

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of.

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\*

FIRE AND SINKING OF THE *CONCEPTION*

\*

WITH LOSS OF LIFE NEAR

\*

Accident No.. DCA19MM047

SANTA CRUZ ISLAND, CALIFORNIA,

\*

SEPTEMBER 2, 2019

\*

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Interview of: TERRENCE McGUIGAN

Assistant Chief, Inspection Division

U.S. Coast Guard

Friday,  
November 22, 2019

## APPEARANCES.

ADAM TUCKER, Investigator in Charge  
National Transportation Safety Board

ANDREW EHLERS, Marine Accident Investigator  
National Transportation Safety Board

MARCEL MUISE, Marine Accident Investigator  
National Transportation Safety Board

BART BARNUM, Marine Accident Investigator  
National Transportation Safety Board

CDR [REDACTED], Traveling Inspector Staff  
United State Coast Guard

LT [REDACTED], National Technical Advisor  
National Center of Expertise  
United State Coast Guard

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I N T E R V I E W

(12:12 p.m.)

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2  
3 MR. TUCKER: The time is 1212 p.m. Eastern Standard Time and  
4 the time is 0912 Pacific Standard Time. My name is Adam Tucker.  
5 I'm the investigator in charge for the investigation into the fire  
6 and sinking of the small passenger vessel *Conception* off the coast  
7 of Santa Cruz Island on September 2nd, 2019, involving 34  
8 fatalities.

9 We are going to be conducting an interview of Mr. Terry  
10 McGuigan, and we are going to go around right now and introduce --  
11 we'll start with introductions of everyone on the phone and then  
12 we'll end off with you, Mr. McGuigan.

13 MR. MCGUIGAN: All right.

14 MR. TUCKER: NTSB folks, do you want to kick it off first?

15 MR. BARNUM: Good morning, this is investigator --

16 MR. TUCKER: Go ahead, Drew.

17 MR. BARNUM: This is Bart Barnum, investigator with the NTSB  
18 Office of Marine Safety, (indiscernible).

19 MR. MUISE: This is Marcel Muise also an investigator with  
20 NTSB.

21 MR. TUCKER: Drew, are you there?

22 MR. EHLERS. I'm sorry. I thought I got my name in. Yes.  
23 This is Drew Ehlers, marine accident investigator, NTSB.

24 MR. TUCKER: Okay. Now, we'll start with the Coast Guard.

25 CDR [REDACTED]: This is Commander [REDACTED]. I'm

1 with the traveling inspection staff and I've been assigned to the  
2 investigation for the Coast Guard.

3 LT [REDACTED]: Good morning. This is Lieutenant [REDACTED],  
4 National Technical Advisor for Coast Guard Investigations National  
5 Center of Expertise.

6 MR. TUCKER: Anybody else from Coast Guard on the line?

7 CDR [REDACTED]: No. That should be it for us.

8 MR. TUCKER: Okay. And Mr. McGuigan?

9 MR. MCGUIGAN: Yeah, Terrence McGuigan. I'm the Assistant  
10 Chief, Inspection Division at the Coast Guard Sector LA/Long  
11 Beach.

12 MR. TUCKER: And Mr. McGuigan, can you spell your last name?

13 MR. MCGUIGAN: Yes. My last name is M-c-G-u-i-g-a-n.

14 MR. TUCKER: Okay. Thank you, sir.

15 Mr. McGuigan, are you okay that we record this interview?

16 MR. MCGUIGAN: Yes, I am.

17 MR. TUCKER: Okay. Thank you very much for that. And as  
18 mentioned, of course, we're conducting an investigation into the  
19 fire/sinking of the small passenger vessel *Conception* off of Santa  
20 Cruz Island with 34 fatal.

21 In addition to the NTSB, the lead agency for the safety  
22 investigation, the U.S. Coast Guard has stood up a Marine Board of  
23 Investigation, chaired by Captain Neubauer. And hence, the reason  
24 why we have Coast Guard personnel working with us on this  
25 interview.

1           This is a fact-finding interview, sir. And of course, after  
2 the facts, the NTSB will come up with analysis, probable cause,  
3 and, of course, the big thing is make any recommendations for  
4 safety, safety enhancements in order to prevent something like  
5 this -- a tragedy like this from ever happening again.

6           If you do not know the answers for something, that is totally  
7 okay. Most interviews are based on memory and that is totally  
8 fine. If we do ask you specific regulations, anything like that,  
9 sir, that you do not know, maybe you just would be aware of what  
10 direction to point us in.

11           If you do need to pause, please let us know. We can hit the  
12 pause button. We'll note the time and that's it.

13           So, we'll kick it off and, first, I'm going to be asking my  
14 co-worker, Mr. Andrew Ehlers, to start off with the questioning  
15 and I'll be on mute. Thank you.

16   INTERVIEW OF TERRENCE McGUIGAN

17           BY MR. EHLERS:

18 Q.   And good morning, Mr. McGuigan. Can you hear me all right?

19 A.   Good morning. Yes, I can hear you. Can you hear me?

20 Q.   Yep, loud and clear. So, this is Drew Ehlers. I am a marine  
21 accident investigator with NTSB. I'd like to start out just a  
22 little bit with your background. Can you briefly summarize your  
23 responsibilities in your role there at Sector LA/Long Beach?

24 A.   My current responsibilities as the assistant chief of the  
25 Inspection Division are to act as the Chief, Inspection Division

1 when he is not here. And that will involve the oversight of  
2 vessel inspections, inspector performance, and the correct  
3 application of rules, regulations, and Coast Guard policy. With  
4 regards to the Marine Safety Detachment at Santa Barbara, I  
5 typically review their casework following inspections, whereas  
6 there's an issue or reissue of certificates. And I also serve as  
7 a regulatory resource, you know, sounding board and information  
8 resource for the inspectors at the Marine Safety Detachment.

9 Q. Okay. How long have you been in your current position?

10 A. I've been in my current position since 2007. I was  
11 transferred here as an active duty military member in 1995 and  
12 then subsequently took a civilian position in 2002. I've been  
13 involved with the Marine Safety Detachment since 1995 in various  
14 capacities.

15 Q. Okay. Actually, that was where I was going to go next. Can  
16 you give us a summary of your overall experience and how that  
17 applies to this position? In other words, experience prior to  
18 taking this position, perhaps a little bit more detail than you've  
19 just given here.

20 A. My experience with the Coast Guard began, I was a Coast Guard  
21 machinery technician, served on several different cutters. I was  
22 commissioned as a warrant officer in 1992, whereas I was  
23 transferred for my initial training to the Coast Guard Marine  
24 Safety Office at that time in Anchorage. I spent several years  
25 there before being transferred to LA/Long Beach.

1           As a chief warrant officer, I obtained qualifications both as  
2 a deck inspector as well as a machinery inspector, small passenger  
3 vessel inspector, barge inspector, foreign vessel inspector. I  
4 served both as active duty military and then as a civilian as a  
5 primary plan review officer, including reviewing small passenger  
6 vessel plans for various vessels that are stationed in the Marine  
7 Safety Detachment area as well as the LA/Long Beach area.

8           I also, for a short period of time, was a Coast Guard  
9 investigator as well. I worked in the Coast Guard's licensing  
10 office before they were centralized to the National Maritime  
11 Center. And primarily have been focused, you know, for over 20  
12 years in the marine safety inspection field.

13 Q.   Okay. All right. Can you tell me a little bit about your  
14 specific role in the generation of certificates of inspection,  
15 whether it be an initial or renewal? I know that's a very broad  
16 question.

17 A.   My role was an oversight role and an interim approval role.  
18 Typically, inspectors at the Marine Safety Detachment -- and when  
19 I say inspectors, that includes the supervisor of the Marine  
20 Safety Detachment, would send me an email notification when they'd  
21 completed an exam and transfer that casework to control of LA/Long  
22 Beach, where I would review it. And then either myself or through  
23 direction of a subordinate, generate the certificates and forward  
24 them to the chief of Prevention Division for signature or to the  
25 OCMI for signature.

1           Typically, in my review, probably, I would say at least 20  
2 percent of the time, I would either call the inspectors back at  
3 the MSD or I would email them back with questions, clarifications,  
4 or for minor corrections.

5 Q.    The drafting of the actual certificate, do you do that or is  
6 that done at the MSD level?

7 A.    MSD would draft the certificates and then I would review them  
8 for corrections.  Minor corrections, you know, spelling, grammar,  
9 verbiage, or alignment with the sector's standard routes for  
10 vessels, I may make those if it was more convenient to the  
11 process.  If there's any major corrections that needed to be made,  
12 I would forward that back to the inspectors at the MSD for  
13 correction.

14 Q.    Okay.  And, or a vessel that's been in service for a number  
15 of years and has gone through several renewals, is it common for  
16 the COI to change at all or is it generally the renewal looks much  
17 like the previous COI?

18 A.    The renewals look much like the previous, but changes do  
19 happen over a period of time as -- we may change our routes and  
20 conditions for different regulatory standards or different  
21 policies would become evident that we would apply to the whole  
22 fleet.  Or if an owner or operator requests a route extension or a  
23 route reduction, crew changes, or other details on their  
24 certificates of inspection.

25 Q.    Okay.  All right.  I want to come back to COI specifically

1 for the *Conception* in a little bit. But you mentioned that your  
2 office is responsible and you had some experience with plan  
3 review. Is, and as we've talked with the MSC, we understand that,  
4 especially for small vessels, plan review is -- responsibility of  
5 the sector may be referred to MSC. What has typically been the  
6 case at LA/Long Beach? Are most plan reviews done at the sector  
7 level?

8 A. It depends on the extent of the plan review. Minor assistant  
9 changes or changes that follow regulation or a policy that's well  
10 developed are done at the sector level at LA/Long Beach.

11 Q. Okay. Is any of that delegated down to the detachments, the  
12 MSD, or is that all at sector Long Beach?

13 A. We attempt to have at least an oversight of all the plan  
14 review which is done at the MSD; however, upon discussion,  
15 oftentimes they'll do something that's very minor. And I could  
16 come up with a number of examples of what is considered very, very  
17 minor. And then I think that would be things like the  
18 installation of a, you know, individual new electrical receptacle  
19 or change in the lifesaving type or a minor arrangement on the  
20 vessel. But we attempt to have some kind of oversight, you know,  
21 from our central plan review office or at least a person who has  
22 responsibility for that oversight just to ensure consistency  
23 across the area.

24 Q. Okay. Are all reportable -- or is a plan review required for  
25 all reportable changes to a vessel?

1 A. I'm not really sure what you're referring to when it comes to  
2 reportable changes.

3 Q. Well, I'll clarify then. As I read this CFR, the report --  
4 if something is a replacement in kind, then it's not reportable or  
5 you don't have to report to the Coast Guard that you've made a  
6 change because I guess essentially it isn't a change. That's what  
7 I mean by reportable, is something that is required to be reported  
8 as a change.

9 A. So replacement of equipment, and that would be lifesaving  
10 equipment, deck equipment, things that are placed on board the  
11 vessel, portable fire extinguishers, et cetera, typically do not  
12 go through plan review. However, if there's a change to  
13 infrastructure or structure of the vessel, then that does go  
14 through a plan review. Whether it gets an approval letter depends  
15 on the extent of these changes. Typically, we attempt to give the  
16 owner/operator some kind of plan review letter indicating approval  
17 or oversight to make that a matter of record.

18 Q. Okay. All right. Excuse me. Now I'd like to just talk  
19 specifically about the *Conception's* COI. And I understand you may  
20 not have it in front of you or even have reviewed it recently, so  
21 I'll try and explain each of the questions in as much detail as  
22 possible.

23 We have a copy of what we believe to be the most recent COI.  
24 The certification date is the 19th of November 2014. It is  
25 recorded as amended this year in March, and that corresponds to a

1 hull inspection. Would that naturally be the reason for the  
2 amendment, is to update the date on the hull inspection?

3 A. That's correct.

4 Q. Okay. And as I read the COI, that hull inspection is  
5 reflected on the COI certificate, and we know from the activity  
6 summary report that an annual inspection was done pretty much in  
7 conjunction with that hull inspection. But in the lower left  
8 first page on the annual periodic reinspection, there's no  
9 endorsement for that 2019 annual inspection. Is that an  
10 oversight? Is that typical if it's already -- if a hull  
11 inspection is already recorded on that COI? I hope I explained  
12 that correctly.

13 A. Yeah. So those endorsements show up in two ways. The marine  
14 inspector endorses it when he or she does the inspection  
15 physically. The endorsement will only show up on the printed COI  
16 if a new COI is generated after that annual inspection. So it's  
17 entirely possible that several annual inspections go by before an  
18 amended COI is reprinted showing the printed endorsement. So only  
19 the vessel would have a copy of the COI showing the most recent  
20 annual endorsement by the inspector.

21 Q. I see. Okay. All right. And kind of along the same lines,  
22 in the signature block, the OCMI signature block, on the right-  
23 hand side of the first page of the COI, it lists issued by  
24 Commander Newberry by direction. There's no physical signature on  
25 that across his name; it's just a typed-in name. Is a physical

1 signature required or is that document actually on the vessel?

2 A. That document is actually on the vessel. So, to answer your  
3 first question, a physical signature, it is required; however, the  
4 computer generates -- does not generate that signature. The  
5 signature is put on there by hand. And currently, we may or may  
6 not have a signed copy of that document.

7 Q. Okay. All right. So getting into the COI again of the  
8 *Conception* -- oh, one more question on COIs. When a renewal COI  
9 is generated, how is that provided to the owner when it's  
10 completed? Is it handed to the owner, mailed to the owner? How  
11 is that normally handled?

12 A. The 5-year renewal typically is mailed to the owner, and to  
13 fill that interim gap for the mailing, a temporary COI, that's  
14 signed, is handed to the owner at the conclusion of the  
15 inspection.

16 Q. Okay. If there's been a change in the renewal, is that  
17 reviewed in any way other than the presentation of the COI itself?  
18 For instance, like if there's been a change in the routes, would  
19 that simply be up to the owner to read that in the COI or is there  
20 a cover letter or anything provided that states what's changed or  
21 anything like that?

22 A. Yeah. There's no cover letter provided when the COIs are  
23 mailed. To go back to your first question, any changes should be  
24 on the temporary COI and the marine inspector at the time  
25 typically reviews the COI with the owner and answers any questions

1 at the time.

2 Q. Okay. All right. All right. On the COI for the *Conception*  
3 there in the routes and conditions, there's a condition stating  
4 that a member of the vessel's crew shall be designated by the  
5 master as a roving patrol at all times, whether or not the vessel  
6 is underway, when the passenger bunks are occupied.

7 We've looked at COIs for all the dive vessels there in  
8 Southern California, I think, nationwide, and they all have  
9 something -- a statement similar to that. This is for T-boats  
10 that have overnight accommodations. The regulations -- that's  
11 already in the T regulations. Other regulations from T aren't in  
12 the routes and conditions. Do you have any idea why that specific  
13 regulation is restated in the COI?

14 A. Because the Marine Safety Manual, Volume II, indicates that  
15 it should be on there. Matter of Coast Guard policy.

16 Q. Okay. All right. Any idea of the history behind that, why  
17 the Marine Safety Manual requires that?

18 A. I don't know the history behind it.

19 Q. Okay. All right. The way I look at the T regs, the T regs  
20 state there has to be a roving patrol at nighttime. The comment  
21 in this particular COI says when the passenger bunks are occupied.  
22 Does that come from the Marine Safety Manual? I guess what I'm  
23 getting at is, is there a reason why the regulation and the COI  
24 are slightly different there?

25 A. In this case, I would need to go back to the Marine Safety

1 Manual just to verify what it says. But generally, we may make  
2 minor changes like that when it enhances safety and it makes  
3 sense. Our knowledge of these vessels is that the bunks may be  
4 occupied not just at nighttime. Nighttime is kind of undefined.  
5 Passengers often go down to rest in their racks in between diving  
6 or at other times, and we would want to ensure that the crew is  
7 mounting a roving watch from time to time anyway.

8 So, whether this is part of the Mission Management System  
9 standard routes for LA/Long Beach, that it just doesn't specify  
10 nighttime, it specifies at all times that these spaces are  
11 occupied. And the history behind that, I would need to research  
12 that.

13 MR. EHLERS: Okay. All right. I think that's all I have for  
14 now, sir. I may have a few extra questions but I'd like to go  
15 ahead and pass it to my colleagues. But I appreciate your  
16 answers. Thank you.

17 MR. McGUIGAN: You're welcome.

18 MR. TUCKER: Yeah. Mr. McGuigan, this is Adam Tucker. I'll  
19 continue with a few other questions.

20 MR. McGUIGAN: Mr. Tucker.

21 MR. TUCKER: And as always, as my colleagues know, I always  
22 have follow-ups as well.

23 BY MR. TUCKER:

24 Q. So, first and foremost, I understand that the COIs and  
25 renewals, the case review goes past your desk or someone that's

1 delegated. Just for curiosity, how many -- I'm going to be  
2 specific. How many T-boats built before 1996 do you guys have in  
3 your AOR? I understand you might not have an exact number but do  
4 you have any knowledge of that? The liveaboard vessels.

5 A. The overnight vessels?

6 Q. Overnight. Sorry. Yes.

7 A. When you say liveaboard, are you talking about with overnight  
8 passenger accommodations?

9 Q. Overnight passenger accommodations, yes.

10 A. Roughly 60. And it's, I think, actually between 60 and 70.  
11 That includes the Marine Safety Detachment. That includes the  
12 whole LA/Long Beach area of responsibility, which includes the  
13 MSD.

14 Q. Okay. And of those liveaboard -- sorry, overnight  
15 accommodations -- I got to get the verbiage right; again, if you  
16 don't know it's fine -- which ones are diving vessels or diving  
17 excursion vessels like the *Conception* and which ones are -- I  
18 understand there's also fishing vessels? Any numbers there?

19 A. No. I would need to do research, but we have, you know, the  
20 diving, charter fishing. We also have some excursion vessels that  
21 are neither charter fishing nor diving. Although, the vessels are  
22 not restricted to any of those services, it's only specified as  
23 passenger services.

24 Q. Okay.

25 A. So we have essentially three types or three primary passenger

1 type voyages that vessels go on that have overnight  
2 accommodations.

3 Q. Okay. And related to the *Conception*, I understand you've  
4 been at the sector for quite a while or since 2007 in your current  
5 role, sorry. Have there been any modifications or plans submitted  
6 since you've been occupying that position?

7 A. Not since I've been occupying this position that I can  
8 recall. Before I was in this position but I was still at the  
9 sector, I did a plan review of a CO2 fire system when those  
10 regulations became applicable in 1999 for *Conception*. And then I  
11 did a review of a galley fire detection system in 2001 when those  
12 regulations became applicable. I didn't verify the installation  
13 of those systems, merely the physical plans. And then forwarded  
14 those to the inspectors at the Marine Safety Detachment for  
15 physical verification of the installation in accordance with the  
16 plans.

17 Q. Okay. Understood. And during that time -- forgive me  
18 because I'm not from the Coast Guard, I've never been in the Coast  
19 Guard. Do you retain those plans or did you just review them,  
20 sign them, and package them up and ship them off?

21 A. We may retain them here but we definitely send copies of the  
22 plans to the Marine Safety Detachment.

23 Q. Okay. And to that note, again with your background, is there  
24 any file that is maintained on the *Conception* at sector or is it  
25 all with the MSD? And I'm talking physical file, not MISLE.

1 A. Yeah. So as far as the physical files, I would need to check  
2 our files here to see exactly what we might have on *Conception*. I  
3 do know that we searched the files, you know, upon this casualty  
4 and I don't know what the results were.

5 Q. Okay. Would you know who would be aware of what were  
6 contained in those files, or who we can reach out to?

7 A. So I can certainly do a, you know, physical search of the  
8 files here. But also, our domestic branch chief, Mr. Dan  
9 Sheppard, they come under his purview. Of course, we all work for  
10 the Chief of the Inspection Division, LCDR [REDACTED].

11 Q. Okay. Thank you for that. I understand it was before your  
12 time, but we understand the *Conception* was stolen, grounded, and I  
13 guess had some major construction work done to the hull or hull  
14 replacement at a boatyard back in 2005. Do you have any knowledge  
15 of that or are you aware of any plans or any submittals from the  
16 vessel owner to the MSD and to sector regarding that?

17 A. Yes. I remember when that happened. I actually was involved  
18 in oversight of the case with the inspectors at the time who are  
19 at the Marine Safety Detachment. I'm not aware of any plans that  
20 were submitted as a result. My recollection, and I would need to  
21 verify, you know, the specifics on this, is that the repairs were  
22 done in kind or they were done in a manner that was acceptable for  
23 that construction, the vessel construction type.

24 Q. Okay. It goes -- of course, that leads to one of my  
25 questions, is when these repairs are done in kind, where are the

1 regulations that require a certain level of fire retardancy on  
2 fiberglass material? So, I was just curious. That leads into my  
3 next question of does Coast Guard follow up with that? Do they  
4 check on it, do they get certificates, anything to demonstrate  
5 that that material meets the regulations?

6 A. Typically, when it comes to fiberglass construction, if fire  
7 retardant resin is required, that is something that we verify  
8 during the construction or before the use of the resin.

9 Q. Okay. And how do you verify that? Curious. Like does a  
10 vendor just show you a certificate and say, hey, we're compliant  
11 or we have this or how does that work?

12 A. Yes. We look for compliance information or material, you  
13 know, descriptions from the manufacturer of the resin, and then  
14 trace that back to markings on the container.

15 Q. Okay.

16 A. The container that the resin is in.

17 Q. And would that be kept on record, on file in any Coast Guard  
18 paperwork or documentation or is it just more of a visual check?

19 A. It may be mentioned in casework, in narrative. It would not  
20 be a required item to be filed in the vessel file, whether  
21 electronically or physically.

22 Q. Okay. I'm going to shift gears a little bit here and back to  
23 more general questions. So you've got a big AOR, LA/Long Beach,  
24 and then you've got the MSD as well and quite a lot of T-boats  
25 from what we've learned. Are you aware of any T-boat owners,

1 again, similar in -- I specify T-boats, either old or new, doesn't  
2 matter, that have a safety management system? Are you aware of  
3 any vessel owners that have safety management systems?

4 A. Only those vessels that have SOLAS or international routes,  
5 and then those typically have used a prepackaged or a fill-in-the-  
6 blank template that the Coast Guard has developed for safety  
7 management systems for small passenger vessels on international  
8 routes. That being said, we don't have a large number in LA/Long  
9 Beach of small passenger vessels on international routes.

10 Q. Okay. Understood. And again, staying in the general facet,  
11 this is something we've got an interest in as well. And we were  
12 able to tag along with the marine inspection, and I've been on the  
13 other side of the fence in my past life on a Coast Guard marine  
14 inspection, so -- but when an inspector goes on board and they  
15 find something that's just -- something wrong and I guess that's  
16 titled a deficiency, we understand that there can be a minor  
17 deficiency and things that can be rectified on board and corrected  
18 right away but there can also be major deficiencies or items that  
19 warrant a no-sail or a detention of a vessel. I'm not aware of  
20 the specific words related to T-boats. I believe it's no-sail.

21 But my specific question is, is this something that would  
22 roll across your desk if there is a vessel no-sailed or detained?

23 A. Yeah. Typically, and so, you know, the terminology is both  
24 formal and informal. But utilizing no-sail terminology, if a  
25 small passenger vessel is no-sailed, either myself or the Chief,

1 Inspection Division, is briefed on that before the no-sail is  
2 actually actualized.

3 Q. Okay.

4 A. Meaning before the inspector issues it and walks off the  
5 vessel. That being said, we now have communications with modern  
6 cell phones that allow this to happen. In the past, this always  
7 wouldn't happen just because we didn't have the ability to talk to  
8 the inspector on board at the time.

9 Q. Understood. And in general, again just general, if you know,  
10 you know; if you don't, you don't. Is a no-sail on a vessel, is  
11 that common? Do you see a lot of them throughout the year?

12 A. Yes. Unfortunately, it is common.

13 Q. Okay. And do you maintain a list of these vessels that are  
14 no-sailed, and how is that handled?

15 A. While the vessel is actually in that status, we maintain a  
16 list. But once the deficient condition that prevents it operating  
17 with passengers is cleared, then that is merely a matter which is  
18 retained in the vessel's record. We don't keep an independent  
19 list of that.

20 Q. Okay. And when you say in the vessel's record, that's like  
21 documented in MISLE; is that correct?

22 A. Currently documented in MISLE, yes.

23 Q. Okay.

24 A. And I just say currently because the computer systems and the  
25 documentation systems have change over time certainly with

1 technology.

2 Q. Understood. And in general, what are some of the no-sail  
3 items that you typically see? I'm speaking general.

4 A. Lifesaving deficiencies, firefighting deficiencies, major  
5 systems inoperable like bilge systems. Those are three big ones.

6 Q. Okay. Just curious again. Now, kind of honing in onto  
7 *Conception*. What are some of the no-sail firefighting  
8 deficiencies that you have generally come across? Not related to  
9 the *Conception* but just in general.

10 A. (indiscernible) systems not being serviced, fixed systems not  
11 operable, portable fire extinguisher is either not on board or  
12 discharged. If a small passenger vessel requires a fire pump, the  
13 fire pump being inoperable or the hoses leaking, things like that.

14 Q. Okay.

15 A. So we're talking about equipment failures here or failure to  
16 maintain the equipment are the most common.

17 Q. Okay. So. and now thinking of no-sails -- and thank you for  
18 generalizing that. We understand that they're -- well, let me  
19 back up. So there's a no-sail vessel, owner repairs it. It's all  
20 done. It's all cleared. It's documented in MISLE. But fast  
21 forward another year and the same things or similar things repeat  
22 itself and the vessel again gets no-sailed.

23 So, my question is, is there such thing as a high-risk  
24 player? And any tracking like, hey, you know what, company X is  
25 -- these guys play by the rules, they're pretty up on their stuff,

1 and company Y is not quite, you know, not quite there, generally  
2 speaking?

3 A. Marine inspectors are required to, and they do review a  
4 vessel's record before conducting the inspection and will identify  
5 if there's an excessive amount of deficiencies just so they can be  
6 aware of this. But we don't maintain a hit list, if you will, or  
7 a list of bad or good players.

8 Q. Okay. And that leads into my next question. So, if these  
9 problems are just repeated over and over and over again where a  
10 vessel is no-sailed, repaired, no-sailed, back in order again, is  
11 there any -- in your history, in your time there, has there ever  
12 been something that you remember of a COI being, I guess, revoked  
13 from a vessel owner for this kind of performance?

14 A. So, yeah. We are aware of operators who are nonconforming  
15 and noncompliant or one or the other. And typically, and this is  
16 something actually we have done quite often, we'll communicate  
17 with the owner/operator with a letter of concern or we'll ask an  
18 owner or operator to come into the office to talk about the  
19 condition of their vessel and why these deficient conditions keep  
20 recurring.

21 Q. Okay.

22 A. More recently, with the Mission Management System's  
23 directives from our CVC, Office of Commercial Vessel Compliance,  
24 the formalizing of vessels that have reached a certain level, now  
25 reaches a criteria of a detention. And if vessels have been

1 detained in the past, we would perhaps utilize one of these  
2 methods to gain compliance.

3 Now, although a letter from the Chief, Inspection Division or  
4 the Officer in Charge of Marine Inspections may be a formal  
5 letter, these are really still, I believe, informal processes that  
6 are used for compliance in an individual area. And this may or  
7 may not be common throughout the Coast Guard, but it's something  
8 that we've used several times even in this last year with other  
9 vessel owner/operators. And it serves to put them on notice that  
10 we're concerned.

11 Q. Okay. Thank you for that. Now narrowing in with respect to  
12 Truth Aquatics, I understand they have three vessels: the *Vision*,  
13 the *Conception*, and the *Truth*. What's your knowledge of that  
14 company? You know, just from your -- I understand that you've got  
15 a broad view in the inspection's world, but what was your  
16 knowledge of this company before the accident?

17 A. Truth Aquatics and the owner of Truth Aquatics or the  
18 operator, Glen Fritzler, was always very conversant with us. They  
19 had a good reputation for being good operators. They were always  
20 more than willing to engage in conversation about vessel  
21 operations.

22 Q. Okay. And had you -- again, you've got a good tenure at  
23 sector, had you ever come across any problems with this company or  
24 any of their vessels? And if so, can you elaborate on that?

25 A. We've always had a good relationship with Truth Aquatics. I

1 think problems is very general. All vessels are subject to some  
2 kind of failure, whether it's from an accident, like the grounding  
3 of *Conception* and the subsequent hull repair, or the failure of a  
4 pump or some other system aboard. But as far as being in the  
5 category that would then -- we would then generate a letter of  
6 concern, we've never had to do that with Truth Aquatics.

7 Q. Okay. And staying in the Truth Aquatics pathway here, have  
8 you been up to the MSD? Have you participated in any -- I  
9 understand in 2005 you were around there, but participated in any  
10 inspections or anything related to Truth Aquatics?

11 A. I've been up to the MSD many times. I have done inspections  
12 in the MSD zone when the inspectors were on leave or they weren't  
13 available. I don't recall. Although, I could go back into the  
14 record. I don't recall physically doing any inspections on Truth  
15 Aquatic vessels.

16 Q. Okay.

17 A. But I would need to do a record search to see whether that  
18 was the case.

19 Q. Okay. That's fine, and that was going to go to my next  
20 question. So -- but you kind of answered it. So you're back and  
21 forth to the MSD quite a bit and you mentioned you will do fill-  
22 ins for marine inspectors that are away. How often would you be  
23 up at the MSD, say, in the run of a year?

24 A. When I was a deck plan inspector previously, I would be up  
25 there perhaps three or four times a year. Currently, at least

1 once a year, sometimes twice. But currently, in my role right  
2 now, I don't regularly do inspections.

3 Q. Okay. All right. Changing lanes here. We understood from  
4 -- that the Inspections Division will also engage in outreach  
5 activities.

6 A. Yes.

7 Q. Specifically with the owners/operators of small passenger  
8 vessels T-boats. Can you tell me what these outreach activities  
9 are and what you guys do for that?

10 A. We do outreach activities on all vessel types. On small  
11 passenger vessels, on T-boats, we typically do an annual outreach  
12 in LA/Long Beach around the first of the year. And previously, we  
13 did an annual or a biannual outreach at the Marine Safety  
14 Detachment, whereas I would attend that.

15 And so, these outreach activities typically would have an  
16 agenda that lasts anywhere from half a day to three-quarters of a  
17 day, and they would involve a public meeting in a public place,  
18 whereas the Coast Guard, Coast Guard marine inspectors would talk  
19 about a variety of subjects, such as new regulations, problems  
20 that we're seeing in the fleet, trends, and other subjects that we  
21 believe are most pertinent to that vessel population. Also,  
22 during these outreach activities, typically we would invite  
23 speakers from the industry, speakers that have a broad  
24 perspective, such as a vessel -- you know the presidents of vessel  
25 groups that represent vessel interests, such as the Sportfishing

1 Association of California that has members throughout this zone.  
2 And also, during those outreach activities, we would invite  
3 comments and interaction from the vessel owners who would attend.

4 Q. Okay. And so, you mentioned you guys create an agenda. Just  
5 curious. Does the Coast Guard maintain any type of minutes of  
6 these meetings and of these outreach activities?

7 A. We have past agendas for many of the activities but we don't  
8 typically have minutes.

9 Q. Okay. And do you guys take attendance when you're there? Do  
10 you maintain a record of attendance like what companies, who shows  
11 up, who doesn't?

12 A. Yeah, we typically take attendance.

13 Q. Okay.

14 A. We may or may not have records of attendance.

15 Q. Okay.

16 A. We may or not have records of past activities but we have  
17 many of them.

18 MR. TUCKER: Okay. That might be something I'll just be  
19 asking for within the past year or something. But I'll follow up  
20 with the captain later on that one.

21 I'll tell you what, I'm going to take a break. I've been  
22 doing a lot of talking. Again, Mr. McGuigan, a big thank you for  
23 speaking with us. I will have a couple follow-ups for sure, and  
24 we'll let Mr. Muise -- do you want to go next?

25 MR. MUISE: Sure. I can go next. Good afternoon, sir. So,

1 my name's Marcel. My role in this is survival factors, which is  
2 looking at the incident from a mitigation point of view. So,  
3 assuming we can't always prevent fires, how do we help people  
4 survive, you know, through firefighting and lifesaving and search  
5 and rescue and that kind of stuff.

6 INTERVIEW OF TERRANCE MCGUIGAN

7 BY MR. MUISE:

8 Q. I don't have a whole lot of questions, just a few follow-ups  
9 mostly. I've heard this a couple times now. What is this Mission  
10 Management System?

11 A. It's a system of instructions similar to the ISO 9000 series  
12 for business management. But it's crafted specifically, you know,  
13 for the Coast Guard, and within the community that I'm in, the  
14 prevention community, it's crafted for our daily operations.

15 Q. So is that where you would find the TTPs and work  
16 instructions?

17 A. Generally, yes.

18 Q. Do those replace the Marine Safety Manual or just supplement  
19 it?

20 A. I'm not sure if they supplement it but they're in addition to  
21 the Marine Safety Manual. Yes.

22 Q. Okay. Is this specific to prevention or inspections or is  
23 that a Coast Guard-wide system now?

24 A. Mission Management System, that I'm familiar with, is  
25 specific to prevention. I don't have the view for the other Coast

1 Guard mission sets and Mission Management System, although, there  
2 are instructions in general and that I'm very familiar with for  
3 other missions in the Coast Guard.

4 Q. Okay. Thank you. Can you talk to me a little bit about  
5 fiberglass over wood T-boats? I'm only familiar with wood and  
6 glass, but not what the requirements are for a glass over wood.  
7 Obviously, you can't pull fasteners, so what are some of the  
8 requirements you look for in glass over wood?

9 A. So, and I'll take some liberties here. I believe, if you  
10 could clarify, what you're talking about is how do we do an  
11 inspection of various vessel construction types?

12 Q. Exactly. Right. Specifically, the glass over wood because  
13 you can't see the plywood below the glass.

14 A. I think in all of these construction types, the first  
15 challenge for the marine inspector is to determine what is the  
16 construction type. And there's many of them and I won't go into  
17 those unless you want me to. So some constructions type -- I'm  
18 sorry. Go ahead.

19 Q. Well, to elaborate, I think the *Conception's* COI or the  
20 critical profile said it was a wooden vessel. And there's certain  
21 rules that apply to wooden vessels but that you can't follow  
22 through just because everything's covered up with a layer of  
23 glass.

24 A. So wood vessels have probably the broadest variety of  
25 construction types of any vessel. It could be plain wood frame.

1 It could be plywood. It could be some kind of hybrid. It could  
2 be longitudinally framed, transversally framed. Fastener types  
3 can take a variety of -- it's just a variety of different types.  
4 Many fiberglass, many plywood boats have fiberglass overlay,  
5 whereas the fiberglass is merely a protective coating. Although  
6 it may add strength, the primary strength of the vessel, the  
7 primary construction is the wood. The vessel gets its structural  
8 integrity from the wood and, in this case, it's plywood,  
9 longitudinally framed vessel. And then the fiberglass on top of  
10 that serves to protect the plywood and add some strength.

11 Of course, there is a -- and I don't want to say of course,  
12 but this could also be continuum, whereas it only adds 10 percent  
13 of the strength, you know, all the way up to a large percentage of  
14 the strength.

15 Now, in longitudinally framed or some other types of vessels,  
16 fasteners and the types of fasteners and where these fasteners are  
17 positioned, take on a different role. I think vessels that have a  
18 mono caulk or a molded hull type that's often the case with  
19 plywood, the fasteners that are of primary importance are those  
20 fasteners that hold the framing together on the inside of the  
21 vessel. And fasteners that fasten actual plywood to those frames  
22 have a secondary effect for the strength, but they have a primary  
23 importance when the vessel was constructed.

24 So, unless there is some kind of failure that's observed  
25 during the inspection, we wouldn't necessarily pull the fasteners.

1 If there's some kind of failure observed by the marine inspector,  
2 then we would grind through that fiberglass and determine, you  
3 know, what the cause of failure is; is it a fastener failure,  
4 which is more unlikely than a failure of the actual wood structure  
5 itself. Am I being clear at all here? I think I maybe --

6 Q. Yeah.

7 A. Because it's a very, very broad subject.

8 Q. Sure. That's okay. I understand. I read that you  
9 considered this a wooden vessel. So if the fiberglass is not as  
10 structural, does the flammability of the resin, those  
11 requirements, still apply if it's not a purely glass boat?

12 A. You know, I would need to do a reg check to see what our  
13 requirements are for utilizing fire resistant resin on the hull  
14 structures, you know, the exterior hull structure of wooden boats.  
15 But the fire resistant fiberglass resin, the standards are based  
16 on a wooden standard, whereas typically fire resistant resin meets  
17 that flammability of wood, and depending on where the construction  
18 was, I think that's just a relevant fact.

19 Q. Okay. Thank you. Moving on. Are you familiar with a risk  
20 matrix for T-boats that's similar to your port state control  
21 matrix?

22 A. Yes. I'm familiar with the risk-based decision-making matrix  
23 for T-boats.

24 Q. Is that something that your sector uses or is it -- I  
25 understand it's an optional program for the (indiscernible).

1 A. We don't use it daily, on a daily basis.

2 Q. And what factors are included in that matrix?

3 A. Age, construction type, vessel's past record of deficiencies.  
4 I would need to actually pull at the matrix for a complete list.

5 Q. Okay. Thank you. And I just have a couple specific  
6 questions about T and, again, if you don't know that's fine. But  
7 I'm curious about the fixed firefighting requirements for the  
8 galley itself.

9 So reading in 181, the way I read it is, all right, impact  
10 fires, criticals, that kind of things require a range hood, and  
11 then further on it says a range would need either a dry or wet  
12 chemical fixed system. Is there any reason why a vessel might be  
13 exempted from that or not have one of those installed, even though  
14 they had a range hood?

15 A. I would need to do a reg check to specify why an exemption  
16 might be granted.

17 Q. If there was an exemption, that would be an inspection note  
18 or that would be right on the COI?

19 A. Typically, it would not be on the COI. The COI states what's  
20 installed on the vessel. That could be an inspection note.

21 Q. Okay. And regarding lifesaving, I understand this boat had  
22 -- the life floats were underneath the plywood and glass cover  
23 that were not tied down. Is that common in your AOR to just cover  
24 everything up, I guess, to keep the birds away?

25 A. One of the things that our inspectors kind of zero in on is

1 that the life floats continue to be float free. Most owners try  
2 to protect their equipment so they're just not destroyed by birds  
3 and weather. But we're very cognizant of whether the lifesaving  
4 gear will float free in the event of a casualty and be able to be  
5 manually launched if that's the occasion.

6 Q. Okay. Thank you. And my last question's about radios. And  
7 I understand this isn't a requirement, but have your inspectors  
8 ever looked to see if the VHF is equipped with digital selective  
9 calling, if that's hooked up to a GPS, or -- and/or does it have  
10 the MMSI number programmed into it? Is that something they  
11 look --

12 A. Yeah. That's part of the inspection is to verify that they  
13 have their right type of radio on board. Several years ago, when  
14 that became a requirement, we screened all of the vessels for the  
15 right type of DSC and whether it was required to be connected to  
16 GPS or not.

17 Q. Okay. Those are FCC rules; is that right?

18 A. The radio requirements are FCC rules.

19 MR. MUISE: Okay. That's all I have for you.

20 Adam, thank you.

21 MR. MUISE: All right. Thank you.

22 MR. TUCKER: All right. Thank you very much.

23 Mr. McGuigan or anybody on the call, anybody need a break or  
24 shall we continue?

25 MR. MCGUIGAN: No, I'm fine.

1 MR. TUCKER: Okay. I'd also just like to note that Mr. Drew  
2 Ehlers, he has dropped off the call. So he is no longer a part of  
3 this conversation. He had to go for an appointment; hence the  
4 reason why we asked him to go first with the questions.

5 So, to that then, we're going to Mr. Bart Barnum from the  
6 NTSB. Bart.

7 MR. BARNUM: Yes. Good morning, I guess on the West Coast.

8 Mr. McGuigan, thank you again very much for speaking with us.  
9 Personally, it's been very informative for me and I appreciate it.  
10 Thank you.

11 MR. MCGUIGAN: Morning.

12 BY MR. BARNUM:

13 Q. Kind of backing up, you talked earlier about plan review.  
14 And background on me, I'm leading the engineering group chair for  
15 the NTSB investigation, so more concentrating on the engineering  
16 aspects of the *Conception*. So, I just have a few questions  
17 regarding the plan review process and how it was conducted there.  
18 You mentioned that there's a plan review officer. Is that for the  
19 entire sector; is that at the detachment? How does that work?

20 A. We have a senior rating inspector typically whose primary  
21 duty is having an oversight of the plan reviews that are taking  
22 place at -- not only LA/Long Beach, but at the Marine Safety  
23 Detachment. And that's just to provide a central point of  
24 contact. So the plan review officer, the title may be a little  
25 bit of a misnomer. Oftentimes, all they do is coordinate plans

1 that have been approved at the Marine Safety Center with  
2 inspections that are happening on the vessels, or they serve as a  
3 central point for answering questions from the industry on  
4 different modifications or proposals, that kind of thing.

5 They'd also give information to the marine industry about  
6 whether their plans need to be submitted to the Marine Safety  
7 Center or we can do that here. The plan review officer maintains  
8 our plan review files and may, in coordination with a domestic  
9 branch chief, assign projects to other officers for plan review,  
10 follow through, and inspection as well.

11 Q. Okay. All right. Is that traditionally a civilian that has  
12 more tenure that may stick around longer or is that sometimes  
13 military personnel?

14 A. Both. It depends on the personnel that we have in the office  
15 at the time. Previously, it was a military officer and then for a  
16 long period of time we had a very talented civilian and,  
17 currently, it's a military officer again.

18 Q. Okay. Referencing the training aspect, I understand the  
19 MSC's whole role in this plan review process, and I understand  
20 that a lot of it is done locally either at sector or you mentioned  
21 earlier, smaller, simpler things at the detachment. So what type  
22 of training are the inspectors getting to perform these plan  
23 reviews?

24 A. So the senior marine inspector may attend the Coast Guard  
25 plan review course. Now this plan review course has not been a

1 consistent course at the Coast Guard Training Center in Yorktown.

2 Q. Okay.

3 A. We have not had a specific training program or plan or  
4 requirement for that plan review officer, but it's someone who is  
5 selected who's a senior member, well seasoned, and has good  
6 administrative skills.

7 Q. Okay. How long is that course in Yorktown?

8 A. I believe it's a 1-week course. And I'm not certain that  
9 it's being offered at this time. Historically, they've had a  
10 course from time to time.

11 Q. All right. So at what point do you, as a plan review officer  
12 or an inspector, at what point do they reach out to the MSC? Is  
13 there a certain threshold or is it completely determined by their  
14 opinion?

15 A. No. The CFR is specific about vessel sizes. Certainly  
16 vessels over 65 feet, those plans are reviewed by the Marine  
17 Safety Center. We will typically, though, look at -- if the plans  
18 come to us, we'll do an evaluation. And if they are small and  
19 relatively straightforward systems, whereas if there is a clear  
20 regulatory direction and no technical or engineering evaluation,  
21 we will do those ourselves.

22 Q. Okay. Now do you require in order to have a professional  
23 engineer submit these plan reviews or can they do it on a sheet of  
24 paper themselves?

25 A. So certainly the Coast Guard does have a policy standard for

1 plans submitted by professional engineers. Typically plans  
2 submitted by professional engineers, though, will go to the Marine  
3 Safety Center for an oversight, but plans can be submitted by  
4 anyone.

5 Q. Okay. All right. Thank you. So, a couple more questions  
6 here. You had mentioned -- this is *Conception* specific. You had  
7 mentioned you weren't in your current role back in 1999, but you  
8 had worked on or you had reviewed the plan review for the CO2  
9 system, and then also in 2001, the galley fire system. Did you  
10 also -- I was looking through MISLE and there's also a plan review  
11 in 2000 for changing out of SL wiring. Were you involved in that  
12 one as well?

13 A. I would need to look back in that case. But typically, when  
14 there's a change out of the wiring type it's because of a  
15 deficiency which is detected by the marine inspector. Portable  
16 electric cord is not permitted for permanent vessel electrical  
17 systems. So, the change out of wire may not reach the level of a  
18 plan review, where a plan is submitted and approved. But I would  
19 need to research that specific case.

20 Q. Sure. Would you mind if I followed up with you on that  
21 specific topic?

22 A. Absolutely. We can do that.

23 Q. Okay. Great. Thank you. I've been trying to track down on  
24 that, and the owner has also written an appeal. Will appeals come  
25 to you directly or does that go somewhere else?

1 A. Appeals come through the Inspection Division. Whether it  
2 would come to me just depends on how we're dividing our labor and  
3 availability at the time.

4 MR. BARNUM: Sure. Great. Mr. McGuigan, thank you again.  
5 Appreciate it. That's all I have right now.

6 MR. MCGUIGAN: Thank you.

7 MR. TUCKER: All right. Well, let's let the NTSB guys take a  
8 break and we have Commander Mike. Do you have any questions?

9 CDR [REDACTED]: I do, sir. I'd like to just follow up on  
10 some of the topics you all brought up, if that's okay.

11 MR. TUCKER: Sure.

12 BY CDR [REDACTED]:

13 Q. Okay. Terry, good morning to you in your time, I guess,  
14 right?

15 A. Good morning, Commander. Yes, it is. It's 10:24 here.

16 Q. All right. Just to help out with following up on some of  
17 these topics. Terry, could you go over the difference between old  
18 T and new T vessels in terms of applicability and how the  
19 *Conception* would fall into that spectrum?

20 A. I mean, in general, we should always start -- inspectors  
21 should always start with new T in inspecting every vessel. And  
22 then under specific subsections determine whether a system could  
23 utilize standards -- previous standards or need to utilize the  
24 existing standards.

25 Q. Thank you, Terry. And would the delivery date of the

1 *Conception*, being in 1981, per the certificate of inspection,  
2 would that place it in the typical applicability as an existing  
3 vessel or a newer T vessel when you're using new T regulations?

4 A. So for many of the subsections, it's an existing vessel. For  
5 most of the subsections, it's an existing vessel.

6 Q. Okay. And another part to the old Subchapter T regulations,  
7 there's also some vessel types called S or L within the T  
8 regulations in old Subchapter T. Could you comment on S or L and  
9 if you know which one the *Conception* is?

10 A. The *Conception*, I believe, and I'll take a look at the COI  
11 here -- was an L vessel because of the size.

12 Q. Okay. And so, that was just background for the follow-on  
13 questions to the NTSB questions, but the next question is in  
14 regard to the roving patrol. We discussed that the COI has an  
15 endorsement within the routes for the roving patrol. And I wanted  
16 to bring up with you that when the *Conception* COI was first  
17 issued, was new T in existence then?

18 A. So could you repeat that question again?

19 Q. Yes, Terry. Sorry. So new Subchapter T was issued before or  
20 after the *Conception's* COI was first issued?

21 A. So new Subchapter T did not exist in her initial inspection,  
22 her initial COI. New T did exist when her COI was renewed in  
23 November of 2014.

24 Q. Thank you, Terry. So if the crew requirements have changed  
25 between old Subchapter T and new Subchapter T for this patrolman

1 duty, would you have expected the endorsement to change or would  
2 it stay the way it was originally under old T?

3 A. No, the endorsement would change for manning.

4 Q. Okay. Thank you. The next question has to do with the hull  
5 type. We discussed the hull type of the *Conception*. In MISLE  
6 there's a special note that describes the *Conception* as a  
7 fiberglass reinforced plastic over plywood with nonstructural  
8 bronze screws. And my question for you, if you know, is: Do you  
9 know how the structural plan review would have been done? Would  
10 it have been reviewed to a composite standard or a wood standard  
11 or some other technique like the 5-year rule?

12 A. Yeah. I don't know how the *Conception's* structure was  
13 reviewed when she was first built. The note of nonstructural,  
14 though, I would like to comment on nonstructural bronze screws. I  
15 think that's not in -- the structural or nonstructural, I'd put in  
16 a special note, is not a defined term. Certainly, all of the  
17 fasteners that were in the vessel were put in the vessel for some  
18 reason.

19 Q. Okay. Thank you. Also, we discussed detentions and the  
20 perhaps lack of safety management systems on Subchapter T vessels  
21 in your zone. Could you talk about the recent introduction of the  
22 Coast Guard 835V form and the procedures that lead us to how we  
23 detain a vessel? Do you know how the words "proactively managed"  
24 are used in there?

25 A. So 835V and utilizing a detention framework or detention

1 criteria for small passenger vessels is relatively new. I think  
2 of it as a use of force, with a lowest level perhaps being a  
3 conversation from the inspector to the owner and the highest level  
4 being a formal detention. I think the criteria for detention is  
5 -- the reason for that is to get an owner/operator's attention,  
6 put them formally on notice that the Coast Guard is concerned and  
7 to formalize the condition of the vessel, whereas in the past  
8 perhaps this was not done in a way which would allow us to act in  
9 the future when it comes to subsequent inspections.

10 Q. Thank you, Terry. Also, with regard to the galley vent hood  
11 and fixed fire extinguishing requirements, there's a special note  
12 in MISLE with regard to that, that said the OCMI waived the  
13 requirements of 46 CFR 181.425 using GMSE for policy letter 199,  
14 and that specifically referred to the galley vent hood and fixed  
15 fire extinguishing requirements.

16 Are you familiar with the GMSE for policy letter 199 and that  
17 decision?

18 A. Yes. I am familiar with that, although I don't have it in  
19 front of me and I don't have the specifics for the *Conception* in  
20 front of me. I do know that we used the policy letter for the  
21 approval of the fire detection system. I would need to go back  
22 into the history to determine anything in addition to that.

23 Q. Thank you. And just one general question. In the follow-up  
24 to the *Conception* fire, there's been a Coast Guard-wide effort to  
25 address certain risk areas on small passenger vessels with

1 overnight passenger accommodations. This was advertised through  
2 MSIBs as well as, you know, other instructions that went directly  
3 to the Coast Guard inspectors. What observations or deficiencies  
4 have you noted amongst LA/LB's fleet that has overnight passenger  
5 accommodations? Are there any patterns or recurring issues?

6 A. The most common are mattress flammability. Another one that  
7 we've seen many of is electrical issues with oversized circuit  
8 breakers and daisy-chained circuit strips.

9 CDR [REDACTED]: Okay. Thank you, Terry. Then that's all I  
10 have.

11 MR. McGUIGAN: Thank you.

12 MR. TUCKER: All right. Thank you, Commander.

13 And LCDR [REDACTED], anything from you?

14 LT [REDACTED]. Good morning everyone. This is LT [REDACTED] from  
15 the Investigations NCOE. My counterparts at NTSB and Commander  
16 have asked a lot of great questions. I have nothing additional.  
17 Thank you.

18 MR. TUCKER: All right. Thank you, sir. And I apologize for  
19 the mix-up in the rank and the promotion.

20 All right. So, we'll move on then. Mr. McGuigan, you still  
21 okay? Do you need a break or anything or you good?

22 MR. McGUIGAN: No, I'm fine. I'm fine right now. Thank you.

23 MR. TUCKER: All right. Well, did I miss anyone in the  
24 questions?

25 Okay. Well, I guess that's back to me then.

1 BY MR. TUCKER:

2 Q. So, this is Adam Tucker with the NTSB. And so, one question  
3 I forgot to ask specific to Truth Aquatics, Mr. McGuigan, have you  
4 ever seen a no-sail or detention issued against any vessel of  
5 Truth Aquatics in your tenure there?

6 A. I have not seen a detention. I believe I've seen no-sails  
7 issued to Truth Aquatics vessels, although, I would need to go  
8 back into the MISLE to verify that.

9 Q. Okay. Yeah, I'll probably be asking you to follow -- help me  
10 follow up with that one, if you don't mind.

11 A. Okay.

12 Q. You mentioned as well the review of the fire detection  
13 system, and there was a reference of -- I'm going to get it wrong  
14 because I can't read my writing, the GMSE policy letter and using  
15 that as a form of approval for the fire detection system. Can you  
16 tell me what you remember of that?

17 A. The systems on board the vessel were not such that they're  
18 able -- the vessel type size was not such that the standard in the  
19 CFR was appropriate to it. So we have a policy letter that  
20 permitted smaller vessel types to utilize an alternative standard  
21 for the galley fire detection, and we applied that and did the  
22 plan review locally because we had a very specific policy that  
23 applied in this case.

24 Q. Okay. And just to clarify, so that's -- you're specific to  
25 galley fire detection, not fire detection in general on board

1 throughout the whole vessel?

2 A. Yeah. That's correct. The galley fire detection only.

3 Q. Okay. And --

4 A. We would have received plans from the owner/operator or  
5 whoever they designated for that system and then we would have  
6 compared it to the standards and to the direction in the policy  
7 letter and either -- ultimately, in this case, approved it.

8 Q. Okay. Do you have idea what time of year -- when that took  
9 place, what year?

10 A. In February, February of 2001. And that's because I have the  
11 MISLE case open in front of me.

12 Q. Okay. Since you have it in front of you, anything else we  
13 need to know with respect to that case?

14 A. I mean, I referenced -- because I wrote the MISLE case, I  
15 referenced MOC policy letter 4-98.

16 Q. Okay. Can you say again the letters of it?

17 A. Mike-Oscar-Charlie. Policy letter 4-98.

18 Q. 4-98. Understood. Okay. All right. Thank you for that.

19 Going to backtrack here a little bit. Just in general,  
20 again, you've got a wealth of experience, wealth of knowledge, and  
21 we've only got a short time to try and get all this from you.

22 Back to your time when you were at sector, I understand you were  
23 not in your present role, but sounds like you were -- back in the  
24 late '90s, I guess you were a part of this transition from old T  
25 to new T. Just curious what your role was back then and, in

1 general, can you comment on some of the challenges or concerns or  
2 issues that the existing vessels had with coming up to the  
3 applicable new T requirements for them? I hope I worded that  
4 correctly.

5 A. Yeah. So, my role changed over time, from being a marine  
6 inspector inspecting a variety of vessels to being the point of  
7 contact for plan reviews, the plan review officer. During one of  
8 the transitions from old T to new T, and there are a couple  
9 transitions over a number of years depending on the specific  
10 requirement in Subchapter T, I was the plan review officer here.  
11 And I think a primary challenge was identifying the vessels,  
12 obtaining -- because of the number of vessels that that applied to  
13 here, organizing, obtaining plans for the vessel owners, and  
14 scheduling inspection time on them. As far as vessels being in  
15 compliance or not being in compliance, we would work through those  
16 challenges individually.

17 Q. Okay. And to that, do you remember any type of -- any vessel  
18 owners or companies which just basically said, I can't comply with  
19 the new regs and I have to shut down because of the new regs? Did  
20 that ever take place to your knowledge?

21 A. I don't recall any vessels that were put out of service, you  
22 know, companies that were shut down as a result.

23 Q. Okay. Any vessels decommissioned or COIs removed; do you  
24 remember?

25 A. We would certainly, and this is a general comment, issue no-

1 sails past a certain point, if a vessel could not comply with,  
2 certainly, say, installing a fixed fire extinguishing system in  
3 the engine room or installing other similarly relatively expensive  
4 pieces of equipment.

5 Q. Okay.

6 A. I mean, we have a range of compliance options. That one is a  
7 range -- that one is a, whereas it's not ultimate one, if you  
8 will, but it's one that has more of an immediate effect on the  
9 vessel owner.

10 Q. Understood. Shifting gears again, general question. If an  
11 inspector goes on board and does an inspection on a T-boat and the  
12 T-boat meets the regulations, the intent, but the inspector sees  
13 something, it could be anything, is there -- and he or she just  
14 gets that bad feeling like the boat meets the regulations but I  
15 don't like this, my question is, is there -- how is that managed  
16 or does it even happen? Is there like a repository of, you know,  
17 items that are of concern even though the vessel meets compliance?

18 A. When inspectors get a bad feeling or they have an issue with  
19 a vessel operation, they're encouraged to, and to my observation,  
20 do engage in a conversation or have more engagement with the  
21 owner/operator. We don't keep lists or any kind of record of  
22 vessel issues that aren't directly related to noncompliance with  
23 the regulation or a policy. We certainly write a lot of  
24 deficiencies, issue a lot of CG 830 deficiencies to vessels that  
25 are not no-sails. We may write some that are longer termed in

1 nature of things that need to be taken care of, you know,  
2 certainly by next dry dock or something like that in the future.

3 Q. Okay.

4 A. But I'm not -- maybe I'm not really certain what your  
5 question is.

6 Q. Yeah. No, my question was that. Basically, if a vessel  
7 meets compliance but somebody still walks away with a bad feeling  
8 of, you know, I saw this there and I've got no reg to write it up  
9 on but I don't like it. Yeah. So you answered the question, I  
10 believe. To summarize, you mentioned it's the boots on deck, the  
11 converse with the owner, and then there are no further records  
12 related to that unless it's specific to noncompliance policy with  
13 respect to the regulations.

14 And to that point, I guess, is there any pipeline within the  
15 Coast Guard or within the sector for areas to improve? For  
16 example, an inspector says, you know, I'm seeing this time and  
17 time again on a vessel and there's no reg but I believe there  
18 should be a reg because this is important. Is there any avenue  
19 for an inspector to kind of bring that forward into the chain of  
20 command?

21 A. I think the inspection regs for small passenger vessels are  
22 very broad and there's some general catchalls, if you will. If  
23 there are items, if there are things, if there are conditions that  
24 we're seeing over and over again that inspectors believe are  
25 hazardous, this would be discussed inhouse and we would come up

1 with a strategy. Our discussions with the inspectors are  
2 frequent. Typically, when an inspector comes back from an exam,  
3 he or she sits down with the branch chief or a senior member of  
4 the division just to discuss the inspection. And I make it a  
5 point, when I can, to just ask marine inspectors, how did the  
6 inspection go? What did you see? Were there any problems?

7 Q. Okay. You mentioned the 835 as well, and are they -- I  
8 understand that -- we got to tag along for an inspection on a  
9 small T-boat, and so we got to see how the 835 forms are written.  
10 My question is, are those forms retained or once the data entry  
11 goes into MISLE they get discarded?

12 A. We retain those forms in a paper file; however, we are  
13 shifting, as we have new technology here, to more and more  
14 electronic files. So whether a specific 835 is retained or not,  
15 we would need to go into the existing paper files that we have.  
16 We currently have no policy or direction to shift completely in  
17 any kind of a specified manner. The 835s are manually retyped  
18 into MISLE and then, currently, we do keep copies of them as well.

19 Q. Okay. And are they kept at the sector level or at the MSD  
20 level?

21 A. MSD keeps theirs and the sectors keeps the ones for the  
22 vessels that were done here.

23 Q. Understood. Okay. Again, capitalizing on your background  
24 and wealth of knowledge, new T-boats, vessels constructed after, I  
25 guess, March 11th, 1996 --

1 A. Yes, sir.

2 Q. -- do you have a lot of those in your AOR?

3 A. I think that they are not the majority. I would need to do a  
4 data pull again to see. We do have new T-boats receiving their  
5 initial COIs or coming into the zone annually. The number that we  
6 have coming into it annually, I don't know what it is, but it's  
7 not infrequent. But most of our vessels still are old T, if you  
8 will.

9 Q. Okay. And to that point, are you seeing any new  
10 constructions out in your AOR?

11 A. Yes. Actually, we do. We have a number of new construction  
12 vessels coming here routinely. So, both built here or built  
13 elsewhere, typically in the Pacific Northwest or in Florida, but  
14 it's not uncommon at all.

15 Q. Okay. There's been a lot of conversation on this roving  
16 watch or watchman. I'm talking post-*Conception*, before the fire,  
17 before the accident. Were you aware or have you ever seen it roll  
18 across your desk where it has been found that this requirement has  
19 not been met by any of the marine inspectors?

20 A. No. I've never seen that called out. Typically this is  
21 something that occurs out of our sight. Typically, in review of  
22 the COI with the owner/operator, that'll be noted. But as far as  
23 noncompliance, I have not seen that before.

24 Q. Okay. And to that note then, you're not aware of any, like,  
25 letters to industry related to roving watches or watchmen?

1 A. No.

2 Q. Okay. Let me see. I'm getting down there. Don't worry.  
3 Just respect with your position at sector as the Assistant Chief  
4 of Inspections Division, is there any specialized training that  
5 you have to have in order to fulfill that role?

6 A. There's no required training to be the Assistant Chief  
7 Inspection Division.

8 Q. Okay.

9 A. However, there are performance requirements in my position  
10 description. And generally, the assistant chief is a fully  
11 qualified marine inspector. And the fully qualified means that I  
12 have those qualifications or certifications for all vessel types  
13 that we inspect in this area.

14 Q. Okay. And I was --

15 A. However, you know, a person coming into a position may be  
16 developmental. They'll have to have reached, you know, 90 percent  
17 of that position and then they'll be working on the rest of it  
18 during that tenure. But the civilian ACID typically is expected  
19 to have all qualifications there and serve as a continuity of  
20 knowledge with the marine industry in this area.

21 Q. Okay. And you just hit on another question I'm going to ask  
22 in a second. But because you have to have all of those  
23 qualifications, are you required to maintain currency in all of  
24 those qualifications as well as a marine inspector?

25 A. Yeah. I maintain recency and currency.

1 Q. Okay.

2 A. In all of them -- I'm not current in several of them.

3 Although, I am involved with those inspections on a day-to-day  
4 administrative and discussional basis. So I'm very familiar with  
5 the inspection of all vessel types, and because there are a  
6 variety of vessel types, I may not get on some of them to maintain  
7 currency but I do in general maintain currency.

8 Q. Okay. And you mentioned that you're a civilian and one of  
9 your roles there as a civilian is to maintain that continuity.

10 And of course, we've heard, you know, throughout this  
11 investigation, and past investigations as well, of the transfer  
12 season for the active duty Coast Guard personnel. In general, are  
13 there any challenges that you face with the turnover of active  
14 duty personnel related to your role?

15 A. Certainly. I think during the transfer season, qualified  
16 individuals that are at the unit may be more active or they may be  
17 doing more inspections until the incoming people either become  
18 qualified or, if they're qualified inspectors coming here, become  
19 familiar with this area.

20 Q. Okay. Anything else?

21 A. I think we have a number of civilian marine inspectors that  
22 have been here for a while and that really assists during the  
23 transfer seasons, both in being able to complete all of our  
24 required inspections as well as serving as a repository of  
25 knowledge for the training of new inspectors.

1 Q. Okay. And as it trickles to the MSD, MSD Santa Barbara, are  
2 there any civilians there?

3 A. One commercial fishing vessel examiner.

4 Q. Okay. And does -- I know it's a commercial fishing vessel,  
5 it's not in the realm of T-boat regulations, are you aware, and if  
6 you don't know, it's fine, of that individual's role in ensuring  
7 continuity as well?

8 A. No. He typically would not look at T-boats and just be  
9 focused on the commercial fishing vessels, and it's a full-time  
10 job for him.

11 Q. Okay. Let's see. You can tell by the silence I'm getting  
12 down to the end of my questions. I'm just double checking. Are  
13 there any --

14 A. Typically, just to add on to my last answer regarding  
15 continuity of inspections at the Marine Safety Detachment, it's  
16 not uncommon during the transfer season for inspectors from the  
17 sector here to travel to the Marine Safety Detachment to fill in  
18 until their personnel can either become familiar, transfer in, or  
19 come up to speed with qualifications. This is seasonally common.

20 Q. Okay. Just being the ACID, are there any requirements that  
21 you're aware of internally for a rotation of marine inspectors  
22 going to specific vessels? So, for example, anything in place  
23 that would not allow a marine inspector to visit the vessel once  
24 every 2 years or, you know, the same person visiting the same  
25 vessel over and over again?

1 A. No. We don't have anything in place that prevents a vessel  
2 inspector from visiting over and over again. I think notionally,  
3 we want a variety of marine inspectors to go on an individual  
4 vessel, but it's entirely possible that the same inspector will  
5 inspect a vessel over and over again, especially in a small unit  
6 like the Marine Safety Detachment that only has two inspectors.  
7 And previously, they only had one inspector.

8 MR. TUCKER: Okay. I think I'm going to get caught up. I've  
9 got the majority of my questions. I will for sure have one more  
10 or two.

11 And Mr. Muise, anything from you?

12 MR. MUISE: Sorry. No. I have nothing further. Thank you  
13 for your time, sir, and congratulations on your retirement.

14 MR. MCGUIGAN: Thank you.

15 MR. TUCKER: Okay. Mr. Barnum.

16 MR. BARNUM: Yeah. Thank you again, Mr. McGuigan. I just  
17 had a couple follow-ups.

18 BY MR. BARNUM:

19 Q. One kind of general. You said you stay relevant on most of  
20 your quals. Sometimes you're called up to MSD to do some fill-ins  
21 for inspections. Just curious. When you complete an inspection,  
22 what is your method of determining whether these night patrols,  
23 these patrolmen, are taking place? Strictly a discussion with the  
24 captain or is there any other technique that you use to ensure  
25 that it's being done?

1 A. No. I don't use any particular method to determine whether  
2 it's being done. Reading over the COI with the captain generally  
3 is a cursory read and I don't question the specifics unless the  
4 master has a question or the owner or vessel rep.

5 Q. Okay. And the only other question I had, just a verification  
6 for me -- I think I might have missed it. When you were  
7 discussing about *Conception's* galley, her detection system, was  
8 that strictly -- that attention or that change, or installation,  
9 was it detection or was it also suppression?

10 A. No. In the case of *Conception*, it was just a fire detection  
11 system.

12 Q. So then there was nothing in that policy letter that exempted  
13 it from the suppression?

14 A. I would need to go back into the policy letter. I'm looking  
15 at the MISLE case right now and I see, and I have a memory of it  
16 just being the fire detection system. Why it was exempted, I  
17 would need to go back into the policy and the reg to determine  
18 that.

19 MR. BARNUM: Okay. All right. Well, that's all I have.  
20 Thank you again, sir. Thank you.

21 MR. McGUIGAN: You're welcome.

22 MR. TUCKER: And Commander, anything from you? Any  
23 questions?

24 CDR [REDACTED]: Yes, sir. I just have a couple.

25 BY CDR [REDACTED]:

1 Q. So, this is Commander [REDACTED] again, Terry.

2 A. Yes, sir.

3 Q. Okay. Just had a question for you. Are you familiar with  
4 the means of escape from the passenger accommodations on  
5 *Conception*? Have you seen that at all?

6 A. I've seen pictures of it recently.

7 Q. Okay. And there are some differences between the old T and  
8 new T regulations on means of escape for egress from passenger  
9 accommodations, but I have a specific question. With new T, there  
10 are words used in the means of escape regulations like rapid  
11 evacuation in an emergency for the number of persons served, and  
12 allow easy movement of persons wearing life jackets.

13 Now, I know applicability in old T and new T are different  
14 things here, but could you comment on whether from your point of  
15 view on these means of escape from the accommodations, whether  
16 that would allow easy movement of persons wearing life jackets and  
17 rapid evacuation?

18 A. Well, I think the life jackets should be stored above deck.  
19 If they're stored below deck, we would be looking for a wider  
20 escape or more generous escape dimensions, if you will. As far as  
21 what rapid evacuations means, I'm not really sure if there are any  
22 specifics, you know, as far as time that would be applied to that.

23 Q. Okay. Thank you. This is a general question. I'll move on.  
24 You mentioned during your general follow-up to the *Conception* that  
25 you found some issues like mattress flammability, electrical

1 concerns, including a circuit breaker or daisy-chain issues, so  
2 forth. Do you happen to know if any of your marine inspectors  
3 found an issue with the use of combustible waste receptacles on  
4 any T-boats with accommodations?

5 A. We may have. I don't have any specifics in mind right now,  
6 either number or name of the vessels.

7 Q. Thank you. That would be good information for us.

8 Then also, if you know, you mentioned these issues like daisy  
9 chain and incorrectly sized circuit breakers, mattress  
10 flammability, things like that. Are any of these issues issues  
11 that you know would apply to *Conception*?

12 A. So the standards would apply to *Conception*. Whether  
13 *Conception* met them or not, I don't know.

14 Q. Thank you. And just one last question. There is a special  
15 note from 2000 in MISLE that mentions that PVC piping is not  
16 allowed in vital engine cooling system piping per the OCMI letter  
17 dated 06 July 2000. That one just caught my eye in terms of I'm  
18 wondering is this PVC piping an issue on *Conception* that you had  
19 to watch out for and why?

20 A. Generally, we run into PVC piping used for repair on engine  
21 systems and other vital systems on small passenger vessels and  
22 write requirements for that PVC to be replaced. Whether this was  
23 a specific problem on *Conception*, I do not know, but I certainly  
24 see the special note in the MISLE file.

25 CDR [REDACTED]: Okay. Thank you, Terry. That's all I

1 have.

2 MR. TUCKER: All right. Thank you.

3 Lieutenant?

4 LT [REDACTED]. And good morning. I do not have anything else  
5 additional. Thank you.

6 MR. McGUIGAN: Thank you.

7 MR. TUCKER: All right. Back to me.

8 BY MR. TUCKER:

9 Q. This is Adam Tucker with the NTSB. Mr. McGuigan, I always  
10 save, sometimes, it's the most important question for last. In  
11 this case, there are two.

12 A. All right.

13 Q. Have we failed to not ask you any specific question related  
14 to this casualty that you feel may be important or essential to  
15 share with us?

16 A. I can't think of anything that is standing out in my mind  
17 that hasn't been asked. No.

18 Q. Okay. And post-casualty and certainly an accident of this  
19 magnitude, we all have to -- you know, all of us have kind of sat  
20 back and gone what went wrong here and what can be done to make  
21 sure this never happens again. Just curious. Again, from your  
22 knowledge and your experience, your background, any ideas or  
23 thoughts as to what you would do to make sure this wouldn't happen  
24 again if you had the playbook?

25 A. I think the human factors in vessel operations are always the

1 most important. You know, vessel equipment, vessel construction,  
2 vessel operating parameters are only a part of maintaining safety.  
3 And I think that human element is absolutely vital and it's an  
4 element perhaps that we could bring more into focus. And I'm  
5 talking about the element of systems, not necessarily  
6 credentialing.

7 Q. And when you mean -- when you say systems, what do you mean  
8 by that?

9 A. So a prudent mariner or an experienced mariner can take  
10 perhaps the most, what you would call, unseaworthy boat and make  
11 an incredible -- and I'm using an analogy here to answer.

12 Q. Sure.

13 A. And make the most incredible voyages. What are the elements  
14 that go into these safe or successful voyages? I think the  
15 identification of those elements, and then utilizing them, you  
16 know, perhaps a standard or policy in the future would add to the  
17 safety of vessels.

18 Q. Okay. Any particular standards or policies in the future  
19 that you have in the back of your mind, and if you don't want to  
20 answer that's fine, too?

21 A. Yeah. I wouldn't want to speculate on that. I think this is  
22 an area which is not in my expertise, but I just see it as being  
23 common to all vessel operations.

24 MR. TUCKER: Understood. Well, to that note, sir, a big  
25 thank you again. It's been a wealth of knowledge. We've been

1 almost exactly 2 hours on this. So, we've learned a lot and  
2 personally, a big thank you. And good luck and the best, and  
3 congratulations in your retirement as well.

4 Any further comments from anybody else on the line?

5 UNIDENTIFIED SPEAKER: No. None here. Thank you.

6 MR. TUCKER: All right. So, then to that, I'm going to hit  
7 pause on the recording and the time is 1411 Eastern Standard Time.

8 (Whereupon, at 2:11 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.

FIRE AND SINKING OF THE CONCEPTION  
WITH LOSS OF LIFE NEAR  
SANTA CRUZ ISLAND, CALIFORNIA  
SEPTEMBER 2, 2019  
Interview of Terrence McGuigan

ACCIDENT NO.

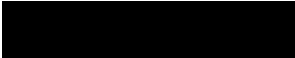
DCA19MM047

PLACE

DATE

November 22, 2019

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.

  
Brenda Field  
Transcriber

## Errata

Interview of Mr. Terrence McGuignan

<u>Page &amp; Line</u>	<u>Correction</u>
P.25 - Line 24	"plane" change to "plate"
P.28 -Line 6	The first name of the witness: "Terrance" change to "Terrence"
P.30 – Line 18	"mono caulk" change to "monocoque"