit and repair, we don't really do major repair here, either, I need to point that out. We just -- just minor repairs and refit is all we really get into, we don't do any major outfitting or anything out here.

Q. For a vessel or any vessel in this case, if they have an automatic bilge system, is that somehow connected to an alarm that would let the guard know that a vessel might be taking on water?
A. No, it is not.
Q. And same thing, I guess, the smoke detection system, if it was turned on within a vessel, the alarm would not be going anywhere outside of the vessel, correct?
A. It would probably go into the captains' multiple systems that those people pay for, for their vessels, are set up -- it would alarm the captain or their crew or whatever, so they would know and in which case they would say hey, my boat is alarming right now, can you look at it. I know that takes a few minutes, but we're not tied in to their independent systems for their -- for the clients' vessels.
Q. Do you know if the *Flagship* had that type of wireless system?
A. Honestly, I know I should know that, but no, I do not know. And I know that -- I know that there were issues with that vessel with the electrical going on from -- well, it was just one of the main reasons it was here, so I would have to say that maybe the captain, I'm not sure if you talked to him yet, the captain/owner's rep, I think probably would've taken that off because they were having serious escalations.
Q. And I know you weren't directly involved, but when you're saying serious electrical issues, can you be a little bit more specific from what your understanding of that was?

A. Well, I'm sure you talked to my colleagues and that vessel is here because it has issues and one of the major issues is electrical.
Q. Well, that's what I'm just trying to -- your understanding, as a safety officer, what were those electrical issues, were you -- did you have specific information about those?
A. We didn't get to the bottom of it yet.
Q. Okay.
A. We were -- that's why -- that's why that vessel is here because it was not even holding a charge and the batteries kept on going dead and it should not, I mean, you have an electrical system which controls all of the steering and all of the electrical components on the vessel, and then you have the diesel engines which only have propulsion, so once the left wheel goes, well, you're dead in the water anyway, so that's why -- that's why the vessel was here, because they were having serious charging issues.
Q. With the lithium ion batteries.
A. Yeah, yeah. And then, of course, that affected every system on the vessel, including the navigation that would be alarming, that would be everything, so it was here to get sorted.
Q. All right. Any safety related issues that -- I know it's still fairly early following the casualty, but from your perspective, are there any safety issues both positive as well as maybe things that need to be worked on that you've -- that you've

kind of concluded right now with how things were handled?
A. I think that we've handled it very well, to be honest, all things considered, with the -- I had no idea, thank God it was not a fleet. I had no idea that from the inception of the fire until, you know, it was so engulfed that it would be that quick, I know this is not my first boat fire, but this one went up really quick.

I think that we did -- the fire department did really well, of course, the fire departments are always going to be "well, let's go ahead and put water on the boat, let's put water on the boat, let's just get the fire out," which is the worst thing in the world, but you can't tell them that, but they did a good job with the foam, they controlled the fire and they moved it out before the vessel went down, which is -- where the vessel is right now is -- is the best place it could possibly be because it's not a salvage vessel.

To deal with a salvage vessel on a Key side outside is different than dealing with a salvage vessel that's in a closed shed, just from the space, you know, it would be much more difficult to deal with it right now. So everyone did the right thing, everyone -- they moved the boat after the fire was out, they did contain it, which is the most important for environmental, and did a really well job at it and they did it quickly, by the way. So I was not here but if I was here, I would be the incident commander for this and I could not have done it better even if I was here, to be honest. I'm very pleased with

the way my guys handled it, to be honest, because even a Durham (ph.) guy, EPA guy came down here and he was pleased, and when is the last time you've ever seen an EPA guy happy, I mean, honestly, like he's not -- and he hasn't been back, wow.

Q. Well, that's good.

A. So I have to take --

Q. Who was the incident commander while you were not able to be there?

A. I know, I was stuck in the Chicago airport.

Q. Who took that role or did anyone take that role?

A. Yeah, between Victor and Ozgur, they did -- they both did a good job.

MR. FLAHERTY: Okay, all right. [redacted] that's all the questions I have for right now.

MR. [redacted]: I think we hit everything that I was looking for.

MR. BAILEY: Yeah.

MR. FLAHERTY: All right.

BY MR. FLAHERTY:

Q. Well, sir --

A. No problem.

Q. -- do you want to add anything related to what occurred?

A. No, not at this point, to be honest. I mean, I think I'm waiting for the salvage to happen and then for us to have eyes on the actual vessel after it comes out of the water.

Q. And just -- have you been involved in any other lithium ion battery vessels?

A. I have not, this is my first.

MR. FLAHERTY: All right. Well, unless there's anything else to be said or question to be asked, this concludes the interview. The time is 10:00 a.m. local, thank you.

MR. BAILEY: Thank you.

(Whereupon, at 10:00 a.m., the interview concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	FIRE ABOARD YACHT *FLAGSHIP* NEAR MIAMI, FLORIDA ON APRIL 28, 2024 Interview of Sean Bailey
ACCIDENT NO.:	DCA24FM035
PLACE:	via telephone
DATE:	May 3, 2024

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.

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Karen D. Martini
Transcriber