



National Transportation Safety Board

Washington, D.C. 20594

Office of Marine Safety

THE FOLLOWING DOCUMENT IS A SUMMARY OF THE UNITED STATES DEPARTMENT OF JUSTICE DEPOSITION OF MR. LIANG XIAN ZHENG, TAKEN FROM OCTOBER 27, 2008, TO OCTOBER 29, 2008, PURSUANT TO RULE 15, FEDERAL RULES OF CRIMINAL PROCEDURE.

FOR PROCEDURAL AND EVIDENTIARY REASONS, TO INCLUDE PROTECTING THE INTEGRITY OF THE CRIMINAL PROSECUTION, THE JUDICIAL PROCESS, AND THE RIGHTS OF THE INDIVIDUAL DEFENDANTS AND MATERIAL WITNESSES, THE TRANSCRIPT OF THE DEPOSITION WILL NOT BE REPRODUCED IN THE NTSB'S PUBLIC DOCKET UNTIL A DETERMINATION IS MADE BY THE OFFICE OF GENERAL COUNSEL THAT ALL CRIMINAL LITIGATION RELATED TO THIS MATTER HAS CONCLUDED, OR IN THE ALTERNATIVE, THE PARTIES TO THOSE PROCEEDINGS HAVE CONSENTED TO PUBLIC RELEASE.

Date: October 27, 2008

Place: San Francisco

SUMMARY OF RELEVANT INFORMATION

- Lives in China and began sailing in 1992
- Serves as a Bosun and manages the deck force while on board
- Generally takes orders or direction from the Chief Officer (C/O)
- Does not generally play a role in loading/unloading of cargo, but does inspect the loaded cargo to ensure it is safely secured
- Obtains work through a crew or manning agency in China and in this case, it was Zhonhai Manning Agency in Beijing, China
- Signed the current contract on October 22, 2007, to serve as Bosun on the *Cosco Busan* managed by Fleet Management Limited (FML)
- Total wages were 900 USD per month, with 700 paid while on ship and the remaining 200 paid "when I got home"
- Traveled from Beijing, China to Wei Hai, Korea via train, then ferry boat to South Korea, then a bus to the *Cosco Busan* in Busan, Korea
- Doesn't remember the length of transit time for any of trip segments
- The manning agency played a general, 3 hour long video tape of fire and safety prior to his departure from Beijing, not related to the *Cosco Busan*
- Assumed duties immediately upon arrival at the vessel on October 24, 2007, at 1900
- Other than the video, did not receive any training that he can recall
- Whole crew was replaced on the *Cosco Busan* and he has been in this type of situation once before, predominately though, it is not his experience for the entire crew to be replaced simultaneously
- Briefly talked with the off going Bosun about the "on and off" switch of a crane
- When he joined the ship that evening, "two superintendents" were on board and "trained us about fire and also safety" in English, with most of the crew attending except a "duty officer" and a "duty sailor"
- Master stood next to the Superintendents and translated as necessary
- Vessel left Busan, Korea around 0842 on October 25, 2007, in route to Long Beach, California
- Between Korea and the United States, an FML Superintendent provided training of "practical operation" in English and the Master and Chief Officer often translated in Chinese
- Training topics included "security, emergency rescue and fire"
- Also had training related to "oil spill" prior to November 7, 2007
- Can read and understand Chinese, but not English
- Has been through Shipboard Management Manual and Bridge Resource Management manual on other ships because they were in Chinese
- Does not know FML SMS procedures
- General work hours are 0800 to 1200, and then 1300 to 1800
- On November 7, 2007, got up around 3:30 and started work at that time because they needed to "check the lashing" of the containers
- Two Ordinary Seaman (OS) on board also got up with him to assist with the

tasking

- Normally communicates with the navigation bridge and other ship's personnel using a hand held radio
- Other duties that morning included line handling
- Around 0836, asked by the Master via the radio if the C/O was on the bow, and informed the Master he was not there and may be in the "living quarters"
- After collision with the bridge tower and the vessel was anchored, he sounded a ballast tank at the direction of the C/O as part of the damage survey
- Lowered Pilot Ladder around 0739 at direction of C/O, and had the two O/Ss with him to perform this work, left C/O on bow at that time when he went to perform the task
- Installed a portable motor prior to lowering Pilot Ladder, whole evolution took about 1 hour
- Doesn't recall what the weather conditions were while he was working to lower the Pilot Ladder because he was "not paying attention to it" while performing his tasking, but generally remembers the "fog was heavy" at that time
- Once Pilot Ladder was lowered about three meters above the waterline on the port side, he radioed the navigation bridge to pass this information around 0817
- Went back to the bow afterwards and this walk took just a few minutes

Date: October 28, 2008

Place: San Francisco

SUMMARY OF RELEVANT INFORMATION

- After lowering the Pilot Ladder, he arrived back at the bow around 0820
- The two Ordinary Seaman (O/S) that assisted in the lowering of the pilot ladder went to the mess room to eat and did not return to the bow
- He replaced the Chief Officer (C/O) on the bow as lookout at that time and the C/O went to eat his morning meal in the mess area
- Did not use any equipment or gear to perform lookout duties other than his hand held radio, but used his eyes, ears and sense of smell
- Did not receive any training from ship's officers, instructions in performing the duties of lookout, or specific obstructions to be on the lookout for, prior to November 7, 2007
- Never informed of any buoys to be on the lookout for along the vessel's intended course, nor did he know how many towers the bridge had
- Never briefed on vessel's intended course out through Delta-Echo span
- When he assumed the duties of lookout around 0820, he thought the vessel's speed was "very fast" based upon his prior experiences
- While acting as lookout and facing forward, first saw the bridge tower when the vessel was about 50 meters away, hadn't seen it before because of the "fog was very thick"
- Also saw the buoys marking the tower, but after he radioed the bridge about sighting the bridge tower
- That sighting was the first sight of any obstruction along the route he had

- identified during his watch as lookout
- He immediately radioed his sighting to the navigation bridge
 - Described fog as “very thick and very dense” at that time
 - After reporting the sighting, he was afraid and ran towards the anchor windlass on the starboard side of the bow because the ship was “making a right turn”
 - Ship struck tower in “very short” time frame after his radio transmission to the navigation bridge
 - Examined damage to the side shell of the *Cosco Busan* later that day from another vessel described as a “small boat”
 - Didn’t hear a fog horn from any source other than vessel’s own horn while acting as a lookout
 - Previously served on two other vessels about the same size as the *Cosco Busan*
 - When he relieved the C/O as the look out at the bow, he felt the speed was a little fast, but it was not his position to tell a C/O that he felt the vessel was going too fast because as a Bosun, he is not a navigator
 - Perform duties as a lookout on many occasions prior to taking the position on the *Cosco Busan* and has formal training in that realm while training in China
 - When he first sighted the Delta tower, the structure was directly in front of the bow and the ship turned to starboard after his radio transmission to the navigational bridge about the sighting
 - Did not feel lashing containers was hard work, but it is necessary work
 - Considers himself to be in good health
 - Graduated from High School in China in 1988, then went to Qian Ting Maritime Academy and graduated from that organization as well
 - Curriculum included safety, seamanship, watch standing and other marine related functions, was classroom instruction only for a year or so
 - Next, started working the Cosco company as a Cadet
 - Worked on the *Hu Ping, Yu Cheng, Orient Princess, Tai Chang, Hong Yun, Fortune Lady, Nego Web, Yi Shi* and the *Fu Yu Xing* prior to working on the *Cosco Busan* and perform various functions appropriate for the position served from OS to Able Bodied (AB) seaman
 - Had previously been to Oakland on another vessel which called monthly and served as lookout on the navigation bridge, but not on the bow, and doesn’t recall if any of these trips took place in fog
 - From AB to Bosun, had to complete a 3 month training program with Cosco at the Guanzhou Maritime Academy
 - After completing qualifications as Bosun, served on the *Vegas* as the Bosun, supervising the OSs and ABs, and served as a lookout on the bow
 - Training for lookout functions was received at the Guanzhou Maritime Academy and by other employers
 - Next served on the *Haun Lei* as a Bosun and also performed the function of lookout on the bow
 - Experience includes a total of 88 months service as Cadet, OS and AB, and 29 months as Bosun
 - Does not wear glasses, has good vision and has good hearing, does not wear a hearing aid
 - Did not feel he needed further training to serve as a Bosun on the *Cosco Busan*

- Familiar with SMS procedures on other ships, but not FML's

- Familiar with lashing procedures and received formal training on this from Cosco at the maritime academy earlier
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Date: October 29, 2008

Place: San Francisco

SUMMARY OF RELEVANT INFORMATION

- Generally takes about 30 minutes to 1 hour to rig and lower a Pilot Ladder
- Did feel the vessel was traveling fast while he was standing on the bow before the allision
- Ordinary Seaman (OS) can perform functions as a bow lookout under the supervision of a Bosun
- Had adequate time to ensure all container lashings were secured before the vessel departed Long Beach, California, on November 5, 2007, in route to Oakland, California
- He found the problem with the containers not being properly lashed in one of the vessel's bay prior to leaving Oakland, California and brought this to the Chief Officer's (C/O) attention
- Felt these lashings should be installed by the longshoreman before the vessel sailed
- His opinion is that unsecured containers pose a safety risk at open sea
- While serving on several previous vessels just prior to the *Cosco Busan*, the SMS documents were in Chinese and he was familiar with those systems
- Did not know the Bridge Procedure Manual or the Bridge Management System on the *Cosco Busan*
- On November 7, 2007, it was the first time he had served as bow lookout on any vessel in the Oakland harbor or Bay area
- On the date of the incident, never discussed the fog with the Chief Officer (C/O) or Master
- On the date of the incident, there was no discussion about the bridge towers, buoys marking the Delta tower, fog horns to listen for, or any specific instructions regarding lookout functions
- Stated per his training, performing the functions of a lookout are the same regardless of the vessel's size
- Expected to get the containers lashed, prior to departing the waters of the Bay area and entering the open sea

END OF SUMMARY

Larry D. Bowling

